

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
STATE CAPITOL BUILDING

March 11, 1985

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date in Room 415 of the State Capitol Building at 1:00 p.m.

ROLL CALL: Upon roll call all members were present.

HB 716: Representative Bob Thoft, HD 63, addressed the amendments put on by the House. Page 7, line 4 where it strikes "or go to seed"; it is important in some areas of the state where they may have a small spot of spotted knapweed to have a weed bill where the plants shouldn't be allowed to go to seed. It is a tool that could be used in certain circumstances. Page 12, line 22 "or telephone" was stricken. The whole tone of the bill is the ability of the weed districts to work with land owners and not antagonize them. It is better to call the land owner and visit about the problem. Page 13, line 14, that process is already in the bill. He requested the committee strip the House amendments to HB 716. He asked that people present address the amendments before he went into the content of the bill. Amendments, Exhibit #1.

Doug Johnson, Montana Weed Control Association, favored striking the House amendments. He suggested the word certified be deleted on page 12, line 22 and telephone reinserted. Representative Thoft agreed.

Representative Thoft then presented the bill, saying it is part of three weed bills proposed; HB 659, Harper; HB 512, Cobb; and HB 716, Thoft. This bill is essentially amendments to the present weed law. Some of the reasons it was changed into its present form were because the old weed law was unenforceable in certain areas. It invaded private property. The three bills were combined in the House. In Section 1, they cleaned up the language so people know what they are talking about when talking about supervisor and also they defined the Weed Board. Section 2 is important because it makes it possible to have multi-county weed districts. It changed the makeup of the Board, deleting teacher of biology and giving the position to a member at large. County extension agents are involved with weed boards and have the expertise to fill that position. Section 4 deals with length of Board and terms of appointments. It clears up supervisor vs Board member language. Section 7 is language changes preventing noxious weeds from going to seed and makes better language in the bill. It is important in areas like western Montana where they lost control of some other weeds. They can get up a management program in an area that says they won't enforce control of spotted knapweed but will enforce for some other weeds. Section 8 is a provision for interfering with enforcement. Section 9 deals with Board specifics in management. Section 10

is cooperative agreements with local forests, state agencies and opens up the door to work voluntarily with these agencies. Section 11 pertains to revegetation for distrubed areas. Section 12 deals with control of noxious weeds along state highways. Section 13 amends existing law in case of non-compliance and provides for reacting to complaints. Before the Board can enter that land, they must communicate with the land owner and request entrance. If that is impossible, they still have power, with proper notification, to go in and make those inspections. The whole point of the bill is to try to work in a cooperative manner with the land owners. Section 14 deals with the same issue. There is a 10% penalty. The reason for the penalty was that, if you don't have some kind of penalty, people turn their weed problems over to the county. It will encourage land owners to do their own work. There is an appeal process in the bill where the owner can appeal to the Board, then to the commissioners and to the district court. Section 16 is an embargo program. Sections 17, 18, 19 cover the funding part of this program. There is no tax increase. It will operate on the existing 2 mill levy. There are other sections in the law if a district or part of a district wishes to vote additional mills. They may do so under certain sections in the code. If they wanted to spend more money, they could. The weed districts can receive money from the 2 mill levy plus general fund money, monies from grants, etc. Section 22 is a cost share program. It is much cheaper for weed districts to treat smaller areas and forget them rather than go to the land owner. Section 24, the Board of Supervisors can work with federal programs. Section 25 through 30 clear up language regarding responsibilities due to earlier changes in the law. The rest of the bill is housekeeping. Testimony, Exhibit 1A.

Hal Harper, District 44, (Representative) supported combining the bills. The main concern before the subcommittee was the extra mills for weed control in HB 586. That problem was addressed by combining the present use of general fund money with the 2 mills. For areas with a small taxable valuation up to the top of their 2 mill levy now who need more money, the RID legacy program has, as its top priority, a million dollars for this weed trust fund. When they reach their limit they can use this money without raising taxes for these people. The weed problem has cost in excess of one hundred million dollars a year. This bill provides planning and cooperative agreements needed to have in place before federal agencies will make a firm commitment to this.

John Patterson, HD 97, was on the House Agriculture Committee and a subcommittee chairman that put together the weed bills. There was quite a bit of concern about raising the mill limit from 2 to 3 mills. There are 22 counties in the State of Montana that are to the 2 mill limit for weed control. They did not take it to 3 mills because they could still use the section in the law putting it to the people if they wanted to raise that limit. Regarding the amendments put on in the

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House, he said the committee was not aware of them until the second reading that morning. It went through before they found out what the amendments were. He asked the committee to remove the amendments. People can get more done on the telephone than in a letter. He asked for passage of the bill.

Gene Ernst, HD 29, supported the bill as is. He is a legislative member of the Montana Weed Control Association. They have been working on the bill for 2 years. Their largest objection is taxation. It has been held at the present 2 mills and counties are allowed to use other revenue sharing. There is a provision for a voted levy by the people in the county. He commended the House Agriculture Committee for putting this together.

Representative James Schultz said the bill is a compromise of a lot of different groups. It had not only farmers and ranchers, but sportsmen, environmentalists, and people representing state and federal government. He hopes the bill will pass through without any major change so they can look at it for a two year term, then come back in two years if there are some problems with it, and amend it. Some counties were not pleased with it being left at 2 mills but, in some counties a mill raises \$7000 and in other counties a mill raises seventy to ninety thousand dollars. If they want to increase their budgeting, they can. He urged the committee to concur in the bill.

George Oberst, farmer from Noxon and timberland owner, presented his testimony. Exhibit #2.

Ralph Peck, Department of Agriculture, endorsed the bill. Exhibit #3.

Jo Brunner, Montana Grange, MT Cattlefeeders, MT Farmers Union, supported the bill, Exhibit #4.

Mons Tiegen, MT Stockgrowers, MT Woolgrowers Association and State Grazing Districts, said they also participated in discussion of the compromise. Many of his people were concerned over holding the mill levy down to 2 mills but it was adequately pointed out that a town like Billings, with 1 mill, can raise a lot of money compared to a town like White Sulphur Springs. There is adequate authority to increase the mill levy if the people really want this in the different areas. He asked for support of this bill. Testimony, Exhibit #5.

Dave Donaldson, MT Association of Conservation Districts, said that, for many years, the Association has recognized weed problems and passed resolutions addressing the laws and funding. They wish to go on record in support of HB 716.

Lavina Lubinus, WIFE, endorsed the bill. Exhibit #6.

Carol Mosher, MT Cowbellees, asked support for the bill. Ex-

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hibit #7.

Pat Underwood, MT Farm Bureau, agreed with Representative Ernst, this is a 2 year bill, and urged a do pass. Exhibit #8.

Ronald McOwen, Gallatin APA, Meagher County Protective Association, Park County Legislative Association, supported the bill. Exhibit #9.

Brad Spear, representing himself and the Bighorn County Livestock Association, supported the bill. Exhibit #10.

George Ochenski, MT Environmental Information Center, supported HB 716. He liked Oberg's suggested amendment regarding the assessment of results of efforts.

Reeves Petroff, Weed Control Supervisor for Gallatin County, on behalf of the Gallatin Weed District and County Weed Board, rose in favor of HB 716.

Doug Johnson, MT Weed Control Association and Cascade County Weed Control District, said they participated in the draft of HB 716 and it is a workable compromise. He urged a do pass.

Peter Stoltz submitted written testimony in support of the bill. Exhibit #11.

OPPONENTS: None.

Committee questions: Senator Bengtson - Regarding the RID money proposed for the weed trust fund, if a county has expended the 2 mills it would be eligible for money from the trust fund? Thoft - No, it would be on a grant fund. Bengtson - What happens if that particular bill doesn't pass? Thoft - There won't be a trust fund. There are three sources conservation districts have; grants, RID, and several places where weed districts can come in and ask for grants. That is why they need the language in the bill so they can accept those grants. Bengtson - What if there isn't any money in the district fund, if the legacy program doesn't pass and each county has gone their 2 mill limit? Thoft - There is a provision in the bill that they can increase their taxes and also a provision to meet general fund money.

Senator Severson - You are not calling spotted knapweed a noxious weed. Thoft - That's not true. There is a bill that gives the Department of Agriculture ability to set up a State weed list and also gives counties the ability to set this up. Severson - On page 7, it is unlawful for a person to let it go to seed. Won't every man be breaking the law? It is important for everyone to keep weeds from propagating and going to seed. Thoft - You have to read on a little farther, "his land, except that any person who adheres to the noxious weed management program of his district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section."

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The weed district can set up the compliance criteria in an area and they aren't going to put a land owner in the position of not being able to comply with the law. This is a much better approach to the problem. Severson - Why is it necessary to go further than propegate? Thoft - If there was a little patch of spotted knapweed somewhere in eastern MT, the weed district may want to have the authority to make sure it doesn't go to seed. They want to have authority to deal with the weeds they can deal with. This language does that.

Representative Schultz - In answer to Senator Severson, two knapweeds and dalm. toad flax are now on the noxious weed list by another bill.

George Oberst, in answer to Senator Bengtson's question on where the money might come from, HB 506 establishes the noxious weed list trust fund.

Representative Thoft, in closing, said regarding the concern about commissioners being involved in approving the warrants, that is a standard procedure which has been done for years. It might even be illegal to change it. About the weed supervisor going out and educating people, he thought that should be at people's own discretion.

ACTION ON HB 716: Senator Conover moved to strip the House amendments to HB 716. Motion carried.

Senator Bengtson asked about the suggested amendment on assessing the results on controlled areas. Representative Thoft replied that, with his 20 years experience on an 80 acre patch of leafy spurge in Ravalli county, you can't assess what you are doing in a short length of time. He could tell you over a 20 year period, but as far as assessing for the forest service and their massive bureaucracy, he could not accept that type of language in the bill and live with it.

The committee requested a couple days to look at the bill before acting on it.

There being no further business, the meeting adjourned.


PAUL F. BOYLAN, Chairman

ROLL CALL

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-11-85

SENATE
SEAT
#

	NAME	PRESENT	ABSENT	EXCUSED
1	SENATOR GARY AKLESTAD	✓		
27	SENATOR ESTHER BENGSTON	✓		
35	SENATOR JACK GALT	✓		
34	SENATOR H. W. (SWEDE) HAMMOND	✓		
10	SENATOR ALLEN KOLSTAD	✓		
38	SENATOR LEO LANE	✓		
48	SENATOR RAY LYBECK	✓		
31	SENATOR ELMER SEVERSON	✓		
39	SENATOR BOB WILLIAMS	✓		
29	SENATOR MAX CONOVER, V. CHMN.	✓		
50	SENATOR PAUL BOYLAN, CHAIRMAN	✓		

Each day attach to minutes.

DATE

March 11, 1985

COMMITTEE ON AGRICULTURE

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Wayne Pearson	Mont Weed Control Assn	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Spaulding	South Central Weed Dist	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Day	Toole County Weed Assn	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Stoff	Toole County Weed Assn	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carol Mosher	Montana Cow Belles	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BILL ASHUR	APA, PCLA & MCPA	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PAT UNDERWOOD	MT. FARM BUREAU	716	<input type="checkbox"/>	<input type="checkbox"/>
Ralph Peck	Mont. Dept of Ag	716	<input type="checkbox"/>	<input type="checkbox"/>
George Oberst	self	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LEO. OCHENSKI	ENV. INF. CENTER	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. B. Deago	self	716	<input type="checkbox"/>	<input type="checkbox"/>
REEVES PETROFF	GALLATIN CO WEED CONTROL MT WEED CONTROL ASSOC.	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ronald R. McCowen	Gallatin Co. APA	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dave Donaldson	MT. Assoc. of Cons. Dist	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ray Beck	DNRC / CDD	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lavina Lubinus	WIFE	716	<input type="checkbox"/>	<input type="checkbox"/>
Stuart Daggott	ASS. of State Grazing Districts	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wendy Tergon	MT Stockgrowers - Woodbridge	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brad Spear	Big Horn Co Livestock Assoc	716	<input type="checkbox"/>	<input type="checkbox"/>
Douglas L. Johnson	Mont Weed Control Assn	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Olsen	Missoula Co Weed	716	<input type="checkbox"/>	<input type="checkbox"/>
John P. Owen	HD 97	716	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dianne Donnelly	Mont Assoc of Counties	716	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit #1
2250830L.CW

COMMITTEE OF THE WHOLE AMENDMENT

2-25-85
DATE
8:30 AM
TIME
715
No.

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL

second reading copy (yellow) as follows:
Color

1. Page 7, line 4.
Following: "propogate"
Strike: "or go to seed"
2. Page 7, line 5.
Following: "district"
Insert: "of"
3. Page 12, line 22.
Following: "by"
Insert: "certified or registered"
Following: "mail"
Strike: "or telephone"

HB. 716
March 11, 1985
Exhibit #1.

AS

ADOPT
REJECT

Rep. Swift

Exhibit # 1A
HB 716
3/11/85

HOUSE BILL 716 THOFT, HARPER, COBB.
HB 716 merges three bills, 659, Harper
512, Cobb
716, Thoft.

Intent: to amend the existing law that for all practical purposes was unenforceable.

Invaded private property

No teeth in enforcement provisions

in essence hindered the efforts of noxious weed control by board and supervisors.

Took best portions of three bills and came up with this bill.

Came out of the house on a *tc* vote.

(Walk through bill)

Section 1 covers definitions

Page 1, paragraph 1, line 21 defines the board--as go through the bill there will be changes from the word supervisor to board.

Page 1, para. 5, lines 5 through 24 removes the specific list of designated noxious weeds and substitutes wording and definitions that will give the department the authority, and more leeway in the designation of noxious weeds.

Page 3, lines 2-5, deleted the old definition of supervisor, Lines 12-14 on page 3 redefined supervisor-to be employed by the board.

SECTION 2, page 3, beginning on line 19 through line 1 page 4. This section is on establishment of weed management districts--provides for the formation of either individual weed management districts or multi-county (districts) if the affected county commissioners agree.

SECTION 3, page 4, explains the make-up of the boards and deletes the the necessity of having a teacher of biology on the boards and gives that position to a member at large.

SECTION 4, page 4 and 5 sets down the term of office for the board to be 3 years-except for initial establishment of a board, staggered.

SECTION 5 & 6, pages 5-6, Remains virtually the same. Here again the designation is made between the existing law term of supervisor and this bills term board members.

SECTION 7 page 6 line 25 thru page 7 line 9 This section has caused problems in enforcement---changed wording from---'permit noxious weeds to go to seed'---to---'unlawful to permit noxious weeds to propagate on his land'--and added the provision for entering into a noxious weed management control program.

SECTION 8, page 7, lines 17-25 provides a fine for interfering with enforcement of the above section.

SECTION:9, page 8, line 6 is amended quite drastically, but zeros in on specifics the board must do, such as set goals for the management of noxious weeds and also includes county and municipality and right of way control,---specifically considering preservation of other vegetation and wildlife habitat. Also specifies methods of control to be considered---cultural, chemical and biological. Page 9, paragraph 4, also provides for special management zones may need more or less stringent management criteria than other areas of the district.

SECTION 10, page 9, line 5, begins a new section, that is specific in cooperative agreements between the local boards and all state agencies. Paragraph 2, line 15 and paragraph 3, line 25 thru line 5 on page 10 details those agreements.

SECTION 11, page 10-another new section,- specifying the revegetation of right of ways and disturbed areas and the criteria for those programs.

SECTION 12, page 11, beginning line 8, New section, provides for the control of noxious weeds along state and county highways and county roads by those whose land borders those roads and highways. Paragraph 2, line 21 thru line 9, page 12, covers liability to

the county weed board or the Department of Highways. It also carries stipulations on procedure if the weed control is not carried out as specified by agreement between parties.

SECTION 13. runs from page 12, line 10 to pge 14, line 9,- amends the existing law extensively in cases of non compliance.

Beginning with line 17 on page 12, it provides that if the board has reason to believe, through complaint or other means, that there is a noxious weed problem, on specified land, before the board can enter that land, they must communicate with the landowner and request entrance to the land-- then they shall inspect it with the landowner at a time deemed reasonable to him and work out a plan of control.

If the board is unable to contact the landowner or if the landowner will not cooperate, only then can the board enter the land without permission.

If the landowner does not voluntarily enter into an agreement notice of noncompliance will be sent by certified mail, specifying the problems and measures that will be taken by the board, and lines 15-23, page 13, and the terms of the compliance, Line 10, page 14.

SECTION 14, page 14, outlines the action to be taken by the board if the landowner is unable or unwilling to cooperate and specifies that the board may enter the land, perform the weed control and page 15, lines 7-16, bill the landowner for cost of work and materials with no more than a 10% penalty, with a payment due date of 30 days from the date the bill was sent.

SECTION 15, page 15, New section, covers any need for appeals by person who believes they are adversely affected by any of the previous notice actions or by order of the board. They can appeal to the county commissioners and if the person doesn't like the commission ruling they may file a petition in district court

WITHIN 30 days.

SECTION 16, lines 14, page 16, removes the board imposed embargo and initiates a board established voluntary embargo program.

(this could include educational programs for hunters and fisherman beside alternative programs for the landowners.)

SECTION 17-18-19 cover the funding and costs of the noxious weed management funds ^{and} their establishment.

SECTION 18, page 17, line 9, still allows the commissioners to use general fund money and the existing permissive 2 mill levy. Line 17-20 provides that any levy above that 2 mills must be voted on by the qualified voters in that district.

SECTION 20, page 18 allows the cost of the weed control to be taken out of the weed fund; the billing of the highway department for a specified agreements.

SECTION 21 continues expenditures.

SECTION 22, page 19, 20-21 sets up a cost share program with any person establishes a percentage of cost share, responsibility for the materials and services, lines 11-19, page 20, and payment date, and lines 20- thru 1, page 21, if not payed as designated can be billed as special tax on the land.

SECTION 23 covers tax liability for payment of weed control.

SECTION 24, gives the board supervision in any state or Federal program cooperative efforts.

SECTION 25--Section 30, more or less clears up language and responsibility to be in accordance with earlier changes made in the law. (Such a changing supervisor in existing law to board, county to district page 25, the difference between noxious and nuisance weeds.

SECTION 30, covers state land lessee responsibilities.

SECTION 31-33, Housekeeping.

WITNESS STATEMENT

NAME George J Oberst BILL NO. HB 716
 ADDRESS Box 609 Noxon MT DATE 3/11
 WHOM DO YOU REPRESENT? Self - farmer, timber landowner,
 SUPPORT X OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Sec 6 Powers & duties of the board: Pg 6 Sec 6(2)
 6 & c lines 19 → 23

"The board shall establish mgmt criteria ... on
 All land w/in the district;"

"make all reasonable efforts to develop
 & implement ... (the) program covering ALL
 land w/in the dist. owned or administered
 by a federal agency."

The mgmt. PLAN - Sec 9 pg 8 lines 10 → 16 The plan
 must: (a) specify goals & priorities

(b) inventory & delineate trends & susceptible
 sites

(c) establish procedures for mgmt.

There is no requirement, however that the plan
 (d) assess the effectiveness of control measures."

Without this provision the plan is:

1. Incomplete & essentially useless as an outline
 for continued action
2. A revolving door for spraying the same site
 perpetually without gaining control. -- that
 is to say; wasteful & foolish

federal land owning agencies." USFS Resource Forester
for Range Mgmt, Helena, MT

Assessment of results is essential to any management plan and is required of any joint cooperative program with the Federal agencies.

While I recognize the reluctance to create a weed bureaucracy, the addition of evaluation is vital to the needs and intent of this bill. Furthermore, Sec 11 requires of private parties a level of planning and paperwork not equalled by the district plan.

Pg 10, sub sec (3) lines 20-25 Require that any land disturbance be re-vegetated according to a plan submitted by the disturbing party. This written plan must include:

1. Methods of revegetation
2. Time and methods of seeding
3. Fertilization practices
4. Plant species and weed free seed use
5. Weed management procedures to be used

The plan must be approved by the boards and may have to be revised. Pg. 11 lines 1-2.

This plan is more specific for individual private sites than a district's plan for all land within its borders. Reviewing revegetation plans will require the personnell which could also prepare more complete district-wide plans necessary for inter-agency cooperation and management program success.

In cases of non-compliance with the district weed program (sec 13, pg. 12-14):

Sub sec (5) pg 14 lines 5-8 directs the board

" In accepting or rejecting a proposal, (for mgmt compliance) the board shall consider the economic impact on the person and nis neighbors, the cause and source of the weeds, practical biological and environmental limitations, and alternative control methods to be used."

— added

There are numerous cases in which:

1. weeds pose no threat of expansion
2. were not caused by landowner mgmt, or
3. come from an external source which is not being managed.

It would be grossly unfair to ignore these realities when seeking mgmt compliance from a landowner or lessee.

TESTIMONY OF MONTANA DEPARTMENT OF AGRICULTURE
DIRECTOR KEITH KELLY FOR
THE SENATE AGRICULTURE, LIVESTOCK AND
IRRIGATION COMMITTEE ON
HB 716
HELENA, MONTANA
MARCH 11, 1985

The department endorses the concept of HB 716. This compromise bill is a realistic approach for improving the administration of county weed control programs.

Counties will improve their definition of local weed problems and establish workable objectives to contain or reduce weed infestations.

Weed District Boards are given greater flexibility to implement short and long term weed control efforts.

Funding options are improved while still ensuring local control by county commissioners.

Districts capabilities to enter into agreements with state and federal land management agencies will be enhanced.

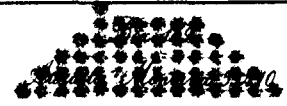
Improved cost sharing between the district and individuals or communities is improved.

One of its most important features is the provision allowing for voluntary agreements between landowners and the district on the management of the noxious weeds on the landowners land. You may hear in your consideration of this bill concerns of the powers of the weed board over landowners. I believe a specific comparison between this bill and the current act will reveal a greater regard for private rights in this proposal. The powers under the current act are broad and not subject to specific safeguards.

I recommend your favorable action on this bill.

Jo Brunner

AGRICULTURE LEGISLATIVE WORK



NAME Jo Brunner COMMITTEE Senate Ag.
 ADDRESS 1496 Kodiak Road, Helena, DATE 3/11/85
 REPRESENTS Montana Grange, Montana BILL NO. HB 716
Cattlefeeders, Montana Cattlemen - Montana Farmers Union
 SUPPORT X ABED OPPOSE

Mr. Chairman, members of the committee, for the record, my name is Jo Brunner and I represent the Montana Grange, the Montana Cattlefeeders, and the Montana Cattlemen's Associations at this committee meeting today.

Mr. Chairman, our organizations wish to support HB 716.

We have been aware for some time that our existing weed law was un-enforceable, primarily, we believe because of reluctance to invade private property, and because of definitions in the law.

Weeds are costly, not only to agriculture, but to the state in general. We are at a loss to understand why weeds seem to be only agriculture's responsibility, but if we can get good laws passed to make some headway in weed control, to bring viable weed control programs into being, and to fund such programs, we are willing, almost anxious, to accept the management of weed programs. This bill will, if passed, as written at the present time, allow that process to come about.

We feel that the private property invasion problem will be eliminated with HB 716. It allows a landowner every chance to voluntarily enter into weed control on his land. If he chooses not to, then the bill allows the local weed boards to take steps to curtail the spread of noxious weeds from that land to other lands.

We believe that taking any extra mill levy assessments to the electorate of the weed districts is essential. In our opinion, it will certainly make the board evaluate each situation and make the best use of the monies available.

Providing for a system of appeals by the landowner is very important to our people and we approve of the system in HB 716.

We do have some concern for the notification by certified mail--page 12, Section 13, line 22---this could certainly be a lengthy process and thus a problem with absentee landowners, but we do not at this time suggest an amendment.

As lobbyist for these groups, I participated in the redrafting of this bill, from the several bills offered, and I appreciate the hardwork and the compromises that were accomplished by all involved.

Our organizations ask that you take into consideration the tremendous weed problems that exist in our state today when you hear other bills such as HB506 and HB 876, and that you give a do pass on HB 716

Thank you.

WITNESS STATEMENT

Name Mans Teigen Sen
 Committee On Agric

Address Helena Date 3/11/85

Representing MS Stockgrowers, Woolgrowers Support
Evaz. Dist

Bill No. HB 716 Oppose _____

Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This is a most desirable compromise of the several bills introduced to address this most troublesome problem.
2. Adequate funding machinery is provided to provide additional funding when needed and supported by
3. the local taxpayers.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NAME: Lavina Lubinus DATE: March 11

ADDRESS: 1501 Chestnut Helena

PHONE: 442-8723

REPRESENTING WHOM? Women Involved in Farm Economics

APPEARING ON WHICH PROPOSAL: HB 716

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: We feel this bill will give the counties
a handle on the weed problem without violating
a landowners rights.

We urge your approval of HB 716 with
the Amendments suggested by Mrs Thopt.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Carol Masher DATE: 3-11-85

ADDRESS: Augusta

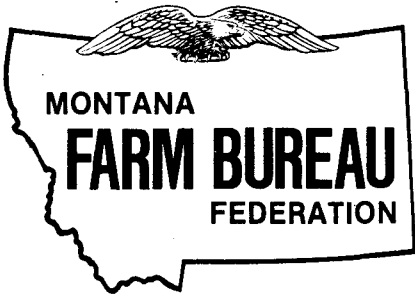
PHONE: 562-3315

REPRESENTING WHOM? Montana Lion Baiter

APPEARING ON WHICH PROPOSAL: HB 716

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I commend all who worked to put
this bill together and ask your support.



502 South 19th

Bozeman, Montana 59715

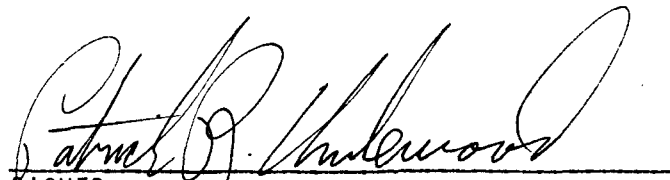
Phone (406) 587-3153

TESTIMONY BY: Pat Underwood

BILL # HB 716 DATE March 11, 1985

SUPPORT xx OPPOSE _____

The Montana Farm Bureau Federation supports this bill. A lot of work has gone into this effort to finally get something done regarding weeds in this state. We must pass this legislation and get some work going that is going to be effective. We strongly recommend a do pass for HB 716.



 SIGNED

TESTIMONY OF: Ronald R. McOwen
 BEFORE: Senate Agriculture Committee
 DATE: March 11, 1985
 REPRESENTING: APA, PCLA, MCPA
 RE: House Bill No. 716

Mr. Chairman and members of the committee. For the record, I am Ronald R. McOwen or Bozeman. I am a member of, and representing the Gallatin APA and its Pesticides Committee. I am also representing the Park County Legislative Association and the Meagher County Preservation Association.

We support HB 716. We have given this bill a great deal of study and consideration. We do not wish to offer any amendments at this time. We feel this bill provides a fair, practical and comprehensive method of dealing with noxious weeds in the State of Montana. For your consideration, we are offering an alternative method of financing which may be useful for funding future projects. We wish to express our concern in regards to some counties currently acting as suppliers of herbicides. This practice is in direct competition with private enterprise.

The table below represents an alternative method of financing, which we previously presented to the House Agriculture Committee.

EXAMPLE OF PROPOSED TAXATION METHOD (GALLATIN COUNTY)

	ACRES	\$.01/Acre	\$.02/Acre	\$.03/Acre	\$.04/Acre	\$.05/Acre
GALLATIN COUNTY TOTAL	1,610,880.0	16,108.80	32,217.60	48,326.40	64,435.20	80,544.00
FEDERAL AGENCY LAND	647,440.0	6,474.40	12,948.80	19,423.20	25,897.60	32,372.00
STATE AGENCY LAND	44,800.0	448.00	896.00	1,344.00	1,792.00	2,240.00
ROAD RIGHT OF WAY	8,204.0	82.04	164.08	246.12	328.16	410.20
AG ACRES (TAXABLE)	879,100.0	8,791.00	17,582.00	26,372.00	35,164.00	43,955.00
PER LOT CHARGE		\$2.50 Min	\$5.00 Min	\$7.50 Min	\$10.00 Min	\$12.50 Min
SUB-DIVIDED LOTS (TAXABLE)	32,732.0	\$81,830	\$163,660	\$245,490	\$327,320	\$409,150

The table reflects the amounts which may be generated if a rate per acre from \$.01 to \$.05 were charged for each taxable agricultural acre. Also, if property owners in Gallatin County were charged a `flat tax` of \$2.50 each it would generate \$81,830 from the 32,732 suburban, commercial and city lots in the county.

This method offers two very specific advantages over the present mill levy system. First, its simplicity does not require participation in its administration by the State DOR. Second, it provides non-taxable entities, such as federal and state agencies, a definite guideline as to their level of financial contribution to the county noxious weed fund.

We are very concerned about the magnitude of the noxious weed problem in the State of Montana. We feel that HB 716 addresses the state noxious weed problem very well, and we strongly urge your support of this bill. Mr. Chairman and members of the Committee: thank you for the opportunity to address the Committee today.

Sincerely,

Ronald R. McOwen

Agricultural Preservation Association
Park County Legislative Association
Meagher County Preservation Association

WITNESS STATEMENT

Name BRAD SPEAR Committee On _____

Address Becky Montana Date _____

Representing myself and Big Horn Livestock Assn. Support HB 716

Bill No. HB 716 Oppose _____

Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Recommend that the County Commissioners be permitted to give the Weed Board authority and responsibility of the expenditure and management of weed funds without requesting approval for each action or expenditure from the Co. Commissioners. This would be in accordance with annual budget prepared by the Weed Board and presented for approval by the County Commissioners.
- 2.
- 3.
- 4.

This would eliminate much un-needed duplication and would give the Board members more incentive.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NAME: Peter Hoff DATE: 3/11/55

ADDRESS: Box 349, Summers Pt 59482

PHONE: 937-3495

REPRESENTING WHOM? Town County weed Board

APPEARING ON WHICH PROPOSAL: HB 716

DO YOU: SUPPORT? AMEND? L OPPOSE?

COMMENT: I support the bill except for the section on logging woodlands on state land to the lessee - County where have always been the responsibility of the landowner, not the lessee and the state would then have income from it.

Also this rule is presented and in a few years we may all have taken down against state land and charged to the lessee.

There are many more comments about the woodlands.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

apologies for my handwriting!