## HOUSE BILL NO. 159

# INTRODUCED BY ELLISON, BERTELSEN, ASAY, GRAHAM

### IN THE HOUSE

January 11, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 29, 1983	Committee recommend bill do pass as amended. Report adopted.
January 31, 1983	Bill printed and placed on members' desks.
February 1, 1983	Second reading, do pass,
February 2, 1983	Considered correctly engrossed.
February 3, 1983	Third reading, passed. Transmitted to Senate.
IN THE S	enate
February 4, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 28, 1983	Committee recommend bill be concurred in. Report adopted.
March 3, 1983	Second reading, concurred in.
March 5, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.
IN THE H	OUSE
March 5, 1983	Returned to House.
March 7, 1983	Sent to enrolling.

Reported correctly enrolled.

48th Legislature

LC 0269/01

Archan BILL NO. 159 1 INTRODUCED BY Edison Bertelien asay 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO RODENT CONTROL DISTRICTS; CHANGING THE NAME OF THE BOARD AND DISTRICTS; PROVIDING FOR THE TERM OF OFFICE FOR VERTEBRATE PEST MANAGEMENT BOARD MEMBERS; AMENDING SECTIONS 7-22-2207, 7-22-2209, 7-22-2210, 7-22-2214, 7-22-2215, 7-22-2221, 7-22-2222, 7-22-2224, AND 10 7-22-2225, MCA."

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

Section 1. Section 7-22-2207, XCA; is amended to read:
 "7-22-2207. Definitions. As used in this part; unless
 the context indicates otherwise; the following definitions
 apply:

17 (1) "Board" means the rodent-control vertebrate pest 18 management board for a district.

19 (2) "Department" means the department of livestock.
20 (3) "District" means a vertebrate pest management
21 district created under the provisions of this part.

22 (4) "Fund" means the rodent-control vertebrate pest
23 management district fund authorized by 7-22-2221.

24 (5) "Governing body" means the governing body
25 specified in the alternative form of government adopted by a

1 county. 2 (6) "Rodent" "Vartebrate nest" means Estumbia-ground squirral-(fitcilus-columbionus)y-Richardson-ground---squirrei 3 4 +6ieeilus---riehardsoniijy-Araustus-ground-squirrel-teitellus 5 oranotus;....thirteenwatriptd-\_\_\_ground----squirrei----{Gitellus 6 triecontineatusty pocket copher themenysy verieus spectesty 7 field--zice--(Nicrotusy--varidus--species)y--and-preirie-dog 8 teynomys-ludovicvenust lackrabbits. preifie dogs. oround souirrels, pocket pophers, rats, sice skunks, raccoons, 9 10 bats and depredatory and nuisance birds such as blackbirds. 11 cowhirds, starlings, house sparrows, or feral pigeons when 12 they are injurious to acriculture, other industries, and the 13 ent)ic.\* 14 Section 2. Section 7-22-2209, MCA, is amended to read: 15 "7-22-2209. Application to leased land. Lessees of land within the district are liable for assessments and 16 17 levies for rodent-control vertebrate pest management and 18 must comply with 7-22-2224 and 7-22-2225 unless the lease 19 specifically forbids <del>rodent--control</del> <u>vertebrate\_\_pest</u> 20 management through chemical or other means." 21 Section 3. Section 7-22-2210, MCA, is amended to read:

23 districts authorized. The governing body of a county may 24 create a district as provided in this part. A district may 25 not contain any city or town."

\*7-22-2210. Rodent--control Vertebrate pest management

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INTRODUCED BILL -2- HB159

LC 0269/01

1 Section 4. Section 7-22-2214, MCA, is amended to read: 2 -7-22-2214. Hearing -- decision. [1] On the date set 3 for the hearing, the governing body shall hear comments on 4 the proposed district. If objections have been filed by 5 owners of at least 51% of the land within the district, the governing body shall deny the petition request and may not 6 create the district. Prior to creating a district, the 7 8 governing body shall make a finding that creation of the 9 district is in the best interests of the district lands and residents. The decision on whether to grant or deny the 10 11 petition request shall be made within 10 days of the 12 hearing.

13 (2) The decision is to be made by an order recorded in 14 the minutes of the governing body. If the district is to be 15 created, the order shall state the name of the district. 16 describe the district bounderies, and provide any other 17 information needed to describe the land included within the 18 district.

19 (3) A landowner within the proposed district after the 20 initial boundaries have been established may, by petitioning 21 the board-of-county-commissioners governing body, have all 22 or a portion of the lands owned by himself removed from 23 consideration for inclusion within the district. This 24 landowner must, however, agree in writing to control-rodents 25 manage vertebrate pests on his land within a 250-yard buffer

1	zone of the district boundary."
2	Section 5. Section 7-22-2215, MCA, is amended to read:
3	*7-22-2215. Redent-control Vertebrate pest management
4	board. (1) (a) The governing body, upon the creation of a
5	vertebrate pest management districte shall appoint a
6	vertebrate pest sanagement board composed of not less than
7	<u>three or more than five memberse</u>
8	(b) Each member of the board must be an elector within
9	the boundaries of the district.
10	(c) Members of the board are public officers.
11	(d) The county extension agent in a county electing to
12	<u>create a vertebrate pest management district is an ex</u>
13	officio member of the board.
14	[2] Appointments to the board shall be for 3-year
15	staggered terms.
16	(3) Each member of the board is entitled to:
17	(a) a mileage allowance as provided in 2-18-503 for
18	the distance actually and necessarily traveled to perform
19	official duties: and
20	(b) per dim expenses as established by the governing
21	bodys
22	[4] Board members may receive no other compensation.
23	[5] The county weed board appointed under 7-22-2103
24	shall may be appointed by the governing body to also serve
25	as the rodent-control vertebrate pest management board, in

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which case the qualifications, terms, compensation, mileage, 1 2 and expenses of the vertebrate pest ganagement board are the same as those of the county weed board and subsections (1) 3 4 through (5) do not apply."

5 Section 6. Section 7-22-2221, MCA, is amended to read: "7-22-2221. Redent--control Yertebrate pest management 6 7 fund. (1) The governing body shall establish a special fund. to be known as the rodent-control vertebrate pest management я 9 district fund, for each district in the county. Money in the 10 fund may be expended only for district administrative costs 11 and the expenses of establishing and implementing a rodent 12

abatement vertebrate pest management program.

(2) The county treasurer is the administrator of the 13 14 fund and shall draw warrants on the fund by order of the 15 governing body. Warrants shall be preeded by the governing 16 body when so requested by the board."

17 Section 7. Section 7-22-2222, NCA, is amended to read: 18 #7-22-2222. Hill Vertebrate Dest management district 19 mill levy authorized. (1) To administer and implement a 20 21 program, the governing body may levy a tax, not to exceed 2 22 mills, on the taxable value of the horticultural, farming, 23 grazing, forest, and railroad lands within the district. The 24 proceeds of the levy are to be placed in the district fund. 25 (2) A person taxed under this section may not be taxed 1 under [section 13]."

7 Section 8. Section 7-22-2224, MCA, is amended to read: 3 #7-22-2224. Implementation of rodent----control 4 vertebrate pest\_management. (1) Whenever the board has 5 reason to believe a redent-control vertebrate pest 6 management problem exists, it shall inspect the affected 7 land and may issue an order to the landowner to take the 8 appropriate action. The order to the landowner may only 9 require that affected lands be treated within a 250-yard 10 buffer zone of the adjacent district lands.

11 (2) If the order is not obeyed in the time specified 12 in the order, the board shall take the necessary steps to 13 control the redent vertebrate pest problem. The expenses of the board in carrying out these measures shall be paid from 14 15 the fund by the governing body."

Section 9. Section 7-22-2225, HCA, is amended to read: 16 17 "7+22-2225. Reimbursement of fund. (1) Whenever the 18 board has undertaken redent-control vertebrate pest 19 panagement pursuant to 7-22-2224, the landowner shall 20 reimburse the fund for the expenses related to rodent 21 control vertebrate pest management on his land. The board 22 may, by written contract with the landowner, agree to extend the reimbursement over a period not to exceed 5 years. 23

24 (2) The agreement may provide for the reimbursement 25 payments to be collected with property taxes, and in this

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case. the board shall inform the county clerk of the lands
 to be charged and the amount to be placed on the tax notice.
 Upon receipt of the payment, the county clerk shall deposit
 it in the fund."

5 NEW\_SECTION. Section 10. County to cooperate with others in controlling vertebrate pests. [1] The governing 6 7 body shall cooperate with the department of livestock in the 8 wanagement of vertebrate pests when they are injurious to agriculture, other industries, and the public health. This 9 10 cooperation shall be in accordance with organized and ··· 11 systematic plans of the department of livestock covering the 12 methods and procedures to be followed in the aanagement of 13 vertebrate pests.

14 (2) The governing body, in cooperation with the 15 department of livestock, may enter into cooperative 16 agreements with state and federal governmental agencies, 17 counties, associations, corporations, or individuals when 18 cooperation is necessary to promote the management of 19 vertebrate pests.

20 <u>NEW SECTIONs</u> Section 11. Agreements with department 21 of livestock. For the purpose of [section 10], the governing 22 body shall enter into written agreements with the department 23 of livestock covering the methods and procedures to be 24 followed in the management of vertebrate pests, the extent 25 of supervision to be exercised by the governing body, and 1 the use and expenditure of funds appropriated.

2 NEW SECTION. Section 12. County vertebrate pest 3 management fund established. A county vertebrate pest management fund is established. The fund shall be made 4 permanently available and is appropriated for expenditure by 5 6 the governing body in the manner provided in [section 14]-7 NEW SECTION. Section 13. Financing of county 8 vertebrate pest management program. (1) The governing body 9 sav: 10 (a) appropriate from the county general fund not in 11 excess of \$10,000 annually and transfer same to the county 12 vertebrate pest management fund; 13 (b) levy a tax of not to exceed 2 mills on the taxable 14 valuation of all agricultural, horticultural, grazing, and timber lands and their improvements; or 15 16 (c) both make such appropriation and levy such tax.

17 (2) The tax provided for in subsection (1)(b) shall be
18 collected as other county taxes and credited to the county
19 vertebrate pest management fund.

20 <u>NEW SECTION</u> Section 14. Expenditures for supplies 21 and services authorized. In order to perform vertebrate pest 22 management, the governing body may make necessary 23 expenditures from the county vertebrate pest management fund 24 for equipment, materials, supplies, and other expenses, 25 including expenditures for personal services, as may be

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necessary to execute the functions imposed upon them by this
 part.

3 <u>NEW SECTIONs</u> Section 15. Acquisition and sale of 4 vertebrate pest management supplies. (1) In addition to the 5 expenditures authorized in [section 14], the governing body 6 is authorized to:

7 (a) purchase vertebrate pest management supplies,
8 including baits, for the use of cooperating governmental
9 agencies, counties, associations, corporations, or
10 individuals in the management of vertebrate pests; and

11 (b) make these supplies and baits available to such 12 cooperators at approximate cost.

13 (2) The receipts from the sale of such supplies and
14 baits shall be credited to the county vertebrate pest
15 management fund.

NEW\_SECTION: Section 16. Initial appointments to vertebrate pest management board. Initially, at least one member of the vertebrate pest management board shall be appointed to serve a 1-year term, at least one member shall be appointed to serve a 2-year term, and at least one member shall be appointed to serve a 3-year term.

22 <u>NEW\_SECTION\_</u> Section 17. Coordination instruction. If
23 \_\_\_\_\_\_Bill No.\_\_\_\_\_ [LC 416]. transferring vertebrate pest
24 management responsibility from the department of livestock
25 to the department of agriculture. is passed and approved.

1 references to "the department of livestock" in this act are 2 amended to read "department of agriculture".

3 <u>NEW SECTION</u>. Section 18. Codification instruction. 4 Sections 10 through 15 are intended to be codified as an 5 integral part of Title 7. chapter 22. part 22. and the 6 provisions of Title 7. chapter 22. part 22. apply to 7 sections 10 through 15.

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### STATE OF MONTANA

REQUEST NO. \_\_\_\_\_

#### FISCAL NOTE

Form BD-15

łn	compliance \	with a	written	request	received .	January	<u>13,</u>	19	_ , ther	e is hereby	submitted a	Fiscal Note
for	House	Bi11	159		pursual	nt to Title 5, C	hapter 4, Pa	rt 2 of tl	ne Mont	ana Code A	nnotated (M	ICA).
Ba	ckground info	ormatic	on used in	developi	ing this F	iscal Note is ava	ilable from t	he Office	of Budg	get and Prog	jram Plannin	g, to members
of	the Legislatu	re upo	n request	t.								

#### DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 159 would revise and clarify the laws relating to rodent control districts, change the name of the board and districts; and provides for the term of office of vertebrate pest management board members.

#### COMMENTS:

This legislation will have no effect on state revenue or expenditures.

### LOCAL IMPACT:

It is not possible to estimate the revenue or expenditures to the counties. The counties may appropriate up to \$10,000.00 or levy a 2 mill tax on the lands included in a vertebrate pest management district; or both. At present, there is no way of knowing the value of lands to be accessed. The level of expenditures is dependent on how often the Vertebrate Pest Management board members meet, the duration of the meetings and the distances traveled to and from the meetings. The amount of expenditures would also depend on the number of districts, the number of members on each board and the level of vertebrate pest management problems within them.

FISCAL NOTE 4:G/1

BUDGET DIRECTOR Office of Budget and Program Planning Date:

HB 0159/02

Approved	by Committee	
on Agrieu	lture Livestock	
& Irrigat	ion	

1	HOUSE BILL NO. 159	1	
z	INTRODUCED BY ELLISON, BERTELSEN, ASAY, GRAHAM	z	unde
3		3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY-REVISE-AND	4	auth
5	<del>CLARI</del> F¥-THELAWSRELATINGT8RBBENTG8NTR8L <del>BI</del> STR <del>ICTS\$</del>	5	
6	EHANGINGTHE-NAME-OF-THE-BOARD-AND-DISIRIETS+-PROVIDING-FOR	6	spec
ד	<del>THE~TERM-OF-OFFICEFORVERTEORATEPESTM&amp;N&amp;GEHENTBOARD</del>	7	coun
8	HENBER5+AMENDING-SECTION5-7-22-2207+-7-22-2209+-7+22-2210+	8	
9	<del>7-22-</del> 2214y-7-22-2215y-7-22-2 <del>221y-7-22-2222y7-22-2224y*N0</del>	9	Sper
10	7-22-2225MEA REVISE INE RODENT CONTROL LAW: TO AUTHORIZE	10	(Eit
11	THE_GOVERNING_BODY_OF_A_COUNTY_IQ_ESIABLISHAPROGRAMEOR	11	squi
12	INE_MANAGEMENT_AND_SUPPRESSION_DE_YERTEBRATE_PESIS:_AMENDING	12	g <b>r ou</b>
13	SECTIONS_7=22-2207+_7-22-2215+_AND_7-22-2216+_HCA:_AND	13	pock
14	PROVIDING_AN_IMMEDIATE_EEFECTIVE_DAIE."	14	(Mic
15		15	Judo
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16	
17	(Refer to Introduced Bill)	17	
18	Strike everything after the enacting clause and insert:	18	crea
19	Section 1. Section 7-22-2207, MCA, is amended to read:	19	cont
20	"7-22-2207。 Definitions. As used in this part, unless	20	fiye
21	the context indicates otherwise+ the following definitions	21	neeb
22	appty:	22	elec
23	(1) "Board" means the rodent control board for a	23	
24	district.	24	eeeb
25	(2) "Department" means the department of livestock.	25	a_1-

(3) "District" means a rodent control district created under the provisions of this part.

3 (4) "Fund" means the rodent control district fund
 4 authorized by 7-22-2221.

5 (5) "Governing body" means the governing body 5 specified in the alternative form of government adopted by a 7 county.

8 (6) "Rodent" means Columbia ground squirrel (<del>Citellus</del> 9 <u>Spermophilus</u> columbianus), Richardson ground squirrel 10 (<del>Citellus</del> <u>Spermophilus</u> richardsonii), Aramatus ground 11 squirrel (<del>Citellus</del> <u>Spermophilus</u> aramatus), thirteen-striped 12 ground squirrel (<del>Citellus</del> <u>Spermophilus</u> triecemlineatus), 13 pocket gopher (Thomomys, various species), field mice 14 (Microtus, various species), and prairie dog (Cynomys 15 Judovicianus)."

16Section 2. Section 7-22-2215, MCA, is amended to read:17"7-22-2215. Rodent control board. (1) A governing body18creating.a.codent\_control\_district\_shall\_appoint\_\_a\_rodent19control\_board\_composed\_of\_not\_less\_than\_three\_or\_more\_than20five\_membersa\_The\_county\_extension\_agent\_is\_an\_\_ex\_officin21member\_of\_the\_boarda\_Each\_member\_of\_the\_board\_must\_be\_an22elector\_and\_reside\_within\_the\_districta23(21\_Board\_members\_serve\_3-year\_staggered\_termsa\_Of\_the24members\_first\_appointed\_to\_a boards\_at\_least\_one\_shall\_serve25a\_ityear\_term\_and\_at\_least\_one\_shall\_serve\_a.2-year\_terma

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SECOND READING

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1	<pre>131Each_member_of_the_board_is_entitled_to:</pre>	1	considered necessary to implement the rodent abatement
2	(a)a_mileage_allowance_as_providedin2~18~503for	2	prog <b>ram;</b>
3	the_distance_actually_and_necessarily_traveled_to_perform	3	<pre>(5)(0) cooperate with any corporation, association,</pre>
4	official_dutiesi_and	4	group, individual, or state or federal agency in rodent
5	(b)per_dim_expensesestablishedbytbegoverning	5	abatement programs;
6	bodya	6	<pre>f6f(f) receive gifts or grants for the implementation</pre>
7	[4] The county weed board appointed under 7-22-2103	7	of a rodent abatement program; and
8	shall may be appointed by the governing body to also serve	8	<pre>tfj(g) enter district lands in order to survey and</pre>
9	as the rodent control board <u>einwhichcasethe</u>	9	study conditions and to implement a rodent abatement
10	qualifications.terms.compensation.mileageand_expenses	10	program.
11	ofiberodentcontrolboard_are_ibe_same_as_ihose_of_ibe	11	[21Ibs_board_sball_cooperate_with_thedepartmentin
12	<u>county_weed_board_and_subsections_[1]through[3]donot</u>	12	the_aaoagement_and_suppression_of_rodect_pests_and_may_enter
13	apply."	13	into_written_agrapements_with_the_denartment."
14	Section 3. Section 7-22-2216, MCA, is amended to read:	14	NEW_SECIION. Section 4. Definitions. As used in
15	#7-22-2216. Board powers. <u>[1]</u> The board may:	15	[sections 4 through 9]; the following definitions apply:
16	<del>(1)(a)</del> develop and administer a program for the	16	(i) "Department" means the department of livestock.
17	abatement and alleviation of rodent pest conditions within	17	(2) "Governing body" means the governing body
18	the district;	18	specified by the form of government adopted by a county.
19	<pre>t2f(b) employ such assistants and employees as are</pre>	19	(3) "Management of vertebrate pests" means the correct
20	necessary;	20	identification of a vertebrate pest; recognition of its
21	<pre>f3f(c) purchase or lease such equipment, material, or</pre>	21	biological and environmental needs; assessment of the pest's
22	services as are considered necessary for an effective	22	damage, injury, or nuisance to agriculture, industry, or the
23	control program;	23	public prior to selecting and implementing any integrated or
24	<pre>f4f(d) sell or lease such equipment, material, or</pre>	24	individual control methods to reduce, prevent, or suppress
25	services to district landowners or residents as are	. 25	such damage, nuisance, or injury; and evaluating the effects
	-3- HB 159		-4- HB 159

1 of these control methods.

2 (4) "Vertebrate pests" means jackrabbits, prairie 3 dogs, ground squirrels, pocket gophers, rats, mice, skunks, 4 raccosns, bats, and the following depredatory and nuisance 5 birds: blackbirds, cowbirds, starlings, house sparrows, and 6 feral pigeons, when such animals and birds are injurious to 7 agriculture, other industries, or the public.

8 <u>YEH\_SECTION</u> Section 5. Management of vertebrate 9 pests. (1) A governing body may establish a program to 10 manage and suppress vertebrate pests.

11 (2) A governing body that establishes a program under 12 subsection (1) must cooperate with the department in the 13 management and suppression of vertebrate pests, including 14 cooperation in regard to the department's organized and 15 systematic plans covering methods and procedures to be 16 followed in the management and suppression of vertebrate 17 pests.

18 (3) A governing body, in cooperation with the 19 department, may enter into cooperative agreements with state 20 and federal governmental agencies, counties, rodent control 21 districts, associations, corporations, or individuals when 22 cooperation is necessary to promote the management and 23 suppression of vertebrate pests.

24 <u>NEW\_SECTIONs</u> Section 6. Agreements with department.
 25 A governing body, when cooperating with the department, may

enter into written agreements with the department of
 livestock covering the methods and procedures to be followed
 in the management and suppression of vertebrate pests, the
 extent of supervision to be exercised by the governing body,
 and the use and expenditures of state and county money.

6 <u>YEM\_SECTION</u>. Section 7. County vertebrate pest 7 management fund. A governing body that establishes a program 8 to manage and suppress vertebrate pests must establish a 9 county vertebrate pest management fund, from which the 10 governing body may appropriate money for the operation of 11 the program.

 NEW\_SECIION:
 Section 8.
 Financing of vertebrate pest

 13
 management program -- tax. (1) A governing body may:

14 (a) appropriate from the county general fund an amount
15 not in excess of \$10,000 annually and transfer it to the
16 county vertebrate pest management fund; and

17 (b) levy a vertebrate pest management tax not to exceed 2 mills on the taxable valuation of all agricultural, 18 horticultural, grazing, and timber lands and their 19 improvements. Land within a rodent control district may not 20 21 be taxed in any given year under both 7-22-2222 and this 22 section for the control of rodents as defined in 7-22-2207. Land within a rodent control district may be taxed under 23 this section only a dollar amount that is proportional to 24 part of the vertebrate pest program's projected fiscal year 25

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budget which is allocated to the management and suppression
 of vertebrate pests other than rodents.

3 (2) The tax provided for in subsection (1) must be
4 collected as other county taxes and credited to the county
5 vertebrate pest management fund.

NEW\_SECTION. Section 9. Expenditures for supplies and 6 7 services authorized. A governing body may make necessary 8 expenditures from the county vertebrate pest management fund 9 for equipment, materials, supplies, personal services, and 10 other expenses. A governing body may also purchase vertebrate pest management supplies and equipment for use by 11 12 cooperating governmental agencies, counties, rodent control 13 districts, associations, corporations, or individuals in the management of vertebrate pests if the governing body charges 14 15 such users the approximate cost of the supplies and 16 equipment. Receipts from the resale of such supplies and 17 equipment to the cooperating users must be credited to the 18 county vertebrate pest management fund.

19 <u>NEW\_SECTION</u> Section 10. Coordination instruction. If 20 House 8ill No. 85, transferring vertebrate pest management 21 responsibility from the department of livestock to the 22 department of agriculture, is passed and approved, 23 references to the "department of livestock" in this act are 24 amended to read "department of agriculture".

25 NEW\_SECTION. Section 11. Effective date. This act is

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1 effective on passage and approval.

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HB 0159/02

1	HOUSE BILL NO. 159	1	(3) "District" means a rodent control district created
2	INTRODUCED BY ELLISON, BERTELSEN, ASAY, GRAHAM	2	under the provisions of this part.
3		3	(4) "Fund" means the rodent control district fund
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO <del>senerally-revise-and</del>	, 4	authorized by 7-22-2221.
5	<del>ELARIFY-THELANSRELATINGTORODENTEONT</del> ROL <del>BISTRIETST</del>	5	(5) "Governing body" means the governing body
6	6HAN <del>6ING-~THE-NAME-O</del> F-THE-BOAR <del>D-AND</del> -B <del>ISIRICIST-PROVIDING-FOR</del>	6	specified in the alternative form of government adopted by a
7	<del>THE~TERM-BF-OFFICEFOR-+VERTEBRATE-PESTMANAGEMENTBBARD</del>	7	county.
8	HEHBER5+AHENDING-SECTIONS-7-22-2287+-7-22-2289+-7-22-2218+	8	(6) "Rodent" means Columbia ground squirrel ( <del>Citellus</del>
9	<del>₹−22−22±4≠−₹╾22≠2≠5</del> ≠−₹≈2 <del>2−222±≠−₹</del> ≈22 <del>−2222y−−₹−22−2224</del> ≠−− <b>≜NB</b>	9	<u>Spermophilus</u> columbianus), Richardson ground squirrel
10	7-22-2225yNCA REVISE THE RODENT CONTROL LAW: TO AUTHORIZE	10	( <del>Citellus <u>Spermophilus</u> richardsonii), Aramatus ground</del>
11	THE GOVERNING BODY DE A COUNTY TO ESTABLISH A PROGRAM EOR	11	squirrel ( <del>Citellus <u>Spermophilus</u> aramatus). thirteen-stripe</del> d
12	IHE_MANAGEMENT_AND_SUPPRESSION_OF_VEBIEBRATE_PESIS1_AMENDING	12	ground squirrel ( <del>Citellus <u>Spermophilus</u> triecemlineatus),</del>
13	SECTIONS 7-22-2207. 7-22-2215. AND 7-22-2216. MCA: AND	13	pocket gopher (Thomomys, various species), field mice
14	PROVIDING_AN_INMEDIATE_EEEECIIVE_DATE."	14	(Nicrotus, various species), and prairie dog (Cynomys
15		15	ludovicianus).=
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16	Section 2. Section 7-22-2215, MCA, is amended to read:
17	(Refer to Introduced Bill)	17	"7-22-2215。 Rodent control board. (1) A governing body
18	Strike everything after the enacting clause and insert:	18	creating_a_rodent_control_district_sball_appointarodent
19	Section 1. Section 7-22-2207, MCA, is amended to read:	19	control_board_composed_of_not_less_tbao_tbree_or_more_tbao
20	=7+22-2207. Definitions. As used in this part, unless	20	five_membersIbe_county_extension_agent_isanexofficio
21	the context indicates otherwise, the following definitions	21	gember_of_the_boards_Each_member_of_the_board_must_be_ao
22	appiy:	22	elector_and_reside_within_the_district.
23	(1) "Board" means the rodent control board for a	23	121Board_gembers_serve_3-year_staggered_termsOf_tbe
24	district.	24	members_first_appointed_to_a_boards_at_least_one_shall_serve
25	(2) "Department" means the department of livestock.	25	<u>a_l-year_term_and_at_least_one_shall_serve_a_2=year_terms</u>
			–2– ++18 159 THIRD READING

services to district landowners or residents as are	25 SI	ich damage, nulsance, or injury; and evaluating the e	ffects
• • •			
<pre>f4f(d) sell or lease such equipment, material, or</pre>	24 ir	dividual control methods to reduce, prevent, or su	ppress
control program;	23 pt	blic prior to selecting and implementing any integra	ted or
services as are considered necessary for an effective	22 da	mage, injury, or nulsance to agriculture, industry,	or the
<pre>f3ficl purchase or lease such equipment, material, or</pre>	21 bi	ological and environmental needs; assessment of the	pest*s
necessary:	20 i c	lentification of a vartebrate pest; recognition	of its
<pre>f2+(b) employ such assistants and employees as are</pre>	19	(3) "Nanagement of vertebrate pests" means the c	orrect
the district;	18 st	ecified by the form of government adopted by a count	¥=
abatement and alleviation of rodent pest conditions within	17	(2) "Governing body" means the governing	body
<del>(±)[a]</del> develop and administer a program for the	16	(1) "Department" means the department of livesto	ck.
#7-22-2216. Board powers. [1] The board may:	15 [	sections 4 through 9]; the following definitions appl	À:
Section 3. Section 7-22-2216, HCA, is amended to read:	14	NEW_SECTION_ Section 4. Definitions. As use	d in
apoly."	13 <u>i</u>	<u>ite_written_agr<b>eements_with_the_department</b>s"</u>	
county_weed_board_and_subsections_(1)through_(3)donot	12 <u>t</u>	ne_management_and_suppression_of_rodent_pests_and_max	enter
oftherodentcontrolbeard_are_the_same_as_those_of_the	11	[2]Ibe_board_sball_cooperate_with_thedeparter	otin
qualifications.terms.compensation.mileages_and_expenses	10 p	rogram.	
as the rodent control board <u>ainwhich case the</u>	9 \$1	udy conditions and to implement a rodent aba	tement
shall may be appointed by the governing body to _also _serve	e	<del>{?}[g]</del> enter district lands in order to surve	y and
[4] The county weed board appointed under 7-22-2103	7 of	F a rodent abatement program; and	
bodys	6	<pre>f6fifl receive gifts or grants for the implement</pre>	tation
(b)per_dies_expensesestablishedbytbegoverning	S al	patement programs;	
official_dutiesi_and	4 gi	roup, individual, or state or federal agency in	rodent
thedistanceactuallyand_necessarly_traveled_to_perform	3	<pre>f5f(e) cooperate with any corporation, associ</pre>	ation,
[ala_mileage_allowance_as_providedin2=18=503for	2 pi	rogram;	
[3]Each_wember_of_the_board_is_sutitled_to:	1 co	onsidered necessary to implement the rodent aba	tement
	(a)a_mileage_allowance_as_providedin2=18=503for	(a) a mileage allowance as provided in 2=18=503 for 2 pr	(a) a mileage allowance as provided in 2-18-503 for 2 program;

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of these control methods. 1

(4) "Vertebrate pests" means Jackrabbits, prairie 2 dogs, ground squirrels, pocket gophers, rats, mice, skunks, 3 raccoons, bats, and the following depredatory and nuisance 4 5 birds: blackbirds, cowbirds, starlings, house sparrows, and feral pigeons, when such animals and birds are injurious to 6 7 agriculture, other industries, or the public.

NEW\_SECTION. Section 5. Management of vertebrate 8 pests. (1) A governing body may establish a program to 9 10 manage and suppress vertebrate pests.

(2) A governing body that establishes a program under 11 subsection (1) must cooperate with the department in the 12 13 management and suppression of vertebrate pests, including cooperation in regard to the department's organized and 14 systematic plans covering methods and procedures to be 15 followed in the management and suppression of vertebrate 16 17 pests.

(3) A governing body, in cooperation with the 18 department, may enter into cooperative agreements with state 19 and federal governmental agencies, counties, rodent control 20 districts, associations, corporations, or individuals when 21 cooperation is necessary to promote the management and 22 suppression of vertebrate pests. 23

NEW\_SECTION. Section 6. Agreements with department. 24 A governing body, when cooperating with the department, may 25

1 enter into written agreements with the department of 2 livestock covering the methods and procedures to be followed З in the management and suppression of vertebrate pests, the 4 extent of supervision to be exercised by the governing body, 5 and the use and expenditures of state and county money.

6 NEH\_SECIION. Section 7. County vertebrate pest 7 management fund. A governing body that establishes a program 8 to manage and suppress vertebrate pests must establish a 9 county vertebrate pest management fund, from which the governing body may appropriate money for the operation of 10 11 the program.

12 NEW\_SECTION. Section 8. Financing of vertebrate pest management program -- tax. (1) A governing body may: 13

(a) appropriate from the county general fund an amount 14 not in excess of \$10,000 annually and transfer it to the 15 16 county vertebrate pest management fund; and

(b) levy a vertebrate pest management tax not to 17 18 exceed 2 mills on the taxable valuation of all agricultural, horticultural, grazing, and timber lands and their 19 improvements. Land within a rodent control district may not 20 21 be taxed in any given year under both 7-22-2222 and this 22 section for the control of rodents as defined in 7-22-2207. 23 Land within a rodent control district may be taxed under 24 this section only a dollar amount that is proportional to part of the vertebrate pest program's projected fiscal year 25

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budget which is allocated to the management and suppression
 of vertebrate pests other than rodents.

3 (2) The tax provided for in subsection (1) must be
4 collected as other county taxes and credited to the county
5 vertebrate pest management fund.

6 NEW\_SECTION. Section 9. Expenditures for supplies and services authorized. A governing body may make necessary 1 A expenditures from the county vertebrate pest management fund 9 for equipment, materials, supplies, personal services, and 10 other expenses. A governing body may also purchase 11 vertebrate pest management supplies and equipment for use by 12 cooperating governmental agencies, counties, rodent control 13 districts, associations, corporations, or individuals in the 14 management of vertebrate pests if the governing body charges 15 such users the approximate cost of the supplies and equipment. Receipts from the resale of such supplies and 16 equipment to the cooperating users must be credited to the 17 county vertebrate pest management fund. 18

19 <u>NEW\_SECTIONs</u> Section 10. Coordination instruction. If 20 House 8111 No. 85, transferring vertebrate pest management 21 responsibility from the department of livestock to the 22 department of agriculture, is passed and approved, 23 references to the "department of livestock" in this act are 24 amended to read "department of agriculture".

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NEW\_SECTION\_ Section 11. Effective date. This act is

1 effective on passage and approval.

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1	HOUSE BILL NO. 159	1	(3) "District" means a rodent control district created
2	INTRODUCED BY ELLISON, BERTELSEN, ASAY, GRAHAM	2	under the provisions of this part.
3		3	(4) "Fund" means the rodent control district fund
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY-REVISE-AND	4	authorized by 7-22-2221.
5	€±₳₨₮₣¥ <del>~₮₭₢</del> ──₺₳₩\$~~₨₤₺₳₮₮₨₲~~₮₿──₨₿₿₽₽₩₸──₢₿₦₮₨₽₺~~₱₮₷₮₨₮₢₮₷ţ	5	(5) "Governing body" means the governing body
6	CHANGINGTHE-NAME-OF-THE-BOARD-AND-DISTRICTS+-PROVIDING-FOR	6	specified in the alternative form of government adopted by a
٦	THE-TERM-OF-OFFICEFORVERTEBRATEPESTMANASEMENT00ARD	7	county.
8	HEMB&R51AMENDING-5&&TIONS-7-22-2207y-7-22-2209y-7-22-2210y	8	(6) "Rodent" means Columbia ground squirrel ( <del>Citellus</del>
9	7-22-2234v-7-22-2235v-7-22-2223v-7-22-2222v-7-222224v-*****	9	Spermophilus columbianus), Richardson ground squirrel
10	7-22-2225+MCA REVISE_INE_RODENT_CONIRDL_LAN:_IO_AUIHOBIZE	10	( <del>Gitellus <u>Sparmopbilus</u> richardsonii), Aramatus ground</del>
11	IHE_GOVERNING_BODY_DE_A_COUNIY_ID_ESTABLISHAPROGRAMEOR	11	squirrel ( <del>Citellus</del> <u>Spermophilus</u> aramatus), thirteen-striped
12	THE_MANAGEMENT_AND_SUPPRESSION_DE_YEBTEBRATE_PESTS:_AMENDING	12	ground squirrel ( <del>Citellus</del> <u>Spermophilus</u> triecemlineatus),
13	SECIIONS_7-22-2207+_7-22-2215+_AND_7-22-2216+_MCA:_AND	13	pocket gopher (Thomomys, various species), field mice
14	PROVIDING_AN_INMEDIATE_EFECTIVE_DATE."	14	{Microtus, various species}, and prairie dog (Cynomys
15		· 15	ludovicianus)."
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16	Section 2. Section 7-22-2215, MCA, is amended to read:
17	(Refer to Introduced Bill)	17	"7-22-2215. Rodent control board. <u>[1] A governing body</u>
18	Strike everything after the enacting clause and insert:	18	creating_a_codent_control_district_shall_appoint_a_rodent
19	Section 1. Section 7-22-2207, MCA, is amended to read:	19	controlboardcomposed_of_not_less_tbao_tbree_or_more_tban
20	¶7-22-2207。 Definitions. As used in this party unless	20	five_rembecsIbe_county_extension_agent_isanexofficio
21	the context indicates otherwise, the following definitions	21	memberoftheboardEach_member_of_the_board_must_be_an
22	apply:	22	<u>elector_aod_reside_within_the_district.</u>
23	(1) "Board" means the rodent control board for a	23	121_Board_members_serve_3_year_staggered_termsOf_the
24	district.	24	members_first_appointed_to_a_boards_at_least_one_shall_serve
25	(2) "Department" means the department of livestock.	25	a_l_year_term_and_at_least_one_shall_serve_a_2_year_term.

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1	[3]Each_member_of_the_board_is_entitled_to:
2	<u>[a]_a_mileage_allowance_as_provided_in2-18-503for</u>
3	thedistanceactuallyand_necessarily_traveled_to_perform
4	official_duties:_and
5	<pre>[b]per_dlem_expensesestablished_bytbegoverning</pre>
6	bodys
7	[4] The county weed board appointed under 7-22-2103
8	shell may be appointed by the governing body to _also serve
9	as the rodent control board <u>s in which case the</u>
10	qualifications.terms.compensation.mileageand_expanses
11	of the rodent control board are the same as those of the
12	coupty_weed_board_and_subsections_[1]_tbrough_[3]_dooot
13	appl¥•.
14	Section 3. Section 7-22-2216, MCA, is amended to read:
15	*7-22-2216. Board powers. []] The board may:
16	<del>(}}(a)</del> develop and administer a program for the
17	abatement and alleviation of rodent pest conditions within
18	the district;
19	tetto employ such assistants and employees as are
20	necessary;
21	<pre>f3<u>f(c)</u> purchase or lease such equipment, material, or</pre>
22	services as are considered necessary for an effective
23	control program;
,24	<pre>(+)(d) sell or lease such equipment, material, or</pre>
25	services to district landowners or residents as are

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considered necessary to implement the rodent abatement program;

3 <u>fiftel</u> cooperate with any corporation, association,
4 group, individual, or state or federal agency in rodent
5 abatement programs;

6 <u>f5f(f)</u> receive gifts or grants for the implementation
7 of a rodent abatement program; and

8 <u>t7710</u> enter district lands in order to survey and 9 study conditions and to implement a rodent abatement 10 program.

11 <u>[21\_\_Ibe\_board\_shall.cooperate\_witb\_the\_\_department\_\_in</u> 12 <u>tbe\_mapagement\_and\_suppression\_of\_rodept\_pests\_and\_max\_enter</u> 13 <u>into\_written\_agreements\_with\_the\_department\_</u>\*

14 <u>NEW\_SECIIONs</u> Section 4. Definitions. As used in
 15 [sections 4 through 9], the following definitions apply:

(1) "Department" means the department of livestock.

17 (2) "Governing body" means the governing body
18 specified by the form of government adopted by 3 county.

19 (3) "Hanagement of vertebrate pests" means the correct 20 identification of a vertebrate pest; recognition of its 21 biological and environmental needs; assessment of the pest's 22 damage, injury, or nuisance to agriculture, industry, or the 23 public prior to selecting and implementing any integrated or 24 individual control methods to reduce, prevent, or suppress 25 such damage, nuisance, or injury; and evaluating the effects

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1 of these control methods.

2 (4) "Vertebrate pests" means jackrabbits, prairie 3 dogs, ground squirrels, pocket gophers, rats, mice, skunks, 4 raccons, bats, and the following depredatory and nuisance 5 birds: blackbirds, cowbirds, starlings, house sparrows, and 6 feral pigeons, when such animals and birds are injurious to 7 agriculture, other industries, or the public.

B <u>SECTION</u> Section 5. Management of vertebrate
 9 pests. (1) A governing body may establish a program to
 10 manage and suppress vertebrate pests.

11 (2) A governing body that establishes a program under 12 subsection (1) must cooperate with the department in the 13 management and suppression of vertebrate pests, including 14 cooperation in regard to the department's organized and 15 systematic plans covering methods and procedures to be 16 followed in the management and suppression of vertebrate 17 pests.

18 (3) A governing body, in cooperation with the department, may enter into cooperative agreements with state and federal governmental agencies, counties, rodent control districts, associations, corporations, or individuals when cooperation is necessary to promote the management and suppression of vertebrate pests.

24 <u>3EW\_SECIION</u> Section 6. Agreements with department.
 25 A governing body, when cooperating with the department, may

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enter into written agreements with the department of
 livestock covering the methods and procedures to be followed
 in the management and suppression of vertebrate pests, the
 extent of supervision to be exercised by the governing body,
 and the use and expenditures of state and county money.

6 <u>MEM\_SECTIONs</u> Section 7. County vertebrate pest 7 management fund. A governing body that establishes a program 8 to manage and suppress vertebrate pests must establish a 9 county vertebrate pest management fund, from which the 10 governing body may appropriate money for the operation of 11 the program.

NEW\_SECTIONA Section 8. Financing of vertebrate pest
 management program -- tax. (1) A governing body may:

(a) appropriate from the county general fund an amount
not in excess of \$10,000 annually and transfer it to the
county vertebrate pest management fund; and

17 (5) levy a vertebrate pest management tax not to 18 exceed 2 mills on the taxable valuation of all agricultural. 19 horticultural, grazing, and timber lands and their 20 improvements. Land within a rodent control district may not 21 be taxed in any given year under both 7-22-2222 and this 22 section for the control of rodents as defined in 7-22-2207. 23 Land within a rodent control district may be taxed under this section only a dollar amount that is proportional to 24 25 part of the vertebrate pest program's projected fiscal year

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budget which is allocated to the management and suppression
 of vertebrate pests other than rodents.

3 (2) The tax provided for in subsection (1) must be
4 collected as other county taxes and credited to the county
5 vertebrate pest management fund.

6 <u>**NEW SECIION**</u>. Section 9. Expenditures for supplies and 7 services authorized. A governing body may make necessary 8 expenditures from the county vertebrate pest management fund 9 for equipment, materials, supplies, personal services, and expenses. A governing body may also purchase 10 other 11 vertebrate pest management supplies and equipment for use by 12 cooperating governmental agencies, counties, rodent control 13 districts, associations, corporations, or individuals in the 14 management of vertebrate pests if the governing body charges 15 such users the approximate cost of the supplies and equipment. Receipts from the resale of such supplies and 16 equipment to the cooperating users must be credited to the 17 18 county vertebrate pest management fund.

19 <u>NEW\_SECTION</u> Section 10. Coordination instruction. If 20 House Bill No. 85; transferring vertebrate pest management 21 responsibility from the department of livestock to the 22 department of agriculture, is passed and approved, 23 references to the "department of livestock" in this act are 24 amended to read "department of agriculture".

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NEW\_SECIION. Section 11. Effective date. This act is

1 effective on passage and approval.

-End-

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