

Senate Bill 4

In The Senate

January 5, 1981	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 6, 1981	Fiscal note requested.
January 9, 1981	Fiscal note returned.
January 22, 1981	Committee recommend bill as amended.
January 23, 1981	Bill printed and placed on members' desks.
January 26, 1981	Second reading do pass as amended.
January 27, 1981	Correctly engrossed.
January 28, 1981	Third reading passed.

In The House

January 29, 1981	Introduced and referred to Committee on Agriculture.
February 21, 1981	Committee recommend bill as amended.
March 2, 1981	Motion passed consideration until 48th legislative day.
March 4, 1981	Motion passed consideration until 66th legislative day.
March 25, 1981	Second reading not concurred.
March 26, 1981	On motion previous action reconsidered. Motion adopted. Second reading pass consideration until 71st legislative day.
April 2, 1981	Second reading not concurred.

In The Senate

April 3, 1981	Returned from House not concurred.
---------------	------------------------------------

1 SENATE BILL NO. 4
 2 INTRODUCED BY GALT

3
 4 A BILL FOR AN ACT ENTITLED: *AN ACT TO ESTABLISH A WEED
 5 RESEARCH AND EDUCATION PROGRAM WITHIN THE AGRICULTURAL
 6 EXPERIMENT STATION AND THE COOPERATIVE EXTENSION SERVICE OF
 7 MONTANA STATE UNIVERSITY; TO PROVIDE FOR A TAX LEVY OF 2
 8 MILLS ON AGRICULTURAL AND TIMBER LAND FOR THE PURPOSE OF
 9 FUNDING RESEARCH AND EDUCATION TO IMPROVE WEED CONTROL AND
 10 MANAGEMENT; ESTABLISHING A WEED RESEARCH AND EDUCATION
 11 ADVISORY COMMITTEE; AND PROVIDING AN IMMEDIATE EFFECTIVE
 12 DATE AND A TERMINATION DATE.*

13
 14 WHEREAS, weeds detrimental to agricultural production
 15 are infesting both cropland and rangeland at an
 16 ever-increasing rate, and current methods of control are not
 17 always reliable, cost effective, or environmentally
 18 acceptable, and the fragmented approach to weed control is
 19 not always effective; and

20 WHEREAS, the loss of forage and crop production caused
 21 by weeds is uneconomical to producers and consumers, and the
 22 people of Montana are generally unaware of the severity and
 23 impact of weeds on the production of food and fiber.

24 THEREFORE, be it declared that the public policy of the
 25 state of Montana is to enter into and expand weed research

1 and education to seek nonchemical and other effective
 2 methods of controlling and managing weeds and to provide
 3 educational programs to increase public awareness and
 4 understanding.

5
 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7 Section 1. Short title. [Sections 1 through 9] may be
 8 cited as the "Montana Weed Research and Education Act".

9 Section 2. Definitions. As used in [sections 1 through
 10 9], unless the context requires otherwise, the following
 11 definitions apply:

12 (1) "Committee" means the Montana weed research and
 13 education advisory committee provided for in [section 10].

14 (2) "Director" means the director of the agricultural
 15 experiment station of Montana state university.

16 (3) "Land" means all land classified as agricultural
 17 and timber land by the Montana department of revenue.

18 (4) "Station" means the agricultural experiment station
 19 of Montana state university.

20 (5) "Weed" means a plant designated as such by the
 21 director.

22 Section 3. Administration. [This act] shall be
 23 administered by the agricultural experiment station of
 24 Montana state university.

25 Section 4. Powers of the director of agricultural

1 experiment station. The director may:

2 (1) adopt rules necessary for the administration of
3 [sections 1 through 9];

4 (2) designate as weeds plants that have an adverse
5 economic impact on landowners of the state;

6 (3) provide for the conduct of adequate, intensive, and
7 timely research and education into any areas of weed control
8 and management;

9 (4) enter into agreements with recognized local, state,
10 or national research or education agencies, public or
11 private, for the purposes of improving the methods and
12 techniques of controlling or managing weeds and increasing
13 public awareness and understanding of weeds and their
14 control;

15 (5) publish reports, financial accounts, and other
16 materials considered appropriate; and

17 (6) call for special advisory committee meetings.

18 Section 5. Weed research and education advisory
19 committee -- duties and responsibilities. (1) The committee
20 shall, as its primary function, represent the Montana
21 agricultural community while assisting the director in
22 establishing, monitoring, and reviewing the annual and
23 long-term goals and objectives for the weed research and
24 education program as established by [sections 1 through 9].

25 (2) The committee:

1 (a) shall provide advice and make recommendations to
2 the director on rules, designation of plants as weeds,
3 cooperative agreements and contracts, and the overall
4 administration of [sections 1 through 9];

5 (b) may hold public meetings or hearings in cooperation
6 with the director to determine local priorities on weed
7 research and education;

8 (c) may prepare reports; and

9 (d) may perform other advisory tasks as requested by
10 the director.

11 Section 6. Cooperative agreement. With the advice and
12 recommendations of the committee, the agricultural
13 experiment station and cooperative extension service shall
14 enter into a cooperative agreement establishing the
15 responsibilities and duties of each of them in carrying out
16 functions of [sections 1 through 9]. The agreement shall
17 establish a mechanism for funding the educational activities
18 of the cooperative extension service on a long-term and
19 biennium basis in compliance with [sections 1 through 9].

20 Section 7. Reports. The director shall make an annual
21 report to the committee by February 1 showing all income to
22 and expenditures from the weed research and education
23 account in comprehensive detail. The report must be filed
24 with the governor and must be open to inspection by the
25 public during office hours. Duplicate originals of the

1 annual reports of the preceding biennium must be transmitted
 2 by the director to the president of the senate, the speaker
 3 of the house of representatives, and to the chairmen of the
 4 agricultural committees of the senate and house of
 5 representatives by February 1 of each odd-numbered year.

6 Section 8. Receipt of gifts, grants, or devises. The
 7 committee and the station may receive any gift, grant, or
 8 devise for any research or education conducted under
 9 [sections 1 through 9] and may spend them in compliance with
 10 [sections 1 through 9] and the terms of the gift, grant, or
 11 devise.

12 Section 9. Weed research and education account --
 13 sources -- use. (1) The agricultural experiment station
 14 shall maintain a restricted account known as the weed
 15 research and education account. The following must be
 16 deposited in the account:

17 (a) the proceeds of all taxes collected under [section
 18 11]; and

19 (b) the proceeds of all gifts, grants, and devises to
 20 the committee or the station for research and education
 21 under [section 8].

22 (2) The account must be maintained for the purposes of
 23 [this act] and must be separate from all other accounts of
 24 the station.

25 Section 10. Weed research and education advisory

1 committee created -- qualifications and term of members. (1)

2 There is a weed research and education advisory committee.

3 (2) The committee consists of 11 members. Seven members
 4 shall be appointed by the governor and four members shall be
 5 ex officio members as provided in subsection (4).

6 (3) The governor shall appoint one committee member
 7 from each of the following districts:

8 (a) District I consisting of Lincoln, Flathead,
 9 Sanders, Lake, Deer Lodge, Mineral, Missoula, Powell,
 10 Ravalli, and Granite Counties;

11 (b) District II consisting of Glacier, Toole, Liberty,
 12 Hill, Blaine, Phillips, Pondera, Chouteau, and Teton
 13 Counties;

14 (c) District III consisting of Valley, Daniels,
 15 Sheridan, McCone, Roosevelt, Richland, Garfield, and Dawson
 16 Counties;

17 (d) District IV consisting of Lewis and Clark, Cascade,
 18 Judith Basin, Fergus, Petroleum, Broadwater, Meagher,
 19 Wheatland, Golden Valley, and Musselshell Counties;

20 (e) District V consisting of Beaverhead, Silver Bow,
 21 Jefferson, Madison, and Gallatin Counties;

22 (f) District VI consisting of Park, Sweet Grass,
 23 Stillwater, Yellowstone, Treasure, Carbon, and Big Horn
 24 Counties;

25 (g) District VII consisting of Rosebud, Custer, Powder

1 River, Prairie, Wibaux, Fallon, and Carter Counties.

2 (4) The ex officio committee members are:

3 (a) the director of the department of agriculture;

4 (b) the director of the agricultural experiment
5 station;

6 (c) the director of cooperative extension service; and

7 (d) a representative of the weed districts in Montana.

8 The weed district representative shall be elected by a
9 majority of the appointed committee members and shall serve
10 at the pleasure of the committee.

11 (5) Each of the appointed committee members must be a
12 citizen of the state and a resident landowner of the
13 district from which appointed.

14 (6) (a) The first appointments shall be made for the
15 following terms:

16 (i) two members shall be appointed for 1-year terms;

17 (ii) two members shall be appointed for 2-year terms;

18 and

19 (iii) three members shall be appointed for 3-year terms.

20 (b) Thereafter, all appointments shall be for 3-year
21 terms.

22 (7) A member of the committee may not serve more than
23 two consecutive terms.

24 (8) The committee shall elect a chairman annually from
25 among its members. The committee shall meet at least once

1 every 3 months and at such other times as called by the
2 chairman, by three members of the committee, or by the
3 director.

4 (9) A committee member may be removed by the governor
5 for cause. Removal proceedings shall be initiated by
6 verified written charges. Within 10 days of the receipt of
7 the charges, the accused committee member may, in writing,
8 request a public hearing. The hearing shall commence within
9 10 days following receipt by the governor of the request for
10 hearing. The hearing must be conducted by the governor or
11 his designee. At the hearing, the member may be represented
12 by an attorney and may present witnesses in his behalf.

13 (10) A committee member who ceases to reside in the
14 state or in the district for which he was appointed or
15 ceases to own land is disqualified from membership, and his
16 office becomes vacant. If the member refuses to recognize
17 his disqualification, the refusal is cause for removal.

18 (11) A member or ex officio member of the committee not
19 receiving compensation and expenses from other state sources
20 is entitled to receive from the weed research and education
21 account compensation of \$25 for each day he is engaged in
22 the transaction of the official business of the committee,
23 together with expenses as provided for in 2-18-501 through
24 2-18-503.

25 Section 11. Weed research and education -- tax on

1 agricultural and timber land -- refund -- county
 2 reimbursement. (1) There is levied an annual property tax of
 3 2 mills on the taxable value of all agricultural and timber
 4 land real property within the state for the support and
 5 maintenance of weed research and education as provided in
 6 [sections 1 through 9].

7 (2) Upon submission of a written request to the
 8 director of the agricultural experiment station of Montana
 9 state university, a landowner may obtain a refund of the tax
 10 he has paid. The request must be made not less than 30 days
 11 or more than 90 days following payment of the tax. The
 12 director shall, upon receipt of such a timely refund
 13 request, refund the tax paid by the landowner. The director
 14 shall keep a record of all refunds for at least 2 years.

15 (3) As reimbursement for the administration of this
 16 section, each county is entitled to receive the greater of:

- 17 (a) \$250; or
 18 (b) 5% of the total tax collected by it, including any
 19 tax that be subsequently refunded under subsection (2).

20 Section 12. 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 13. Termination. This act terminates July 1,
 2 1991. If this act is not renewed through legislative action
 3 beyond that date, any money remaining that has been
 4 collected under this act shall revert to Montana state
 5 university to be used exclusively for weed research and
 6 education.
 7 Section 14. Effective date. This act is effective on
 8 passage and approval.

-End-

SB4

FISCAL NOTE

Form BD-15

In compliance with a written request received January 7, _____, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 4 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

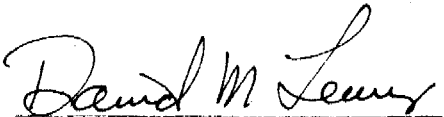
Senate Bill 4 establishes a weed research and education program within the Agricultural Experiment Station and the Cooperative Extension Service of Montana State University. It establishes a weed research and education advisory committee and provides for a tax levy of 2 mills on agricultural and timber land for the purpose of funding research and education to improve weed control and management. An immediate effective date is provided with a termination date of July 1, 1991.

ASSUMPTIONS:

1. The property valuation of agricultural and timber land will grow at a rate of 4-5% per year.
2. The 2 mill-levy equals \$292,462 for 1980-81.

REVENUE AND EXPENDITURE IMPACT:

	<u>FY 82</u>	<u>FY 83</u>
REVENUE	\$307,000	\$320,000
EXPENDITURES	<u>307,000</u>	<u>320,000</u>
NET EFFECT	<u>\$ -0-</u>	<u>\$ -0-</u>



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

1 STATEMENT OF INTENT

2 SENATE BILL 4

3 Senate Agriculture, Livestock and Irrigation Committee

4
5 A statement of intent is required for SB 4 because it
6 delegates rulemaking authority to the Director of the
7 Agricultural Experiment Station in Section 4.

8 Such rules are intended to include: procedures for the
9 review of grant applications; criteria for awarding grants,
10 including prioritizing projects and determining which plants
11 will be designated as weeds; procedures for disseminating
12 information to the public, including determining what
13 reports are required; methods for encouraging grant
14 applications from in-state; and a process for developing a
15 needs assessment statement to determine the areas in which
16 research and education will be emphasized. Recommendations
17 for rules shall be developed by the citizens' committee
18 established in Section 5 of the bill and the Director shall
19 adhere to those recommendations as closely as possible when
20 adopting rules. Whenever required by other statute or rule,
21 the Director shall conform to the rules of Montana State
22 University.

23 First adopted by the Senate Agriculture, Livestock &
24 Irrigation Committee on the 21st day of January, 1981.

Approved by Committee
on Agriculture Livestock
& Irrigation

1 SENATE BILL NO. 4
 2 INTRODUCED BY GALT
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A WEED
 5 RESEARCH AND EDUCATION PROGRAM WITHIN THE AGRICULTURAL
 6 EXPERIMENT STATION AND THE COOPERATIVE EXTENSION SERVICE OF
 7 MONTANA STATE UNIVERSITY; TO PROVIDE FOR A TAX LEVY OF 2
 8 MILLS ON AGRICULTURAL--AND--TIMBER--LAND PRIVATE LAND NOT
 9 WITHIN AN INCORPORATED CITY OR TOWN FOR THE PURPOSE OF
 10 FUNDING RESEARCH AND EDUCATION TO IMPROVE WEED CONTROL AND
 11 MANAGEMENT; ESTABLISHING A WEED RESEARCH AND EDUCATION
 12 ADVISORY COMMITTEE; AND PROVIDING AN IMMEDIATE EFFECTIVE
 13 DATE AND A TERMINATION DATE."
 14
 15 WHEREAS, weeds detrimental to agricultural production
 16 are infesting both cropland and rangeland at an
 17 ever-increasing rate, and current methods of control are not
 18 always reliable, cost effective, or environmentally
 19 acceptable, and the fragmented approach to weed control is
 20 not always effective; and
 21 WHEREAS, the loss of forage and crop production caused
 22 by weeds is uneconomical to producers and consumers, and the
 23 people of Montana are generally unaware of the severity and
 24 impact of weeds on the production of food and fiber.
 25 THEREFORE, be it declared that the public policy of the

1 state of Montana is to enter into and expand weed research
 2 and education to seek nonchemical and other effective
 3 methods of controlling and managing weeds and to provide
 4 educational programs to increase public awareness and
 5 understanding.
 6
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 8 Section 1. Short title. [Sections 1 through 9] may be
 9 cited as the "Montana Weed Research and Education Act".
 10 Section 2. Definitions. As used in [sections 1 through
 11 9], unless the context requires otherwise, the following
 12 definitions apply:
 13 (1) "Committee" means the Montana weed research and
 14 education advisory committee provided for in [section 10].
 15 (2) "Director" means the director of the agricultural
 16 experiment station of Montana state university.
 17 (3) "Land" means all ~~land classified as agricultural~~
 18 ~~and timber land by the Montana department of revenue~~ PRIVATE
 19 LAND WHICH IS NOT WITHIN AN INCORPORATED CITY OR TOWN.
 20 (4) "Station" means the agricultural experiment
 21 station of Montana state university.
 22 (5) "Weed" means a plant designated as such by the
 23 director.
 24 Section 3. Administration. [This act] shall be
 25 administered by the agricultural experiment station of

1 Montana state university.

2 Section 4. Powers of the director of agricultural
3 experiment station. The director may:

4 (1) adopt rules necessary for the administration of
5 [sections 1 through 9];

6 (2) designate as weeds plants that have an adverse
7 economic impact on landowners of the state;

8 (3) provide for the conduct of adequate, intensive,
9 and timely research and education into any areas of weed
10 control and management;

11 (4) enter into agreements with recognized local,
12 state, or national research or education agencies, public or
13 private, for the purposes of improving the methods and
14 techniques of controlling or managing weeds and increasing
15 public awareness and understanding of weeds and their
16 control;

17 (5) publish reports, financial accounts, and other
18 materials considered appropriate; and

19 (6) call for special advisory committee meetings.

20 Section 5. Weed research and education advisory
21 committee -- duties and responsibilities. (1) The committee
22 shall, as its primary function, represent the Montana
23 agricultural community while assisting the director in
24 establishing, monitoring, and reviewing the annual and
25 long-term goals and objectives for the weed research and

1 education program as established by [sections 1 through 9].

2 (2) The committee:

3 (a) shall provide advice and make recommendations to
4 the director on rules, designation of plants as weeds,
5 cooperative agreements and contracts, and the overall
6 administration of [sections 1 through 9];

7 (b) may hold public meetings or hearings in
8 cooperation with the director to determine local priorities
9 on weed research and education;

10 (c) may prepare reports; and

11 (d) may perform other advisory tasks as requested by
12 the director.

13 Section 6. Cooperative agreement. With the advice and
14 recommendations of the committee, the agricultural
15 experiment station and cooperative extension service shall
16 enter into a cooperative agreement establishing the
17 responsibilities and duties of each of them in carrying out
18 functions of [sections 1 through 9]. The agreement shall
19 establish a mechanism for funding the educational activities
20 of the cooperative extension service on a long-term and
21 biennium basis in compliance with [sections 1 through 9].

22 Section 7. Reports. The director shall make an annual
23 report to the committee by February 1 showing all income to
24 and expenditures from the weed research and education
25 account in comprehensive detail. The report must be filed

1 with the governor and must be open to inspection by the
 2 public during office hours. Duplicate originals of the
 3 annual reports of the preceding biennium must be transmitted
 4 by the director to the president of the senate, the speaker
 5 of the house of representatives, and to the chairmen of the
 6 agricultural committees of the senate and house of
 7 representatives by February 1 of each odd-numbered year.

8 Section 8. Receipt of gifts, grants, or devises. The
 9 committee and the station may receive any gift, grant, or
 10 devise for any research or education conducted under
 11 [sections 1 through 9] and may spend them in compliance with
 12 [sections 1 through 9] and the terms of the gift, grant, or
 13 devise.

14 Section 9. Weed research and education account --
 15 sources -- use. (1) The agricultural experiment station
 16 shall maintain a restricted account known as the weed
 17 research and education account. The following must be
 18 deposited in the account:

19 (a) the proceeds of all taxes collected under [section
 20 11]; and

21 (b) the proceeds of all gifts, grants, and devises to
 22 the committee or the station for research and education
 23 under [section 8].

24 (2) The account must be maintained for the purposes of
 25 [this act] and must be separate from all other accounts of

1 the station.

2 Section 10. Weed research and education advisory
 3 committee created -- qualifications and term of members. (1)
 4 There is a weed research and education advisory committee.

5 (2) The committee consists of ~~12~~ 12 members. Seven
 6 members shall be appointed by the governor and ~~four~~ five
 7 members shall be ex officio members as provided in
 8 subsection (4).

9 (3) The governor shall appoint one committee member
 10 from each of the following districts:

11 (a) District I consisting of Lincoln, Flathead,
 12 Sanders, Lake, Deer Lodge, Mineral, Missoula, Powell,
 13 Ravalli, and Granite Counties;

14 (b) District II consisting of Glacier, Toole, Liberty,
 15 Hill, Blaine, Phillips, Pondera, Chouteau, and Teton
 16 Counties;

17 (c) District III consisting of Valley, Daniels,
 18 Sheridan, McCone, Roosevelt, Richland, Garfield, and Dawson
 19 Counties;

20 (d) District IV consisting of Lewis and Clark,
 21 Cascade, Judith Basin, Fergus, Petroleum, Broadwater,
 22 Meagher, Wheatland, Golden Valley, and Musselshell Counties;

23 (e) District V consisting of beaverhead, Silver Bow,
 24 Jefferson, Madison, and Gallatin Counties;

25 (f) District VI consisting of Park, Sweet Grass,

1 Stillwater, Yellowstone, Treasure, Carbon, and Big Horn
2 Counties;

3 (g) District VII consisting of Rosebud, Custer, Powder
4 River, Prairie, Wibaux, Fallon, and Carter Counties.

5 (4) The ex officio committee members are:

6 (a) the director of the department of agriculture;

7 (b) the director of the agricultural experiment
8 station;

9 (c) the director of ~~THE~~ cooperative extension service;
10 and

11 ~~(d) THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE,
12 AND PARKS; AND~~

13 ~~(d)(E)~~ a representative of the weed districts in
14 Montana. The weed district representative shall be elected
15 by a majority of the appointed committee members and shall
16 serve at the pleasure of the committee.

17 (5) Each of the appointed committee members must be a
18 citizen of the state and a resident landowner of the
19 district from which appointed.

20 (6) (a) The first appointments shall be made for the
21 following terms:

22 (i) two members shall be appointed for 1-year terms;

23 (ii) two members shall be appointed for 2-year terms;

24 and

25 (iii) three members shall be appointed for 3-year

1 terms.

2 (b) Thereafter, all appointments shall be for 3-year
3 terms.

4 (7) A member of the committee may not serve more than
5 two consecutive terms.

6 (8) The committee shall elect a chairman annually from
7 among its members. The committee shall meet at least once
8 every 3 months and at such other times as called by the
9 chairman, by three members of the committee, or by the
10 director.

11 (9) A committee member may be removed by the governor
12 for cause. Removal proceedings shall be initiated by
13 verified written charges. Within 10 days of the receipt of
14 the charges, the accused committee member may, in writing,
15 request a public hearing. The hearing shall commence within
16 10 days following receipt by the governor of the request for
17 hearing. The hearing must be conducted by the governor or
18 his designee. At the hearing, the member may be represented
19 by an attorney and may present witnesses in his behalf.

20 (10) A committee member who ceases to reside in the
21 state or in the district ~~for FROM~~ which he was appointed or
22 ceases to own land is disqualified from membership, and his
23 office becomes vacant. If the member refuses to recognize
24 his disqualification, the refusal is cause for removal.

25 (11) A member or ex officio member of the committee not

1 receiving compensation and expenses from other state sources
 2 is entitled to receive from the weed research and education
 3 account compensation of \$25 for each day he is engaged in
 4 the transaction of the official business of the committee,
 5 together with expenses as provided for in 2-18-501 through
 6 2-18-503.

7 Section 11. Weed research and education -- tax on
 8 ~~agricultural--and--timber-land--~~refund LAND -- ELECTION TO
 9 NOT SUPPORT RESEARCH AND EDUCATION -- county reimbursement.

10 (1) There is levied an annual property tax of 2 mills on the
 11 taxable value of all ~~agricultural--and--timber-land--real~~
 12 PROPERTY PRIVATE LAND WHICH IS NOT WITHIN AN INCORPORATED
 13 CITY OR TOWN within the state for the support and
 14 maintenance of weed research and education as provided in
 15 [sections 1 through 9].

16 ~~{2}--Upon--submission--of--a--written--request--to--the~~
 17 ~~director-of-the-agricultural-experiment-station--of--Montana~~
 18 ~~state-university-a-landowner-may-obtain-a-refund-of-the-tax~~
 19 ~~he--has-paid-The-request-must-be-made-not-less-than-30-days~~
 20 ~~or-more-than-90-days--following--payment--of--the--tax-The~~
 21 ~~director--shall--upon--receipt--of--such--a--timely--refund~~
 22 ~~request-refund-the-tax-paid-by-the-landowner-The--director~~
 23 ~~shall-keep-a-record-of-all-refunds-for-at-least-2-years~~

24 {2} A LANDOWNER ELECTING NOT TO SUPPORT AND MAINTAIN
 25 THE WEED RESEARCH AND EDUCATION PROGRAM ESTABLISHED UNDER

1 [THIS ACT] SHALL FILE A NOTICE OF ELECTION TO NOT SUPPORT
 2 THE PROGRAM WITH THE COUNTY TREASURER OF THE COUNTY IN WHICH
 3 THE LAND IS LOCATED ON OR BEFORE AUGUST 1, FOR THAT YEAR THE
 4 2 MILL TAX LEVY MAY NOT BE APPLIED TO THE TAXABLE VALUE OF
 5 SUCH PROPERTY. A SIMILAR ELECTION MAY BE MADE EACH YEAR
 6 DURING THE CONTINUATION OF THE PROGRAM. THE COUNTY TREASURER
 7 SHALL KEEP A RECORD OF ALL SUCH NOTICES FOR AT LEAST 2
 8 YEARS.

9 (3) As reimbursement for the administration of this
 10 section, each county is entitled to receive the greater of:

- 11 (a) \$250; or
- 12 (b) 5% of the total tax collected by it ~~including any~~
 13 ~~tax that be subsequently refunded under subsection {2}.~~

14 Section 12. Severability. If a part of this act is
 15 invalid, all valid parts that are severable from the invalid
 16 part remain in effect. If a part of this act is invalid in
 17 one or more of its applications, the part remains in effect
 18 in all valid applications that are severable from the
 19 invalid applications.

20 Section 13. Termination. This act terminates July 1,
 21 1991. If this act is not renewed through legislative action
 22 beyond that date, any money remaining that has been
 23 collected under this act shall revert to Montana state
 24 university to be used exclusively for weed research and
 25 education.

SB 0004/02

1 Section 14. Effective date. This act is effective on
2 passage and approval.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 4

3 Senate Agriculture, Livestock and Irrigation Committee

4

5 A statement of intent is required for SB 4 because it
6 delegates rulemaking authority to the Director of the
7 Agricultural Experiment Station in Section 4.

8 Such rules are intended to include: procedures for the
9 review of grant applications; criteria for awarding grants,
10 including prioritizing projects and determining which plants
11 will be designated as weeds; procedures for disseminating
12 information to the public, including determining what
13 reports are required; methods for encouraging grant
14 applications from in-state; and a process for developing a
15 needs assessment statement to determine the areas in which
16 research and education will be emphasized. Recommendations
17 for rules shall be developed by the citizens' committee
18 established in Section 5 of the bill and the Director shall
19 adhere to those recommendations as closely as possible when
20 adopting rules. Whenever required by other statute or rule,
21 the Director shall conform to the rules of Montana State
22 University.

23 First adopted by the Senate Agriculture, Livestock and
24 Irrigation Committee on the 21st day of January, 1981.

1 SENATE BILL NO. 4

2 INTRODUCED BY GALT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A WEED
5 RESEARCH AND EDUCATION PROGRAM WITHIN THE AGRICULTURAL
6 EXPERIMENT STATION AND THE COOPERATIVE EXTENSION SERVICE OF
7 MONTANA STATE UNIVERSITY; TO PROVIDE FOR A TAX LEVY OF 2
8 MILLS ON AGRICULTURAL--AND--TIMBER--LAND PRIVATE LAND NOT
9 WITHIN AN INCORPORATED CITY OR TOWN FOR THE PURPOSE OF
10 FUNDING RESEARCH AND EDUCATION TO IMPROVE WEED CONTROL AND
11 MANAGEMENT; ESTABLISHING A WEED RESEARCH AND EDUCATION
12 ADVISORY COMMITTEE; AND PROVIDING AN IMMEDIATE EFFECTIVE
13 DATE AND A TERMINATION DATE."

14
15 WHEREAS, weeds detrimental to agricultural production
16 are infesting both cropland and rangeland at an
17 ever-increasing rate, and current methods of control are not
18 always reliable, cost effective, or environmentally
19 acceptable, and the fragmented approach to weed control is
20 not always effective; and

21 WHEREAS, the loss of forage and crop production caused
22 by weeds is uneconomical to producers and consumers, and the
23 people of Montana are generally unaware of the severity and
24 impact of weeds on the production of food and fiber.

25 THEREFORE, be it declared that the public policy of the

1 state of Montana is to enter into and expand weed research
2 and education to seek nonchemical and other effective
3 methods of controlling and managing weeds and to provide
4 educational programs to increase public awareness and
5 understanding.
6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Short title. [Sections 1 through 9] may be
9 cited as the "Montana Weed Research and Education Act".

10 Section 2. Definitions. As used in [sections 1 through
11 9], unless the context requires otherwise, the following
12 definitions apply:

13 (1) "Committee" means the Montana weed research and
14 education advisory committee provided for in [section 10].

15 (2) "Director" means the director of the agricultural
16 experiment station of Montana state university.

17 (3) "Land" means all ~~land classified as agricultural~~
18 ~~and timber land by the Montana department of revenue~~ PRIVATE
19 LAND WHICH IS NOT WITHIN AN INCORPORATED CITY OR TOWN.

20 (4) "Station" means the agricultural experiment
21 station of Montana state university.

22 (5) "Weed" means a plant designated as such by the
23 director.

24 Section 3. Administration. [This act] shall be
25 administered by the agricultural experiment station of

1 Montana state university.

2 Section 4. Powers of the director of agricultural
3 experiment station. The director may:

4 (1) adopt rules necessary for the administration of
5 [sections 1 through 9];

6 (2) designate as weeds plants that have an adverse
7 economic impact on landowners of the state;

8 (3) provide for the conduct of adequate, intensive,
9 and timely research and education into any areas of weed
10 control and management;

11 (4) enter into agreements with recognized local,
12 state, or national research or education agencies, public or
13 private, for the purposes of improving the methods and
14 techniques of controlling or managing weeds and increasing
15 public awareness and understanding of weeds and their
16 control;

17 (5) publish reports, financial accounts, and other
18 materials considered appropriate; and

19 (6) call for special advisory committee meetings.

20 Section 5. Weed research and education advisory
21 committee -- duties and responsibilities. (1) The committee
22 shall, as its primary function, represent the Montana
23 agricultural community while assisting the director in
24 establishing, monitoring, and reviewing the annual and
25 long-term goals and objectives for the weed research and

1 education program as established by [sections 1 through 9].

2 (2) The committee:

3 (a) shall provide advice and make recommendations to
4 the director on rules, designation of plants as weeds,
5 cooperative agreements and contracts, and the overall
6 administration of [sections 1 through 9];

7 (b) may hold public meetings or hearings in
8 cooperation with the director to determine local priorities
9 on weed research and education;

10 (c) may prepare reports; and

11 (d) may perform other advisory tasks as requested by
12 the director.

13 Section 6. Cooperative agreement. With the advice and
14 recommendations of the committee, the agricultural
15 experiment station and cooperative extension service shall
16 enter into a cooperative agreement establishing the
17 responsibilities and duties of each of them in carrying out
18 functions of [sections 1 through 9]. The agreement shall
19 establish a mechanism for funding the educational activities
20 of the cooperative extension service on a long-term and
21 biennium basis in compliance with [sections 1 through 9].

22 Section 7. Reports. The director shall make an annual
23 report to the committee by February 1 showing all income to
24 and expenditures from the weed research and education
25 account in comprehensive detail. The report must be filed

1 with the governor and must be open to inspection by the
 2 public during office hours. Duplicate originals of the
 3 annual reports of the preceding biennium must be transmitted
 4 by the director to the president of the senate, the speaker
 5 of the house of representatives, and to the chairmen of the
 6 agricultural committees of the senate and house of
 7 representatives by February 1 of each odd-numbered year.

8 Section 8. Receipt of gifts, grants, or devises. The
 9 committee and the station may receive any gift, grant, or
 10 devise for any research or education conducted under
 11 [sections 1 through 9] and may spend them in compliance with
 12 [sections 1 through 9] and the terms of the gift, grant, or
 13 devise.

14 Section 9. Weed research and education account --
 15 sources -- use. (1) The agricultural experiment station
 16 shall maintain a restricted account known as the weed
 17 research and education account. The following must be
 18 deposited in the account:

19 (a) the proceeds of all taxes collected under [section
 20 11]; and

21 (b) the proceeds of all gifts, grants, and devises to
 22 the committee or the station for research and education
 23 under [section 8].

24 (2) The account must be maintained for the purposes of
 25 [this act] and must be separate from all other accounts of

1 the station.

2 Section 10. Weed research and education advisory
 3 committee created -- qualifications and term of members. (1)
 4 There is a weed research and education advisory committee.

5 (2) The committee consists of ~~11~~ 12 members. Seven
 6 members shall be appointed by the governor and ~~four~~ FIVE
 7 members shall be ex officio members as provided in
 8 subsection (4).

9 (3) The governor shall appoint one committee member
 10 from each of the following districts:

11 (a) District I consisting of Lincoln, Flathead,
 12 Sanders, Lake, Deer Lodge, Mineral, Missoula, Powell,
 13 Ravalli, and Granite Counties;

14 (b) District II consisting of Glacier, Toole, Liberty,
 15 Hill, Blaine, Phillips, Pondera, Chouteau, and Teton
 16 Counties;

17 (c) District III consisting of Valley, Daniels,
 18 Sheridan, McCone, Roosevelt, Richland, Garfield, and Dawson
 19 Counties;

20 (d) District IV consisting of Lewis and Clark,
 21 Cascade, Judith Basin, Fergus, Petroleum, Broadwater,
 22 Meagher, Wheatland, Golden Valley, and Musselshell Counties;

23 (e) District V consisting of Beaverhead, Silver Bow,
 24 Jefferson, Madison, and Gallatin Counties;

25 (f) District VI consisting of Park, Sweet Grass,

1 Stillwater, Yellowstone, Treasure, Carbon, and Big Horn
2 Counties;

3 (g) District VII consisting of Rosebud, Custer, Powder
4 River, Prairie, Wibaux, Fallon, and Carter Counties.

5 (4) The ex officio committee members are:

6 (a) the director of the department of agriculture;

7 (b) the director of the agricultural experiment
8 station;

9 (c) the director of THE cooperative extension service;

10 end

11 (D) THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE,
12 AND PARKS; AND

13 ~~(d)(E)~~ a representative of the weed districts in
14 Montana. The weed district representative shall be elected
15 by a majority of the appointed committee members and shall
16 serve at the pleasure of the committee.

17 (5) Each of the appointed committee members must be a
18 citizen of the state and a resident landowner of the
19 district from which appointed.

20 (6) (a) The first appointments shall be made for the
21 following terms:

22 (i) two members shall be appointed for 1-year terms;

23 (ii) two members shall be appointed for 2-year terms;

24 and

25 (iii) three members shall be appointed for 3-year

1 terms.

2 (b) Thereafter, all appointments shall be for 3-year
3 terms.

4 (7) A member of the committee may not serve more than
5 two consecutive terms.

6 (8) The committee shall elect a chairman annually from
7 among its members. The committee shall meet at least once
8 every 3 months and at such other times as called by the
9 chairman, by three members of the committee, or by the
10 director.

11 (9) A committee member may be removed by the governor
12 for cause. Removal proceedings shall be initiated by
13 verified written charges. Within 10 days of the receipt of
14 the charges, the accused committee member may, in writing,
15 request a public hearing. The hearing shall commence within
16 10 days following receipt by the governor of the request for
17 hearing. The hearing must be conducted by the governor or
18 his designee. At the hearing, the member may be represented
19 by an attorney and may present witnesses in his behalf.

20 (10) A committee member who ceases to reside in the
21 state or in the district for FROM which he was appointed or
22 ceases to own land is disqualified from membership, and his
23 office becomes vacant. If the member refuses to recognize
24 his disqualification, the refusal is cause for removal.

25 (11) A member or ex officio member of the committee not

1 receiving compensation and expenses from other state sources
 2 is entitled to receive from the weed research and education
 3 account compensation of \$25 for each day he is engaged in
 4 the transaction of the official business of the committee,
 5 together with expenses as provided for in 2-18-501 through
 6 2-18-503.

7 Section 11. Weed research and education -- tax on
 8 ~~agricultural--and--timber-land---refund~~ LAND -- ELECTION TO
 9 NOT SUPPORT RESEARCH AND EDUCATION -- county reimbursement.

10 (1) There is levied an annual property tax of 2 mills on the
 11 taxable value of all ~~agricultural--and--timber-land-real~~
 12 property PRIVATE LAND EXCLUSIVE OF IMPROVEMENTS THEREON
 13 WHICH IS NOT WITHIN AN INCORPORATED CITY OR TOWN within the
 14 state for the support and maintenance of weed research and
 15 education as provided in [sections 1 through 9].

16 ~~{2}--Upon--submission--of--a--written--request--to--the~~
 17 ~~director--of--the--agricultural--experiment--station--of--Montana~~
 18 ~~state--university,--a--landowner--may--obtain--a--refund--of--the--tax~~
 19 ~~he--has--paid. The request must be made not less than 30 days~~
 20 ~~or more than 90 days--following--payment--of--the--tax. The~~
 21 ~~director--shall,--upon--receipt--of--such--a--timely--refund~~
 22 ~~request,--refund--the--tax--paid--by--the--landowner. The director~~
 23 ~~shall--keep--a--record--of--all--refunds--for--at--least--2--years.~~

24 {2} A LANDOWNER ELECTING NOT TO SUPPORT AND MAINTAIN
 25 THE WEED RESEARCH AND EDUCATION PROGRAM ESTABLISHED UNDER

1 [THIS ACT] SHALL FILE A NOTICE OF ELECTION TO NOT SUPPORT
 2 THE PROGRAM WITH THE COUNTY TREASURER OF THE COUNTY IN WHICH
 3 THE LAND IS LOCATED ON OR BEFORE AUGUST 1. FOR THAT YEAR THE
 4 2 MILL TAX LEVY MAY NOT BE APPLIED TO THE TAXABLE VALUE OF
 5 SUCH PROPERTY. A SIMILAR ELECTION MAY BE MADE EACH YEAR
 6 DURING THE CONTINUATION OF THE PROGRAM. THE COUNTY TREASURER
 7 SHALL KEEP A RECORD OF ALL SUCH NOTICES FOR AT LEAST 2
 8 YEARS.

9 (3) As reimbursement for the administration of this
 10 section, each county is entitled to receive the greater of:

- 11 (a) \$250; or
 12 (b) 5% of the total tax collected by it, ~~including any~~
 13 ~~tax that be subsequently refunded under subsection (2).~~

14 Section 12. Severability. If a part of this act is
 15 invalid, all valid parts that are severable from the invalid
 16 part remain in effect. If a part of this act is invalid in
 17 one or more of its applications, the part remains in effect
 18 in all valid applications that are severable from the
 19 invalid applications.

20 Section 13. Termination. This act terminates July 1,
 21 1991. If this act is not renewed through legislative action
 22 beyond that date, any money remaining that has been
 23 collected under this act shall revert to Montana state
 24 university to be used exclusively for weed research and
 25 education.

SB 0004/03

1 Section 14. Effective date. This act is effective on
2 passage and approval.

-End-

HOUSE COMMITTEE on AGRICULTURE , on Feb. 16,

reports that Senate Bill 4 shall

be amended in the 3rd reading copy as follows:

1. Title, line 8.

Following: "PRIVATE"

Insert: "PRIVATE"

2. Page 2, line 18.

Following: "PRIVATE"

Insert: "private"

3. Page 9, line 8.

Following: "refund"

Insert: "private"

4. Page 9, line 12.

Following: "PRIVATE"

Insert: "private"

5. Page 10, line 8.

Following line 8

Insert: "(3) Upon submission of a written request to the director of the agricultural experiment station of Montana state university, a landowner may obtain a refund of the tax he has paid. The request must be made no less than 30 days or more than 90 days following payment of the tax. The director shall, upon receipt of such a timely refund request, refund the tax paid by the landowner. The director shall keep a record of all refunds for at least 2 years."

Renumber: subsequent subsection

BE CONCURRED IN AS AMENDED 2/16/81