

SENATE BILL NO. 233

Introduced: 01/20/83

Referred to Committee on Agriculture, Livestock, &

Irrigation: 01/20/83

Hearing: 1/26/83

Died in Committee.

1 *Senate* BILL NO. *233*  
 2 INTRODUCED BY *Mark D. Stoy, Etchek Hays*  
 3 *Bertalan McCallum, Oshane Berg*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LOCAL  
 5 GOVERNMENTAL BODIES TO ESTABLISH WEED CONTROL PROGRAMS  
 6 BEFORE ACCEPTING DEDICATED PARKS; AND PROVIDING AN  
 7 ADDITIONAL SOURCE OF FUNDS FOR THOSE PROGRAMS; AMENDING  
 8 SECTIONS 7-22-2142, 7-22-4101, AND 76-3-606, MCA."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-22-2142, MCA, is amended to read:

12 "7-22-2142. Sources of money for noxious weed fund.

13 (1) The board of county commissioners may create the noxious  
 14 weed fund by either:

15 (a) appropriating money from the general fund of the  
 16 county; or

17 (b) at any time fixed by law for levy and assessment  
 18 of taxes, levying a tax not exceeding 2 mills on the dollar  
 19 of total taxable valuation in such county; or

20 (c) using the cash donations in lieu of dedicated land  
 21 as provided in 76-3-606.

22 (2) The proceeds of the tax shall be used solely for  
 23 the purpose of promoting the control of noxious weeds or  
 24 extermination of weed seed in said county and shall be  
 25 designated to the noxious weed fund.

1 (3) Any proceeds from work or chemical sales shall  
 2 revert to the noxious weed fund and shall be available for  
 3 reuse within the fiscal year."

4 Section 2. Section 7-22-4101, MCA, is amended to read:

5 "7-22-4101. Control of noxious weeds within  
 6 municipality. (1) The city or town council has power to:

7 ~~(1)(a)~~ declare and determine what vegetation within  
 8 the city or town shall be noxious weeds;

9 ~~(2)(b)~~ provide the manner in which they shall be  
 10 exterminated;

11 ~~(3)(c)~~ require the owner or owners of any property  
 12 within said city or town to exterminate or remove noxious  
 13 weeds from their premises and the one-half of any road or  
 14 street lying next to the land or boulevard abutting thereon;  
 15 and

16 ~~(4)(d)~~ provide, in the event the owner or owners of  
 17 any of said premises neglect to exterminate or remove the  
 18 noxious weeds therefrom, for levying the cost of such  
 19 extermination or removal as a special tax against the  
 20 property; and

21 (e) use the cash donations in lieu of dedicated land  
 22 as provided in 76-3-606.

23 (2) Before the governing body of a city or town may  
 24 accept land dedicated to park or playground purposes, it  
 25 must have an established and active weed control program on

1 its existing real properties and rights-of-way."

2 Section 3. Section 76-3-606, MCA, is amended to read:

3 "76-3-606. Dedication of land to public -- cash  
4 donations. (1) A plat of a residential subdivision shall  
5 show that one-ninth of the combined area of lots 5 acres or  
6 less in size and one-twelfth of the combined area of lots  
7 greater than 5 acres in size, exclusive of all other  
8 dedications, is forever dedicated to the public for parks or  
9 playgrounds. No dedication may be required for the combined  
10 area of those lots in the subdivision which are larger than  
11 10 acres exclusive of all other dedications. The governing  
12 body, in consultation with the planning board having  
13 jurisdiction, may determine suitable locations for such  
14 parks and playgrounds.

15 (2) Where the dedication of land for parks or  
16 playgrounds is undesirable because of size, topography,  
17 shape, location, or other circumstances, the governing body  
18 may, for good cause shown, make an order to be endorsed and  
19 certified on the plat accepting a cash donation in lieu of  
20 the dedication of land and equal to the fair market value of  
21 the amount of land that would have been dedicated. For the  
22 purpose of this section, the fair market value is the value  
23 of the unsubdivided, unimproved land. Such Except as  
24 provided in subsection (4), such cash donation shall be paid  
25 into the park fund to be used for the purchase of additional

1 lands or for the initial development of parks and  
2 playgrounds.

3 (3) Before the governing body of a county, city, or  
4 town may accept land dedicated to park or playground  
5 purposes, it must have an established and active weed  
6 control program on its existing real properties and  
7 rights-of-way.

8 (4) One-fourth of each cash donation made under this  
9 section must be paid to the appropriate noxious weed fund.

10 (3)(5) The park dedication and cash in lieu  
11 requirements of subsections (1) and (2) do not apply to any  
12 division that creates only one additional lot."

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