

MINUTES OF THE MEETING
AGRICULTURE COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 4, 1985

The meeting of the Agriculture Committee was called to order by Chairman Schultz on February 4, 1985 at 3:15 p.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present with the exception of Representative Ellerd who was excused by the Chairman.

CONSIDERATION OF HOUSE BILL NO. 506: Representative Harper, sponsor of the bill, said that his bill was the first bill in front of the committee to deal with weeds. This bill establishes a Noxious Weed Trust Fund. He went through the bill and explained where the money will be going. He handed out a proposed Statement of Intent, which is attached.

PROPOSERS: Keith Kelly, representing the Department of Agriculture, testified that noxious weed infestations impact the entire state of Montana through loss to agricultural procedures, loss of valuable wildlife habitat and forage and decrease in value of many recreation sites in Montana. The Weed Trust Fund has been designed to encourage development of long-term weed management efforts at the local level and to involve all local land managers, including private landowners and state and federal agencies. Proposed financing for the Trust Fund is through the combination of 1% herbicide surcharge and a .1 state wide mill levy. His testimony is attached as Exhibit A.

Bill Asner testified in support of House Bill No. 506. He introduced Paul Newby from Belgrade. He stated they feel this bill will increase and make more effective in the state of Montana the weed problem we are currently fighting. The problem is a land based problem, the majority of which is located on public land and it is being spread by transportation and recreation as well as livestock and wildlife. We, therefore, feel that a flat fee would more appropriately spread the financial burden of the problem over those who are contributing to the creation of it. He further suggested that the committee holds this bill until its companion bill is introduced. His testimony is attached as Exhibit B.

HOUSE AGRICULTURE COMMITTEE

February 4, 1985

Page 2

Jo Brunner, representing the Montana Grange, Montana Cattlefeeders and the Montana Cattlemen's Association, stated they support this bill with the exception of three portions which they offer amendments to. Her testimony is attached as Exhibit C.

Stuart Doggett, representing the Montana Stockgrowers and the Association of State Grazing Districts, testified in support of House Bill 506. He stated that this bill addressed one of the most catastrophic land problems in the state - noxious weed control. They had proposed amendments which are included in his testimony which is Exhibit D and is attached hereto.

Marg Green, representing the Montana Farm Bureau, stated they support this bill but would like the committee to consider the amendments proposed by Jo Brunner.

George Oberst stated he favors the intent and procedures of this bill. He particularly favors the Noxious Weed Management Advisory Council but would like to see it expanded to nine members. His testimony is attached as Exhibit E.

Carol Mosher who is representing the Montana Cowbells testified in support of House Bill 506. She said they support the concept of this bill in its attempt to deal with the management of noxious weeds. They urged continued support of this type in helping all of us in keeping Montana's land in good condition. Exhibit F is attached hereto.

Clarence Almen, representing the U. S. Forest Service, stated that they support the emphasis the State of Montana is placing on noxious weed control. They encourage a cooperative effort between all involved landowners, land management agencies and County Weed Control Boards. His testimony is attached as Exhibit G.

Dave Donaldson, Montana Association of Conservation Districts, asked for the committees support of House Bill No. 506.

Gene Ernst, Montana Weed Control Association Advisory Board, stated he worked on drafting this bill and would support it.

HOUSE AGRICULTURE COMMITTEE

February 4, 1985

Page 3

Mike Micone representing the Western Environmental Trade Association, stated that he sees no problem that it is going to have a more detente affect in the spreading of noxious weeds. He encouraged passage of House Bill No. 506.

George Ochenske, representing the Environmental Information Center, stated he supports the bill with Jo Brunner's proposed amendments.

Leanne Schraudner, Montana Grain Elevators Association, stated she supports the bill but, feels there are problems in the funding. She feels that they are not addressing the right people who are trying to keep the weeds under control.

Doug Johnson, Montana Weed Control Association, wished to support House Bill No. 506.

Randy Johnson believes we have a need to control the weeds. He is concerned about the sur charge on herbicides. He would like to let it be known that he supports Section 10.

OPPONENTS: Representative Thoft, District 63, stated he was not sure he was for the bill or against it but, since he did not like a section of the bill he spoke against it. He felt it was not appropriate to have a tax levy and he would like to see Section 4, Page 3, deleted from the bill. He stated he supports the Subsection 2 from Section 6 on Page 4.

There being no further proponents and opponents to the bill, Representative Harper closed.

DISCUSSION OF HOUSE BILL NO. 506: Representative Cody asked Representative Harper why the urban areas were excluded. He said that it is a hassle to try and collect the taxes that they are already paying in their property tax.

Representative Jenkins asked Mr. Almen if this bill passed, would you be contributing to the fund. Mr. Almen stated that they are a seperate entity and their funding would not go to this fund.

There were no further questions. The hearing on House Bill No. 506 was closed.

HOUSE AGRICULTURE COMMITTEE

February 4, 1985

Page 4

CONSIDERATION OF HOUSE BILL NO. 512: Representative Cobb, District 42, sponsor of the bill, stated this bill allows Weed Control Supervisors to authorize landowners to control weeds along highway rights-of-way and to receive financial assistance for the costs of control. It is just an option for the supervisors.

PROPONENTS: Keith Kelly, Department of Agriculture, testified in support of House Bill 512. They recommended that operational agreements between the Department of Highways and the County Weed District be signed to insure that funding for weed control is available. His testimony is attached as Exhibit A.

Doug Johnson, Montana Weed Control Association, stated that he feels this bill should be considered with House Bill 659.

Robert Ellis, Helena Valley Irrigation District, stated that the key to the problems of noxious weeds is timely control of those weeds along the highways.

George Oberst, testified in support of the bill if amended. He supports the intent of the bill but would like Section 2; Subsection 2 and Section 3 of the bill amended. His testimony is attached as Exhibit B.

Jo Brunner, representing the Montana Cattlefeeders, Montana Cattlemen, and the Montana Grange, testified in support of House Bill 512. They believe that because agriculture is not the only industry with a weed problem; the other interests should share the cost and the work of the needed programs. She informed the committee that Terry Murphy, president of the Montana Farmers Union, requested that his organization be included in her testimony. (Exhibit C attached hereto)

Marg Green, Montana Farm Bureau, stated they support this bill.

Dave Donaldson, Montana Association of Conservation Districts, stated they support this bill.

Jim Holm who has a Weed Spraying Service testified in support of House Bill 512. He would like to know if Section 4, Subsection (2) (A) includes the people who hire private applicators.

HOUSE AGRICULTURE COMMITTEE

February 4, 1985

Page 5

Don Gruel, Department of Highways, testified as neither a proponent nor opponent to the bill. The Department does support controlling noxious weeds in Montana, but they would like to see a more coordinated effort of all state and federal agencies, weed control districts, railroads and landowners in the fight against noxious weed control. Through better planning and organizing the efforts of all parties concerned and attacking the problem cooperatively, a giant step forward would be taken against noxious weeds. He proposed amending the bill. His testimony is attached as Exhibit D.

Mike Micone, representing the Western Environmental Trade Association, stated they support the bill and that it could fit into a coordinated effort.

OPPONENTS: George Ochenski, representing the Environmental Information Center, spoke in opposition to the bill. He stated they support the establishment of the Noxious Weed Management Trust Fund as well as the Noxious Plant Management Act but, this bill would be repealed by the Noxious Plant Management Act if passed. He suggested tabeling the bill. His testimony is attached as Exhibit E.

There being no further opponents present, Representative Cobb closed.

DISCUSSION OF HOUSE BILL NO. 512: Representative Rapp-Svrcek asked Mr. Gruel if he works for a county who is dedicated to weed control, how is he able to reach such an agreement. He replied saying that some counties have been more progressive than others.

Representative Cody asked if the railroads spray their rights-of-way. Representative Bachini answered her question saying they do have a weed control program.

Representative Patterson asked Mr. Gruel what kind of chemical they use. He replied they use Roundup and 24-D.

There being no further questions from the committee, the hearing on House Bill No. 512 was closed.

EXECUTIVE SESSION

DISPOSITION OF HOUSE BILL NO. 486: Representative Jenkins moved to amend the bill "and providing an immediate effective date". The amendment passed unanimously. Representative Keller moved to DO PASS AS AMENDED House Bill No. 486. A second was received by Representative Rapp-Svrcek. A voice vote showed that House Bill No. 486 PASSED UNANIMOUSLY.

Chairman Schultz asked the committee for volunteers who would like to serve on a Subcommittee for the noxious weeds. The members of the subcommittee are Reps. Rapp-Svrcek, Keller, Spaeth, Fritz, Jenkins, and Patterson. A Chairman for the committee has not yet been assigned.

There being no further business before the committee, the meeting was adjourned at 5:00 p.m.



JAMES SCHULTZ, chairman

DAILY ROLL CALL

Agriculture COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-4-85

NAME	PRESENT	ABSENT	EXCUSED
<u>James Schultz, Chairman</u>	X		
<u>Gay Holliday, V-Chairman</u>	X		
<u>Bob Bachini</u>	X		
<u>Dorothy Cody</u>	Y		
<u>Duane Compton</u>	X		
<u>Gerry Devlin</u>	X		
<u>Robert Ellerd</u>			X
<u>Orval Ellison</u>	X		
<u>Harry Fritz</u>	X		
<u>Ramona Howe</u>	X		
<u>Loren Jenkins</u>	X		
<u>Vernon Keller</u>	X		
<u>Francis Koehnke</u>	X		
<u>John Patterson</u>	X		
<u>Bing Poff</u>	X		
<u>Paul Rapp-Svrcek</u>	Y		
<u>Gary Spaeth</u>	X		
<u>Dean Switzer</u>	Y		

STANDING COMMITTEE REPORT

February 5

35

..... 19

MR. Speaker

We, your committee on Agriculture

having had under consideration House

Bill No. 486

First reading copy (White)
color

**DEFINING SPOTTED AND DIFFUSE KNAPWEED AND DALM.
TOADFLAX AS NOXIOUS WEEDS**

Respectfully report as follows: That House

436

Bill No.

BE AMENDED AS FOLLOWS:

1. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Page 2
Following: line 9
Insert: "NEW SECTION: Section 2. Effective date. This
act is effective on passage and approval."

**AND AS AMENDED,
DO PASS**

STATEMENT OF INTENT

____ BILL NO. ____

A statement of intent is required by this bill because rulemaking authority is granted to the Montana department of agriculture in section 9.

It is the intent of the legislature that the department of agriculture adopt rules for the orderly administration of the noxious weed management trust fund and collection and administration of revenue as provided in the bill. The department, through reports required of herbicide registrants, shall establish a collection system for the surcharge imposed in section 3, giving notice to the registrant and providing a procedure for the payment of the surcharge.

It is the intent of the legislature that the department adopt rules relating to the disbursement of funds generated by this act. Specifically, the department shall use the criteria stated in sections 6 and 7 as the basis for the distribution of the funds. The legislature intends that the money given in the form of grants and contracts be primarily on a cost-share basis. The department shall determine the ratio of cost sharing by considering the entity being given the money, its ability to find other sources of funding, the need for the

project for which it receives the money, and the amount of benefit it bestows on the area involved. The legislature intends that projects involving greater community action and benefit receive increased priority.

It is the intent of the legislature that if the trust fund should be terminated by the legislature, the funds to be distributed to the counties must be distributed in an equitable manner, taking into consideration the population of the counties, the participation in the program, and the needs of the counties with respect to noxious weed management.

The legislature intends that the department adopt rules identifying any weed which constitutes a new and potentially harmful noxious weed. The department shall take into consideration the possible harm the newly introduced weed will have on the Montana economy, the damage the weed will cause to the existing foliage and environment, and the likelihood that the noxious weed will spread throughout the state. The department shall also establish rules for verifying the existence of the weed. These rules shall take into consideration the scientific methods for verification and proper sampling techniques for determining the extent of the weed outbreak.

It is the intent of the legislature that the decision for the disbursement of the funds for the projects be made by the director of the department of

agriculture upon the advice of the noxious weed management advisory council, if established. The directives of the director must be implemented by a noxious weed management coordinator, who shall serve the director. The noxious weed management coordinator shall maintain records on the disbursement of the funds and the progress of the funded projects. He shall make determinations as to the effectiveness of the previously funded projects and provide the director and the advisory council all relevant information necessary to make decisions for future disbursements of funds. He shall also work with and assist county weed districts.

Exhib. + H
HB 506
2-4-85

TESTIMONY OF MONTANA DEPARTMENT OF AGRICULTURE
DIRECTOR KEITH KELLY FOR
THE HOUSE AGRICULTURE, LIVESTOCK AND
IRRIGATION COMMITTEE ON
HB 506
HELENA, MONTANA

Noxious weed infestations impact the entire state of Montana through loss to agricultural producers, loss of valuable wildlife habitat and forage and decrease in value of many recreation sites in Montana. Only through a coordinated statewide weed management program that includes integration of all weed control practices will this problem be solved.

The Weed Trust Fund has been designed to encourage development of long-term weed management efforts at the local level and to involve all local land managers, including private landowners and state and federal agencies. Trust Fund monies will be available to public or private local, state or federal organizations for the development, implementation or demonstration of new and innovative weed management techniques. Money will also be available for cost share projects and eradication and containment programs for newly introduced and potentially harmful weed species. Communities with an active weed program and local support of coordinated planning will receive funding preference.

Proposed financing for the Trust Fund is through the combination of a 1% herbicide surcharge and a .1 statewide mill levy. Income generated yearly (years 1-4) will be:

herbicide surcharge	\$250,000	(1% estimated \$25 million annual retail sales)
mill levy	<u>240,000</u>	(.1 mill sales of taxable valuation of estimated \$2,400,000,000) (4 yrs - sunset)
Total		

Yearly (years 1-4) expenditures will be:

Trust Fund \$245,000 (interest earned will be credited to the trust Fund)

Grants, advisory council, indirect costs \$245,000

Years 4-8

Income generated herbicide surcharge	\$250,000
Expenditures	
Trust Fund	\$125,000
Grants, advisory council, indirect costs	\$125,000

Assuming 9% interest as the Trust Fund Builds, it is expected to reach \$2.5 million in 8.5 years.

Year 9 - Future

Income

Herbicide surcharge	\$250,000
Interest from \$2.5 m Trust	<u>225,000</u>
Total	\$475,000

Expenditures

Grants, advisory council, indirect costs	\$475,000
---------------------------------------------	-----------

An advisory council may be appointed to aid the Director in administration of this act.



TED SCHWINDEN
GOVERNOR

STATE OF MONTANA DEPARTMENT OF AGRICULTURE

OFFICE OF THE DIRECTOR
AGRICULTURE/LIVESTOCK BLDG.
CAPITOL STATION
HELENA, MONTANA 59620-0201

TELEPHONE:
AREA CODE 406
444-3144

KEITH KELLY
DIRECTOR

PROPOSED

WEED TRUST FUND

December 1984

500000.00<==ENTER THE AMOUNT CREDITED TO ACCOUNT
250000.00<==ENTER THE AMOUNT TO BE WITHDRAWN FROM ACCOUNT
.09<==ENTER ESTIMATED INTEREST RATE

YEAR	INCOME	GRANTS	BALANCE	INTEREST (%)	INTEREST EARNED	TRUST FUND WORKING BALANCE	CAL YEAR	F.Y.
1	500000.00	250000.00	250000.00			250000.00	1985	1986
2	500000.00	250000.00	522500.00	.09	47025.00	569525.00	1986	1987
3	500000.00	250000.00	819525.00	.09	73757.25	893282.25	1987	1988
4	500000.00	250000.00	1143282.25	.09	102895.40	1246177.65	1988	1989
5	250000.00	125000.00	1371177.65	.09	123405.99	1494583.64	1989	1990
6	250000.00	125000.00	1619583.64	.09	145762.53	1765346.17	1990	1991
7	250000.00	125000.00	1890346.17	.09	170131.16	2060477.32	1991	1992
8	250000.00	125000.00	2185477.32	.09	196692.96	2382170.28	1992	1993
9	250000.00	125000.00	2507170.28	.09	225645.33	2732815.61	1993	1994
10	250000.00	125000.00	2857815.61	.09	257203.40	3115019.01	1994	1995
11	250000.00	125000.00	3240019.01	.09	291601.71	3531620.72	1995	1996

This proposal contains a .1 mill tax levy on all property in the State of Montana, and a tax of 1 cent per retail dollar value of all herbicides sold.

Montana Department of Agriculture
Weed Coordinator

General

Cooperates with and helps coordinate community weed management projects with federal, state, and private land managers and owners, and county weed districts. Plans, develops, and implements the state noxious weed trust fund. Performs these and related work activities under the general supervision of the director.

Activities:

Advises county weed districts and communities on preparing weed management plans.

Cooperates with local weed districts, communities, and individuals in planning the development and implementation of local coordinated weed management projects.

Involves private, industry, local, state, and federal agencies in developing and implementing weed management plans and programs.

Manages, under the direct supervision of the director, the available state weed trust fund monies and the community grants program.

Conducts program evaluations and fiscal audits of the state weed fund grants administered by county weed districts and/or community groups.

Coordinates weed trust fund activities with weed scientists, educators, supervisors, and other interested parties.

Coordinates special weed management projects that are recommended by the weed advisory council and approved by the director.

Cooperates with western states to coordinate regional weed management programs.

Disseminates information relative to the state noxious weed program to county officials, agricultural groups and communities, and to the general public.

Visits weed districts and attends weed board meetings as requested or deemed necessary.

Assists the weed advisory council in scheduling meetings, preparing correspondence and evaluating the state weed trust fund and grants program.

Performs other work as required.

Knowledge and Abilities

Considerable knowledge of: general agricultural industry and practices, including weed management; administrative methods and procedures; federal, state, and local budgeting procedures; office procedures; techniques of public relations and principles of organization.

Ability to: communicate effectively with private landowners and local, state, and federal land management agencies; speak effectively before public and technical groups; plan, organize and coordinate regional and statewide programs; write clear, concise and informative correspondence and reports.

Minimum Qualifications

1. A Bachelor's degree with major study in Agricultural Sciences or closely related fields.

AND

2. Three years of experience working with agriculture involving frequent contact with a broad segment of agricultural producers, agricultural business organizations or farm groups.

A Master's degree may be substituted for two years of experience.

WITNESS STATEMENT

NAME Paul G. Newby BILL No. 506
ADDRESS 411 Mountain View DATE 2/4/85
WHOM DO YOU REPRESENT Bozeman Agricultural Preservation Assoc.
SUPPORT HB 586 OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Exhibit
HB 506
2-4-85

TESTIMONY OF: Paul G. Newby
BEFORE: House Agriculture Committee
DATE: February 4, 1985
REPRESENTING: Agricultural Preservation Association
RE: House Bill No. 506

Mr. Chairman and members of the committee, I am Paul Newby from Belgrade, a member of, and representing the APA as the Vice Chairman of its Weeds and Pesticides Committee.

The APA is supportive of the effort to control noxious weeds in the State of Montana which is present in HB 506 and its companion bill which apparently has not yet been introduced, and we offer here for your consideration a few amendments and suggestions.

The first two pages and the first 11 lines of page three of HB 506 are reprinted here with the portions we suggest deleting underlined, and our suggested amendments underlined and boldfaced.

HOUSE BILL NO. 506

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A NOXIOUS WEED MANAGEMENT TRUST FUND; AUTHORIZING A NOXIOUS WEED MANAGEMENT ADVISORY COUNCIL; PROVIDING FUNDING FOR NOXIOUS WEED MANAGEMENT PROGRAMS; PROVIDING AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING AN APPLICABILITY DATE FOR A PORTION OF THE ACT."

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

Section 1. Definitions. As used in [this act], the following definitions apply:

(1) "Department" means the department of agriculture established in 2-15-3001.

(2) "Herbicide" means a substance or mixture of substances for preventing, destroying, repelling, or mitigating any noxious weed. The term does not include herbicides labeled only for home, yard, or garden use and sold in containers of less than 10 pounds or 1 gallon.

(3) "Noxious weed" means any weed defined and designated as a noxious weed by rule of the department.

(4) "Retail value" means the suggested or retail price to the consumer of a given herbicide as established by the registrant, or as determined by a survey of dealers conducted by the department.

(5) "Sale" includes only the sale of a herbicide to an applicator or consumer. Sales between or to distributors, dealers, or retailers are not included.

Section 2. Noxious weed management trust fund. There is a noxious weed management trust fund, which must be funded from revenue collected under [sections 3 through 5 4 and 5]. The department shall administer the trust fund in accordance with [this act].

Section 3. Surcharge imposed on retail sales of herbicides -- disposition of proceeds. (1) There is imposed a surcharge of 1 cent per dollar of the retail value of all registered herbicides sold for consumer use in the state. The volume of sales of each registered herbicide must be determined by the department from records required of pesticide dealers and retailers.

(2) The surcharge must be collected by the department on an annual calendar basis from the registrant of the herbicide and is due and payable within 30 days after notice of the amount has been given to the registrant.

(3) No registrant may be allowed to reregister a herbicide if he has failed to pay in full the surcharge on his product.

(4) The department may expend in a fiscal year not more than one-half of the annual proceeds of the surcharge Flat fee levy as provided in [section 6(2) and (3)]. All remaining annual proceeds of the surcharge and any interest income collected must be deposited into the noxious weed management trust fund.

Section 4. Property tax Flat fee levy for noxious weed management. (1) There is levied upon the taxable value of all real and personal property all land in the state subject to taxation 0.1 mill a fee of \$.03 per acre or \$10.00, whichever is greater, to be used for noxious weed management.

(2) Money received from the tax flat fee levy must be transmitted monthly-----

We offer these deletions and amendments because it is our view that a mill levy will tax a great deal of property for the purposes of weed control which bears no relationship or responsibility for the creation of the weed problem. We feel further that the 1% SALES TAX on the retail sale of herbicides unfairly burdens the agricultural segment of the economy which is already spending a great deal of money trying to control a problem not of its own creation.

The weed problem we are currently fighting is a "land based" problem, the majority of which is located on public land, and it is being spread by transportation and recreation as well as livestock and wildlife. We therefor feel that a flat fee such as we have suggested here would more appropriately spread the financial burden of the problem over those who are contributing to the creation of it. We

realize that the rates we have suggested may need adjusting in order to provide the revenue levels necessary to fund the program, but we provide them as a place from which to start.

I further suggest that this piece of legislation be held in this committee until its companion bill is introduced and can be considered along side of HB 506 because the two are closely related and many provisions are intertwined such that amending one will frequently necessitate amending the other.

Thank you for your time and attention and we of the APA will appreciate the opportunity to work with and support this legislation to a greater extent whenever it is convenient for this committee.

Paul G. Newby
Vice Chairman, APA Weeds and Pesticides Committee

Jo Brunner

AGRICULTURE LEGISLATIVE WORK.

NAME JO BRUNNER COMMITTEE House Agriculture
ADDRESS 1496 Kodiak Drive, Helena DATE February 4, 1985
REPRESENTING Montana Grange, Montana Cattlefeeders, BILL. NO. HB 506
Montana Cattlemens Association
SUPPORT x OPPOSE AMEND x

Mr. Chairman, members of the committee, for the record my name is Jo Brunner and I represent The Montana Grange Association, the Montana CattleFeeders Association and the Montana Cattlemens Association on House Bill 506.

Mr. Chairman, the organizations I represent today are supportive of positive legislation that will work toward the alleviation of the catastrophic weed control problem existing on our lands throughout the state today.

We wish to go on record in support of HB 506 with exceptions to three (3) portions we will offer amendments on and one section we would like to see broadened, but will not attempt to amend.

That concern is on page one, Section 1---lines 19, 20, and 21---the term does not include herbicides labeled only for home, yard, or garden use and sold in containers of less than 10 lbs or 1 gallon.--If you have ever purchased any of thoses small potent containers of herbicides you are aware of thier cost and thier potency and that the sale of such materials is quite extensive. While we understand that this might be considered a nuisance, we would like you to consider putting the surcharge on this type of sale, also Our first amendment is in Section 4, page 3, lines 6-9----There is levied upon the taxable value of real and personal property in the state subject to taxation of 0.1 mill to be used for noxious weed management-----

We ask that you strike these lines and that in turn would eliminate the

additional lines 10-17, that would send all the tax collected out of our counties to the state to administer.

Mr. Chairman, our members certainly do recognize the necessity of weed control--viable weed control. We recognize that it is going to take some financing to get the work done. But, we recognize the grave situation that our farms and ranches are embroiled in today. A mill here and a tenth of a mill there seems unimportant by themselves---put together with the existing and other proposed tax assessments, they do add up and we are no longer able to support more than our bare necessities.

This bill asks .1 mill--another bill purportedly will request an additional 2 mills above the existing mills and while we are willing to support the 1¢ per gallon surcharge, recognizing that we will in the end pay for it, we cannot support this additional tax on our property.

Our second amendment is on page 7, Section 10, line 5--and concerns the makeup of the appointed board. (c) one member from an agriculture crop production organization. To us, this implies a specific commodity organization, and while we do not have a problem with (b) immediately above this line because we feel it will take in all livestock interests; sheep, cattle, swine, ectera, we ask that this position be filled from a general agriculture organization.

Our amendment will change the word an to the word a--immediately after the word a, insert the word--general, and then, after the word agriculture, delete the word crop. Amended it will read: one member from a general agriculture production organization.

Our last amendment is also Section 10, page 7 and on line 13, which now reads-(h) one member at large. We request this be amended to read---one member representing biological research and control methods.

Mr. Chairman, members of the committee, these many years---at least it seems that long of a time, that I have been actively working on legislation

concerning our weed problems we have all recognized that one method alone will not take care of the many diverse weed populations---that we must recognize and utilize varied methods to suit the specific situation.

We have considered and strongly supported, and promoted biological control, and while I do not pretend to know all the histories of our setbacks and progresses in the bio area, I do know that we have made considerable headway in bio research and application and it is recognized that biological control is very important to any weed program we consider.

We have openings on this board for sportsmen, for conservation and for weed control people who most certainly may express interest in biological control, as will the farmer and the rancher who sits on the board, but we feel that it is of the utmost importance to not only have a representative from the chemical industry but to also have biological control methods represented as a continuous, official source of information to any board appointed to enact this law.

Mr. Chairman, we offer our support of HB 506 with these amendments included.

Thank you.

AMENDMENTS:

- (1) Section 4, page 3, lines 6-9, and thus 10-17. Delete Section 4.
- (2) Section 10, page 7, line 5. Change word an to word a,--after word a insert the word general. After the word, agriculture, delete the word crop. Amended it will read, " one member from a general agriculture production organization."
- (3) Section 10, page 7, line 13. Delete the words, at large, insert the words, representing biological research and control methods.

MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS

420 North California St.

Helena, Montana 59601

Exhibit
HB 506
2-4-85

Stuart H. Doggett, Executive Secretary/Treasurer

Phone (406) 442-3420

TESTIMONY TO THE HOUSE AG COMMITTEE ON HOUSE BILL 506

Mr. Chairman, members of the Committee, for the record my name is Stuart Doggett, speaking on behalf of the Montana Stockgrowers and the Association of State Grazing Districts.

We support House Bill 506 and feel it addresses one of the most catastrophic land problems in the State - noxious weed control. Although we support its concepts, there are two amendments we feel should be made to the bill. The first one is on page 6, line 21. We recommend that after the word "Department" that the word "shall" be inserted in place of the word "may". We feel that if the Director of the Department of Agriculture is to be given weed control responsibilities, he should and must appoint advisory councils from which to obtain information on this delicate issue.

The second amendment that we would recommend would be on page 7 in regards to who makes up the Weed Management Advisory Council. We feel that the suggested eight member council be reduced to seven members and the members described under the (d) and (f) categories be comined to say "One member from a sportsman-conservation group." We feel that this seven member council would be a more workable group that would still represent all the affected groups of noxious weed damage.

Exhibit E
HB 506
2-4-85

WITNESS STATEMENT

NAME George J. Oberst BILL NO. HB 506
ADDRESS 438 Dearborn Ave #4 Helena, MT 59601 DATE 2/4/85
WHOM DO YOU REPRESENT? Self: as farmer, timber owner, ag. Consultant
SUPPORT XX OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I favor the intent and procedures of this bill.

Particularly favor the Noxious Weed Management Advisory Council:

1. As addressing the major problem in weed control today,

Education-

lack of awareness
life style
conflicting land use patterns
motorized "wreckreation"

2. Therefore suggest that Advisory Council be expanded to nine members to include a County Commissioner from a rapidly suburbanizing county.

Pg 4, Sec 4 (2)
Lines 10-17

Question the wisdom of making the fund available to only those counties funded to 80% of maximum levy.

--may punish the most successful land managers and weed controllers, those who do not regularly need to fund larger programs. For example:

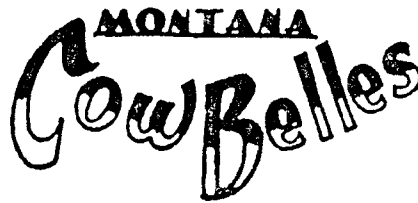
Musselshell County spends less than \$13,000. on weed control which barely covers both sides of Rts 12 & 87. They fund to .47 mills. They fund so little because ranchers are managing their land well and their weeds well. They need no larger funding: suddenly the fire!

Missoula County expends almost \$250,000. at .63 mills. It may be politically beyond their ability to increase funding: yet it may be to the state's advantage to expand funding for educating urban recreationalist and suburban landowners.

I favor that projects be funded for counties which:

1. fund their own diligent efforts to 80% of allowable;
 2. have, by their success; demonstrated their diligent effort and consequent need for smaller levies;
- or
3. counties politically unable to fund larger programs but which need them.

Perhaps funding of projects under #2 & 3 would be discretionary decisions of the Council.



Exhib. + F
+ HB 506
2-4-85

NAME Carol Mosher BILL NO. HB 506
ADDRESS Augusta, Montana DATE Feb. 4, 1985
WHOM DO YOU REPRESENT Montana CowBelles
SUPPORT X OPPOSE AMEND possibly

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We support the concept of this bill in its attempt to deal with the management of noxious weeds. This problem with weeds, especially knapweed, is one of the CowBelles highest priorities in working with the 1985 Legislators.

We do think that there should be a provision in the bill for State, Federal and public lands to contribute to the fund. Many of us border these types of lands and it must be a co-operative effort to eradicate these weeds. Often, in summer, I ride in the Bob Marshall and Scapegoat Wilderness' and along the Continental divide. It is very evident all along the mountains that knapweed is coming through and across these mountains. It takes away much of the incentive in dealing with weeds if neighboring areas are left untreated.

We do think that possibly trying to build one-half of this fund up to 2.5 million dollars immediately is wasting time. A slower working formula toward this goal could be used, as action is needed right now.

We support the needed cost on our taxes as we recognize that the expense of herbicides on our ranch budgets have become a "fixed" cost. That is, we have to spend the money now, whether the budget allows this expenditure or not, because we can not afford not to. This is one of the small examples of why agriculture is having a financially trying time. For example, on our ranch, the amount we spend on herbicides has gone from several hundred dollars to several thousand dollars a year, in just the past two years. And we probably need to spend more. It is not always easy to get the job done. This past year we used the crystal herbicide in areas that were not accessible with the sprayer and later found that without moisture to melt the crystals into the ground, that we have probably wasted a years time--and you know many of us did not have much moisture this past summer. We will have to redouble our efforts next year.

We urge your continued support of this type in helping all of us in keeping Montana's lands in good condition.

Exhibit G
H.R. 506
2-4-85

STATEMENT OF
CLARENCE ALMEN, RANGE PERMIT ADMINISTRATION, RANGE AND WATERSHED STAFF
NORTHERN REGION
FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

At a Hearing Held in Helena, Montana
By the House Agriculture Committee

CONCERNING ESTABLISHING A NOXIOUS WEED MANAGEMENT TRUST FUND; AUTHORIZING A NOXIOUS WEED MANAGEMENT ADVISORY COUNCIL; PROVIDING FUNDING FOR NOXIOUS WEED MANAGEMENT PROGRAMS; PROVIDING AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING AN APPLICABILITY DATE FOR A PORTION OF THE ACT

February 4, 1985

MR. CHAIRMAN:

The U.S. Forest is pleased to be here today and testify on House Bill 506.

The Forest Service supports the emphasis the State of Montana is placing on noxious weed control. Our role is one of cooperation. We recognize the seriousness of the weed problem in Montana.

The Forest Service fully supports the effort the State is making to encourage a cooperative effort between all involved landowners, land management agencies and County Weed Control Boards. Any improvement in area-wide control efforts will be beneficial to all those involved.

That concludes my testimony. Thank you.

WITNESS STATEMENT

Exhibit H
H13 506
2-4-85-

NAME GEO. OCHENSKI BILL No. 506
ADDRESS HELENA PO BOX 1184 DATE 2/4/85
WHOM DO YOU REPRESENT ENV. INF. CENTER
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



The Montana Environmental Information Center Action Fund

February 4, 1985

• P.O. Box 1184, Helena, Montana 59624

(406)443-2520

Mr. Chairman and members of the Committee, for the record my name is George Ochenski and I represent the Montana Environmental Information Center. I stand today to support HB 506, the Noxious Plant Management Trust Fund.

The Environmental Information Center realizes the severity of the problem we face and supports a broad variety of measures seeking to address it. In the face of a very tight fiscal horizon, we can appreciate the necessity of establishing self-sustaining programs. We believe the Trust Fund program has worked well for Montana on a number of other issues and support such a program for weed control as well.

Our hope is that Montana can, through the cooperative efforts of private and public entities, control its weed problem. We realize the use of herbicides as unfortunately necessary in the interim to development of a comprehensive integrated management control program. As always, we urge the development of biological control. We are joined in this approach by the majority of those familiar with the weed problem who know the costliness of the strictly chemical approach. Moreover, we believe it is simply not feasible to believe we can stop every noxious plant in the vastness of Montana from going to seed strictly through a herbicide spraying program.

Again, we support this bill, and we support the continuing efforts to bring Montana's noxious weed problem under control.

Thank you.

Exhibit A
113 572
2-4-85-

TESTIMONY
MONTANA DEPARTMENT OF AGRICULTURE
DIRECTOR KEITH KELLY
FOR THE
HOUSE AGRICULTURE, LIVESTOCK AND
IRRIGATION COMMITTEE
ON
HB 512

The Department of Agriculture supports H.B. 512 which allows landowners to control noxious weeds along rights-of-way in cooperation with weed districts.

We recommend that operational agreements between the Department of Highways and the County Weed District be signed to insure that funding for weed control is available, since we recognize that the Department of Highways funding is limited.

This committee should be aware that a bill modifying the current county weed act which will be considered by this legislature mandates signed agreements between a weed district and the Department of Highways. This proposed bill also establishes flexible weed management plans which could allow landowners to control weeds along rights-of-way.

WITNESS STATEMENT

NAME George J. Oberst BILL NO. HB 512
ADDRESS 438 Dearborn Ave. Helena, MT 59601 DATE 2/4/85
WHOM DO YOU REPRESENT? Self: as farmer, timber owner, Ag. Consultant
SUPPORT X OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I support the intent of the bill.

Sec. 2 (2) and Sec. 3: Please clarify who is financially
liable in an incident in which the landowner is acting under
"guidelines defining procedures" (pg.2, line 15), "acting with
the approval of the supervisors" (pg 2, line 25, pg. 3, line 1)
on federal, state or county land. Is the land owner an agent
of these entities?

Jo Brunner

AGRICULTURE LEGISLATIVE WORK

Augusta, Montana, 2000

NAME Jo Brunner COMMITTEE House Agriculture
ADDRESS 1496 Kodiak Road, Helena DATE February 4, 1985
REPRESENTING Montana CattleFeeders, SUPPORT x
Mont. Cattlemen, Montana Grange, OPPOSE _____
BILL NO. HB 512 AMEND _____

Mr. Chairman, members of the committee, for the record, my name is Jo Brunner and I represent the Montana CattleFeeders, the Montana Cattlemen and the Montana Grange today.

Mr. Chairman, the organizations I named wish to go on record as being in support of HB 512. Because our concern is growing for weed control, and we believe that not only agriculture has a problem with weeds and that other interests should share the cost and the work of the needed programs, we think that this will, if enforceable, provide a greater amount of control and finances.

Mr. Chairman, Terry Murphy, president of the Montana Farmers Union, requested that his organization be included in this testimony.

Thank you.

Exhibit D
HB 512
2-4-85

HB 512

FACT SHEET

DEPARTMENT OF HIGHWAYS

The Department of Highways does support controlling noxious weeds in Montana.

Under the present weed control law, the Department of Highways reimburses County Weed Control Districts for spraying noxious weeds on highway right-of-way. Presently, in an attempt to get a handle on the Department's obligation, each of the eleven Maintenance Chiefs statewide contacts the County Weed Control Districts. Most of the time the Department of Highways and the County Weed Districts agree to the area to be covered and the amount of money that can be expended for the upcoming spraying season.

In Fiscal Year 1984, the Department of Highways expended to the counties \$305,000 for spraying noxious weeds.

The Department would like to see a more coordinated effort of all state and federal agencies, weed control districts, railroads and landowners in the fight against noxious weeds. It doesn't seem proper to us to just spray the highway right-of-ways. This is not helping to solve Montana's noxious weed problem. Through better planning and organizing the efforts of all parties concerned and attacking the problem cooperatively, it is believed that a giant step forward would be taken against noxious weeds. If administered properly, HB 512 should help with a more coordinated effort.

The Department has not shown any increased cost because of HB 512. Of course, we do know that by placing more resources on spraying the right-of-way the cost will increase and the maintenance budget for the Department of Highways will have to be increased accordingly.

So that the Department has control of it's expenditures for this purpose, we would like to see that a provision be placed in HB 512 whereby each County Weed Control District and the Department of Highways be required to enter into an agreement prior to each spraying season, covering the area to be sprayed and the amount of funds to be expended.

We would also like to see that it is clear in the bill that the spraying will be done only for noxious weeds. It is suggested that the phrase weed control read "noxious weed control" in all sections of the bill.

DDG:jm:5u

WITNESS STATEMENT

NAME Geo. Ochenski BILL No. 512
ADDRESS P.O. Box 1184 DATE _____
WHOM DO YOU REPRESENT ENV. INF. CENTER
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



Exhibit E
HB 512
2-4-85
(406)443-2520

The Montana Environmental Information Center Action Fund

February 4, 1985

• P.O. Box 1184, Helena, Montana 59624

Mr. Chairman and members of the Committee, for the record my name is George Ochenski and I represent the Environmental Information Center.

I stand in opposition to HB 512 today for the following reasons:

1. The Noxious Plant Management Act, which will be heard in the near future, would repeal the entire County Weed Control Act, to which this bill is a suggested amendment. In the interest of the Noxious Plant Management Act, which we support and believe is a more comprehensive solution to the weed control problem than existing statutes, I urge you to table HB 512.

2. While the Environmental Information Center fully realizes the need for control of noxious weeds in the State of Montana, we nonetheless remain fully cognizant of the extremely toxic nature of many of the herbicides used to accomplish this purpose. We support the establishment of the Noxious Weed Management Trust Fund as well as the Noxious Plant Management Act. However, our research indicates some serious potential legal problems with the provisions of HB 512. First and foremost among these is the problem of liability. At the present time, most counties are going through the renewal process for insurance coverage for weed control application. Enclosed please find the most recent pollution exclusion pertaining to liability coverage. Simply put, insurance companies are more and more reluctant to cover the broad spectrum of liabilities which may arise from the accidental spill or overspray of toxic herbicides. These liabilities can include serious damage to both natural resources, such as waterways, and private holdings, such as adjacent croplands.

We feel the risk of allowing private landowners to perform control work on public lands is just too high to condone.

The recent HB148, introduced by Rep. Manuel, revises the requalification training requirements for farm applicators of herbicides. We did not oppose this bill because it was clear that the recertification was intended for application to one's own properties, not to the public lands, or highway rights-of-way. If HB 512 was enacted, we could very well see people with only six hours of training every five years given a free hand to disperse extremely powerful herbicides into the general environment. The consequences are potentially too great to risk.

I urge you to either table HB 512 until the Noxious Plant Management Act has been heard, or kill it outright.

Thank you.



This endorsement forms a part of the policy to which attached, effective on the inception date of the policy unless otherwise stated herein.
(The following information is required only when this endorsement is issued subsequent to preparation of policy.)

Endorsement effective

Policy No.

Endorsement No.

Named Insured

Countersigned by

(Authorized Representative)

This endorsement modifies such insurance as is afforded by the provisions of the policy relating to the following:

**BUSINESSOWNERS LIABILITY INSURANCE
COMPREHENSIVE GENERAL LIABILITY INSURANCE
COMPLETED OPERATIONS AND PRODUCTS LIABILITY INSURANCE
CONTRACTUAL LIABILITY INSURANCE
MANUFACTURERS AND CONTRACTORS LIABILITY INSURANCE
OWNERS, LANDLORDS AND TENANTS LIABILITY INSURANCE
SMP LIABILITY INSURANCE
STOREKEEPERS INSURANCE**

POLLUTION EXCLUSION

It is agreed that the exclusion relating to the discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants is replaced by the following:

to **bodily injury or property damage** arising out of the discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants into or upon land, the atmosphere or any watercourse or body of water; but this exclusion does not apply to **bodily injury or property damage** included within the **products hazard or the completed operations hazard** if the discharge, dispersal, release or escape originates away from premises owned by, rented or loaned to a **named insured**;

VISITORS' REGISTER

HOUSE AGRICULTURE

COMMITTEE

BILL NO. HB 506 and 512DATE February 4, 1985SPONSOR Rep's Harper & Cobb

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
George Oberst	438 Dearborn #4 Helena 59601	X X X	
Clarence Almon	Missoula, MT 59809		
GEORGE OCHENSKI	HELENA, EIC	506 506 512	
Marg GREEN	Bozeman Mont. Farm Bureau	506 w/ amendments 512	
Douglas Johnson	Mont Weed Control Assoc	506 512	
REEVES PETROFF	GALLATIN CO WEED BRD	512 506	
Paul G. Newby	Ag Preservation Assoc	506	
Laral Masher	Montana Cow Belles	✓ with commendme	
Ronald R McQueen	Ag Pres Assoc	506	
George Schreiner			
MONTANA Agri Business Ass	Leany Schreiner	✓ 506 with AMENDMENTS 512	
DON GEVEL	DEPT OF HIGHWAYS		
TODD HUDAK	MT. DEPT OF CITIES		
RANDY JOHNSON	MT GRAIN GROWERS ASSN	506	
BILL ASHER	APA - BOZEMAN	506 w/A	
Ray Ellis	Helena Valley Trng. Dist	512 506 ✓	
Jo Brunner	Ag Leg Work	506 512	
Dave Donaldson	MT ASSOC. of Cows Dist	506 & 512	
Stuart Daggelt	mt. Stockgrowers Ass 455 on St. George's	506	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. HB 506 & 512

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
KEITH KELLY	DEPT OF AGRICULTURE	506	512
Mike Mason	WETA - Helena	506	
Laurina Lubinus	WIFE	506 with Amendments	
Carole Mackin	Rt 2 Box 2184, Whitehall		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.