1	1 Smale BILL NO. 326	
2	INTRODUCED BY Alicity M. Hauson Ketel Knox	
3	Cole Kitie leng	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA GRASS CONSERVATION	V
5	ADVISORY COMMITTEE; PROVIDING FOR SUPPORT OF THE COMMITTEE BY THE DEPARTMENT OF	F
6	NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 76-16-103, 76-16-104, AND	2
7	76-16-105, MCA; AND PROVIDING A TERMINATION DATE."	
8		
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
10		
11	NEW SECTION. Section 1. Montana grass conservation advisory committee established. (1	)
12	There is a Montana grass conservation advisory committee.	
13	(2) The director of the department, giving equal consideration to both large and small operators	ι,
14	shall appoint six people to serve on the advisory committee and shall serve as an ex officio member of the	е
15	committee. The committee must include:	
16	(a) two members, one member who must be a member of the board of directors of the Montan	a
17	association of state grazing districts and one member who is either an officer or serves on the board o	f
18	directors of a state district;	
19	(b) two members who hold active preference rights within state districts; and	
20	(c) two members who are secretaries for state districts.	
21	(3) The advisory committee shall:	
22	(a) elect from its membership a presiding officer and a vice-presiding officer;	
23	(b) convene meetings as the members consider appropriate and solicit comments and suggestion	s
24	from state district boards of directors, district members, and the public;	
25	(c) provide notices of all meetings to the state district secretaries at least 14 days before the	е
26	meeting;	
27	(d) analyze issues regarding the function of state grazing districts and identify services that the	e
28	districts may need to assist them in functioning effectively; and	
29	(e) analyze Title 76, chapter 16, governing grazing districts and other laws that may affect grazing	9
30	districts, and submit a report discussing findings and recommendations for changes to existing laws on o	r
	Legislative Services -1 - SB 326 Division INTRODUCED BILI	L



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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.
6	
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;
23	and
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.



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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."
6	
7	Section 3. Section 76-16-104, MCA, is amended to read:
8	<b>"76-16-104. Role of the department.</b> (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
14	districts in conformity with recognized conservation and stabilization policies."
15	
16	Section 4. Section 76-16-105, MCA, is amended to read:
17	"76-16-105. Powers of the department. The department may:
18	(1) prepare and standardize various forms to be used by the state districts and supervise or regulate
19	the organization and operation of state districts;
20	(2) issue citations directed to any person requiring the person's attendance before the department
21	and subpoena witnesses and pay expenses that would be allowed in a court action;
22	(3) require an officer or director of a state district to submit records of the state district to the
23	department for the purpose of aiding an investigation conducted by the department;
24	(4) hold hearings on any matters affecting the department;
25	(5) require state districts to furnish itemized financial reports annually;
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 <u>; and</u>
28	(7) provide technical and administrative support to the advisory committee in completing its duties
29	and generating a report."
30	



LC1355.01

1	NEW SECTION.	Section 5.	Termination.	[This act] terminates January 1, 1999.
2				END-

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.

DAVE LEWIS, BUDGET DIRECTOR DATE Office of Budget and Program Planning

GERRY DEVLIN, PRIMARY SPONSOR ' DATE

Fiscal Note for <u>SB0326</u>, <u>as introduced</u> SB 326

APPROVED BY COM ON AGRICULTURE, LIVESTOCK & IRRIGATION

5B 326

SECOND READING

1	1 Dente BILL NO. 32C
2	INTRODUCED BY Advicin M. Javan Hitel Knox
3	COVE, Kutmenberg
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA GRASS CONSERVATION
5	ADVISORY COMMITTEE; PROVIDING FOR SUPPORT OF THE COMMITTEE BY THE DEPARTMENT OF
6	NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 76-16-103, 76-16-104, AND
7	76-16-105, MCA; AND PROVIDING A TERMINATION DATE."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	
11	NEW SECTION. Section 1. Montana grass conservation advisory committee established. (1)
12	There is a Montana grass conservation advisory committee.
13	(2) The director of the department, giving equal consideration to both large and small operators,
14	shall appoint six people to serve on the advisory committee and shall serve as an ex officio member of the
15	committee. The committee must include:
16	(a) two members, one member who must be a member of the board of directors of the Montana
17	association of state grazing districts and one member who is either an officer or serves on the board of
18	directors of a state district;
19	(b) two members who hold active preference rights within state districts; and
20	(c) two members who are secretaries for state districts.
21	(3) The advisory committee shall:
22	(a) elect from its membership a presiding officer and a vice-presiding officer;
23	(b) convene meetings as the members consider appropriate and solicit comments and suggestions
24	from state district boards of directors, district members, and the public;
25	(c) provide notices of all meetings to the state district secretaries at least 14 days before the
26	meeting;
27	(d) analyze issues regarding the function of state grazing districts and identify services that the
28	districts may need to assist them in functioning effectively; and
29	(e) analyze Title 76, chapter 16, governing grazing districts and other laws that may affect grazing
30	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 mileage and per diem as provided in 2-18-501 through 2-18-512 in fulfilling their duties as provided in this 3 4 section. 5 (5) The term of office for each member is from [the effective date of this act] to January 1, 1999. 6 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: (1) "Advisory committee" means the Montana grass conservation advisory committee created in 10 [section 1]. 11 12 (1)(2) "Animal unit" means one cow, one horse, or five sheep, 6 months old or over. 13  $\frac{(2)}{(3)}$  "Assessment" means a special levy imposed on permittee members by the state district to raise funds for specific purposes as provided in 76-16-323(1). The term does not include fees. 14 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 (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; 23 and 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.



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1	(0)(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."
6	
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
14	districts in conformity with recognized conservation and stabilization policies."
15	
16	Section 4. Section 76-16-105, MCA, is amended to read:
17	"76-16-105. Powers of the department. The department may:
18	(1) prepare and standardize various forms to be used by the state districts and supervise or regulate
19	the organization and operation of state districts;
20	(2) issue citations directed to any person requiring the person's attendance before the department
21	and subpoena witnesses and pay expenses that would be allowed in a court action;
22	(3) require an officer or director of a state district to submit records of the state district to the
23	department for the purpose of aiding an investigation conducted by the department;
24	(4) hold hearings on any matters affecting the department;
25	(5) require state districts to furnish itemized financial reports annually;
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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## NEW SECTION. Section 5. Termination. [This act] terminates January 1, 1999. -END



THIRD READING

1		$i = j \leq 1$	make BI	LL NO. 32	20	
2		anding -	M. Have	in the	tel Kno	×
3	C	del	Kiting	end	ł	
4	A BILL FOR AN AC	CT ENTITLED: "A	N ACT ESTA	BLISHING 1	THE MONTANA	GRASS CONSERVATION
5	ADVISORY COMMI	ITTEE; PROVIDIN	G FOR SUPPO	RT OF THE	COMMITTEE B	Y THE DEPARTMENT OF
6	NATURAL RESOUR	CES AND CONS	ERVATION; A	MENDING	SECTIONS 76-1	6-103, 76-16-104, AND
7	76-16-105, MCA; A	AND PROVIDING		ON DATE."		
8						
9	BE IT ENACTED BY	THE LEGISLATU	RE OF THE ST	ATE OF MO	ONTANA:	
10						
11	NEW SECTI	ION. Section 1.	Montana gras	s conserva	tion advisory co	mmittee established." (1)
12	There is a Montana	grass conservation	on advisory co	mmittee.		
13	(2) The dire	actor of the depar	tment, giving e	equal consid	deration to both I	arge and small operators,
14	shall appoint six peo	ople to serve on th	ne advisory cor	nmittee and	I shall serve as ar	n ex officio member of the
15	committee. The co	mmittee must inc	lude:			
16	(a) two mer	mbers, one memb	per who must b	be a membe	r of the board of	directors of the Montana
17	association of state	grazing districts	and one memb	per who is o	either an officer (	or serves on the board of
18	directors of a state	district;				
19	(b) two mer	mbers who hold a	active preferen	ce rights w	ithin state distric	ts; and
20	(c) two mer	mbers who are se	ecretaries for s	tate district	s.	
21	(3) The adv	isory committee :	shall:			
22	(a) elect fro	om its membershij	p a presiding o	fficer and a	vice-presiding o	fficer;
23	(b) convene	meetings as the	members consi	ider appropr	iate and solicit co	omments and suggestions
24	from state district b	oards of directors	s, district mem	bers, and th	ne public;	
25	(c) provide	notices of all me	eetings to the	state distri	ct secretaries at	least 14 days before the
26	meeting;					
27	(d) analyze	issues regarding	the function o	f state graz	ing districts and	identify services that the
28	districts may need t	to assist them in f	functioning effe	ectively; an	d	
29	(e) analyze	Title 76, chapter	16, governing g	grazing distr	icts and other law	ws that may affect grazing
30	districts, and submit	t a report discussi	ing findings and	d recommer	idations for chan	ges to existing laws on or
	Legislative Services Division		-	1 -		5B 326 THIRD READING

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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. 6 Section 2. Section 76-16-103, MCA, is amended to read: 7 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; 23 and 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.



LC1355.01

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."
6	
7	Section 3. Section 76-16-104, MCA, is amended to read:
8	<b>"76-16-104.</b> 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
14	districts in conformity with recognized conservation and stabilization policies."
15	
16	Section 4. Section 76-16-105, MCA, is amended to read:
16 17	Section 4. Section 76-16-105, MCA, is amended to read: "76-16-105. Powers of the department. The department may:
17	"76-16-105. Powers of the department. The department may:
17 18	<b>76-16-105.</b> Powers of the department. The department may: (1) prepare and standardize various forms to be used by the state districts and supervise or regulate
17 18 19	<ul> <li>"76-16-105. Powers of the department. The department may:</li> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate the organization and operation of state districts;</li> </ul>
17 18 19 20	<ul> <li>"76-16-105. Powers of the department. The department may:</li> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate the organization and operation of state districts;</li> <li>(2) issue citations directed to any person requiring the person's attendance before the department</li> </ul>
17 18 19 20 21	<ul> <li>"76-16-105. Powers of the department. The department may:</li> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate</li> <li>the organization and operation of state districts;</li> <li>(2) issue citations directed to any person requiring the person's attendance before the department</li> <li>and subpoena witnesses and pay expenses that would be allowed in a court action;</li> </ul>
17 18 19 20 21 22	<ul> <li>"76-16-105. Powers of the department. The department may:</li> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate the organization and operation of state districts;</li> <li>(2) issue citations directed to any person requiring the person's attendance before the department and subpoena witnesses and pay expenses that would be allowed in a court action;</li> <li>(3) require an officer or director of a state district to submit records of the state district to the</li> </ul>
17 18 19 20 21 22 23	<ul> <li>"76-16-105. Powers of the department. The department may:</li> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate the organization and operation of state districts;</li> <li>(2) issue citations directed to any person requiring the person's attendance before the department and subpoena witnesses and pay expenses that would be allowed in a court action;</li> <li>(3) require an officer or director of a state district to submit records of the state district to the department for the purpose of aiding an investigation conducted by the department;</li> </ul>
17 18 19 20 21 22 23 24	<ul> <li>"76-16-105. Powers of the department. The department may: <ul> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate</li> </ul> </li> <li>the organization and operation of state districts; <ul> <li>(2) issue citations directed to any person requiring the person's attendance before the department</li> <li>and subpoena witnesses and pay expenses that would be allowed in a court action;</li> <li>(3) require an officer or director of a state district to submit records of the state district to the</li> <li>department for the purpose of aiding an investigation conducted by the department;</li> <li>(4) hold hearings on any matters affecting the department;</li> </ul> </li> </ul>
17 18 19 20 21 22 23 24 25	<ul> <li>"76-16-105. Powers of the department. The department may:</li> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate the organization and operation of state districts;</li> <li>(2) issue citations directed to any person requiring the person's attendance before the department and subpoena witnesses and pay expenses that would be allowed in a court action;</li> <li>(3) require an officer or director of a state district to submit records of the state district to the department for the purpose of aiding an investigation conducted by the department;</li> <li>(4) hold hearings on any matters affecting the department;</li> <li>(5) require state districts to furnish itemized financial reports annually;</li> </ul>
17 18 19 20 21 22 23 24 25 26	<ul> <li>"76-16-105. Powers of the department. The department may: <ol> <li>prepare and standardize various forms to be used by the state districts and supervise or regulate</li> </ol> </li> <li>the organization and operation of state districts; <ol> <li>issue citations directed to any person requiring the person's attendance before the department</li> </ol> </li> <li>and subpoena witnesses and pay expenses that would be allowed in a court action; <ol> <li>require an officer or director of a state district to submit records of the state district to the</li> </ol> </li> <li>department for the purpose of aiding an investigation conducted by the department; <ol> <li>hold hearings on any matters affecting the department;</li> <li>require state districts to furnish itemized financial reports annually;</li> <li>cooperate and enter into agreements on behalf of a state district, with its consent, with any</li> </ol> </li> </ul>
17 18 19 20 21 22 23 24 25 26 27	<ul> <li>"76-16-105. Powers of the department. The department may: <ul> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate</li> </ul> </li> <li>the organization and operation of state districts; <ul> <li>(2) issue citations directed to any person requiring the person's attendance before the department</li> </ul> </li> <li>and subpoena witnesses and pay expenses that would be allowed in a court action; <ul> <li>(3) require an officer or director of a state district to submit records of the state district to the</li> <li>department for the purpose of aiding an investigation conducted by the department;</li> <li>(4) hold hearings on any matters affecting the department;</li> <li>(5) require state districts to furnish itemized financial reports annually;</li> <li>(6) cooperate and enter into agreements on behalf of a state district, with its consent, with any governmental subdivision, department, or agency in order to promote the purposes of this chapter; and</li> </ul> </li> </ul>
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> <li>28</li> </ol>	<ul> <li>"76-16-105. Powers of the department. The department may:</li> <li>(1) prepare and standardize various forms to be used by the state districts and supervise or regulate the organization and operation of state districts;</li> <li>(2) issue citations directed to any person requiring the person's attendance before the department and subpoena witnesses and pay expenses that would be allowed in a court action;</li> <li>(3) require an officer or director of a state district to submit records of the state district to the department for the purpose of aiding an investigation conducted by the department;</li> <li>(4) hold hearings on any matters affecting the department;</li> <li>(5) require state districts to furnish itemized financial reports annually;</li> <li>(6) cooperate and enter into agreements on behalf of a state district, with its consent, with any governmental subdivision, department, or agency in order to promote the purposes of this chapter; and</li> <li>(7) provide technical and administrative support to the advisory committee in completing its duties</li> </ul>



- 3 -

 NEW SECTION.
 Section 5.
 Termination. [This act] terminates January 1, 1999.

 2
 -END



LC1355.01

APPROVED BY COM ON AGRICULTURE

BILL NO. 32 1 tel Knox 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA GRASS CONSERVATION 4 ADVISORY COMMITTEE: PROVIDING FOR SUPPORT OF THE COMMITTEE BY THE DEPARTMENT OF 5 NATURAL RESOURCES AND CONSERVATION: AMENDING SECTIONS 76-16-103, 76-16-104, AND 6 76-16-105, MCA: AND PROVIDING A TERMINATION DATE." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 NEW SECTION. Section 1. Montana grass conservation advisory committee established." (1) 11 There is a Montana grass conservation advisory committee. 12 (2) The director of the department, giving equal consideration to both large and small operators, 13 14 shall appoint six people to serve on the advisory committee and shall serve as an ex officio member of the 15 committee. The committee must include: (a) two members, one member who must be a member of the board of directors of the Montana 16 association of state grazing districts and one member who is either an officer or serves on the board of 17 18 directors of a state district: 19 (b) two members who hold active preference rights within state districts; and 20 (c) two members who are secretaries for state districts. 21 (3) The advisory committee shall: 22 (a) elect from its membership a presiding officer and a vice-presiding officer; 23 (b) convene meetings as the members consider appropriate and solicit comments and suggestions from state district boards of directors, district members, and the public; 24 25 (c) provide notices of all meetings to the state district secretaries at least 14 days before the 26 meeting; 27 (d) analyze issues regarding the function of state grazing districts and identify services that the 28 districts may need to assist them in functioning effectively; and 29 (e) analyze Title 76, chapter 16, governing grazing districts and other laws that may affect grazing 30 districts, and submit a report discussing findings and recommendations for changes to existing laws on or Legislative Services - 1 -Division 2ND RD--2ND HOUSE

before October 1, 1998, to the director and the 1999 legislature. 1 (4) The members of the advisory committee serve for no salary but must be compensated for 2 mileage and per diem as provided in 2-18-501 through 2-18-512 in fulfilling their duties as provided in this 3 4 section. (5) The term of office for each member is from [the effective date of this act] to January 1, 1999. 5 6 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: (1) "Advisory committee" means the Montana grass conservation advisory committee created in 10 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 (6) (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; 23 and 24 (c) has been used in connection with the range for a period of any 3 years or for any 2 consecutive years in the 5-year period immediately preceding June 28, 1934, or in the case of districts organized after 25 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, corporations, and governmental departments or agencies. 30



LC1355.01

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
14	districts in conformity with recognized conservation and stabilization policies."
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16	Section 4. Section 76-16-105, MCA, is amended to read:
17	"76-16-105. Powers of the department. The department may:
18	(1) prepare and standardize various forms to be used by the state districts and supervise or regulate
19	the organization and operation of state districts;
20	(2) issue citations directed to any person requiring the person's attendance before the department
21	and subpoena witnesses and pay expenses that would be allowed in a court action;
22	(3) require an officer or director of a state district to submit records of the state district to the
23	department for the purpose of aiding an investigation conducted by the department;
24	<ul><li>(4) hold hearings on any matters affecting the department;</li></ul>
25	(5) require state districts to furnish itemized financial reports annually;
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 <u>; and s</u>
28	(7) provide technical and administrative support to the advisory committee in completing its duties
29	and generating a report."
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## NEW SECTION. Section 5. Termination. [This act] terminates January 1, 1999. 2 -END

SB0326.02

1	SENATE BILL NO. 326
2	INTRODUCED BY DEVLIN, M. HANSON, HERTEL, KNOX, COLE, KITZENBERG
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA GRASS CONSERVATION
5	ADVISORY COMMITTEE; PROVIDING FOR SUPPORT OF THE COMMITTEE BY THE DEPARTMENT OF
6	NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 76-16-103, 76-16-104, AND
7	76-16-105, MCA; AND PROVIDING A TERMINATION DATE."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	
11	NEW SECTION. Section 1. Montana grass conservation advisory committee established. (1)
12	There is a Montana grass conservation advisory committee.
13	(2) The director of the department, giving equal consideration to both large and small operators,
14	shall appoint six people to serve on the advisory committee and shall serve as an ex officio member of the
15	committee. The committee must include:
16	(a) two members, one member who must be a member of the board of directors of the Montana
17	association of state grazing districts and one member who is either an officer or serves on the board of
18	directors of a state district;
19	(b) two members who hold active preference rights within state districts; and
20	(c) two members who are secretaries for state districts.
21	(3) The advisory committee shall:
22	(a) elect from its membership a presiding officer and a vice-presiding officer;
23	(b) convene meetings as the members consider appropriate and solicit comments and suggestions
24	from state district boards of directors, district members, and the public;
25	(c) provide notices of all meetings to the state district secretaries at least 14 days before the
26	meeting;
27	(d) analyze issues regarding the function of state grazing districts and identify services that the
28	districts may need to assist them in functioning effectively; and
29	(e) analyze Title 76, chapter 16, governing grazing districts and other laws that may affect grazing
30	districts, and submit a report discussing findings and recommendations for changes to existing laws on or

SB0326.02

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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.
6	
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;
23	and
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	$\frac{(6)}{(7)}$ "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.
50	corporations, and governmental departments or agencies.



SB0326.02

1	<del>(9)(10)</del> "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."
6	
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
14	districts in conformity with recognized conservation and stabilization policies."
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19	the organization and operation of state districts;
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21	and subpoena witnesses and pay expenses that would be allowed in a court action;
22	(3) require an officer or director of a state district to submit records of the state district to the
23	department for the purpose of aiding an investigation conducted by the department;
24	(4) hold hearings on any matters affecting the department;
25	(5) require state districts to furnish itemized financial reports annually;
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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1	NEW SECTION.	Section 5.	Termination.	[This act] terminates January 1, 1999.
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