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Senate BILL NO. 326

INTRODUCED BY Devin M. Hanson Justin Knox
Cory Kutzenberg

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA GRASS CONSERVATION ADVISORY COMMITTEE; PROVIDING FOR SUPPORT OF THE COMMITTEE BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 76-16-103, 76-16-104, AND 76-16-105, MCA; AND PROVIDING A TERMINATION DATE."

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

NEW SECTION. Section 1. Montana grass conservation advisory committee established. (1)

There is a Montana grass conservation advisory committee.

(2) The director of the department, giving equal consideration to both large and small operators, shall appoint six people to serve on the advisory committee and shall serve as an ex officio member of the committee. The committee must include:

(a) two members, one member who must be a member of the board of directors of the Montana association of state grazing districts and one member who is either an officer or serves on the board of directors of a state district;

(b) two members who hold active preference rights within state districts; and

(c) two members who are secretaries for state districts.

(3) The advisory committee shall:

(a) elect from its membership a presiding officer and a vice-presiding officer;

(b) convene meetings as the members consider appropriate and solicit comments and suggestions from state district boards of directors, district members, and the public;

(c) provide notices of all meetings to the state district secretaries at least 14 days before the meeting;

(d) analyze issues regarding the function of state grazing districts and identify services that the districts may need to assist them in functioning effectively; and

(e) analyze Title 76, chapter 16, governing grazing districts and other laws that may affect grazing districts, and submit a report discussing findings and recommendations for changes to existing laws on or

1 before October 1, 1998, to the director and the 1999 legislature.

2 (4) The members of the advisory committee serve for no salary but must be compensated for
3 mileage and per diem as provided in 2-18-501 through 2-18-512 in fulfilling their duties as provided in this
4 section.

5 (5) The term of office for each member is from [the effective date of this act] to January 1, 1999.
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7 **Section 2.** Section 76-16-103, MCA, is amended to read:

8 **"76-16-103. Definitions.** Unless the context requires otherwise, in this chapter, the following
9 definitions apply:

10 (1) "Advisory committee" means the Montana grass conservation advisory committee created in
11 [section 1].

12 ~~(1)(2)~~ "Animal unit" means one cow, one horse, or five sheep, 6 months old or over.

13 ~~(2)(3)~~ "Assessment" means a special levy imposed on permittee members by the state district to
14 raise funds for specific purposes as provided in 76-16-323(1). The term does not include fees.

15 ~~(3)(4)~~ "Commensurate property" means land that is privately owned or controlled and that is not
16 range.

17 ~~(4)(5)~~ "Department" means the department of natural resources and conservation provided for in
18 Title 2, chapter 15, part 33.

19 ~~(5)(6)~~ "Dependent commensurate property" is commensurate property that:

20 (a) requires the use of range in connection with it to maintain its proper use;

21 (b) produces or whose owner furnishes as part of the owner's past customary practice the proper
22 feed necessary to maintain livestock during the time other than the established grazing period on the range;
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24 (c) has been used in connection with the range for a period of any 3 years or for any 2 consecutive
25 years in the 5-year period immediately preceding June 28, 1934, or in the case of districts organized after
26 March 15, 1945, for a 5-year period immediately preceding the date of organization of the districts.

27 ~~(6)(7)~~ "Grazing preference" is a right to obtain a grazing permit from a state district.

28 ~~(7)(8)~~ "Permits" are evidence of grazing privileges granted by state districts.

29 ~~(8)(9)~~ "Person" means a natural person or persons, unincorporated associations, partnerships,
30 corporations, and governmental departments or agencies.

1 ~~(9)~~(10) "Range" is the land within a grazing district upon which grazing permits are granted to
2 maintain livestock through the established grazing period.

3 ~~(10)~~(11) "State district" means a nonprofit cooperative organization incorporated under this chapter
4 and its board of directors. The term includes all lands owned or controlled by the state district or its
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7 **Section 3.** Section 76-16-104, MCA, is amended to read:

8 **"76-16-104. Role of the department.** (1) The department shall assist in carrying out the purposes
9 of this chapter, act in an advisory capacity with the boards of county commissioners, ~~and~~ supervise and
10 coordinate the formation and operation of districts that may be incorporated under this chapter, and support
11 the advisory committee established in [section 1].

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23 department for the purpose of aiding an investigation conducted by the department;

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27 governmental subdivision, department, or agency in order to promote the purposes of this chapter; and

28 (7) provide technical and administrative support to the advisory committee in completing its duties
29 and generating a report."

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STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0326, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

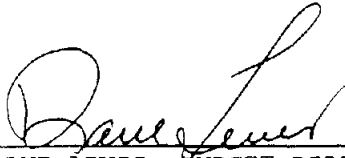
An act establishing the Montana Grass Conservation Advisory Committee; providing for support of the committee by the Department of Natural Resources and Conservation (DNRC).

ASSUMPTIONS:

1. The DNRC will provide support to the Montana Grass Conservation Advisory Committee.
2. Expenditures and revenues for Conservation and Resource Development Division will remain as recommended in the Executive Budget for the 1999 biennium in the present law base.
3. The committee will have a \$3,000 annual operating cost which will be considered part of the DNRC present law base.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The cost may increase after the committee is formed and decides what tasks are to be done and how they will operate.

 2-15-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/15/97
GERRY DEVLIN, PRIMARY SPONSOR DATE

Fiscal Note for SB0326, as introduced
SB 326

1 before October 1, 1998, to the director and the 1999 legislature.

2 (4) The members of the advisory committee serve for no salary but must be compensated for
3 mileage and per diem as provided in 2-18-501 through 2-18-512 in fulfilling their duties as provided in this
4 section.

5 (5) The term of office for each member is from [the effective date of this act] to January 1, 1999.
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9 definitions apply:

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11 [section 1].

12 ~~(1)~~(2) "Animal unit" means one cow, one horse, or five sheep, 6 months old or over.

13 ~~(2)~~(3) "Assessment" means a special levy imposed on permittee members by the state district to
14 raise funds for specific purposes as provided in 76-16-323(1). The term does not include fees.

15 ~~(3)~~(4) "Commensurate property" means land that is privately owned or controlled and that is not
16 range.

17 ~~(4)~~(5) "Department" means the department of natural resources and conservation provided for in
18 Title 2, chapter 15, part 33.

19 ~~(5)~~(6) "Dependent commensurate property" is commensurate property that:

20 (a) requires the use of range in connection with it to maintain its proper use;

21 (b) produces or whose owner furnishes as part of the owner's past customary practice the proper
22 feed necessary to maintain livestock during the time other than the established grazing period on the range;
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24 (c) has been used in connection with the range for a period of any 3 years or for any 2 consecutive
25 years in the 5-year period immediately preceding June 28, 1934, or in the case of districts organized after
26 March 15, 1945, for a 5-year period immediately preceding the date of organization of the districts.

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28 ~~(7)~~(8) "Permits" are evidence of grazing privileges granted by state districts.

29 ~~(8)~~(9) "Person" means a natural person or persons, unincorporated associations, partnerships,
30 corporations, and governmental departments or agencies.

1 ~~(9)(10)~~ "Range" is the land within a grazing district upon which grazing permits are granted to
2 maintain livestock through the established grazing period.

3 ~~(10)(11)~~ "State district" means a nonprofit cooperative organization incorporated under this chapter
4 and its board of directors. The term includes all lands owned or controlled by the state district or its
5 members."

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7 **Section 3.** Section 76-16-104, MCA, is amended to read:

8 **"76-16-104. Role of the department.** (1) The department shall assist in carrying out the purposes
9 of this chapter, act in an advisory capacity with the boards of county commissioners, ~~and~~ supervise and
10 coordinate the formation and operation of districts that may be incorporated under this chapter, and support
11 the advisory committee established in [section 1].

12 (2) The department may act in an advisory capacity to the boards of county commissioners for the
13 purpose of working out uniform plans for the use of lands lying within or outside of the boundaries of state
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20 (2) issue citations directed to any person requiring the person's attendance before the department
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23 department for the purpose of aiding an investigation conducted by the department;

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26 (6) cooperate and enter into agreements on behalf of a state district, with its consent, with any
27 governmental subdivision, department, or agency in order to promote the purposes of this chapter; and

28 (7) provide technical and administrative support to the advisory committee in completing its duties
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1 NEW SECTION. Section 5. Termination. [This act] terminates January 1, 1999.

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INTRODUCED BY Sen. Devin M. Hansen Sen. Steve Knox Sen. Casey Kutzenberg BILL NO. 326

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA GRASS CONSERVATION ADVISORY COMMITTEE; PROVIDING FOR SUPPORT OF THE COMMITTEE BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 76-16-103, 76-16-104, AND 76-16-105, MCA; AND PROVIDING A TERMINATION DATE."

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INTRODUCED BY Sen. M. Hansen Sen. Steve Knapp Sen. Kelly Knapp Sen. Kitzberger BILL NO. 326

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA GRASS CONSERVATION ADVISORY COMMITTEE; PROVIDING FOR SUPPORT OF THE COMMITTEE BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 76-16-103, 76-16-104, AND 76-16-105, MCA; AND PROVIDING A TERMINATION DATE."

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SENATE BILL NO. 326

INTRODUCED BY DEVLIN, M. HANSON, HERTEL, KNOX, COLE, KITZENBERG

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26 (6) cooperate and enter into agreements on behalf of a state district, with its consent, with any
27 governmental subdivision, department, or agency in order to promote the purposes of this chapter; and

28 (7) provide technical and administrative support to the advisory committee in completing its duties
29 and generating a report."

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