

HOUSE BILL NO. 265

INTRODUCED BY ELLISON, RYAN

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on Agriculture.
January 27, 1981	Committee recommend bill do pass and be placed on consent calendar. Report adopted.
January 28, 1981	Considered correctly engrossed.
January 30, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 31, 1981	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
March 11, 1981	On motion bill taken from Committee on Bills and Journal and rereferred to Committee on Agriculture, Livestock and Irrigation. Motion adopted.
March 16, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 18, 1981	Second reading, concurred in.
March 20, 1981	Third reading, concurred in as amended. Ayes, 47; Noes, 1.

IN THE HOUSE

March 21, 1981	Returned from Senate with amendments.
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April 7, 1981

Second reading, amendments concurred in.

On motion rules suspended and bill placed on third reading this day.

Third reading, amendments concurred in. Ayes, 88; Noes, 7. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 265

2 INTRODUCED BY Ellison Ryan

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
5 CREATION AND OPERATION OF RODENT CONTROL DISTRICTS;  
6 REPEALING SECTIONS 7-22-2201 THROUGH 7-22-2206, WCA."

AN ACT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9           **Section 1. Definitions.** As used in [sections 1 through  
10          19], unless the context indicates otherwise, the following  
11          definitions apply:

12 (1) "Board" means the rodent control board for a  
13 district.

14 (2) "Department" means the department of livestock.

(3) "District" means a rodent control district created under the provisions of [sections 1 through 19].

17 (4) "Fund" means the recent control district fund  
18 authorized by [section 10].

19 (5) "Governing body" means the governing body  
20 specified in the alternative form of government adopted by a  
21 county.

22 (6) "Rodent" means Columbia ground squirrel (*Citellus*  
23 *columbianus*), Richardson ground squirrel (*Citellus*  
24 *richardsonii*), Arametus ground squirrel (*Citellus arametus*),  
25 thirteen-striped ground squirrel (*Citellus tridecemlineatus*),

1 pocket gopher (*Thomomys*, various species), field mice  
2 (*Microtus*, various species) and prairie dog (*Cynomys*  
3 *ludovicianus*).

4 Section 2. Application to state lands. [Sections 1  
5 through 19] apply to lands owned by the state.

6           Section 3. Rodent control districts authorized. The  
7   governing body of a county may create a district as provided  
8   in [sections 1 through 19]. A district may not contain any  
9   city or town.

10 Section 4. Petition to create district -- hearing. (1)  
11 The creation of a district may be initiated only by a  
12 petition:

13 (a) signed by at least 51% of the owners of land  
14 within the proposed district;

15 (b) submitted to the governing body of the county; and  
16 (c) accompanied by sufficient funds to defray the cost  
17 of giving notice as required by [section 5].

23           Section 5. Notice of hearing. Upon setting a date for  
24 the hearing, the governing body shall give notice of the  
25 hearing in the following manner:

1       (1) notice is to be sent by certified mail to each  
 2 owner of land within the proposed district at the last-known  
 3 address as shown in the county records;

4       (2) notice is to be posted in at least three public  
 5 places within the proposed district; and

6       (3) notice is to be published in at least two issues  
 7 of a newspaper of general circulation in the proposed  
 8 district, with at least 7 days between publication, and the  
 9 first publication must be at least 10 days before the  
 10 hearing date.

11       Section 6. Objection to district. (1) At any time up  
 12 to and including the date of the hearing, a landowner may  
 13 file written objection to the creation of the district with  
 14 the county clerk. The county clerk shall note the time of  
 15 receipt on the written protest and shall compute the  
 16 percentage of land in the proposed district represented by  
 17 the protesting landowner.

18       (2) If the owners of at least 51% of the land in the  
 19 proposed district file written objections with the county  
 20 clerk, the district may not be created.

21       Section 7. Hearing -- decision. (1) On the date set  
 22 for the hearing, the governing body shall hear comments on  
 23 the proposed district. If objections have been filed by  
 24 owners of at least 51% of the land within the district, the  
 25 governing body shall deny the petition request and may not

1       create the district. Prior to creating a district, the  
 2 governing body shall make a finding that creation of the  
 3 district is in the best interests of the district lands and  
 4 residents. Except as provided in subsection (3), the  
 5 decision on whether to grant or deny the petition request  
 6 shall be made within 10 days of the hearing.

7       (2) The decision is to be made by an order recorded in  
 8 the minutes of the governing body. If the district is to be  
 9 created, the order shall state the name of the district,  
 10 describe the district boundaries, and provide any other  
 11 information needed to describe the land included within the  
 12 district.

13       Section 8. Rodent control board. The county weed board  
 14 appointed under 7-22-2103 shall serve as the rodent control  
 15 board.

16       Section 9. Board powers. The board may:

17       (1) develop and administer a program for the abatement  
 18 and alleviation of rodent pest conditions within the  
 19 district;

20       (2) employ such assistants and employees as are  
 21 necessary;

22       (3) purchase or lease such equipment, material, or  
 23 services as are considered necessary for an effective  
 24 control program;

25       (4) sell or lease such equipment, material, or

1 services to district landowners or residents as are  
 2 considered necessary to implement the rodent abatement  
 3 program;

4 (5) cooperate with any corporation, association,  
 5 group, individual, or state or federal agency in rodent  
 6 abatement programs;

7 (6) receive gifts or grants for the implementation of  
 8 a rodent abatement program; and

9 (7) enter district lands in order to survey and study  
 10 conditions and to implement a rodent abatement program.

11 Section 10. Rodent control fund. (1) The governing  
 12 body shall establish a special fund, to be known as the  
 13 rodent control district fund, for each district in the  
 14 county. Money in the fund may be expended only for district  
 15 administrative costs and the expenses of establishing and  
 16 implementing a rodent abatement program.

17 (2) The county treasurer is the administrator of the  
 18 fund and shall draw warrants on the fund by order of the  
 19 governing body. Warrants shall be ordered by the governing  
 20 body when so requested by the board.

21 Section 11. Mill levy authorized. To administer and  
 22 implement a rodent abatement program, the governing body may  
 23 levy a tax, not to exceed 2 mills, on the taxable value of  
 24 the horticultural, farming, grazing, forest, and railroad  
 25 lands within the district. The proceeds of the levy are to

1 be placed in the district fund.

2 Section 12. Financial operation. (1) Material,  
 3 equipment, and services purchased or leased by the board are  
 4 to be paid for by warrants drawn on the fund.

5 (2) Payment received for material, equipment, and  
 6 services supplied by the board is to be deposited in the  
 7 fund. Reimbursement payments as provided for in [section 14]  
 8 and penalties collected under [section 15] are to be  
 9 deposited in the fund.

10 Section 13. Implementation of rodent control. (1)  
 11 Whenever the board has reason to believe a rodent control  
 12 problem exists, it shall inspect the affected land and may  
 13 issue an order to the landowner to take the appropriate  
 14 action.

15 (2) If the order is not obeyed in the time specified  
 16 in the order, the board shall take the necessary steps to  
 17 control the rodent problem. The expenses of the board in  
 18 carrying out these measures shall be paid from the fund by  
 19 the governing body.

20 Section 14. Reimbursement of fund. (1) Whenever the  
 21 board has undertaken rodent control pursuant to [section  
 22 13], the landowner shall reimburse the fund for the expenses  
 23 related to rodent control on his land. The board may, by  
 24 written contract with the landowner, agree to extend the  
 25 reimbursement over a period not to exceed 5 years.

1       (2) The agreement may provide for the reimbursement  
 2 payments to be collected with property taxes, and in this  
 3 case, the board shall inform the county clerk of the lands  
 4 to be charged and the amount to be placed on the tax notice.  
 5 Upon receipt of the payment, the county clerk shall deposit  
 6 it in the fund.

7       Section 15. Penalty. (1) Any person who interferes  
 8 with the board or its employees or agents is subject to a  
 9 civil penalty not to exceed \$100. The board may institute a  
 10 court action to recover the penalty.

11       (2) Penalties assessed under this section are to be  
 12 deposited in the fund.

13       Section 16. Enlargement of district. A district may be  
 14 enlarged upon presentation of a petition signed by at least  
 15 51% of the owners of the land in the area proposed to be  
 16 annexed to the district. The provisions of [sections 4  
 17 through 7] apply to the annexation petition, with the term  
 18 "district" in those sections taken to mean the area proposed  
 19 to be added.

20       Section 17. Dissolution of a district. (1) Upon  
 21 receipt of a petition signed by the owners of at least 51%  
 22 of the land in the district and after a hearing on the  
 23 petition, a district may be dissolved by order of the  
 24 governing body. Notice of the hearing is to be given by  
 25 posting notice in at least three public places in the

1       district and by publishing notice at least once in a  
 2 newspaper of general circulation in the district. If the  
 3 governing body finds it to be in the best interest of the  
 4 district lands and residents to terminate the district, the  
 5 governing body shall so order.

6       (2) The dissolution order shall provide for a  
 7 termination date and for liquidating the district assets and  
 8 liabilities. Any money remaining in the district fund after  
 9 all assets and liabilities have been liquidated shall be  
 10 transferred to the county general fund.

11       Section 18. Multicounty districts. A multicounty  
 12 district may be created by interlocal agreement, as provided  
 13 in Title 7, chapter 11, part 1, between the governing bodies  
 14 of the counties involved.

15       Section 19. Leased land. Lessees of land within the  
 16 district are liable for assessments and levies for rodent  
 17 control and must comply with [sections 13 and 14] unless the  
 18 lease specifically forbids rodent control through chemical  
 19 or other means.

20       Section 20. Severability. If a part of this act is  
 21 invalid, all valid parts that are severable from the invalid  
 22 part remain in effect. If a part of this act is invalid in  
 23 one or more of its applications, the part remains in effect  
 24 in all valid applications that are severable from the  
 25 invalid applications.

1       Section 21. Repealer. Sections 7-22-2201 through  
2 7-22-2206, NCA, are repealed.

-End-

SECOND READING BILL  
WAS NOT PRINTED.

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17 of giving notice as required by [section 5].

18 (2) The petition shall set forth the boundaries of the  
19 proposed district.

20 (3) Upon receipt of the petition, the governing body  
21 shall set a date for a hearing on the petition. The hearing  
22 must be held within 3 weeks of receipt of the petition.

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## CONSENT CALENDAR

1       (1) notice is to be sent by certified mail to each  
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4 district lands and residents to terminate the district, the  
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20       Section 20. Severability. If a part of this act is  
21 invalid, all valid parts that are severable from the invalid  
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23 one or more of its applications, the part remains in effect  
24 in all valid applications that are severable from the  
25 invalid applications.

LC 0790/01

1       Section 21. Repealer. Sections 7-22-2201 through  
2       7-22-2206, MCA, are repealed.

-End-

HB265

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 2 governing body shall make a finding that creation of the  
 3 district is in the best interests of the district lands and  
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 5 decision on whether to grant or deny the petition request  
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 8 the minutes of the governing body. If the district is to be  
 9 created, the order shall state the name of the district,  
 10 describe the district boundaries, and provide any other  
 11 information needed to describe the land included within the  
 12 district.

13       (3) A LANDOWNER WITHIN THE PROPOSED DISTRICT AFTER THE  
 14 INITIAL BOUNDARIES HAVE BEEN ESTABLISHED MAY, BY PETITIONING  
 15 THE BOARD OF COUNTY COMMISSIONERS HAVE ALL OR A PORTION OF  
 16 THE LANDS OWNED BY HIMSELF REMOVED FROM CONSIDERATION FOR  
 17 INCLUSION WITHIN THE DISTRICT. THIS LANDOWNER MUST, HOWEVER,  
 18 AGREE IN WRITING TO CONTROL RODENTS ON HIS LAND WITHIN A 250  
 19 YARD BUFFER ZONE OF THE DISTRICT BOUNDARY.

20       Section 8. Rodent control board. The county weed board  
 21 appointed under 7-22-2103 shall serve as the rodent control  
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5 levy a tax, not to exceed 2 mills, on the taxable value of  
6 the horticultural, farming, grazing, forest, and railroad  
7 lands within the district. The proceeds of the levy are to  
8 be placed in the district fund.

9 Section 12. Financial operation. (1) Material,  
10 equipment, and services purchased or leased by the board are  
11 to be paid for by warrants drawn on the fund.

12 (2) Payment received for material, equipment, and  
13 services supplied by the board is to be deposited in the  
14 fund. Reimbursement payments as provided for in [section 14]  
15 and penalties collected under [section 15] are to be  
16 deposited in the fund.

17 Section 13. Implementation of rodent control. (1)  
18 Whenever the board has reason to believe a rodent control  
19 problem exists, it shall inspect the affected land and may  
20 issue an order to the landowner to take the appropriate  
21 action. THE ORDER TO THE LANDOWNER MAY ONLY REQUIRE THAT  
22 AFFECTED LANDS BE TREATED WITHIN A 250 YARD BUFFER ZONE OF  
23 THE ADJACENT DISTRICT LANDS.

24 (2) If the order is not obeyed in the time specified  
25 in the order, the board shall take the necessary steps to

1 control the rodent problem. The expenses of the board in  
 2 carrying out these measures shall be paid from the fund by  
 3 the governing body.

4       Section 14. Reimbursement of fund. (1) Whenever the  
 5 board has undertaken rodent control pursuant to [section  
 6 13], the landowner shall reimburse the fund for the expenses  
 7 related to rodent control on his land. The board may, by  
 8 written contract with the landowner, agree to extend the  
 9 reimbursement over a period not to exceed 5 years.

10       (2) The agreement may provide for the reimbursement  
 11 payments to be collected with property taxes, and in this  
 12 case, the board shall inform the county clerk of the lands  
 13 to be charged and the amount to be placed on the tax notice.  
 14 Upon receipt of the payment, the county clerk shall deposit  
 15 it in the fund.

16       Section 15. Penalty. (1) Any person who interferes  
 17 with the board or its employees or agents is subject to a  
 18 civil penalty not to exceed \$100. The board may institute a  
 19 court action to recover the penalty.

20       (2) Penalties assessed under this section are to be  
 21 deposited in the fund.

22       Section 16. Enlargement of district. A district may be  
 23 enlarged upon presentation of a petition signed by at least  
 24 51% of the owners of the land in the area proposed to be  
 25 annexed to the district. The provisions of [sections 4

1 through 7] apply to the annexation petition, with the term  
 2 "district" in those sections taken to mean the area proposed  
 3 to be added.

4       Section 17. Dissolution of a district. (1) Upon  
 5 receipt of a petition signed by the owners of at least 51%  
 6 of the land in the district and after a hearing on the  
 7 petition, a district may be dissolved by order of the  
 8 governing body. Notice of the hearing is to be given by  
 9 posting notice in at least three public places in the  
 10 district and by publishing notice at least once in a  
 11 newspaper of general circulation in the district. If the  
 12 governing body finds it to be in the best interest of the  
 13 district lands and residents to terminate the district, the  
 14 governing body shall so order.

15       (2) The dissolution order shall provide for a  
 16 termination date and for liquidating the district assets and  
 17 liabilities. Any money remaining in the district fund after  
 18 all assets and liabilities have been liquidated shall be  
 19 transferred to the county general fund.

20       Section 18. Multicounty districts. A multicounty  
 21 district may be created by interlocal agreement, as provided  
 22 in Title 7, chapter 11, part 1, between the governing bodies  
 23 of the counties involved.

24       Section 19. Leased land. Lessees of land within the  
 25 district are liable for assessments and levies for rodent

1 control and must comply with [sections 13 and 14] unless the  
2 lease specifically forbids rodent control through chemical  
3 or other means.

4 **Section 20. Severability.** If a part of this act is  
5 invalid, all valid parts that are severable from the invalid  
6 part remain in effect. If a part of this act is invalid in  
7 one or more of its applications, the part remains in effect  
8 in all valid applications that are severable from the  
9 invalid applications.

10 **Section 21. Repeater.** Sections 7-22-2201 through  
11 7-22-2206, MCA, are repealed.

-End-

March 16, 1981

SENATE STANDING COMMITTEE REPORT  
(Agriculture, Livestock & Irrigation)

That House Bill No. 265 be amended as follows:

1. Page 4, line 4.

Strike: "Except as provided in subsection (3), the"

Insert: "The"

2. Page 4, line 12.

Following: "district"

Insert: "(3) A landowner within the proposed district after the initial boundaries have been established may, by petitioning the board of county commissioners, have all or a portion of the lands owned by himself removed from consideration for inclusion within the district. This landowner must, however, agree in writing to control rodents on his land within a 250 yard buffer zone of the district boundary."

3. Page 6, line 14.

Following: "action"

Insert: "The order to the landowner may only require that affected lands be treated within a 250 yard buffer zone of the adjacent district lands."

March 10, 1981

SENATE STANDING COMMITTEE REPORT  
(Agriculture, Livestock & Irrigation)

That House Bill No. 265 be amended as follows:

1. Title, lines 5 and 6.

Following: "DISTRICTS"

Strike: The remainder of these lines through "MCA"

2. Page 1, line 10.

Following: line 9

Strike: "19"

Insert: "21"

3. Page 1, line 14.

Following: line 13

Strike: line 14 in its entirety

Renumber: Subsequent subsections

4. Page 1, line 16.

Following: "through"

Strike: "19"

Insert: "21"

5. Page 1, line 18.

Following: "section"

Strike: "10"

Insert: "12"

6. Page 2, line 5.

Following: "through"

Strike: "19"

Insert: "21"

7. Page 2, line 8.

Following: "through"

Strike: "19"

Insert: "21"

8. Page 4, line 13.

Following: "board."

Insert: "(1) (a) The board of county commissioners, upon the creation of a rodent control district, shall appoint a rodent control board composed of not less than three or more than five members.

(b) Each member of the board must be an elector within the boundaries of the district.

(c) Members of the board are public officers.

(d) The county extension agent in a county electing to create a district is an ex officio member of the board.

(2) "

9. Page 4, line 14.

Following: "7-22-2103"

Strike: "shall"

Insert: "may"

10. Page 4, line 15.

Following: "board."

Insert: "Section 9. Term of office. (1) Initially, at least one board member shall serve a 1-year term, at least one shall serve a 2-year term, and at least one shall serve a 3-year term. (2) Thereafter, all appointments shall be for 3-year terms. Section 10. Compensation and expenses. (1) Each appointed member is entitled to: (a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled to perform official duties; and (b) per diem expenses as established by the board of county commissioners. (2) Board members shall receive no other compensation."

Renumber: subsequent sections

11. Page 5, line 21.

Following: "authorized."

Insert: "(1)"

12. Page 6, line 1.

Following: "fund."

Insert: "(2) A person taxed under this section may not be taxed

13. Page 6, line 7.

Following: "section"

Strike: "14"

Insert: "16"

14. Page 6, line 8.

Following: "section"

Strike: "15"

Insert: "17"

15. Page 6, line 22.

Following: line 21

Strike: "13"

Insert: "15"

16. Page 8, line 17.

Following: "sections"

Strike: "13 and 14"

Insert" "15 and 16"

17. Page 9, lines 1 and 2.

Strike: These lines in their entirety.