

HOUSE BILL NO. 716

INTRODUCED BY THOFT, HARPER, COBB

IN THE HOUSE

February 8, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 19, 1985	On motion by Chief Sponsor, Representatives Harper and Cobb added as sponsors.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached. Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass as amended.
February 26, 1985	Correctly engrossed.
February 27, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 16, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1985	Second reading, pass consideration.
March 22, 1985	Second reading, concurred in.

March 25, 1985

Third reading, concurred in.
Ayes, 49; Noes, 0.

Returned to House with
amendments.

IN THE HOUSE

March 26, 1985

Received from Senate.

April 8, 1985

Second reading, pass
consideration.

April 9, 1985

Second reading, amendments
concurred in.

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

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 716
2 INTRODUCED BY [Signature]
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING
5 COUNTY WEED CONTROL LAWS; AMENDING SECTIONS 7-22-2101
6 THROUGH 7-22-2103, 7-22-2107, 7-22-2121, 7-22-2126, AND
7 7-22-2142, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 7-22-2101, MCA, is amended to read:
11 "7-22-2101. Definitions. As used in this part, unless
12 the context indicates otherwise, the following definitions
13 apply:

14 (1) "Commissioners" means the board of county
15 commissioners.

16 (2) "District" means the area included within the
17 boundaries of an organized weed control and weed seed
18 extermination district.

19 (3) "Noxious weeds" or "weeds" means Canadian thistle
20 (*Cirsium arvense* (L.) scop.), wild morning glory or bindweed
21 (*Convolvulus arvensis* L.), whitetop (*Lepidium draba* L.),
22 leafy spurge (*Euphorbia virgata* waldst. and kit.), Russian
23 knapweed (*Centaurea pteris pallas.*), spotted knapweed
24 (*Centaurea maculosa* L.), diffuse knapweed (*Centaurea diffusa*
25 L.), and such other weeds as may be defined and designated

1 as noxious weeds by the weed board of county commissioners
2 of each county, subject to the approval of the county
3 extension agent or agricultural experiment station at
4 Montana state university following public notice of intent
5 and public hearing.

6 (4) "Seed" or "seeds" means the seed of any noxious
7 weed.

8 (5) "Supervisors" means the persons appointed by the
9 board of county commissioners to supervise the weed control
10 and weed seed extermination within the county."

11 Section 2. Section 7-22-2102, MCA, is amended to read:

12 "7-22-2102. Weed control and weed seed extermination
13 districts established. A weed control and weed seed
14 extermination district shall be formed in every county of
15 this state and shall include all the land within the
16 boundaries of the county. A weed control and weed seed
17 extermination district may include more than one county
18 through agreement of the county commissioners of the
19 affected counties."

20 Section 3. Section 7-22-2103, MCA, is amended to read:

21 "7-22-2103. County weed board. (1) The board of county
22 commissioners of each county shall appoint a county weed
23 board consisting of three or five members, and:

24 (a) if a three-member board, two members shall be
25 rural agricultural landowners within the county and one



-2- INTRODUCED BILL
HB 716

1 member shall be a teacher of biology or a person with
2 comparable expertise; or

3 (b) if a five-member board, three members shall be
4 rural agricultural landowners within the county, one member
5 shall be a resident of a city or town within the county, and
6 one member shall be a teacher of biology or a person with
7 comparable expertise.

8 (2) The county extension agent in each county ~~is an ex~~
9 ~~officio member~~ and other interested individuals may be
10 appointed to serve as nonvoting members of that county's
11 weed board.

12 (3) The supervisors are public officers."

13 Section 4. Section 7-22-2107, MCA, is amended to read:

14 "7-22-2107. Unlawful to willfully permit noxious weeds
15 to ~~go to--seed~~ propagate. (1) It shall be unlawful to
16 willfully permit any noxious weed, as named in this part or
17 designated by the board of county commissioners of the
18 respective county, to ~~go--to--seed~~ propagate on any lands
19 within the area of any district.

20 (2) This section shall apply to all persons,
21 partnerships, corporations, or companies owning, occupying,
22 or controlling lands, easements, or rights-of-way, as well
23 as all county, state, and federally owned and controlled
24 highways and state lands and also all drainage and
25 irrigation ditches, spoil banks, borrow pits, and

1 rights-of-way for canals and laterals within the district."

2 Section 5. Section 7-22-2121, MCA, is amended to read:

3 "7-22-2121. Weed control program. The supervisors
4 shall ~~control~~ establish management criteria for each noxious
5 weed and manage noxious weeds on all lands within the
6 confines of the district. They shall take particular
7 precautions to control the noxious weeds while preserving
8 beneficial vegetation and wildlife habitat. Where at all
9 possible, methods for such control shall include mowing
10 cultural, chemical, and biological methods. The supervisors
11 may establish special management zones within the district.
12 The management criteria may be more or less stringent than
13 the criteria for the district."

14 Section 6. Section 7-22-2126, MCA, is amended to read:

15 "7-22-2126. Embargo to prevent introduction of noxious
16 weeds and seeds. Whenever the supervisors have reason to
17 believe that equipment, construction material, or farm
18 products, including seed, which will cause the spread of
19 noxious weeds are about to be introduced into the county,
20 the supervisors shall declare an embargo against the
21 importation of such equipment, construction material, farm
22 products, and or seeds into such county."

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

24 "7-22-2142. Sources of money for noxious weed fund.

25 (1) The board of county commissioners may create the noxious

1 weed fund by either:

2 (a) appropriating money from the general fund of the
3 county; or and

4 (b) at any time fixed by law for levy and assessment
5 of taxes, levying a tax not exceeding 2 mills on the dollar
6 of total taxable valuation in such county.

7 (2) The proceeds of the tax shall be used solely for
8 the purpose of promoting the control of noxious weeds or
9 extermination of weed seed in said county and shall be
10 designated to the noxious weed fund.

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

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

1 STATEMENT OF INTENT

2 HOUSE BILL 716

3 House Agriculture Committee

4

5 It is the intent of the legislature that the rulemaking
6 authority of the department of agriculture under section 1
7 be employed to designate noxious weeds in a manner
8 consistent with the definition of noxious weeds provided in
9 section 1 and consistent with the weed management criteria
10 to be developed under section 6(2)(b).

HOUSE BILL NO. 716

INTRODUCED BY THOPT, HARPER, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COUNTY WEED CONTROL LAWS; AMENDING SECTIONS ~~7-22-2101~~ THROUGH ~~7-22-2103~~, ~~7-22-2107~~, ~~7-22-2121~~, ~~7-22-2126~~, AND ~~7-22-2142~~ 7-3-4453, 7-14-2131, 7-14-2132, 7-22-2101 THROUGH 7-22-2105, 7-22-2107, 7-22-2108, 7-22-2121, 7-22-2123, 7-22-2124, 7-22-2126, 7-22-2141 THROUGH 7-22-2146, 7-22-2148, 7-22-2150, 7-22-2215, 7-22-4101, AND 77-6-114, MCA; AND REPEALING SECTIONS 7-22-2122, 7-22-2125, 7-22-2127, AND 7-22-2147, MCA."

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 7-22-2101, MCA, is amended to read:

"7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Board" means a district weed board created under 7-22-2103.

(2) "Commissioners" means the board of county commissioners.

(3) "Department" means the department of agriculture

provided for in 2-15-3001.

(4) "District" means ~~the area included within the boundaries of an organized a weed control and weed seed extermination management district organized under 7-22-2102.~~

(5) (a) "Noxious weeds" or "weeds" means ~~Canadian thistle (Cirsium arvense (L.) Scop.), wild morning glory or bindweed (Convolvulus arvensis L.), whitetop (Lepidium draba L.), leafy spurge (Euphorbia virgata Waldst. and Kit.), Russian knapweed (Centaurea pteris-pallas), and such other weeds as may be defined and designated as noxious weeds by the board of county commissioners of each county, subject to the approval of the county extension agent or agricultural experiment station at Montana state university. any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses and which is designated:~~

(i) as a statewide noxious weed by rule of the department; or

(ii) as a district noxious weed by a board, following public notice of intent and a public hearing.

(b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state.

(4) ~~"Seed" or "seeds" means the seed of any noxious~~

1 weed.

2 ~~(5) "Supervisors" means the persons appointed by the~~
3 ~~board of county commissioners to supervise the weed control~~
4 ~~and weed seed extermination within the county.~~

5 (6) "Person" means an individual, partnership,
6 corporation, association, or state or local government
7 agency or subdivision owning, occupying, or controlling any
8 land, easement, or right-of-way, including any county,
9 state, or federally owned and controlled highway, drainage
10 or irrigation ditch, spoil bank, borrow pit, or right-of-way
11 for a canal or lateral.

12 (7) "Supervisor" means the person employed by the
13 board to conduct the district noxious weed management
14 program and supervise other district employees.

15 (8) "Weed management" or "control" means the planning
16 and implementation of a coordinated program for the
17 containment, suppression, and, where possible, eradication
18 of noxious weeds."

19 Section 2. Section 7-22-2102, MCA, is amended to read:

20 "7-22-2102. Weed control and weed seed extermination
21 management districts established. A weed control and weed
22 seed extermination management district shall be formed in
23 every county of this state and shall include all the land
24 within the boundaries of the county, except that a weed
25 management district may include more than one county through

1 agreement of the commissioners of the affected counties."

2 Section 3. Section 7-22-2103, MCA, is amended to read:

3 "7-22-2103. County District weed board. (1) The board
4 of county commissioners of each county shall appoint a
5 county district weed board consisting of three or five
6 members, and:

7 (a) if a three-member board, two members shall be
8 rural agricultural landowners within the county district and
9 one member shall be a ~~teacher of biology or a person with~~
10 comparable expertise member-at-large; or

11 (b) if a five-member board, three members shall be
12 rural agricultural landowners within the county district,
13 one member shall be a resident of a city or town within the
14 county district, and one member shall be a ~~teacher of~~
15 biology or a person with comparable expertise
16 member-at-large.

17 (2) The county extension agent in each county ~~is an ex~~
18 officio member and other interested individuals may be
19 appointed to serve as nonvoting members of that county's
20 district's weed board.

21 (3) The supervisors board members are public
22 officers."

23 Section 4. Section 7-22-2104, MCA, is amended to read:

24 "7-22-2104. Term of office. (1) Except as provided in
25 subsection (2), a member of a county district weed board

1 serves a term of 3 years and until the qualification of his
2 successor. The term of office begins January 1.

3 (2) When a three-member weed board is established, the
4 initial board members serve terms of 1, 2, and 3 years,
5 respectively, as designated by the commissioners. When a
6 five-member weed board is established, two of the initial
7 members serve terms of 1 year, two serve terms of 2 years,
8 and one serves a term of 3 years. After expiration of an
9 initial term of office, the successor serves a 3-year term
10 as provided in subsection (1)."

11 Section 5. Section 7-22-2105, MCA, is amended to read:

12 "7-22-2105. Organization of county district weed board
13 and compensation. (1) The board ~~of--weed--control~~ shall
14 organize by choosing a chairman and a secretary. The
15 secretary may or may not be a member of the board.

16 (2) Salary, per diem, and mileage of such ~~supervisors~~
17 board members shall be set by resolution of the ~~board--of~~
18 county commissioners.

19 (3) A majority of the board constitutes a quorum for
20 the conduct of business."

21 NEW SECTION. Section 6. Powers and duties of board.

22 (1) The board may:

23 (a) employ a supervisor and other employees as
24 necessary and provide for their compensation;

25 (b) purchase such chemicals, materials, and equipment

1 and pay other operational costs as it determines necessary
2 for implementing an effective weed management program. Such
3 costs must be paid from the noxious weed fund.

4 (c) determine what chemicals, materials, or equipment
5 may be made available to persons controlling weeds on their
6 own land. The cost for such chemicals, materials, or
7 equipment must be paid by such person and collected as
8 provided in this part.

9 (d) enter into agreements with the department for the
10 control and eradication of any new exotic plant species not
11 previously established in the state which may render land
12 unfit for agriculture, forestry, livestock, wildlife, or
13 other beneficial use if such plant species spreads or
14 threatens to spread into the state; and

15 (e) perform other activities relating to weed
16 management.

17 (2) The board shall:

18 (a) administer the district's noxious weed program;

19 (b) establish management criteria for noxious weeds on
20 all land within the district;

21 (c) make all reasonable efforts to develop and
22 implement a noxious weed program covering all land within
23 the district owned or administered by a federal agency.

24 Section 7. Section 7-22-2107, MCA, is amended to read:

25 "7-22-2107. Unlawful to ~~willfully~~ permit noxious weeds

1 to go-to-seed propagate. ~~It shall be~~ is unlawful for any
 2 person to willfully permit any noxious weed, as named in
 3 this part or designated by the board of county commissioners
 4 of the respective county, to propagate or go to seed on any
 5 lands--within the area of any district his land, except that
 6 any person who adheres to the noxious weed management
 7 program of his district or who has entered into and is in
 8 compliance with a noxious weed management agreement is
 9 considered to be in compliance with this section.

10 ~~{2}--This---section---shall---apply---to---all---persons,~~
 11 ~~partnerships, corporations, or companies owning, occupying,~~
 12 ~~or controlling lands, easements, or rights-of-way, as well~~
 13 ~~as all county, state, and federally owned and controlled~~
 14 ~~highways--and--state--lands--and--also--all--drainage--and~~
 15 ~~irrigation--ditches,--spoil--banks,--borrow--pits,--and~~
 16 ~~rights-of-way--for--canals--and--laterals--within--the--district--"~~

17 Section 8. Section 7-22-2108, MCA, is amended to read:
 18 "7-22-2108. Violations. (1) Any person who in any
 19 manner interferes with the supervisors or their deputies and
 20 employees board or its authorized agent in carrying out the
 21 provisions of this part or who refuses to obey an order or
 22 notice of a supervisor the board is guilty of a misdemeanor,
 23 and upon conviction thereof, he shall be fined not to exceed
 24 \$100 for the first offense and not less than \$100 or more
 25 than \$200 for each subsequent offense.

1 (2) All fines, bonds, and penalties collected under
 2 the provisions of this part shall be paid to the county
 3 treasurer of each county and placed by him to the credit of
 4 a fund to be known as the noxious weed fund."

5 Section 9. Section 7-22-2121, MCA, is amended to read:
 6 "7-22-2121. Weed control management program. (1) The
 7 noxious weed management program must be based on a plan
 8 approved by the board.

9 (2) The noxious weed management plan must:
 10 (a) specify the goals and priorities of the program;
 11 (b) review the distribution and abundance of each
 12 noxious weed species known to occur within the district and
 13 specify the locations of new infestations and areas
 14 particularly susceptible to new infestations; and
 15 (c) estimate the personnel, operations, and equipment
 16 costs of the proposed program.

17 (3) The supervisors board shall control provide for
 18 the management of noxious weeds on all lands land or
 19 rights-of-way owned or controlled by a county or
 20 municipality within the confines of the district. They It
 21 shall take particular precautions to control while managing
 22 the noxious weeds while preserving to preserve beneficial
 23 vegetation and wildlife habitat. Where at all possible,
 24 methods for such control shall include mowing cultural,
 25 chemical, and biological methods.

1 (4) The board may establish special management zones
 2 within the district. The management criteria in such zones
 3 may be more or less stringent than the general management
 4 criteria for the district."

5 NEW SECTION. Section 10. Cooperative agreements. (1)
 6 Any state agency controlling land within a district,
 7 including the department of highways; the department of
 8 state lands; the department of fish, wildlife, and parks;
 9 the department of institutions; the department of natural
 10 resources and conservation; and the university system, shall
 11 enter into a written agreement with the board. The agreement
 12 must specify mutual responsibilities for noxious weed
 13 management on state-owned or state-controlled land within
 14 the district.

15 (2) The board and the governing body of each
 16 incorporated municipality within the district shall enter
 17 into a written agreement and shall cooperatively plan for
 18 the management of noxious weeds within the boundaries of the
 19 municipality. The board may implement management procedures
 20 described in the plan within the boundaries of the
 21 municipality for noxious weeds only. Control of nuisance
 22 weeds within the municipality remains the responsibility of
 23 the governing body of the municipality, as specified in
 24 7-22-4101.

25 (3) A board may develop and carry out its noxious weed

1 management program in cooperation with boards of other
 2 districts, with state and federal governments and their
 3 agencies, or with any person within the district. The board
 4 may enter into cooperative agreements with any of these
 5 parties.

6 NEW SECTION. Section 11. Revegetation of
 7 rights-of-way and disturbed areas. (1) Any state agency or
 8 local government unit approving a mine, major facility,
 9 transmission line, solid waste facility, highway,
 10 subdivision, or any other development resulting in
 11 significant disturbance of land within a district shall
 12 notify the board.

13 (2) Whenever any person or agency disturbs vegetation
 14 on an easement or right-of-way within a district by
 15 construction of a road, irrigation or drainage ditch,
 16 pipeline, transmission line, or other development, the board
 17 shall require that the disturbed areas be seeded, planted,
 18 or otherwise managed to reestablish a cover of beneficial
 19 plants.

20 (3) (a) The person or agency disturbing the land shall
 21 submit to the board a written plan specifying the methods to
 22 be used to accomplish revegetation. The plan must describe
 23 the time and method of seeding, fertilization practices,
 24 recommended plant species, use of weed-free seed, and the
 25 weed management procedures to be used.

1 (b) The plan is subject to approval by the board,
2 which may require revisions to bring the revegetation plan
3 into compliance with the district weed management plan. Upon
4 approval by the board, the revegetation plan must be signed
5 by the chairman of the board and the person or agency
6 responsible for the disturbance and constitutes a binding
7 agreement between the board and such person or agency.

8 NEW SECTION. Section 12. Voluntary agreements for
9 control of noxious weeds along roads. (1) Any person may
10 voluntarily seek to enter into an agreement for the
11 management of noxious weeds along a state or county highway
12 or road bordering or running through his land. The
13 supervisor may draft such an agreement upon the request of
14 and in cooperation with the person; however, the agreement
15 must, in the board's judgment, provide for effective weed
16 management. The weed management agreement must be signed by
17 the person and, upon approval of the board, by the chairman.
18 An agreement involving a state highway right-of-way must
19 also be signed by a representative of the department of
20 highways.

21 (2) The agreement must contain a statement disclaiming
22 any liability of the board and, if applicable, the
23 department of highways for any injuries or losses suffered
24 by the person in managing noxious weeds on the state or
25 county highway right-of-way. The signed agreement transfers

1 responsibility for managing noxious weeds on the specified
2 section of right-of-way from the board to the person signing
3 the agreement. If the board later finds that the person has
4 failed to adhere to the agreement, the board shall issue an
5 order informing the person that the agreement will be void
6 and that responsibility for the management of noxious weeds
7 on the right-of-way will revert to the board unless the
8 person complies with the provisions of the agreement within
9 a specified time period.

10 Section 13. Section 7-22-2123, MCA, is amended to
11 read:

12 "7-22-2123. ~~Operation---of---weed---control---program~~
13 Procedure in case of noncompliance. (1)-The-supervisors-may
14 employ-suitable-and-competent-persons-as-assistants-and
15 employees-as-may-be-necessary-and-provide-for-their
16 compensation.

17 ~~(2)-(a)(1)~~ Where complaint has been made and--the
18 supervisors--have or the board has reason to believe that
19 noxious weeds described in this part are present upon the
20 lands a person's land within the district in violation of
21 the law, they-shall-forthwith--inspect--the--premises; that
22 person must be notified by mail or telephone of the
23 complaint and the board may request inspection of such land.
24 The board or its authorized agent and the landowner or his
25 representative shall inspect the land at an agreeable time,

1 within 10 days of notification of the landowner. If after
 2 reasonable effort the board is unable to gain cooperation of
 3 the person, the board or its authorized agent may enter and
 4 inspect the land to determine if the complaint is valid.

5 (b)(2) If such noxious weeds are found, the
 6 supervisors board or supervisor shall cause written notice
 7 to be served on the person permitting the same, directing
 8 him to comply with the provisions of this part within a
 9 period of time specified in said notice; notify the person
 10 or his representative and seek voluntary compliance with the
 11 district weed control program. If voluntary compliance is
 12 not possible, notice of noncompliance must be sent to the
 13 person by certified mail.

14 (3) The notice must specify:

15 (a) the basis for the determination of noncompliance;

16 (b) the geographic location of the area of
 17 noncompliance, by legal description or other reasonably
 18 identifiable description;

19 (c) measures to be undertaken in order to comply with
 20 the district's management criteria; and

21 (d) a reasonable period of time, not less than 10
 22 days, in which compliance measures must be initiated.

23 (4) A person is considered in compliance if he submits
 24 and the board accepts a proposal to undertake specified
 25 control measures and is in compliance for so long as he

1 performs according to the terms of the proposal. If the
 2 measures proposed to be taken extend beyond the current
 3 growing season, the proposal and acceptance must be in
 4 writing.

5 (5) In accepting or rejecting a proposal, the board
 6 shall consider the economic impact on the person and his
 7 neighbors, practical biological and environmental
 8 limitations, and alternative control methods to be used."

9 Section 14. Section 7-22-2124, MCA, is amended to
 10 read:

11 "7-22-2124. Destruction of weeds by supervisors---
 12 report to county clerk board. (1) If the notice be not
 13 obeyed corrective action is not taken and no proposal is
 14 made and accepted within the time specified in the notice,
 15 the supervisors shall board may forthwith enter upon the
 16 person's land and institute appropriate control measures,
 17 and make report thereof to the county clerk, with a
 18 verified, itemized account of their services and expenses in
 19 so doing and a description of the lands involved, and shall
 20 include in said account the necessary cost and expense of
 21 chemicals, man hours of labor, and equipment employed, at a
 22 rate paid, in the immediate vicinity, for labor per day and
 23 for equipment used for an 8-hour day.

24 (2) In effectively controlling such weeds, the
 25 supervisors are authorized to take possession and control of

1 ~~any--infested--tract-of-land-within-their-district,--together~~
 2 ~~with-any-fences-or-ditches-thereon,--and-to-move-any-fence-or~~
 3 ~~ditch-where-necessary-in-order-to-better-conduct-the-control~~
 4 ~~work,--if-any-fence-or-ditch-be--moved,--the--same--shall--be~~
 5 ~~replaced-upon-completion-of-the-control-work-if-requested-by~~
 6 ~~the-landowner: In such case the board shall submit a bill to~~
 7 ~~the person, itemizing man-hours of labor, material, and~~
 8 ~~equipment time, together with a penalty not exceeding 10% of~~
 9 ~~the total cost incurred. Labor and equipment must be valued~~
 10 ~~at the current rate paid for commercial management~~
 11 ~~operations in the district. The bill must specify and order~~
 12 ~~a payment due date of 30 days from the date the bill is~~
 13 ~~sent.~~

14 (2) A copy of the bill must also be submitted by the
 15 board to the county clerk and recorder."

16 NEW SECTION. Section 15. Administrative hearing --
 17 appeals. (1) A person adversely affected by any notice,
 18 action, or order of the board may request an administrative
 19 hearing before the board. The board shall hold a hearing
 20 within 30 days of the request. Participants may be
 21 represented by legal counsel. The board shall make a record
 22 of the proceeding and enter its order and findings within 7
 23 days after the hearing.

24 (2) An order of the board may be appealed to the
 25 commissioners within 30 days from the time the order is

1 entered. The commissioners shall hear such appeal within 30
 2 days after the notice of appeal and shall render their order
 3 and findings within 7 days after such hearing. Participants
 4 may be represented by legal counsel.

5 (3) Within 30 days after the commissioners render
 6 their order and findings, the person adversely affected may
 7 file a petition in district court requesting that the order
 8 and findings of the commissioners be set aside or modified.
 9 The court may affirm, modify, or set aside the order
 10 complained of, in whole or in part.

11 Section 16. Section 7-22-2126, MCA, is amended to
 12 read:

13 "7-22-2126. Embargo to-prevent-introduction-of-noxious
 14 weeds-and-seeds. Whenever-the--supervisors--have--reason--to
 15 believe-that-farm-products,--including-seed,--which-will-cause
 16 the--spread-of-noxious-weeds-are-about-to-be-introduced-into
 17 the-county,--the-supervisors-shall-declare-an-embargo-against
 18 the-importation-of-such-farm-products-and--seeds--into--such
 19 county The board may establish voluntary embargo programs to
 20 reduce the spread of noxious weeds within the district or
 21 the introduction of noxious weeds into the district."

22 Section 17. Section 7-22-2141, MCA, is amended to
 23 read:

24 "7-22-2141. Noxious weed fund authorized. (1) The
 25 board-of-county commissioners of any each county in this

1 state ~~may shall~~ create a noxious weed control~~-and-weed-seed~~
2 ~~extermination management~~ fund, to be designated the "noxious
3 weed fund".

4 (2) This fund shall be kept separate and distinct by
5 the county treasurer."

6 Section 18. Section 7-22-2142, MCA, is amended to
7 read:

8 "7-22-2142. Sources of money for noxious weed fund.

9 (1) The ~~board-of-county~~ commissioners may create the noxious
10 weed fund by either:

11 (a) appropriating money from the general fund of the
12 county; or

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

16 (c) levying a tax in excess of 2 mills if authorized
17 by a majority of the qualified electors voting in an
18 election held for this purpose pursuant to 7-6-2531 through
19 7-6-2536.

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

24 (3) Any proceeds from work or chemical sales shall
25 revert to the noxious weed fund and shall be available for

1 reuse within the that fiscal year or any subsequent year.

2 (4) The commissioners may accept any private, state,
3 or federal gifts, grants, contracts, or other funds to aid
4 in the management of noxious weeds within the district.
5 These funds must be placed in the noxious weed fund."

6 Section 19. Section 7-22-2143, MCA, is amended to
7 read:

8 "7-22-2143. Determination of cost of weed control
9 program. The commissioners shall determine and fix the cost
10 of the control of noxious weeds ~~and-of-extermination-of~~
11 ~~noxious-weed-seed~~ in ~~weed-districts,~~ the district, whether
12 the same be performed by the individual landowners or by the
13 supervisors board."

14 Section 20. Section 7-22-2144, MCA, is amended to
15 read:

16 "7-22-2144. Payment of cost of weed control program.
17 The total cost of such control shall be paid from the
18 noxious weed fund. The cost of controlling such weeds
19 growing along the right-of-way of a state or federal highway
20 shall, upon the presentation by the supervisors board of a
21 verified account of the expenses incurred, be paid from the
22 state highway fund in compliance with 7-14-2132 and any
23 agreement between the board and the department of highways.
24 Costs attributed to other lands within the district shall be
25 assessed to and collected from the ~~appropriate-holder-or~~

1 ~~owner--of--interest~~ responsible person as set forth in
 2 7-22-2107."

3 Section 21. Section 7-22-2145, MCA, is amended to
 4 read:

5 "7-22-2145. Expenditures from noxious weed fund. (1)
 6 The noxious weed fund shall be expended by the commissioners
 7 at such time and in such manner as is deemed best by said
 8 supervisors the board to secure the control and
 9 extermination of noxious weeds ~~and-weed-seed~~.

10 (2) Warrants upon such fund shall be drawn by the
 11 supervisors board. No warrants shall be drawn except upon
 12 claims duly itemized by the claimant, except payroll claims
 13 which shall be itemized and certified by the supervisors
 14 board, and each such claim shall be presented to the board
 15 of-county commissioners for its approval before the warrant
 16 therefor shall be countersigned by the commissioners."

17 Section 22. Section 7-22-2146, MCA, is amended to
 18 read:

19 "7-22-2146. Financial assistance to landowners persons
 20 responsible for weed control. ~~if--in--the--judgment--of--the~~
 21 ~~commissioners--and--supervisors--it--seems--advisable--they--may~~
 22 ~~agree--to--assist--the--landowners--in--said--district--with--a--part~~
 23 ~~of--the--cost--of--weed--control--on--their--land--if--this--is--to--be~~
 24 ~~done--then--in--cases--where--the--landowner--controls--the--weeds~~
 25 ~~and--exterminates--the--weed--seed--he--shall--present--to--the~~

1 ~~supervisors--a--duly--verified--claim--for--one--third--of--such~~
 2 ~~cost--and--when--the--same--has--been--approved--by--the--supervisors~~
 3 ~~and--commissioners--it--shall--be--paid--to--such--landowner--out--of~~
 4 ~~the--noxious--weed--fund--(1) The commissioners, upon~~
 5 ~~recommendation of the board, may establish cost-share~~
 6 ~~programs with any person, specifying costs that may be paid~~
 7 ~~from the noxious weed fund and costs that must be paid by~~
 8 ~~the person. Cost-share programs may be established for~~
 9 ~~special projects and for established management zones.~~

10 (2) (a) When under the terms of any voluntary
 11 agreement, whether entered into pursuant to 7-22-2123 or
 12 otherwise, or under any cost-share program entered pursuant
 13 to this section a person incurs any obligation for materials
 14 or services provided by the board, the board shall submit a
 15 bill to the person, itemizing man-hours of labor, material,
 16 and equipment time. The bill must specify and order a
 17 payment due date not less than 30 days from the date the
 18 bill is sent.

19 (b) A copy of the bill must be submitted by the board
 20 to the county clerk and recorder. If the sum to be repaid by
 21 the person billed is not repaid on or before the date due,
 22 the county clerk and recorder shall certify the amount
 23 thereof, with the description of the land to be charged, and
 24 shall enter the sum on the assessment list as a special tax
 25 on the land, to be collected in the manner provided in

1 7-22-2148."

2 Section 23. Section 7-22-2148, MCA, is amended to
3 read:

4 "7-22-2148. Tax liability for payment of weed control
5 expenses. (1) The expenses referred to in 7-22-2124 shall be
6 paid by the county out of the noxious weed fund, and unless
7 the sum to be repaid by the ~~owner-or-occupant~~ person billed
8 under 7-22-2124 is repaid ~~before-the-succeeding-October-15~~
9 on or before the date due, the county clerk shall certify
10 the amount thereof, with the description of the land to be
11 charged, and shall enter the same on the assessment list of
12 the county as a special tax on the land. If the land for any
13 reason is exempt from general taxation, the amount of such
14 charge may be recovered by direct claim against the lessee
15 and collected in the same manner as personal taxes. When
16 such charges are collected, they shall be credited to the
17 noxious weed fund.

18 (2) In determining what lands are included as land
19 covered by the special tax and are described in the
20 certificate of the county clerk, it is presumed that all
21 work done upon any of the land of any one landowner is for
22 the benefit of all of the land within the district belonging
23 to such owner which was contiguous to or joined the parcel
24 upon which the work was done at the time the work was done,
25 together with the parcel upon which the work was done, and

1 the amount certified becomes a tax upon the whole thereof."

2 Section 24. Section 7-22-2150, MCA, is amended to
3 read:

4 "7-22-2150. Cooperation with state and federal-aid
5 programs. The ~~supervisors--are~~ board is empowered to
6 cooperate with any state or federal-aid program that becomes
7 available. Under such a plan of cooperation, the direction
8 of the program shall be under the direct supervision of the
9 ~~supervisors-of-the-county~~ board of the district in which the
10 program operates."

11 Section 25. Section 7-3-4453, MCA, is amended to read:

12 "7-3-4453. Assessments for snow, ice, weed, and
13 rubbish removal. The commission shall have the power to
14 provide by ordinance for assessing against the abutting
15 property the cost of removing from the sidewalks all
16 accumulation of snow and ice and for assessing against the
17 property the cost of cutting and removing therefrom
18 ~~obnoxious~~ nuisance weeds and rubbish."

19 Section 26. Section 7-14-2131, MCA, is amended to
20 read:

21 "7-14-2131. Reseeding of right-of-way. {1} Whenever
22 the natural sod cover on right-of-way areas is disturbed by
23 construction of county roads, irrigation ditches, drain
24 ditches, or otherwise, the board of county commissioners
25 shall require ~~that--such--distarbed--areas-be-seeded-to-an~~

1 ~~adaptable--perennial--grass--or--combination--of--perennial~~
 2 ~~grasses--and--legumes--Every--effort--shall--be--made--to--establish~~
 3 ~~a--sod--cover--on--the--disturbed--area--~~

4 ~~(2)--All--seed--used--shall--meet--certified--standards--~~
 5 ~~(3)--Time--and--method--of--seeding--fertiizing--practices--~~
 6 ~~and--grass--species--shall--be--those--recommended--by--the--Montana~~
 7 ~~extension--service--the--person--or--agency--responsible--for--the~~
 8 ~~disturbance--to--comply--with--[section--11]."~~

9 Section 27. Section 7-14-2132, MCA, is amended to
 10 read:

11 "7-14-2132. Control of weeds along roads and highways.
 12 (1) The district weed board of weed control--and--weed--seed
 13 extermination supervisors shall control noxious weeds on the
 14 county roads.

15 (2) If the department of highways does not control
 16 noxious weeds on state and federal highways in any county,
 17 the supervisors district weed board shall control them. Upon
 18 presentation by the supervisors board of a verified account
 19 of the expenses incurred, the costs of control shall be paid
 20 by the department."

21 Section 28. Section 7-22-2215, MCA, is amended to
 22 read:

23 "7-22-2215. Rodent control board. (1) A governing body
 24 creating a rodent control district shall appoint a rodent
 25 control board composed of not less than three or more than

1 five members. The county extension agent is an ex officio
 2 member of the board. Each member of the board must be an
 3 elector and reside within the district.

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

7 (3) Each member of the board is entitled to:

8 (a) a mileage allowance as provided in 2-18-503 for
 9 the distance actually and necessarily traveled to perform
 10 official duties; and

11 (b) per diem expenses established by the governing
 12 body.

13 (4) The county district weed board appointed under
 14 7-22-2103 may be appointed by the governing body to also
 15 serve as the rodent control board, in which case the
 16 qualifications, terms, compensation, mileage, and expenses
 17 of the rodent control board are the same as those of the
 18 county district weed board and subsections (1) through (3)
 19 do not apply."

20 Section 29. Section 7-22-4101, MCA, is amended to
 21 read:

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

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

1 {2}(b) provide the manner in which they shall be
2 exterminated;

3 {3}(c) require the owner or owners of any property
4 within said city or town to exterminate or remove noxious
5 nuisance weeds from their premises and the one-half of any
6 road or street lying next to the land or boulevard abutting
7 thereon; and

8 {4}(d) provide, in the event the owner or owners of
9 any of said premises neglect to exterminate or remove the
10 noxious nuisance weeds therefrom, for levying the cost of
11 such extermination or removal as a special tax against the
12 property.

13 (2) A noxious weed as defined in 7-22-2101 may not be
14 declared a nuisance weed under this section."

15 Section 30. Section 77-6-114, MCA, is amended to read:

16 "77-6-114. Lessee responsible for assessments and
17 taxes for weed control. It shall be the duty of the board in
18 leasing any agricultural state land to provide in such lease
19 that the lessee of lands so leased lying within the
20 boundaries of any noxious weed control ~~and--weed--seed~~
21 ~~extermination~~ district shall assume and pay all assessments
22 and taxes levied by the board of county commissioners for
23 such district on such state lands, and such assessments and
24 tax levy shall be imposed on such lessee as a personal
25 property tax and shall be collected by the county treasurer

1 in the same manner as regular personal property taxes are
2 collected. All such state lessees shall be required under
3 the terms of such lease to pay such assessment and tax levy
4 at the same time and manner as other regular personal taxes
5 are paid."

6 NEW SECTION. Section 31. Codification instruction.
7 Sections 6, 10 through 12, and 15 are intended to be
8 codified as an integral part of Title 7, chapter 22, part
9 21, and the provisions of Title 7, chapter 22, part 21,
10 apply to sections 6, 10 through 12, and 15.

11 NEW SECTION. Section 32. Repealer. Sections
12 7-22-2122, 7-22-2125, 7-22-2127, and 7-22-2147, MCA, are
13 repealed.

14 NEW SECTION. Section 33. Severability. If a part of
15 this act is invalid, all valid parts that are severable from
16 the invalid part remain in effect. If a part of this act is
17 invalid in one or more of its applications, the part remains
18 in effect in all valid applications that are severable from
19 the invalid applications.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 716

3 House Agriculture Committee

4

5 It is the intent of the legislature that the rulemaking
6 authority of the department of agriculture under section 1
7 be employed to designate noxious weeds in a manner
8 consistent with the definition of noxious weeds provided in
9 section 1 and consistent with the weed management criteria
10 to be developed under section 6(2)(b).

HOUSE BILL NO. 716

INTRODUCED BY THOFT, HARPER, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COUNTY WEED CONTROL LAWS; AMENDING SECTIONS 7-22-2101 THROUGH 7-22-2103, 7-22-2107, 7-22-2121, 7-22-2126, AND 7-22-2142 7-3-4453, 7-14-2131, 7-14-2132, 7-22-2101 THROUGH 7-22-2105, 7-22-2107, 7-22-2108, 7-22-2121, 7-22-2123, 7-22-2124, 7-22-2126, 7-22-2141 THROUGH 7-22-2146, 7-22-2148, 7-22-2150, 7-22-2215, 7-22-4101, AND 7-6-114, MCA; AND REPEALING SECTIONS 7-22-2122, 7-22-2125, 7-22-2127, AND 7-22-2147, MCA."

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 7-22-2101, MCA, is amended to read:

"7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Board" means a district weed board created under 7-22-2103.

(2) "Commissioners" means the board of county commissioners.

(3) "Department" means the department of agriculture

provided for in 2-15-3001.

(4) "District" means the area included within the boundaries of an organized a weed control and weed seed extermination management district organized under 7-22-2102.

(5) (a) "Noxious weeds" or "weeds" means Canadian thistle (Cirsium arvense (L.) Scop.), wild morning glory or bindweed (Convolvulus arvensis L.), whitetop (Lepidium draba L.), leafy spurge (Euphorbia virgata Waldst. and Kit.) Russian knapweed (Centaurea pteris-pallas), and such other weeds as may be defined and designated as noxious weeds by the board of county commissioners of each county, subject to the approval of the county extension agent or agricultural experiment station at Montana state university; any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses and which is designated:

(i) as a statewide noxious weed by rule of the department; or

(ii) as a district noxious weed by a board, following public notice of intent and a public hearing.

(b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state.

(4) "Seed" or "seeds" means the seed of any noxious



1 weed:

2 ~~(5) "Supervisors" means the persons appointed by the~~
3 ~~board of county commissioners to supervise the weed control~~
4 ~~and weed seed extermination within the county.~~

5 (6) "Person" means an individual, partnership,
6 corporation, association, or state or local government
7 agency or subdivision owning, occupying, or controlling any
8 land, easement, or right-of-way, including any county,
9 state, or federally owned and controlled highway, drainage
10 or irrigation ditch, spoil bank, borrow pit, or right-of-way
11 for a canal or lateral.

12 (7) "Supervisor" means the person employed by the
13 board to conduct the district noxious weed management
14 program and supervise other district employees.

15 (8) "Weed management" or "control" means the planning
16 and implementation of a coordinated program for the
17 containment, suppression, and, where possible, eradication
18 of noxious weeds."

19 Section 2. Section 7-22-2102, MCA, is amended to read:

20 "7-22-2102. Weed control and weed seed extermination
21 management districts established. A weed control and weed
22 seed extermination management district shall be formed in
23 every county of this state and shall include all the land
24 within the boundaries of the county, except that a weed
25 management district may include more than one county through

1 agreement of the commissioners of the affected counties."

2 Section 3. Section 7-22-2103, MCA, is amended to read:

3 "7-22-2103. County District weed board. (1) The board
4 of county commissioners of each county shall appoint a
5 county district weed board consisting of three or five
6 members, and:

7 (a) if a three-member board, two members shall be
8 rural agricultural landowners within the county district and
9 one member shall be a teacher of biology or a person with
10 comparable expertise member-at-large; or

11 (b) if a five-member board, three members shall be
12 rural agricultural landowners within the county district,
13 one member shall be a resident of a city or town within the
14 county district, and one member shall be a teacher of
15 biology or a person with comparable expertise
16 member-at-large.

17 (2) The county extension agent in each county is an ex
18 officio member and other interested individuals may be
19 appointed to serve as nonvoting members of that county's
20 district's weed board.

21 (3) The supervisors board members are public
22 officers."

23 Section 4. Section 7-22-2104, MCA, is amended to read:

24 "7-22-2104. Term of office. (1) Except as provided in
25 subsection (2), a member of a county district weed board

1 serves a term of 3 years and until the qualification of his
2 successor. The term of office begins January 1.

3 (2) When a three-member weed board is established, the
4 initial board members serve terms of 1, 2, and 3 years,
5 respectively, as designated by the commissioners. When a
6 five-member weed board is established, two of the initial
7 members serve terms of 1 year, two serve terms of 2 years,
8 and one serves a term of 3 years. After expiration of an
9 initial term of office, the successor serves a 3-year term
10 as provided in subsection (1)."

11 Section 5. Section 7-22-2105, MCA, is amended to read:

12 "7-22-2105. Organization of county district weed board
13 and compensation. (1) The board of ~~weed control~~ shall
14 organize by choosing a chairman and a secretary. The
15 secretary may or may not be a member of the board.

16 (2) Salary, per diem, and mileage of such supervisors
17 board members shall be set by resolution of the board--of
18 county commissioners.

19 (3) A majority of the board constitutes a quorum for
20 the conduct of business."

21 NEW SECTION. Section 6. Powers and duties of board.

22 (1) The board may:

23 (a) employ a supervisor and other employees as
24 necessary and provide for their compensation;

25 (b) purchase such chemicals, materials, and equipment

1 and pay other operational costs as it determines necessary
2 for implementing an effective weed management program. Such
3 costs must be paid from the noxious weed fund.

4 (c) determine what chemicals, materials, or equipment
5 may be made available to persons controlling weeds on their
6 own land. The cost for such chemicals, materials, or
7 equipment must be paid by such person and collected as
8 provided in this part.

9 (d) enter into agreements with the department for the
10 control and eradication of any new exotic plant species not
11 previously established in the state which may render land
12 unfit for agriculture, forestry, livestock, wildlife, or
13 other beneficial use if such plant species spreads or
14 threatens to spread into the state; and

15 (e) perform other activities relating to weed
16 management.

17 (2) The board shall:

18 (a) administer the district's noxious weed program;

19 (b) establish management criteria for noxious weeds on
20 all land within the district;

21 (c) make all reasonable efforts to develop and
22 implement a noxious weed program covering all land within
23 the district owned or administered by a federal agency.

24 Section 7. Section 7-22-2107, MCA, is amended to read:

25 "7-22-2107. Unlawful to willfully permit noxious weeds

1 to go-to-seed propagate. ~~(1)~~ It shall be is unlawful for any
 2 person to wilfully permit any noxious weed, ~~as named in~~
 3 ~~this part or designated by the board of county commissioners~~
 4 ~~of the respective county,~~ to propagate or go-to-seed on any
 5 ~~lands within the area of any district~~ his land, except that
 6 any person who adheres to the noxious weed management
 7 program of his district or who has entered into and is in
 8 compliance with a noxious weed management agreement is
 9 considered to be in compliance with this section.

10 ~~(2) This section shall apply to all persons,~~
 11 ~~partnerships, corporations, or companies owning, occupying,~~
 12 ~~or controlling lands, easements, or rights-of-way, as well~~
 13 ~~as all county, state, and federally owned and controlled~~
 14 ~~highways and state lands and also all drainage and~~
 15 ~~irrigation ditches, spoil banks, borrow pits, and~~
 16 ~~rights-of-way for canals and laterals within the district.~~

17 Section 8. Section 7-22-2108, MCA, is amended to read:
 18 "7-22-2108. Violations. (1) Any person who in any
 19 manner interferes with the supervisors or their deputies and
 20 employees board or its authorized agent in carrying out the
 21 provisions of this part or who refuses to obey an order or
 22 notice of a supervisor the board is guilty of a misdemeanor,
 23 and upon conviction thereof, he shall be fined not to exceed
 24 \$100 for the first offense and not less than \$100 or more
 25 than \$200 for each subsequent offense.

1 (2) All fines, bonds, and penalties collected under
 2 the provisions of this part shall be paid to the county
 3 treasurer of each county and placed by him to the credit of
 4 a fund to be known as the noxious weed fund."

5 Section 9. Section 7-22-2121, MCA, is amended to read:
 6 "7-22-2121. Weed control management program. (1) The
 7 noxious weed management program must be based on a plan
 8 approved by the board.

9 (2) The noxious weed management plan must:
 10 (a) specify the goals and priorities of the program;
 11 (b) review the distribution and abundance of each
 12 noxious weed species known to occur within the district and
 13 specify the locations of new infestations and areas
 14 particularly susceptible to new infestations; and
 15 (c) estimate the personnel, operations, and equipment
 16 costs of the proposed program.

17 (3) The supervisors board shall control provide for
 18 the management of noxious weeds on all lands land or
 19 rights-of-way owned or controlled by a county or
 20 municipality within the confines of the district. They It
 21 shall take particular precautions to control while managing
 22 the noxious weeds while preserving to preserve beneficial
 23 vegetation and wildlife habitat. Where at all possible,
 24 methods for such control shall include mowing cultural,
 25 chemical, and biological methods.

1 (4) The board may establish special management zones
 2 within the district. The management criteria in such zones
 3 may be more or less stringent than the general management
 4 criteria for the district."

5 NEW SECTION. Section 10. Cooperative agreements. (1)
 6 Any state agency controlling land within a district,
 7 including the department of highways; the department of
 8 state lands; the department of fish, wildlife, and parks;
 9 the department of institutions; the department of natural
 10 resources and conservation; and the university system, shall
 11 enter into a written agreement with the board. The agreement
 12 must specify mutual responsibilities for noxious weed
 13 management on state-owned or state-controlled land within
 14 the district.

15 (2) The board and the governing body of each
 16 incorporated municipality within the district shall enter
 17 into a written agreement and shall cooperatively plan for
 18 the management of noxious weeds within the boundaries of the
 19 municipality. The board may implement management procedures
 20 described in the plan within the boundaries of the
 21 municipality for noxious weeds only. Control of nuisance
 22 weeds within the municipality remains the responsibility of
 23 the governing body of the municipality, as specified in
 24 7-22-4101.

25 (3) A board may develop and carry out its noxious weed

1 management program in cooperation with boards of other
 2 districts, with state and federal governments and their
 3 agencies, or with any person within the district. The board
 4 may enter into cooperative agreements with any of these
 5 parties.

6 NEW SECTION. Section 11. Revegetation of
 7 rights-of-way and disturbed areas. (1) Any state agency or
 8 local government unit approving a mine, major facility,
 9 transmission line, solid waste facility, highway,
 10 subdivision, or any other development resulting in
 11 significant disturbance of land within a district shall
 12 notify the board.

13 (2) Whenever any person or agency disturbs vegetation
 14 on an easement or right-of-way within a district by
 15 construction of a road, irrigation or drainage ditch,
 16 pipeline, transmission line, or other development, the board
 17 shall require that the disturbed areas be seeded, planted,
 18 or otherwise managed to reestablish a cover of beneficial
 19 plants.

20 (3) (a) The person or agency disturbing the land shall
 21 submit to the board a written plan specifying the methods to
 22 be used to accomplish revegetation. The plan must describe
 23 the time and method of seeding, fertilization practices,
 24 recommended plant species, use of weed-free seed, and the
 25 weed management procedures to be used.

(b) The plan is subject to approval by the board, which may require revisions to bring the revegetation plan into compliance with the district weed management plan. Upon approval by the board, the revegetation plan must be signed by the chairman of the board and the person or agency responsible for the disturbance and constitutes a binding agreement between the board and such person or agency.

NEW SECTION. Section 12. Voluntary agreements for control of noxious weeds along roads. (1) Any person may voluntarily seek to enter into an agreement for the management of noxious weeds along a state or county highway or road bordering or running through his land. The supervisor may draft such an agreement upon the request of and in cooperation with the person; however, the agreement must, in the board's judgment, provide for effective weed management. The weed management agreement must be signed by the person and, upon approval of the board, by the chairman. An agreement involving a state highway right-of-way must also be signed by a representative of the department of highways.

(2) The agreement must contain a statement disclaiming any liability of the board and, if applicable, the department of highways for any injuries or losses suffered by the person in managing noxious weeds on the state or county highway right-of-way. The signed agreement transfers

responsibility for managing noxious weeds on the specified section of right-of-way from the board to the person signing the agreement. If the board later finds that the person has failed to adhere to the agreement, the board shall issue an order informing the person that the agreement will be void and that responsibility for the management of noxious weeds on the right-of-way will revert to the board unless the person complies with the provisions of the agreement within a specified time period.

Section 13. Section 7-22-2123, MCA, is amended to read:

~~"7-22-2123. Operation of weed control program Procedure in case of noncompliance. (1) The supervisors may employ suitable and competent persons as assistants and employees as may be necessary and provide for their compensation.~~

(2) (1) Where complaint has been made and the supervisors have or the board has reason to believe that noxious weeds described in this part are present upon the lands a person's land within the district in violation of the law, they shall forthwith inspect the premises that person must be notified by CERTIFIED mail or telephone of the complaint and the board may request inspection of such land. The board or its authorized agent and the landowner or his representative shall inspect the land at an agreeable

1 time, within 10 days of notification of the landowner. If
 2 after reasonable effort the board is unable to gain
 3 cooperation of the person, the board or its authorized agent
 4 may enter and inspect the land to determine if the complaint
 5 is valid.

6 (b)(2) If such noxious weeds are found, the
 7 supervisors board or supervisor shall cause-written-notice
 8 to-be-served-on-the-person-permitting-the-same,--directing
 9 him--to--comply--with--the--provisions-of-this-part-within-a
 10 period-of-time-specified-in-said-notice; notify the person
 11 or his representative and seek voluntary compliance with the
 12 district weed control program. If voluntary compliance is
 13 not possible, notice of noncompliance must be sent to the
 14 person by certified mail.

15 (3) The notice must specify:

16 (a) the basis for the determination of noncompliance;

17 (b) the geographic location of the area of
 18 noncompliance, by legal description or other reasonably
 19 identifiable description;

20 (c) measures to be undertaken in order to comply with
 21 the district's management criteria; and

22 (d) a reasonable period of time, not less than 10
 23 days, in which compliance measures must be initiated.

24 (4) A person is considered in compliance if he submits
 25 and the board accepts a proposal to undertake specified

1 control measures and is in compliance for so long as he
 2 performs according to the terms of the proposal. If the
 3 measures proposed to be taken extend beyond the current
 4 growing season, the proposal and acceptance must be in
 5 writing.

6 (5) In accepting or rejecting a proposal, the board
 7 shall consider the economic impact on the person and his
 8 neighbors, practical biological and environmental
 9 limitations, and alternative control methods to be used."

10 Section 14. Section 7-22-2124, MCA, is amended to
 11 read:

12 "7-22-2124. Destruction of weeds by supervisors---
 13 report-to-county-clerk board. (1) If the--notice--be--not
 14 obeyed corrective action is not taken and no proposal is
 15 made and accepted within the time specified in the notice,
 16 the supervisors--shall board may forthwith enter upon the
 17 person's land and institute appropriate control measures.
 18 and--make--report--thereof--to--the--county--clerk,--with--a
 19 verified, itemized account of their services and expenses in
 20 so doing and a description of the lands involved, and shall
 21 include--in--said--account--the--necessary--cost--and--expense--of
 22 chemicals, man-hours of labor, and equipment employed, at a
 23 rate paid, in the immediate vicinity, for labor per day and
 24 for equipment used for an 8-hour day.

25 (2) --in--effectively--controlling--such--weeds,--the

1 ~~supervisors are authorized to take possession and control of~~
 2 ~~any infested tract of land within their district, together~~
 3 ~~with any fences or ditches thereon, and to move any fence or~~
 4 ~~ditch where necessary in order to better conduct the control~~
 5 ~~work. If any fence or ditch be moved, the same shall be~~
 6 ~~replaced upon completion of the control work if requested by~~
 7 ~~the landowner.~~ In such case the board shall submit a bill to
 8 the person, itemizing man-hours of labor, material, and
 9 equipment time, together with a penalty not exceeding 10% of
 10 the total cost incurred. Labor and equipment must be valued
 11 at the current rate paid for commercial management
 12 operations in the district. The bill must specify and order
 13 a payment due date of 30 days from the date the bill is
 14 sent.

15 (2) A copy of the bill must also be submitted by the
 16 board to the county clerk and recorder."

17 NEW SECTION. Section 15. Administrative hearing --
 18 appeals. (1) A person adversely affected by any notice,
 19 action, or order of the board may request an administrative
 20 hearing before the board. The board shall hold a hearing
 21 within 30 days of the request. Participants may be
 22 represented by legal counsel. The board shall make a record
 23 of the proceeding and enter its order and findings within 7
 24 days after the hearing.

25 (2) An order of the board may be appealed to the

1 commissioners within 30 days from the time the order is
 2 entered. The commissioners shall hear such appeal within 30
 3 days after the notice of appeal and shall render their order
 4 and findings within 7 days after such hearing. Participants
 5 may be represented by legal counsel.

6 (3) Within 30 days after the commissioners render
 7 their order and findings, the person adversely affected may
 8 file a petition in district court requesting that the order
 9 and findings of the commissioners be set aside or modified.
 10 The court may affirm, modify, or set aside the order
 11 complained of, in whole or in part.

12 Section 16. Section 7-22-2126, MCA, is amended to
 13 read:

14 "7-22-2126. Embargo to prevent introduction of noxious
 15 weeds and seeds. Whenever the supervisors have reason to
 16 believe that farm products, including seed, which will cause
 17 the spread of noxious weeds are about to be introduced into
 18 the county, the supervisors shall declare an embargo against
 19 the importation of such farm products and seeds into such
 20 county The board may establish voluntary embargo programs to
 21 reduce the spread of noxious weeds within the district or
 22 the introduction of noxious weeds into the district."

23 Section 17. Section 7-22-2141, MCA, is amended to
 24 read:

25 "7-22-2141. Noxious weed fund authorized. (1) The

1 ~~board-of-county~~ commissioners of any each county in this
 2 state ~~may shall~~ create a noxious weed control-and-weed-seed
 3 extermination management fund, to be designated the "noxious
 4 weed fund".

5 (2) This fund shall be kept separate and distinct by
 6 the county treasurer."

7 Section 18. Section 7-22-2142, MCA, is amended to
 8 read:

9 "7-22-2142. Sources of money for noxious weed fund.

10 (1) The ~~board-of-county~~ commissioners may create the noxious
 11 weed fund by either:

12 (a) appropriating money from the general fund of the
 13 county; or

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

17 (c) levying a tax in excess of 2 mills if authorized
 18 by a majority of the qualified electors voting in an
 19 election held for this purpose pursuant to 7-6-2531 through
 20 7-6-2536.

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

25 (3) Any proceeds from work or chemical sales shall

1 revert to the noxious weed fund and shall be available for
 2 reuse within the that fiscal year or any subsequent year.

3 (4) The commissioners may accept any private, state,
 4 or federal gifts, grants, contracts, or other funds to aid
 5 in the management of noxious weeds within the district.
 6 These funds must be placed in the noxious weed fund."

7 Section 19. Section 7-22-2143, MCA, is amended to
 8 read:

9 "7-22-2143. Determination of cost of weed control
 10 program. The commissioners shall determine and fix the cost
 11 of the control of noxious weeds ~~and-of-extermination-of~~
 12 ~~noxious-weed-seed~~ in ~~weed-districts,~~ the district, whether
 13 the same be performed by the individual landowners or by the
 14 supervisors board."

15 Section 20. Section 7-22-2144, MCA, is amended to
 16 read:

17 "7-22-2144. Payment of cost of weed control program.
 18 The total cost of such control shall be paid from the
 19 noxious weed fund. The cost of controlling such weeds
 20 growing along the right-of-way of a state or federal highway
 21 shall, upon the presentation by the supervisors board of a
 22 verified account of the expenses incurred, be paid from the
 23 state highway fund in compliance with 7-14-2132 and any
 24 agreement between the board and the department of highways.
 25 Costs attributed to other lands within the district shall be

1 assessed to and collected from the ~~appropriate holder or~~
2 ~~owner of interest~~ responsible person as set forth in
3 7-22-2107."

4 Section 21. Section 7-22-2145, MCA, is amended to
5 read:

6 "7-22-2145. Expenditures from noxious weed fund. (1)
7 The noxious weed fund shall be expended by the commissioners
8 at such time and in such manner as is deemed best by said
9 supervisors the board to secure the control and
10 extermination of noxious weeds ~~and weed seed~~.

11 (2) Warrants upon such fund shall be drawn by the
12 supervisors board. No warrants shall be drawn except upon
13 claims duly itemized by the claimant, except payroll claims
14 which shall be itemized and certified by the supervisors
15 board, and each such claim shall be presented to the board
16 of county commissioners for its approval before the warrant
17 therefor shall be countersigned by the commissioners."

18 Section 22. Section 7-22-2146, MCA, is amended to
19 read:

20 "7-22-2146. Financial assistance to ~~landowners persons~~
21 responsible for weed control. ~~if in the judgment of the~~
22 ~~commissioners and supervisors it seems advisable, they may~~
23 ~~agree to assist the landowners in said district with a part~~
24 ~~of the cost of weed control on their land. If this is to be~~
25 ~~done, then in cases where the landowner controls the weeds~~

1 ~~and exterminates the weed seed, he shall present to the~~
2 ~~supervisors a duly verified claim for one third of such~~
3 ~~cost, and when the same has been approved by the supervisors~~
4 ~~and commissioners, it shall be paid to such landowner out of~~
5 ~~the noxious weed fund. (1) The commissioners, upon~~
6 ~~recommendation of the board, may establish cost-share~~
7 ~~programs with any person, specifying costs that may be paid~~
8 ~~from the noxious weed fund and costs that must be paid by~~
9 ~~the person. Cost-share programs may be established for~~
10 ~~special projects and for established management zones.~~

11 (2) (a) When under the terms of any voluntary
12 agreement, whether entered into pursuant to 7-22-2123 or
13 otherwise, or under any cost-share program entered pursuant
14 to this section a person incurs any obligation for materials
15 or services provided by the board, the board shall submit a
16 bill to the person, itemizing man-hours of labor, material,
17 and equipment time. The bill must specify and order a
18 payment due date not less than 30 days from the date the
19 bill is sent.

20 (b) A copy of the bill must be submitted by the board
21 to the county clerk and recorder. If the sum to be repaid by
22 the person billed is not repaid on or before the date due,
23 the county clerk and recorder shall certify the amount
24 thereof, with the description of the land to be charged, and
25 shall enter the sum on the assessment list as a special tax

1 on the land, to be collected in the manner provided in
2 7-22-2148."

3 Section 23. Section 7-22-2148, MCA, is amended to
4 read:

5 "7-22-2148. Tax liability for payment of weed control
6 expenses. (1) The expenses referred to in 7-22-2124 shall be
7 paid by the county out of the noxious weed fund, and unless
8 the sum to be repaid by the owner-or-occupant person billed
9 under 7-22-2124 is repaid before-the-succeeding-October-15
10 on or before the date due, the county clerk shall certify
11 the amount thereof, with the description of the land to be
12 charged, and shall enter the same on the assessment list of
13 the county as a special tax on the land. If the land for any
14 reason is exempt from general taxation, the amount of such
15 charge may be recovered by direct claim against the lessee
16 and collected in the same manner as personal taxes. When
17 such charges are collected, they shall be credited to the
18 noxious weed fund.

19 (2) In determining what lands are included as land
20 covered by the special tax and are described in the
21 certificate of the county clerk, it is presumed that all
22 work done upon any of the land of any one landowner is for
23 the benefit of all of the land within the district belonging
24 to such owner which was contiguous to or joined the parcel
25 upon which the work was done at the time the work was done,

1 together with the parcel upon which the work was done, and
2 the amount certified becomes a tax upon the whole thereof."

3 Section 24. Section 7-22-2150, MCA, is amended to
4 read:

5 "7-22-2150. Cooperation with state and federal-aid
6 programs. The supervisors--are board is empowered to
7 cooperate with any state or federal-aid program that becomes
8 available. Under such a plan of cooperation, the direction
9 of the program shall be under the direct supervision of the
10 supervisors-of-the-county board of the district in which the
11 program operates."

12 Section 25. Section 7-3-4453, MCA, is amended to read:

13 "7-3-4453. Assessments for snow, ice, weed, and
14 rubbish removal. The commission shall have the power to
15 provide by ordinance for assessing against the abutting
16 property the cost of removing from the sidewalks all
17 accumulation of snow and ice and for assessing against the
18 property the cost of cutting and removing therefrom
19 obnoxious nuisance weeds and rubbish."

20 Section 26. Section 7-14-2131, MCA, is amended to
21 read:

22 "7-14-2131. Reseeding of right-of-way. (1) Whenever
23 the natural sod cover on right-of-way areas is disturbed by
24 construction of county roads, irrigation ditches, drain
25 ditches, or otherwise, the board of county commissioners

1 shall require that ~~such disturbed areas be seeded to an~~
 2 ~~adaptable perennial grass or combination of perennial~~
 3 ~~grasses and legumes. Every effort shall be made to establish~~
 4 ~~a sod cover on the disturbed area.~~

5 ~~{2} All seed used shall meet certified standards.~~
 6 ~~{3} Time and method of seeding, fertilizing practices,~~
 7 ~~and grass species shall be those recommended by the Montana~~
 8 ~~extension service: the person or agency responsible for the~~
 9 ~~disturbance to comply with [section 11]."~~

10 Section 27. Section 7-14-2132, MCA, is amended to
 11 read:

12 "7-14-2132. Control of weeds along roads and highways.
 13 (1) The district weed board of weed control and weed seed
 14 extermination supervisors shall control noxious weeds on the
 15 county roads.

16 (2) If the department of highways does not control
 17 noxious weeds on state and federal highways in any county,
 18 the supervisors district weed board shall control them. Upon
 19 presentation by the supervisors board of a verified account
 20 of the expenses incurred, the costs of control shall be paid
 21 by the department."

22 Section 28. Section 7-22-2215, MCA, is amended to
 23 read:

24 "7-22-2215. Rodent control board. (1) A governing body
 25 creating a rodent control district shall appoint a rodent

1 control board composed of not less than three or more than
 2 five members. The county extension agent is an ex officio
 3 member of the board. Each member of the board must be an
 4 elector and reside within the district.

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

8 (3) Each member of the board is entitled to:

9 (a) a mileage allowance as provided in 2-18-503 for
 10 the distance actually and necessarily traveled to perform
 11 official duties; and

12 (b) per diem expenses established by the governing
 13 body.

14 (4) The county district weed board appointed under
 15 7-22-2103 may be appointed by the governing body to also
 16 serve as the rodent control board, in which case the
 17 qualifications, terms, compensation, mileage, and expenses
 18 of the rodent control board are the same as those of the
 19 county district weed board and subsections (1) through (3)
 20 do not apply."

21 Section 29. Section 7-22-4101, MCA, is amended to
 22 read:

23 "7-22-4101. Control of noxious nuisance weeds within
 24 municipality. (1) The city or town council has power to:

25 ~~{1}~~(a) declare and determine what vegetation within

1 the city or town shall be noxious nuisance weeds;

2 (2)(b) provide the manner in which they shall be
3 exterminated;

4 (3)(c) require the owner or owners of any property
5 within said city or town to exterminate or remove noxious
6 nuisance weeds from their premises and the one-half of any
7 road or street lying next to the land or boulevard abutting
8 thereon; and

9 (4)(d) provide, in the event the owner or owners of
10 any of said premises neglect to exterminate or remove the
11 noxious nuisance weeds therefrom, for levying the cost of
12 such extermination or removal as a special tax against the
13 property.

14 (2) A noxious weed as defined in 7-22-2101 may not be
15 declared a nuisance weed under this section."

16 Section 30. Section 77-6-114, MCA, is amended to read:

17 "77-6-114. Lessee responsible for assessments and
18 taxes for weed control. It shall be the duty of the board in
19 leasing any agricultural state land to provide in such lease
20 that the lessee of lands so leased lying within the
21 boundaries of any noxious weed control and--weed--seed
22 extermination district shall assume and pay all assessments
23 and taxes levied by the board of county commissioners for
24 such district on such state lands, and such assessments and
25 tax levy shall be imposed on such lessee as a personal

1 property tax and shall be collected by the county treasurer
2 in the same manner as regular personal property taxes are
3 collected. All such state lessees shall be required under
4 the terms of such lease to pay such assessment and tax levy
5 at the same time and manner as other regular personal taxes
6 are paid."

7 NEW SECTION. Section 31. Codification instruction.
8 Sections 6, 10 through 12, and 15 are intended to be
9 codified as an integral part of Title 7, chapter 22, part
10 21, and the provisions of Title 7, chapter 22, part 21,
11 apply to sections 6, 10 through 12, and 15.

12 NEW SECTION. Section 32. Repealer. Sections
13 7-22-2122, 7-22-2125, 7-22-2127, and 7-22-2147, MCA, are
14 repealed.

15 NEW SECTION. Section 33. Severability. If a part of
16 this act is invalid, all valid parts that are severable from
17 the invalid part remain in effect. If a part of this act is
18 invalid in one or more of its applications, the part remains
19 in effect in all valid applications that are severable from
20 the invalid applications.

-End-

SENATE

STANDING COMMITTEE REPORT

March 15

1985.....

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK & IRRIGATION

having had under consideration HOUSE BILL No. 716

third reading copy (blue color)

Thoft (Williams)

GENERALLY REVISING COUNTY WEED CONTROL LAWS

HOUSE BILL 716

Respectfully report as follows: That No.


be amended as follows:

- 1. Page 7, line 4.
Following: "seed"
Insert: "or go to seed"
- 2. Page 12, line 22.
Following: notified by"
Strike: "CERTIFIED"
Following: "telephone"
Insert: "or telephone"

1/B

AND AS AMENDED
BE CONCURRED IN

DO PASS
XXXXXX
DOXNOXPASS


PAUL F. BOYLAN, Chairman.

1 STATEMENT OF INTENT

2 HOUSE BILL 716

3 House Agriculture Committee

4

5 It is the intent of the legislature that the rulemaking
6 authority of the department of agriculture under section 1
7 be employed to designate noxious weeds in a manner
8 consistent with the definition of noxious weeds provided in
9 section 1 and consistent with the weed management criteria
10 to be developed under section 6(2)(b).

HOUSE BILL NO. 716

INTRODUCED BY THOFT, HARPER, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COUNTY WEED CONTROL LAWS; AMENDING SECTIONS 7-22-2101 THROUGH 7-22-2103, 7-22-2107, 7-22-2117, 7-22-2126, AND 7-22-2142 7-3-4453, 7-14-2131, 7-14-2132, 7-22-2101 THROUGH 7-22-2105, 7-22-2107, 7-22-2108, 7-22-2121, 7-22-2123, 7-22-2124, 7-22-2126, 7-22-2141 THROUGH 7-22-2146, 7-22-2148, 7-22-2150, 7-22-2215, 7-22-4101, AND 77-6-114, MCA; AND REPEALING SECTIONS 7-22-2122, 7-22-2125, 7-22-2127, AND 7-22-2147, MCA."

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 7-22-2101, MCA, is amended to read:

"7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Board" means a district weed board created under 7-22-2103.

(2) "Commissioners" means the board of county commissioners.

(3) "Department" means the department of agriculture

provided for in 2-15-3001.

(4) "District" means the area included within the boundaries of an organized a weed control and weed seed extermination management district organized under 7-22-2102.

(5) (a) "Noxious weeds" or "weeds" means Canadian thistle (Cirsium arvense (L.) Scop.), wild morning glory or bindweed (Convolvulus arvensis L.), whitetop (Lepidium draba L.), leafy spurge (Euphorbia virgata Waldst. and Kit.), Russian knapweed (Centaurea pteris-pallas), and such other weeds as may be defined and designated as noxious weeds by the board of county commissioners of each county, subject to the approval of the county extension agent or agricultural experiment station at Montana state university; any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses and which is designated:

(i) as a statewide noxious weed by rule of the department; or

(ii) as a district noxious weed by a board, following public notice of intent and a public hearing.

(b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state.

(4) "Seed" or "seeds" means the seed of any noxious



1 weed-

2 (5) ~~---"Supervisors" means the persons appointed by the~~
3 ~~board of county commissioners to supervise the weed control~~
4 ~~and weed seed extermination within the county.~~

5 (6) "Person" means an individual, partnership,
6 corporation, association, or state or local government
7 agency or subdivision owning, occupying, or controlling any
8 land, easement, or right-of-way, including any county,
9 state, or federally owned and controlled highway, drainage
10 or irrigation ditch, spoil bank, borrow pit, or right-of-way
11 for a canal or lateral.

12 (7) "Supervisor" means the person employed by the
13 board to conduct the district noxious weed management
14 program and supervise other district employees.

15 (8) "Weed management" or "control" means the planning
16 and implementation of a coordinated program for the
17 containment, suppression, and, where possible, eradication
18 of noxious weeds."

19 Section 2. Section 7-22-2102, MCA, is amended to read:

20 "7-22-2102. ~~Weed control and weed seed extermination~~
21 ~~management~~ districts established. A ~~weed control and weed~~
22 ~~seed extermination management~~ district shall be formed in
23 every county of this state and shall include all the land
24 within the boundaries of the county, except that a weed
25 management district may include more than one county through

1 agreement of the commissioners of the affected counties."

2 Section 3. Section 7-22-2103, MCA, is amended to read:

3 "7-22-2103. ~~County~~ District weed board. (1) The board
4 of county commissioners ~~of each county~~ shall appoint a
5 county district weed board consisting of three or five
6 members, and:

7 (a) if a three-member board, two members shall be
8 rural agricultural landowners within the county district and
9 one member shall be a ~~teacher of biology or a person with~~
10 ~~comparable expertise member at large;~~ or

11 (b) if a five-member board, three members shall be
12 rural agricultural landowners within the county district,
13 one member shall be a resident of a city or town within the
14 county district, and one member shall be a ~~teacher of~~
15 ~~biology or a person with comparable expertise~~
16 ~~member at large.~~

17 (2) The county extension agent in each county ~~is an ex~~
18 ~~officio member~~ and other interested individuals may be
19 appointed to serve as nonvoting members of that county's
20 district's weed board.

21 (3) The supervisors board members are public
22 officers."

23 Section 4. Section 7-22-2104, MCA, is amended to read:

24 "7-22-2104. Term of office. (1) Except as provided in
25 subsection (2), a member of a county district weed board

1 serves a term of 3 years and until the qualification of his
 2 successor. The term of office begins January 1.

3 (2) When a three-member weed board is established, the
 4 initial board members serve terms of 1, 2, and 3 years,
 5 respectively, as designated by the commissioners. When a
 6 five-member weed board is established, two of the initial
 7 members serve terms of 1 year, two serve terms of 2 years,
 8 and one serves a term of 3 years. After expiration of an
 9 initial term of office, the successor serves a 3-year term
 10 as provided in subsection (1)."

11 Section 5. Section 7-22-2105, MCA, is amended to read:

12 "7-22-2105. Organization of county district weed board
 13 and compensation. (1) The board of ~~weed control~~ shall
 14 organize by choosing a chairman and a secretary. The
 15 secretary may or may not be a member of the board.

16 (2) Salary, per diem, and mileage of such ~~supervisors~~
 17 board members shall be set by resolution of the ~~board of~~
 18 county commissioners.

19 (3) A majority of the board constitutes a quorum for
 20 the conduct of business."

21 NEW SECTION. Section 6. Powers and duties of board.

22 (1) The board may:

23 (a) employ a supervisor and other employees as
 24 necessary and provide for their compensation;

25 (b) purchase such chemicals, materials, and equipment

1 and pay other operational costs as it determines necessary
 2 for implementing an effective weed management program. Such
 3 costs must be paid from the noxious weed fund.

4 (c) determine what chemicals, materials, or equipment
 5 may be made available to persons controlling weeds on their
 6 own land. The cost for such chemicals, materials, or
 7 equipment must be paid by such person and collected as
 8 provided in this part.

9 (d) enter into agreements with the department for the
 10 control and eradication of any new exotic plant species not
 11 previously established in the state which may render land
 12 unfit for agriculture, forestry, livestock, wildlife, or
 13 other beneficial use if such plant species spreads or
 14 threatens to spread into the state; and

15 (e) perform other activities relating to weed
 16 management.

17 (2) The board shall:

18 (a) administer the district's noxious weed program;

19 (b) establish management criteria for noxious weeds on
 20 all land within the district;

21 (c) make all reasonable efforts to develop and
 22 implement a noxious weed program covering all land within
 23 the district owned or administered by a federal agency.

24 Section 7. Section 7-22-2107, MCA, is amended to read:

25 "7-22-2107. Unlawful to ~~willfully~~ permit noxious weeds

1 to go-to-seed propagate. ~~††~~ It shall be is unlawful for any
 2 person to willfully permit any noxious weed, ~~as named in~~
 3 ~~this part or designated by the board of county commissioners~~
 4 ~~of the respective county,~~ to propagate or go-to-seed OR GO
 5 TO SEED on ~~any lands within the area of any district his~~
 6 ~~land, except that any person who adheres to the noxious weed~~
 7 ~~management program of his district or who has entered into~~
 8 ~~and is in compliance with a noxious weed management~~
 9 ~~agreement is considered to be in compliance with this~~
 10 ~~section.~~

11 ~~††~~ ~~This section shall apply to all persons,~~
 12 ~~partnerships, corporations, or companies owning, occupying,~~
 13 ~~or controlling lands, easements, or rights-of-way, as well~~
 14 ~~as all county, state, and federally owned and controlled~~
 15 ~~highways and state lands and also all drainage and~~
 16 ~~irrigation ditches, spoil banks, borrow pits, and~~
 17 ~~rights-of-way for canals and laterals within the district."~~

18 Section 8. Section 7-22-2108, MCA, is amended to read:
 19 "7-22-2108. Violations. (1) Any person who in any
 20 manner interferes with the ~~supervisors or their deputies and~~
 21 ~~employees~~ board or its authorized agent in carrying out the
 22 provisions of this part or who refuses to obey an order or
 23 notice of a supervisor the board is guilty of a misdemeanor,
 24 and upon conviction thereof, he shall be fined not to exceed
 25 \$100 for the first offense and not less than \$100 or more

1 than \$200 for each subsequent offense.

2 (2) All fines, bonds, and penalties collected under
 3 the provisions of this part shall be paid to the county
 4 treasurer of each county and placed by him to the credit of
 5 a fund to be known as the noxious weed fund."

6 Section 9. Section 7-22-2121, MCA, is amended to read:
 7 "7-22-2121. Weed control management program. (1) The
 8 noxious weed management program must be based on a plan
 9 approved by the board.

10 (2) The noxious weed management plan must:

11 (a) specify the goals and priorities of the program;

12 (b) review the distribution and abundance of each
 13 noxious weed species known to occur within the district and
 14 specify the locations of new infestations and areas
 15 particularly susceptible to new infestations; and

16 (c) estimate the personnel, operations, and equipment
 17 costs of the proposed program.

18 (3) The supervisors board shall control provide for
 19 the management of noxious weeds on all lands land or
 20 rights-of-way owned or controlled by a county or
 21 municipality within the confines of the district. They It
 22 shall take particular precautions to control while managing
 23 the noxious weeds while preserving to preserve beneficial
 24 vegetation and wildlife habitat. Where at all possible,
 25 methods for such control shall include mowing cultural,

1 chemical, and biological methods.

2 (4) The board may establish special management zones
3 within the district. The management criteria in such zones
4 may be more or less stringent than the general management
5 criteria for the district."

6 NEW SECTION. Section 10. Cooperative agreements. (1)
7 Any state agency controlling land within a district,
8 including the department of highways; the department of
9 state lands; the department of fish, wildlife, and parks;
10 the department of institutions; the department of natural
11 resources and conservation; and the university system, shall
12 enter into a written agreement with the board. The agreement
13 must specify mutual responsibilities for noxious weed
14 management on state-owned or state-controlled land within
15 the district.

16 (2) The board and the governing body of each
17 incorporated municipality within the district shall enter
18 into a written agreement and shall cooperatively plan for
19 the management of noxious weeds within the boundaries of the
20 municipality. The board may implement management procedures
21 described in the plan within the boundaries of the
22 municipality for noxious weeds only. Control of nuisance
23 weeds within the municipality remains the responsibility of
24 the governing body of the municipality, as specified in
25 7-22-4101.

1 (3) A board may develop and carry out its noxious weed
2 management program in cooperation with boards of other
3 districts, with state and federal governments and their
4 agencies, or with any person within the district. The board
5 may enter into cooperative agreements with any of these
6 parties.

7 NEW SECTION. Section 11. Revegetation of
8 rights-of-way and disturbed areas. (1) Any state agency or
9 local government unit approving a mine, major facility,
10 transmission line, solid waste facility, highway,
11 subdivision, or any other development resulting in
12 significant disturbance of land within a district shall
13 notify the board.

14 (2) Whenever any person or agency disturbs vegetation
15 on an easement or right-of-way within a district by
16 construction of a road, irrigation or drainage ditch,
17 pipeline, transmission line, or other development, the board
18 shall require that the disturbed areas be seeded, planted,
19 or otherwise managed to reestablish a cover of beneficial
20 plants.

21 (3) (a) The person or agency disturbing the land shall
22 submit to the board a written plan specifying the methods to
23 be used to accomplish revegetation. The plan must describe
24 the time and method of seeding, fertilization practices,
25 recommended plant species, use of weed-free seed, and the

1 weed management procedures to be used.

2 (b) The plan is subject to approval by the board,
3 which may require revisions to bring the revegetation plan
4 into compliance with the district weed management plan. Upon
5 approval by the board, the revegetation plan must be signed
6 by the chairman of the board and the person or agency
7 responsible for the disturbance and constitutes a binding
8 agreement between the board and such person or agency.

9 NEW SECTION. Section 12. Voluntary agreements for
10 control of noxious weeds along roads. (1) Any person may
11 voluntarily seek to enter into an agreement for the
12 management of noxious weeds along a state or county highway
13 or road bordering or running through his land. The
14 supervisor may draft such an agreement upon the request of
15 and in cooperation with the person; however, the agreement
16 must, in the board's judgment, provide for effective weed
17 management. The weed management agreement must be signed by
18 the person and, upon approval of the board, by the chairman.
19 An agreement involving a state highway right-of-way must
20 also be signed by a representative of the department of
21 highways.

22 (2) The agreement must contain a statement disclaiming
23 any liability of the board and, if applicable, the
24 department of highways for any injuries or losses suffered
25 by the person in managing noxious weeds on the state or

1 county highway right-of-way. The signed agreement transfers
2 responsibility for managing noxious weeds on the specified
3 section of right-of-way from the board to the person signing
4 the agreement. If the board later finds that the person has
5 failed to adhere to the agreement, the board shall issue an
6 order informing the person that the agreement will be void
7 and that responsibility for the management of noxious weeds
8 on the right-of-way will revert to the board unless the
9 person complies with the provisions of the agreement within
10 a specified time period.

11 Section 13. Section 7-22-2123, MCA, is amended to
12 read:

13 "7-22-2123. ~~Operation---of---weed---control---program~~
14 Procedure in case of noncompliance. ~~††-The-supervisors-may~~
15 employ-suitable-and--competent--persons--as--assistants--and
16 employees---as--may--be--necessary--and--provide--for--their
17 compensation-

18 ~~††--††(1)~~ Where complaint has been made and--the
19 ~~supervisors--have~~ or the board has reason to believe that
20 noxious weeds described in this part are present upon the
21 lands a person's land within the district in violation of
22 the law, ~~they-shall--forthwith--inspect--the--premises-~~ that
23 person must be notified by CERTIFIED mail or-telephone OR
24 TELEPHONE of the complaint and the board may request
25 inspection of such land. The board or its authorized agent

1 and the landowner or his representative shall inspect the
 2 land at an agreeable time, within 10 days of notification of
 3 the landowner. If after reasonable effort the board is
 4 unable to gain cooperation of the person, the board or its
 5 authorized agent may enter and inspect the land to determine
 6 if the complaint is valid.

7 ~~to~~(2) If such noxious weeds are found, the
 8 supervisors board or supervisor shall cause--written--notice
 9 to--be--served--on-the-person-permitting-the-same--directing
 10 him-to-comply-with-the-provisions--of--this--part--within--a
 11 period--of--time-specified-in-said-notice; notify the person
 12 or his representative and seek voluntary compliance with the
 13 district weed control program. If voluntary compliance is
 14 not possible, notice of noncompliance must be sent to the
 15 person by certified mail.

16 (3) The notice must specify:

17 (a) the basis for the determination of noncompliance;

18 (b) the geographic location of the area of
 19 noncompliance, by legal description or other reasonably
 20 identifiable description;

21 (c) measures to be undertaken in order to comply with
 22 the district's management criteria; and

23 (d) a reasonable period of time, not less than 10
 24 days, in which compliance measures must be initiated.

25 (4) A person is considered in compliance if he submits

1 and the board accepts a proposal to undertake specified
 2 control measures and is in compliance for so long as he
 3 performs according to the terms of the proposal. If the
 4 measures proposed to be taken extend beyond the current
 5 growing season, the proposal and acceptance must be in
 6 writing.

7 (5) In accepting or rejecting a proposal, the board
 8 shall consider the economic impact on the person and his
 9 neighbors, practical biological and environmental
 10 limitations, and alternative control methods to be used."

11 Section 14. Section 7-22-2124, MCA, is amended to
 12 read:

13 "7-22-2124. Destruction of weeds by supervisors----
 14 report--to--county--clerk board. (1) If the-notice-be-not
 15 obeyed corrective action is not taken and no proposal is
 16 made and accepted within the time specified in the notice,
 17 the supervisors-shall board may forthwith enter upon the
 18 person's land and institute appropriate control measures,
 19 and--make--report--thereof--to--the--county--clerk--with--a
 20 verified,-itemized-account-of-their-services-and-expenses-in
 21 so--doing-and-a-description-of-the-lands-involved,-and-shall
 22 include-in-said-account-the-necessary-cost--and--expense--of
 23 chemicals,-man-hours-of-labor,-and-equipment-employed,-at-a
 24 rate-paid,-in-the-immediate-vicinity,-for-labor-per-day--and
 25 for-equipment-used-for-an-8-hour-day;

1 ~~(2) In effectively controlling such weeds, the~~
 2 ~~supervisors are authorized to take possession and control of~~
 3 ~~any infested tract of land within their district, together~~
 4 ~~with any fences or ditches thereon, and to move any fence or~~
 5 ~~ditch where necessary in order to better conduct the control~~
 6 ~~work. If any fence or ditch be moved, the same shall be~~
 7 ~~replaced upon completion of the control work if requested by~~
 8 ~~the landowner.~~ In such case the board shall submit a bill to
 9 the person, itemizing man-hours of labor, material, and
 10 equipment time, together with a penalty not exceeding 10% of
 11 the total cost incurred. Labor and equipment must be valued
 12 at the current rate paid for commercial management
 13 operations in the district. The bill must specify and order
 14 a payment due date of 30 days from the date the bill is
 15 sent.

16 (2) A copy of the bill must also be submitted by the
 17 board to the county clerk and recorder."

18 NEW SECTION. Section 15. Administrative hearing --
 19 appeals. (1) A person adversely affected by any notice,
 20 action, or order of the board may request an administrative
 21 hearing before the board. The board shall hold a hearing
 22 within 30 days of the request. Participants may be
 23 represented by legal counsel. The board shall make a record
 24 of the proceeding and enter its order and findings within 7
 25 days after the hearing.

1 (2) An order of the board may be appealed to the
 2 commissioners within 30 days from the time the order is
 3 entered. The commissioners shall hear such appeal within 30
 4 days after the notice of appeal and shall render their order
 5 and findings within 7 days after such hearing. Participants
 6 may be represented by legal counsel.

7 (3) Within 30 days after the commissioners render
 8 their order and findings, the person adversely affected may
 9 file a petition in district court requesting that the order
 10 and findings of the commissioners be set aside or modified.
 11 The court may affirm, modify, or set aside the order
 12 complained of, in whole or in part.

13 Section 16. Section 7-22-2126, MCA, is amended to
 14 read:

15 ~~"7-22-2126. Embargo to prevent introduction of noxious~~
 16 ~~weeds and seeds. Whenever the supervisors have reason to~~
 17 ~~believe that farm products, including seed, which will cause~~
 18 ~~the spread of noxious weeds are about to be introduced into~~
 19 ~~the county, the supervisors shall declare an embargo against~~
 20 ~~the importation of such farm products and seeds into such~~
 21 ~~county. The board may establish voluntary embargo programs to~~
 22 reduce the spread of noxious weeds within the district or
 23 the introduction of noxious weeds into the district."

24 Section 17. Section 7-22-2141, MCA, is amended to
 25 read:

1 "7-22-2141. Noxious weed fund authorized. (1) The
2 ~~board--of--county~~ commissioners of any each county in this
3 state ~~may shall~~ create a noxious weed ~~control-and-weed--seed~~
4 extermination management fund, to be designated the "noxious
5 weed fund".

6 (2) This fund shall be kept separate and distinct by
7 the county treasurer."

8 Section 18. Section 7-22-2142, MCA, is amended to
9 read:

10 "7-22-2142. Sources of money for noxious weed fund.

11 (1) The ~~board-of-county~~ commissioners may create the noxious
12 weed fund by either:

13 (a) appropriating money from the general fund of the
14 county; or

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

18 (c) levying a tax in excess of 2 mills if authorized
19 by a majority of the qualified electors voting in an
20 election held for this purpose pursuant to 7-6-2531 through
21 7-6-2536.

22 (2) The proceeds of the tax shall be used solely for
23 the purpose of ~~promoting--the-control-of~~ managing noxious
24 weeds ~~or-extermination-of-weed-seed~~ in said county and shall
25 be 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 that fiscal year or any subsequent year.

4 (4) The commissioners may accept any private, state,
5 or federal gifts, grants, contracts, or other funds to aid
6 in the management of noxious weeds within the district.
7 These funds must be placed in the noxious weed fund."

8 Section 19. Section 7-22-2143, MCA, is amended to
9 read:

10 "7-22-2143. Determination of cost of weed control
11 program. The commissioners shall determine and fix the cost
12 of the control of noxious weeds ~~and--of--extermination--of~~
13 ~~noxious--weed--seed~~ in ~~weed-districts,~~ the district, whether
14 the same be performed by the individual landowners or by the
15 supervisors board."

16 Section 20. Section 7-22-2144, MCA, is amended to
17 read:

18 "7-22-2144. Payment of cost of weed control program.
19 The total cost of such control shall be paid from the
20 noxious weed fund. The cost of controlling such weeds
21 growing along the right-of-way of a state or federal highway
22 shall, upon the presentation by the supervisors board of a
23 verified account of the expenses incurred, be paid from the
24 state highway fund in compliance with 7-14-2132 and any
25 agreement between the board and the department of highways.

1 Costs attributed to other lands within the district shall be
2 assessed to and collected from the ~~appropriate holder or~~
3 ~~owner of interest~~ responsible person as set forth in
4 7-22-2107."

5 Section 21. Section 7-22-2145, MCA, is amended to
6 read:

7 "7-22-2145. Expenditures from noxious weed fund. (1)
8 The noxious weed fund shall be expended by the commissioners
9 at such time and in such manner as is deemed best by ~~said~~
10 ~~supervisors~~ the board to secure the control and
11 ~~extermination~~ of noxious weeds ~~and weed seed~~.

12 (2) Warrants upon such fund shall be drawn by the
13 ~~supervisors~~ board. No warrants shall be drawn except upon
14 claims duly itemized by the claimant, except payroll claims
15 which shall be itemized and certified by the ~~supervisors~~
16 board, and each such claim shall be presented to the ~~board~~
17 ~~of county~~ commissioners for its approval before the warrant
18 therefor shall be countersigned by the commissioners."

19 Section 22. Section 7-22-2146, MCA, is amended to
20 read:

21 "7-22-2146. Financial assistance to ~~landowners~~ persons
22 responsible for weed control. ~~if in the judgment of the~~
23 ~~commissioners and supervisors it seems advisable, they may~~
24 ~~agree to assist the landowners in said district with a part~~
25 ~~of the cost of weed control on their land. If this is to be~~

1 ~~done, then in cases where the landowner controls the weeds~~
2 ~~and exterminates the weed seed, he shall present to the~~
3 ~~supervisors a duly verified claim for one third of such~~
4 ~~cost, and when the same has been approved by the supervisors~~
5 ~~and commissioners, it shall be paid to such landowner out of~~
6 ~~the noxious weed fund: (1) The commissioners, upon~~
7 recommendation of the board, may establish cost-share
8 programs with any person, specifying costs that may be paid
9 from the noxious weed fund and costs that must be paid by
10 the person. Cost-share programs may be established for
11 special projects and for established management zones.

12 (2) (a) When under the terms of any voluntary
13 agreement, whether entered into pursuant to 7-22-2123 or
14 otherwise, or under any cost-share program entered pursuant
15 to this section a person incurs any obligation for materials
16 or services provided by the board, the board shall submit a
17 bill to the person, itemizing man-hours of labor, material,
18 and equipment time. The bill must specify and order a
19 payment due date not less than 30 days from the date the
20 bill is sent.

21 (b) A copy of the bill must be submitted by the board
22 to the county clerk and recorder. If the sum to be repaid by
23 the person billed is not repaid on or before the date due,
24 the county clerk and recorder shall certify the amount
25 thereof, with the description of the land to be charged, and

1 shall enter the sum on the assessment list as a special tax
 2 on the land, to be collected in the manner provided in
 3 7-22-2148."

4 Section 23. Section 7-22-2148, MCA, is amended to
 5 read:

6 "7-22-2148. Tax liability for payment of weed control
 7 expenses. (1) The expenses referred to in 7-22-2124 shall be
 8 paid by the county out of the noxious weed fund, and unless
 9 the sum to be repaid by the owner-or-occupant person billed
 10 under 7-22-2124 is repaid ~~before the succeeding--October--15~~
 11 on or before the date due, the county clerk shall certify
 12 the amount thereof, with the description of the land to be
 13 charged, and shall enter the same on the assessment list of
 14 the county as a special tax on the land. If the land for any
 15 reason is exempt from general taxation, the amount of such
 16 charge may be recovered by direct claim against the lessee
 17 and collected in the same manner as personal taxes. When
 18 such charges are collected, they shall be credited to the
 19 noxious weed fund.

20 (2) In determining what lands are included as land
 21 covered by the special tax and are described in the
 22 certificate of the county clerk, it is presumed that all
 23 work done upon any of the land of any one landowner is for
 24 the benefit of all of the land within the district belonging
 25 to such owner which was contiguous to or joined the parcel

1 upon which the work was done at the time the work was done,
 2 together with the parcel upon which the work was done, and
 3 the amount certified becomes a tax upon the whole thereof."

4 Section 24. Section 7-22-2150, MCA, is amended to
 5 read:

6 "7-22-2150. Cooperation with state and federal-aid
 7 programs. The ~~supervisors--are~~ board is empowered to
 8 cooperate with any state or federal-aid program that becomes
 9 available. Under such a plan of cooperation, the direction
 10 of the program shall be under the direct supervision of the
 11 ~~supervisors-of-the-county~~ board of the district in which the
 12 program operates."

13 Section 25. Section 7-3-4453, MCA, is amended to read:

14 "7-3-4453. Assessments for snow, ice, weed, and
 15 rubbish removal. The commission shall have the power to
 16 provide by ordinance for assessing against the abutting
 17 property the cost of removing from the sidewalks all
 18 accumulation of snow and ice and for assessing against the
 19 property the cost of cutting and removing therefrom
 20 obnoxious nuisance weeds and rubbish."

21 Section 26. Section 7-14-2131, MCA, is amended to
 22 read:

23 "7-14-2131. Reseeding of right-of-way. ~~††~~ Whenever
 24 the natural sod cover on right-of-way areas is disturbed by
 25 construction of county roads, irrigation ditches, drain

1 ditches, or otherwise, the board of county commissioners
 2 shall require ~~that such disturbed areas be seeded to an~~
 3 ~~adaptable perennial grass or combination of perennial~~
 4 ~~grasses and legumes. Every effort shall be made to establish~~
 5 ~~a sod cover on the disturbed area.~~

6 ~~(2) All seed used shall meet certified standards.~~

7 ~~(3) Time and method of seeding, fertilizing practices,~~
 8 ~~and grass species shall be those recommended by the Montana~~
 9 ~~extension service; the person or agency responsible for the~~
 10 ~~disturbance to comply with [section 11]."~~

11 Section 27. Section 7-14-2132, MCA, is amended to
 12 read:

13 "7-14-2132. Control of weeds along roads and highways.

14 (1) The district weed board of weed control and weed seed
 15 extermination supervisors shall control noxious weeds on the
 16 county roads.

17 (2) If the department of highways does not control
 18 noxious weeds on state and federal highways in any county,
 19 the supervisors district weed board shall control them. Upon
 20 presentation by the supervisors board of a verified account
 21 of the expenses incurred, the costs of control shall be paid
 22 by the department."

23 Section 28. Section 7-22-2215, MCA, is amended to
 24 read:

25 "7-22-2215. Rodent control board. (1) A governing body

1 creating a rodent control district shall appoint a rodent
 2 control board composed of not less than three or more than
 3 five members. The county extension agent is an ex officio
 4 member of the board. Each member of the board must be an
 5 elector and reside within the district.

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

9 (3) Each member of the board is entitled to:

10 (a) a mileage allowance as provided in 2-18-503 for
 11 the distance actually and necessarily traveled to perform
 12 official duties; and

13 (b) per diem expenses established by the governing
 14 body.

15 (4) The county district weed board appointed under
 16 7-22-2103 may be appointed by the governing body to also
 17 serve as the rodent control board, in which case the
 18 qualifications, terms, compensation, mileage, and expenses
 19 of the rodent control board are the same as those of the
 20 county district weed board and subsections (1) through (3)
 21 do not apply."

22 Section 29. Section 7-22-4101, MCA, is amended to
 23 read:

24 "7-22-4101. Control of noxious nuisance weeds within
 25 municipality. (1) The city or town council has power to:

1 ††(a) declare and determine what vegetation within
2 the city or town shall be noxious nuisance weeds;

3 ††(b) provide the manner in which they shall be
4 exterminated;

5 ††(c) require the owner or owners of any property
6 within said city or town to exterminate or remove noxious
7 nuisance weeds from their premises and the one-half of any
8 road or street lying next to the land or boulevard abutting
9 thereon; and

10 ††(d) provide, in the event the owner or owners of
11 any of said premises neglect to exterminate or remove the
12 noxious nuisance weeds therefrom, for levying the cost of
13 such extermination or removal as a special tax against the
14 property.

15 (2) A noxious weed as defined in 7-22-2101 may not be
16 declared a nuisance weed under this section."

17 Section 30. Section 77-6-114, MCA, is amended to read:

18 "77-6-114. Lessee responsible for assessments and
19 taxes for weed control. It shall be the duty of the board in
20 leasing any agricultural state land to provide in such lease
21 that the lessee of lands so leased lying within the
22 boundaries of any noxious weed control ~~and--weed--seed~~
23 ~~extermination~~ district shall assume and pay all assessments
24 and taxes levied by the board of county commissioners for
25 such district on such state lands, and such assessments and

1 tax levy shall be imposed on such lessee as a personal
2 property tax and shall be collected by the county treasurer
3 in the same manner as regular personal property taxes are
4 collected. All such state lessees shall be required under
5 the terms of such lease to pay such assessment and tax levy
6 at the same time and manner as other regular personal taxes
7 are paid."

8 NEW SECTION. Section 31. Codification instruction.
9 Sections 6, 10 through 12, and 15 are intended to be
10 codified as an integral part of Title 7, chapter 22, part
11 21, and the provisions of Title 7, chapter 22, part 21,
12 apply to sections 6, 10 through 12, and 15.

13 NEW SECTION. Section 32. Repealer. Sections
14 7-22-2122, 7-22-2125, 7-22-2127, and 7-22-2147, MCA, are
15 repealed.

16 NEW SECTION. Section 33. Severability. If a part of
17 this act is invalid, all valid parts that are severable from
18 the invalid part remain in effect. If a part of this act is
19 invalid in one or more of its applications, the part remains
20 in effect in all valid applications that are severable from
21 the invalid applications.

-End-