

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 SENATE

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 HOUSE

March 5, 1983	Returned to House.
March 7, 1983	Sent to enrolling.
	Reported correctly enrolled.

1 *House*  
 2 *Archer* BILL NO. *159*  
 3 INTRODUCED BY *Elison Bartelme Asay*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5 CLARIFY THE LAWS RELATING TO RODENT CONTROL DISTRICTS;  
 6 CHANGING THE NAME OF THE BOARD AND DISTRICTS; PROVIDING FOR  
 7 THE TERM OF OFFICE FOR VERTEBRATE PEST MANAGEMENT BOARD  
 8 MEMBERS; AMENDING SECTIONS 7-22-2207, 7-22-2209, 7-22-2210,  
 9 7-22-2214, 7-22-2215, 7-22-2221, 7-22-2222, 7-22-2224, AND  
 10 7-22-2225, MCA."  
 11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 7-22-2207, MCA, is amended to read:  
 14 "7-22-2207. Definitions. As used in this part, unless  
 15 the context indicates otherwise, the following definitions  
 16 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" "Vertebrate pest" means ~~Columba-ground~~  
 3 ~~squirrel-(Citellus-columbianus), Richardson-ground-squirrel~~  
 4 ~~(Citellus-richardsoni), Aromatus-ground-squirrel-(Citellus~~  
 5 ~~aromatus), thirteen-striped-ground-squirrel-(Citellus~~  
 6 ~~tridecemlineatus), pocket-gopher (Thomomys, various species),~~  
 7 ~~field-mice (Microtus, various species), and prairie-dog~~  
 8 ~~(Thomomys-ludovicianus), jackrabbits, prairie dogs, ground~~  
 9 ~~squirrels, pocket gophers, rats, mice, skunks, raccoons,~~  
 10 ~~bats and depredatory and nuisance birds such as blackbirds,~~  
 11 ~~cowbirds, starlings, house sparrows, or feral pigeons when~~  
 12 ~~they are injurious to agriculture, other industries, and the~~  
 13 ~~public."~~  
 14 Section 2. Section 7-22-2209, MCA, is amended to read:  
 15 "7-22-2209. Application to leased land. Lessees of  
 16 land within the district are liable for assessments and  
 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 ~~rodent-control~~ vertebrate pest  
 20 management through chemical or other means."  
 21 Section 3. Section 7-22-2210, MCA, is amended to read:  
 22 "7-22-2210. ~~Rodent-control~~ Vertebrate pest management  
 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."

INTRODUCED BILL

-2-

HB 159

Section 4. Section 7-22-2214, MCA, is amended to read:

"7-22-2214. Hearing — decision. (1) On the date set for the hearing, the governing body shall hear comments on the proposed district. If objections have been filed by owners of at least 51% of the land within the district, the governing body shall deny the petition request and may not create the district. Prior to creating a district, the governing body shall make a finding that creation of the district is in the best interests of the district lands and residents. The decision on whether to grant or deny the petition request shall be made within 10 days of the hearing.

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

(3) A landowner within the proposed district after the initial boundaries have been established may, by petitioning the ~~board of county commissioners~~ governing body, 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~~ manage vertebrate pests on his land within a 250-yard buffer

zone of the district boundary."

Section 5. Section 7-22-2215, MCA, is amended to read:

"7-22-2215. ~~Rodent control~~ Vertebrate pest management board. (1) (a) The governing body, upon the creation of a vertebrate pest management district, shall appoint a vertebrate pest management 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 vertebrate pest management district is an ex officio member of the board.

(2) Appointments to the board shall be for 3-year staggered terms.

(3) Each member of the board 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 governing body.

(4) Board members may receive no other compensation.

(5) The county weed board appointed under 7-22-2103 shall may be appointed by the governing body to also serve as the rodent-control vertebrate pest management board, in

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

5 Section 6. Section 7-22-2221, MCA, is amended to read:

6 "7-22-2221. ~~Rodent-control~~ vertebrate pest management  
 7 fund. (1) The governing body shall establish a special fund,  
 8 to be known as the ~~rodent-control~~ vertebrate pest management  
 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.

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

17 Section 7. Section 7-22-2222, MCA, is amended to read:

18 "7-22-2222. ~~With~~ vertebrate pest management district  
 19 ~~may~~ levy authorized. (1) To administer and implement a  
 20 ~~rodent-abatement~~ district vertebrate pest management  
 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]."

2 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 ~~rodent-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 ~~rodent~~ vertebrate pest problem. The expenses of  
 14 the board in carrying out these measures shall be paid from  
 15 the fund by the governing body."

16 Section 9. Section 7-22-2225, MCA, is amended to read:

17 "7-22-2225. Reimbursement of fund. (1) Whenever the  
 18 board has undertaken ~~rodent-control~~ vertebrate pest  
 19 management 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  
 23 the reimbursement over a period not to exceed 5 years.

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

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."

**NEW SECTION.** Section 10. County to cooperate with others in controlling vertebrate pests. (1) The governing body shall cooperate with the department of livestock in the management of vertebrate pests when they are injurious to agriculture, other industries, and the public health. This cooperation shall be in accordance with organized and systematic plans of the department of livestock covering the methods and procedures to be followed in the management of vertebrate pests.

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

**NEW SECTION.** Section 11. Agreements with department of livestock. For the purpose of [section 10], the governing body shall enter into written agreements with the department of livestock covering the methods and procedures to be followed in the management of vertebrate pests, the extent of supervision to be exercised by the governing body, and

the use and expenditure of funds appropriated.

**NEW SECTION.** Section 12. County vertebrate pest management fund established. A county vertebrate pest management fund is established. The fund shall be made permanently available and is appropriated for expenditure by the governing body in the manner provided in [section 14].

**NEW SECTION.** Section 13. Financing of county vertebrate pest management program. (1) The governing body may:

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

(b) levy a tax of not to exceed 2 mills on the taxable valuation of all agricultural, horticultural, grazing, and timber lands and their improvements; or

(c) both make such appropriation and levy such tax.

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

**NEW SECTION.** Section 14. Expenditures for supplies and services authorized. In order to perform vertebrate pest management, the governing body may make necessary expenditures from the county vertebrate pest management fund for equipment, materials, supplies, and other expenses, including expenditures for personal services, as may be

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

3 NEW SECTION. 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.

16 NEW SECTION. Section 16. Initial appointments to  
17 vertebrate pest management board. Initially, at least one  
18 member of the vertebrate pest management board shall be  
19 appointed to serve a 1-year term, at least one member shall  
20 be appointed to serve a 2-year term, and at least one member  
21 shall be appointed to serve a 3-year term.

22 NEW SECTION. 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 NEW SECTION. 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.

-End-

STATE OF MONTANA

REQUEST NO. 088-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 13, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 159 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:

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.

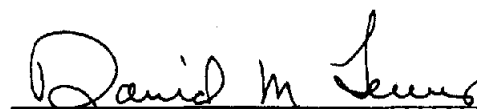
COMMENTS:

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: 1-17-83

Approved by Committee  
on Agriculture Livestock  
& Irrigation

1 HOUSE BILL NO. 159  
2 INTRODUCED BY ELLISON, BERTELSEN, ASAY, GRAHAM  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
5 CLARIFY THE LAWS RELATING TO RODENT CONTROL DISTRICTS;  
6 CHANGING THE NAME OF THE BOARD AND DISTRICTS; PROVIDING FOR  
7 THE TERM OF OFFICE FOR VERTEBRATE PEST MANAGEMENT BOARD  
8 MEMBERS; AMENDING SECTIONS 7-22-2207, 7-22-2209, 7-22-2210,  
9 7-22-2214, 7-22-2215, 7-22-2221, 7-22-2222, 7-22-2224, AND  
10 7-22-2225; REA REVISE THE RODENT CONTROL LAW; TO AUTHORIZE  
11 THE GOVERNING BODY OF A COUNTY TO ESTABLISH A PROGRAM FOR  
12 THE MANAGEMENT AND SUPPRESSION OF VERTEBRATE PESTS; AMENDING  
13 SECTIONS 7-22-2207, 7-22-2215, AND 7-22-2216, MCA; AND  
14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
17 (Refer to Introduced Bill)  
18 Strike everything after the enacting clause and insert:  
19 Section 1. Section 7-22-2207, MCA, is amended to read:  
20 "7-22-2207. Definitions. As used in this part, unless  
21 the context indicates otherwise, the following definitions  
22 apply:  
23 (1) "Board" means the rodent control board for a  
24 district.  
25 (2) "Department" means the department of livestock.

1 (3) "District" means a rodent control district created  
2 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  
6 specified in the alternative form of government adopted by a  
7 county.  
8 (6) "Rodent" means Columbia ground squirrel (~~Citellus~~  
9 Spermophilus columbianus), Richardson ground squirrel  
10 (~~Citellus Spermophilus richardsonii~~), Aramatus ground  
11 squirrel (~~Citellus Spermophilus aramatus~~), thirteen-striped  
12 ground squirrel (~~Citellus Spermophilus triecemlineatus~~),  
13 pocket gopher (Thomomys, various species), field mice  
14 (Microtus, various species), and prairie dog (Cynomys  
15 ludovicianus)."  
16 Section 2. Section 7-22-2215, MCA, is amended to read:  
17 "7-22-2215. Rodent control board. (1) A governing body  
18 creating a rodent control district shall appoint a rodent  
19 control board composed of not less than three or more than  
20 five members. The county extension agent is an ex officio  
21 member of the board. Each member of the board must be an  
22 elector and reside within the district.  
23 (2) Board members serve 3-year staggered terms. Of the  
24 members first appointed to a board, at least one shall serve  
25 a 1-year term and at least one shall serve a 2-year term.



~~(3) Each member of the board 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 established by the governing body.~~

~~(4) The county weed board appointed under 7-22-2103 shall may be appointed by the governing body to also serve as the rodent control board, in which case the qualifications, terms, compensation, mileage, and expenses of the rodent control board are the same as those of the county weed board and subsections (1) through (3) do not apply."~~

Section 3. Section 7-22-2216, MCA, is amended to read:

"7-22-2216. Board powers. (1) The board may:

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

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

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

~~(4) sell or lease such equipment, material, or services to district landowners or residents as are~~

considered necessary to implement the rodent abatement program;

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

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

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

~~(2) The board shall cooperate with the department in the management and suppression of rodent pests and may enter into written agreements with the department."~~

**NEW SECTION.** Section 4. Definitions. As used in [sections 4 through 9], the following definitions apply:

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

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

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

1 of these control methods.

2 (4) "Vertebrate pests" means jackrabbits, prairie  
3 dogs, ground squirrels, pocket gophers, rats, mice, skunks,  
4 raccoons, 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 NEW SECTION. 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 NEW SECTION. Section 6. Agreements with department.  
25 A governing body, when cooperating with the department, may

1 enter into written agreements with the department of  
2 livestock covering the methods and procedures to be followed  
3 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 NEW SECTION. 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.

12 NEW SECTION. 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  
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  
24 this section only a dollar amount that is proportional to  
25 part of the vertebrate pest program's projected fiscal year

1 budget which is allocated to the management and suppression  
2 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  
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  
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  
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 NEW\_SECTION. 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".

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

1 effective on passage and approval.

-End-

## HOUSE BILL NO. 159

INTRODUCED BY ELLISON, BERTELSEN, ASAY, GRAHAM

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 7-22-2225; MCA REVISE THE RODENT CONTROL LAW; TO AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ESTABLISH A PROGRAM FOR THE MANAGEMENT AND SUPPRESSION OF VERTEBRATE PESTS; AMENDING SECTIONS 7-22-2207, 7-22-2215, AND 7-22-2216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 7-22-2207, MCA, is amended to read:

"7-22-2207. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

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

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

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

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

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

(6) "Rodent" means Columbia ground squirrel (~~citellus~~ *Spermophilus columbianus*), Richardson ground squirrel (~~citellus~~ *Spermophilus richardsonii*), Aramatus ground squirrel (~~citellus~~ *Spermophilus aramatus*), thirteen-striped ground squirrel (~~citellus~~ *Spermophilus tridecemlineatus*), pocket gopher (*Thomomys*, various species), field mice (*Microtus*, various species), and prairie dog (*Cynomys ludovicianus*).

Section 2. Section 7-22-2215, MCA, is amended to read:

"7-22-2215. Rodent control board. (1) A governing body creating a rodent control district shall appoint a rodent control board composed of not less than three or more than five members. The county extension agent is an ex officio member of the board. Each member of the board must be an elector and reside within the district.

(2) Board members serve 3-year staggered terms. Of the members first appointed to a board, at least one shall serve a 1-year term and at least one shall serve a 2-year term.

1 ~~(1) Each member of the board is entitled to:~~  
 2 ~~(a) a mileage allowance as provided in 2-18-503 for~~  
 3 ~~the distance actually and necessarily traveled to perform~~  
 4 ~~official duties; and~~  
 5 ~~(b) per diem expenses established by the governing~~  
 6 ~~body.~~  
 7 ~~(4) The county weed board appointed under 7-22-2103~~  
 8 ~~shall may be appointed by the governing body to also serve~~  
 9 ~~as the rodent control boards in which case the~~  
 10 ~~qualifications, terms, compensation, mileage, and expenses~~  
 11 ~~of the rodent control board are the same as those of the~~  
 12 ~~county weed board and subsections (1) through (3) do not~~  
 13 ~~apply."~~

14 Section 3. Section 7-22-2216, MCA, is amended to read:  
 15 "7-22-2216. Board powers. (1) The board may:

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

19 ~~(2)(b)~~ employ such assistants and employees as are  
 20 necessary;

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

24 ~~(4)(d)~~ sell or lease such equipment, material, or  
 25 services to district landowners or residents as are

1 considered necessary to implement the rodent abatement  
 2 program;

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

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

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

11 ~~(2) The board shall cooperate with the department in~~  
 12 ~~the management and suppression of rodent pests and may enter~~  
 13 ~~into written agreements with the department."~~

14 NEW SECTION. Section 4. Definitions. As used in  
 15 [sections 4 through 9], the following definitions apply:

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

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

19 (3) "Management 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

1 of these control methods.

2 (4) "Vertebrate pests" means jackrabbits, prairie  
3 dogs, ground squirrels, pocket gophers, rats, mice, skunks,  
4 raccoons, 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 **NEW\_SECTION.** 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 **NEW\_SECTION.** Section 6. Agreements with department.  
25 A governing body, when cooperating with the department, may

1 enter into written agreements with the department of  
2 livestock covering the methods and procedures to be followed  
3 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 **NEW\_SECTION.** 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.

12 **NEW\_SECTION.** 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  
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  
24 this section only a dollar amount that is proportional to  
25 part of the vertebrate pest program's projected fiscal year

1 budget which is allocated to the management and suppression  
2 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  
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  
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  
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 **NEW SECTION.** 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".

25 **NEW SECTION.** Section 11. Effective date. This act is

1 effective on passage and approval.

-End-

## HOUSE BILL NO. 159

INTRODUCED BY ELLISON, BERTELSEN, ASAY, GRAHAM

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 7-22-2225; MCA REVISE THE RODENT CONTROL LAW; TO AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ESTABLISH A PROGRAM FOR THE MANAGEMENT AND SUPPRESSION OF VERTEBRATE PESTS; AMENDING SECTIONS 7-22-2201, 7-22-2215, AND 7-22-2216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 7-22-2207, MCA, is amended to read:

"7-22-2207. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

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

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

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

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

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

(6) "Rodent" means Columbia ground squirrel (*Eutamias* *Spermophilus* *columbianus*), Richardson ground squirrel (*Eutamias* *Spermophilus* *richardsonii*), Aramatus ground squirrel (*Eutamias* *Spermophilus* *aramatus*), thirteen-striped ground squirrel (*Eutamias* *Spermophilus* *tridecemlineatus*), pocket gopher (*Thomomys*, various species), field mice (*Microtus*, various species), and prairie dog (*Cynomys* *ludovicianus*).

Section 2. Section 7-22-2215, MCA, is amended to read:

"7-22-2215. Rodent control board. (1) A governing body creating a rodent control district shall appoint a rodent control board composed of not less than three or more than five members. The county extension agent is an ex officio member of the board. Each member of the board must be an elector and reside within the district.

(2) Board members serve 3-year staggered terms. Of the members first appointed to a board, at least one shall serve a 1-year term and at least one shall serve a 2-year term.



~~(3) Each member of the board 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 established by the governing body.~~

~~(4) The county weed board appointed under 7-22-2103 shall may be appointed by the governing body to also serve as the rodent control board, in which case the qualifications, terms, compensation, mileage, and expenses of the rodent control board are the same as those of the county weed board and subsections (1) through (3) do not apply."~~

Section 3. Section 7-22-2216, MCA, is amended to read:

"7-22-2216. Board powers. (1) The board may:

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

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

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

(4)(d) sell or lease such equipment, material, or services to district landowners or residents as are

considered necessary to implement the rodent abatement program;

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

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

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

~~(2) The board shall cooperate with the department in the management and suppression of rodent pests and may enter into written agreements with the department."~~

NEW SECTION. Section 4. Definitions. As used in [sections 4 through 9], the following definitions apply:

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

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

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

1 of these control methods.

2 (4) "Vertebrate pests" means jackrabbits, prairie  
3 dogs, ground squirrels, pocket gophers, rats, mice, skunks,  
4 raccoons, 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 **NEW SECTION.** Section 5. Management of vertebrate  
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16 followed in the management and suppression of vertebrate  
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25 A governing body, when cooperating with the department, may

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2 livestock covering the methods and procedures to be followed  
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4 extent of supervision to be exercised by the governing body,  
5 and the use and expenditures of state and county money.

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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  
24 this section only a dollar amount that is proportional to  
25 part of the vertebrate pest program's projected fiscal year

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

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5 vertebrate pest management fund.

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9 for equipment, materials, supplies, personal services, and  
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13 districts, associations, corporations, or individuals in the  
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17 equipment to the cooperating users must be credited to the  
18 county vertebrate pest management fund.

19 NEW SECTION. Section 10. Coordination instruction. If  
20 House Bill No. 85, transferring vertebrate pest management  
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22 department of agriculture, is passed and approved,  
23 references to the "department of livestock" in this act are  
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