

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Greg Jergeson, on March 11, 1991, at 3:00 P.M.

ROLL CALL

Members Present:

Greg Jergeson, Chairman (D)
Francis Koehnke, Vice Chairman (D)
Gary Aklestad (R)
Thomas Beck (R)
Betty Bruski (D)
Gerry Devlin (R)
Jack Rea (D)
Bernie Swift (R)
Bob Williams (D)

Members Excused: None

Staff Present: Connie Erickson (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 893

Presentation and Opening Statement by Sponsor:

Representative Betty Lou Kasten, House District 28, advised that HB 893 is a simple bill which revises the law relating to the filing of threshers' liens. She stated that there are several other liens on the books that deal in agriculture products, all of which are much more concise and easily read, and do not have the provision of needing to file a "notice to lien". She stated that the purpose of the bill is to simplify the filing of threshers' liens. She presented a handout which contained copies of the liens now on the books relating to agriculture, and a copy of a letter from attorney Arnie A. Hove, Circle, recommending passage of HB 893 (Exhibit #1).

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Jergeson stated the functions covered by the other liens usually occur well in advance of the harvest of the grain, so there is 30 days availability. When grain is harvested, if it is delivered to an elevator in town, that grain could be sold and long gone before the 30 days is up. He asked how does the custom cutter perfect his lien in those circumstances.

Rep. Kasten replied that there are different days in each lien because of circumstances (30, 60, 90). She stated that in practice very few combiners leave the field without having his money in his pocket, and if there is any problem, he goes directly to the elevator and puts a lien on it. This bill would give the person 30 days, if necessary. Senator Jergeson asked if the grain had been hauled to town and sold, what recourse does the thresher have if he has not yet filed the lien. Rep. Kasten stated he would have the same recourse any person has when they are owed a bill - to go to court.

Senator Aklestad asked if there is a lien on grain now, does the Secretary of State have that information. Rep. Kasten replied affirmatively, and with the new bill that information would still be on file at the Secretary of State's office. She said the problem on the existing bill is that a notice of lien must be given, and there has been some misinterpretation of that. The statute now requires a two-step procedure, and the language confuses the average farmer.

Senator Beck asked is the lien filed against the lienholder or against the person who produced the crop. Rep. Kasten informed that the lien would be filed on the grain, or against the person owning the grain. All that is being done in this bill is to set up language that is more easily understood, and to do away with the requirement of "notice to lien" in order to "lien".

Closing by Sponsor:

Representative Kasten said she appreciated the hearing and enjoyed the questions. She closed without further comments.

HEARING ON HOUSE BILL 549Presentation and Opening Statement by Sponsor:

Representative Ed Grady, District 47, advised that HB 549 generally revises the county noxious weed control law; requires training for weed district supervisors, and establishes new termination dates for information and liability restrictions on herbicide use. He explained the various changes in the bill and the reasons for such changes. He presented a letter from the Beaverhead County Commissioners indicating strong support of HB 549 (Exhibit #2).

Proponents' Testimony:

DAVE BURCH, representing the Montana Weed Control Association, stated they wished to go on record in support of HB 549. He read and presented his written testimony to the committee members (Exhibit #3).

BRIAN McNITT, representing the Montana Environmental Information Center, stated that group supports HB 549. He added that the need for this bill was made clear in the Statement of Intent wherein it states, "It is also the policy of the state of Montana to properly manage pesticides in order to ensure public and worker safety and to protect the environment. Weed district supervisors need special training and education in order to design and administer weed management programs that appropriately implement these policies". In order to have well trained people dealing with chemicals and planning the district programs, it is his belief they need people who will be available year after year. He added that weed control programs are potentially major contributors to water contamination, and well trained people are necessary in handling and planning these programs. He concluded by stating EIC supports HB 549.

DOUG JOHNSON, Administrator of the Cascade County Weed Management District, advised he would like to address the 5 mill issue. He pointed out that the mill levy for mosquito control has been 5 mills since 1969, and less than half the districts in the state are presently at the 5 mill levy, and those are usually the smallest districts. The small districts cannot raise enough money, and many times a 5 mill levy is less than \$25,000, and with a new truck costing about \$20,000, it is evident that 2 mills will not go very far towards purchasing a truck, paying salaries and purchasing chemicals. He stated they do not feel the extra 3 mills is necessarily going to be levied in every county, but the decision should be up to the Weed Board and the local County Commissioners. He urged that the 5 mills be kept in the bill. He added that the liability issue is very important in Cascade County.

JANET ELLIS, Montana Audubon Legislative Fund, stated that group supports this legislation.

LORNA FRANK, Montana Farm Bureau, stated that group is dedicated to the control and ultimate eradication of noxious weeds in Montana. They feel that HB 549 requires county Weed Boards to be more responsible for effective weed management programs. According to Ms. Frank, they support the concept and the training provided by the bill. They feel supervisors need that additional training. She indicated the 5 per cent issue presents a problem since they do not believe all the counties will go along with that amount. It is her hope that the people could decide by vote if they wished to go that high.

GORDON MORRIS, Montana Association of Counties, did not testify but presented written testimony recommending amendments which he wished to place in the record (Exhibit #4).

Opponents' Testimony:

BOB STEPHENS, representing Montana Grain Growers Association and the WIFE organization, stated they are not really opposed to the training of supervisors. However, they are opposed to the change of the mill levy. They realize it does no good to change the mill levy with I 105 in place; they also realize that 2 mills in some counties does not raise much money, but perhaps some counties do not want more than 2 mills. They believe the right to vote on the excess of 2 mills should be retained in this bill.

Questions From Committee Members:

Senator Williams referred to Section 1, line 4, regarding the hiring of a supervisor. Representative Grady stated that by retaining the word "may", the counties are not mandated to hire certain personnel.

Senator Beck made reference to the 5 mill levy and stated he believed that mill levy funds could be taken from one area of the budget, and put in another, thereby not capping I 105. Rep. Grady stated that assumption was correct, and there is still the alternative to go to the taxpayers. This would allow those counties that wished to do so to go above the 2 mill levy.

Senator Aklestad asked what precipitated the need for this bill. Representative Grady informed that in EQC it was discussed about getting supervisors who were better trained; there were changes on being able to assess some land that is not in continual parcels where they must spray but have no way of collecting; the liability issue needs to be extended, and in view of these concerns Rep. Grady stated there is a need for this bill.

Senator Beck suggested that perhaps a qualified contractor who sprays weeds could fill the need of a "supervisor". It was Representative Grady's opinion that a trained supervisor who deals with weed control full time would be more beneficial.

In response to various questions, Dave Burch, Montana Weed Control Association, stated that two counties can form one district and have one supervisor, as long as those counties are in agreement.

Senator Jergeson stated that they would have Connie Erickson, Legal Counsel, make sure they are being consistent in extending the sunset in the bills they pass.

Closing by Sponsor:

Representative Grady stated there are many important points in this bill, and he urged passage of it since weed control is a serious problem.

HEARING ON HOUSE BILL 840

Presentation and Opening Statement by Sponsor:

Representative Ed Grady, House District 47, advised that HB 840 adds native plant community to the definition of noxious weeds. This will make it clear that plants can now be declared noxious weeds if they threaten the native plant communities. He referred to page 3, line 12, which sets forth the primary purpose of this bill. He stated that currently the Department of Agriculture only prohibits the importation of noxious weeds. This legislation allows them to regulate the sale and importation of noxious weeds. He cited as an example Purple Loosestrife, which is threatening wetlands. This legislation is seeking to eliminate similar problems.

Proponents' Testimony:

JANET ELLIS, Montana Audubon Legislative Fund, stated that people do not often think of others as selling and importing noxious weeds, but it does happen in the horticulture industry. She passed around a catalog which illustrated some of the plants that are prohibited in Arizona, California and other states. She stated this particular brochure indicates Idaho regulates certain species of strawberries. According to Ms. Ellis, this bill would set up a system so the Department of Agriculture would regulate the sale or importation of plants that threaten horticulture, agriculture, livestock, wildlife and native plant communities. She addressed the fiscal notes, one prepared by the sponsor and the other by the Department of Agriculture. When the Department analyzed the bill initially, they assumed that each Weed District would be drafting rules and that one district could prohibit the importation of certain species to another district. This would call for inspection stations between county lines. She explained that is not the intent of HB 840 - the Department of Agriculture will develop rules. She feels the sponsor fiscal note is more

accurate. She distributed a leaflet concerning Purple Loosestrife (Exhibit #5).

DOUG JOHNSON, Cascade County Weed Management District, advised that their county is one of the unlucky recipients of Purple Loosestrife. It was previously thought to exist in only one area of the state, near Polson. However, it has been found in Great Falls and in several areas along the Missouri River. Every time they found Loosestrife, it was noted it was immediately below a developed area with homes, rock gardens. So-called "sterile" commercial varieties of Loosestrife were found in gardens above all these infestations. It is their belief the infestations were introduced as seeds or plants purchased from a nursery. They hope the Department will be given the tools to prohibit the sale of these seeds and/or nursery stock. He fears damage of wildlife habitat if this spreads.

LORNA FRANK, Montana Farm Bureau, stated they support HB 840 in that it requires regulation of material imported into Montana that may expose agriculture and other economic and beneficial uses to degradation by noxious weeds and plants. Control and eradication of weeds are a primary concern to their organization. She urged the committee to pass HB 840. (See Exhibit #6).

DAVE BURCH, representing Montana Weed Control Association, advised that group would like to go on record in support of HB 840. He stated Purple Loosestrife has been found in Lewis and Clark County, and is a top priority with the Lewis and Clark County Weed District. He read his testimony to the committee, and urged passage of HB 840 (Exhibit #7).

VALERIE HORTON, Montana Wildlife Federation, advised that the regulation of importation and sale of noxious weeds, proposed in HB 840, is a vital step in protecting Montana's wildlife, as well as horticulture, agriculture, livestock and native plant communities. Montana's wildlife is dependent on native vegetation throughout the state. According to Ms. Horton, noxious weeds have a tendency to crowd out native plants at an alarming rate and often provide no value to wildlife. It is necessary for the Department of Agriculture to have the authority to regulate noxious weeds, and the Montana Wildlife Federation would like to express their full support for HB 840.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Devlin asked what procedure should be followed to head off this problem. Roy Bjornson, Administrator of Plant Industry Division, Department of Agriculture, stated that in the Nursery Law there are mechanisms which handle the same things

being dealt with in HB 840. The mechanism is to notify all 50 Departments of Agriculture of a quarantine notice that the plant will be prohibited from being imported into the state. In turn, the industry in each state would pick up that quarantine notice and then incorporate it into their catalogs. In most cases they have reciprocal license agreements with each state; therefore, if a person is licensed in Idaho, they accept that license in Montana, and they may ship into Montana as long as they meet Montana requirements.

In response to questioning by Senator Devlin concerning cost of such a mechanism, Mr. Bjornson stated they do expect more shipping into different parts of the country due to an increased interest in native plants, and their workload will be heavier. He also believes enforcement will be a problem. Previously checks on mail order plants were made through the Post Office, but this has been discontinued because of budget cuts.

Senator Williams asked what the penalty would be for violation of this law. Mr. Bjornson advised that it would be a standard misdemeanor penalty, as set out in another portion of this act.

Replying to questions by Senator Beck, Mr. Bjornson stated the Nursery Association has recognized problems and they have recommended that the Department place an embargo on Purple Loosestrife through the quarantine system, and that has been offered to the Director for approval. He believes that sends out sufficient notice to states letting them know Montana is not interested in having that plant shipped in.

Senator Aklestad asked if this could be enforced by rule rather than by statute. Mr. Bjornson stated it is currently done by proclamation of the Governor. He would have to sign a proclamation stating that entry of a certain plant would be prohibited.

Senator Koehnke asked about individuals who receive plants. Mr. Bjornson affirmed that is a problem, and added this legislation would instruct the Department to do a better job in controlling those plants which come in through mail order sales.

Senator Devlin asked if the plant disease inspectors could handle the job of inspecting mail orders for noxious weeds. Mr. Bjornson stated that would be possible.

Senator Williams asked for clarification of what a noxious weed is. Doug Johnson, Cascade County Weed Management District, informed that normally a noxious weed is a non-native plant that has the ability to create negative impact on natural native plant communities. They are usually considered exotic, or are an introduced species that have no natural enemies, and often come from other countries. In most cases, a native plant, even though it is a weed, would not be considered a noxious weed.

Closing by Sponsor:

Representative Grady pointed out that the fiscal notes were quite different because the bill has been amended considerably. He believes the fiscal note signed by the sponsor is acceptable. He feels that anything that can be done to stop another noxious weed from entering the state would be worthwhile. He mentioned the high cost of trying to control knapweed, and he feels the money involved with this bill would be a small amount to pay to keep another weed from coming into Montana.

EXECUTIVE ACTION ON HOUSE BILL 674Recommendation and Vote:

In previous executive action on March 8, 1991, Senator Aklestad made a substitute motion that HB 674 BE CONCURRED IN. This motion resulted in a tie vote 4-4. At that time Chairman Jergeson advised the vote would be held open until Senator Beck was present.

Senator Beck cast his vote in favor of HB 674. Those in favor - 5 (Aklestad, Bruski, Swift, Jergeson, Beck); opposed - 4 (Devlin, Rea, Williams, Koehnke). MOTION CARRIED.

Senator Jergeson will carry HB 674 to the floor of the Senate.

EXECUTIVE ACTION ON HOUSE BILL 722Discussion:

Connie Erickson, Legal Counsel, discussed at length the "conflict of interest" concern of HB 722. It was her opinion that conflict of interest exists whether or not it is stated in the bill. She pointed out Article 13, Section 4, of the Montana Constitution, provides that the Legislature shall provide a code of ethics prohibiting conflict between public duty and private interest for members of the Legislature and all state and local officers and employees. It seems that this would cover members of a Weed Board, according to Ms. Erickson.

Recommendation and Vote:

Senator Aklestad made a motion that HB 722 BE TABLED. Those in favor - 5 (Aklestad, Bruski, Devlin, Swift, Koehnke); Those opposed - 4 (Beck, Rea, Williams, Jergeson). MOTION CARRIED.

EXECUTIVE ACTION ON HOUSE BILL 549

Amendments, Discussion, and Votes:

Senator Williams made a motion that HB 549 be amended by striking Section 1, and the amendment be adopted. Those in favor - 9; opposed - 0. MOTION CARRIED.

Connie Erickson was directed to research the language in the Governor's amendatory veto on SB 3.

Lengthy discussion was had on whether the 5% mill limit would raise the cap on I 105. The consensus was that allowing a 5 mill levy would not cap I 105, and if they wished to raise it above 5 mills, it would have to go a vote of the people. Currently to raise the levy above 2 mills, it must go to the vote of the people. What the bill has done is raise the 2 mill levy to 5 mills.

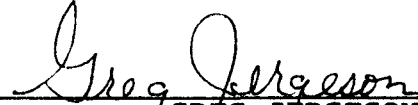
Recommendation and Vote:

Senator Williams made a motion that SB 549 BE CONCURRED IN AS AMENDED. Those in favor - 6; opposed - 3 (Aklestad, Devlin, Swift). MOTION CARRIED.

Senator Beck will carry HB 549 to the floor of the Senate.

ADJOURNMENT

Adjournment At: 5:00 P.M.



GREG JERGESON, Chairman



DOROTHY QUINN, Secretary

GJ/dq

ROLL CALL
AGRICULTURE COMMITTEE

DATE 3/11/91

52nd
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SEN. JERGESON	X		
SEN. KOEHNKE	X		
SEN. AKLESTAD	X		
SEN. BECK	X		
SEN. BRUSKI	X		
SEN. DEVLIN	X		
SEN. REA	X		
SEN. SWIFT	X		
SEN. WILLIAMS	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 12, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 674 (third reading copy -- blue), respectfully report that House Bill No. 674 be concurred in.

Signed:

Greg Jergeson
Greg Jergeson, Chairman

3-12-91
And. Coord.

SR 3-12 11:35
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 12, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 549 (third reading copy -- blue), respectfully report that House Bill No. 549 be amended and as so amended be concurred in:

1. Title, line 11.

Strike: "7-22-2109,"

2. Page 3, line 1 through page 4, line 5.

Strike: section 1 in its entirety

Re-number: subsequent sections

3. Page 8, lines 17 and 19.

Strike: "2"

Insert: "1"

Signed: _____

Greg Jergeson
Greg Jergeson, Chairman

171 3-12-91
Am. Coord.

SP 3-12 11:35
Sec. of Senate

530844SC.Sj1

71-3-402. How lien obtained. In order to acquire a lien, as specified in 71-3-401, the person performing services shall, within 30 days after the services are fully performed, file in the office of the secretary of state a statement of agricultural lien, as provided in 71-3-125, and the address to which notice must be directed as required by 71-3-404.

History: En. Sec. 2, Ch. 196, L. 1935; re-en. Sec. 8374.2, R.C.M. 1935; R.C.M. 1947, 45-902; amd. Sec. 2, Ch. 295, L. 1987; amd. Sec. 2, Ch. 529, L. 1989.

Compiler's Comments

1989 Amendment: Near beginning, after "office of the", deleted "clerk and recorder in the county in which any of the real estate is situated on which any crop is grown, upon which a lien is claimed, a statement verified by affidavit of the person claiming such lien, his duly authorized agent, or attorney having knowledge of the facts, setting forth the terms of employment, the name of the employer, the time when the services were commenced and when ended, the wages agreed upon, if any, and if not agreed upon then the reasonable value of the same, the terms of payment, if any, and a description of the real estate

on which any crop is grown or has been grown or harvested on which a lien is claimed, the amount paid him, if any, and the amount remaining unpaid and that said laborer claims a lien for the same"; substituted "secretary of state a statement of agricultural lien, as provided in 71-3-125" for former (2) that read: "(2) Notice of the lien also must be filed in the office of the secretary of state as required by 71-3-125"; and made minor change in phraseology.

Applicability: Section 10, Ch. 529, L. 1989, provided: "[This act] applies to agricultural liens filed after September 30, 1989."

71-3-902. How lien obtained. Any person, firm, corporation, or partnership who is entitled to a lien under this part shall, within 60 days after the last labor or service was performed or material furnished in crop dusting or spraying grains or crops, file in the office of the secretary of state a statement of agricultural lien as provided in 71-3-125.

History: En. Sec. 2, Ch. 205, L. 1953; amd. Sec. 1, Ch. 65, L. 1955; R.C.M. 1947, 45-1402; amd. Sec. 11, Ch. 295, L. 1987; amd. Sec. 7, Ch. 529, L. 1989.

Compiler's Comments

1989 Amendment: Near beginning, after "office of the", deleted "county clerk and recorder of the county in which said grains or crops were grown a just and true account of the amount due for such services, labor, or material after allowing all proper credits and offsets and containing a description of the grain or crops to be charged with such lien, the price agreed upon for such labor or service or material or, if no price was agreed upon, the reasonable value of the same, together with the name of the person, firm, or corporation for whom such labor or services were performed or material furnished and

a description of the lands as nearly as possible upon which said grains or crops were raised, which statements of fact shall be verified by affidavit of the person, firm, corporation, or partnership claiming such lien or his, their, or its duly authorized agent or attorney having knowledge of the facts"; substituted "secretary of state a statement of agricultural lien as provided in 71-3-125" for former (2) that read: "(2) Notice of the lien also must be filed in the office of the secretary of state as required by 71-3-125."

Applicability: Section 10, Ch. 529, L. 1989, provided: "[This act] applies to agricultural liens filed after September 30, 1989."

71-3-712. How lien obtained. Any person, company, association, or corporation who is entitled to a lien under 71-3-711 shall, within 30 days after the insurance is issued, file in the office of the secretary of state a statement of agricultural lien as provided in 71-3-125. A mutual company may file a lien for the largest amount that may become due under its assessment power, and in the event that the amount assessed is not as large as the amount of the lien claimed, the amount assessed and due is the amount the mutual insurance company is entitled to under this lien. Unless the person, company, association, or corporation entitled to a lien files the agricultural lien statement within the time required, he or it is considered to have waived the right to a lien.

History: En. Sec. 2, Ch. 223, L. 1921; re-en. Sec. 8364, R.C.M. 1921; re-en. Sec. 8364, R.C.M. 1935; R.C.M. 1947, 45-706; amd. Sec. 7, Ch. 295, L. 1987; amd. Sec. 5, Ch. 529, L. 1989.

Compiler's Comments

1989 Amendment: Near beginning, after "person", inserted "company, association, or corporation" and after "office of the" deleted "county clerk and recorder of the county in which the crop so insured is located a statement in writing verified under oath giving the description of the land upon which the crop is planted, together with the kind of crop insured"; substituted "secretary of state a statement of agricultural lien as provided in 71-3-125" for former (2)

that read: "(2) Notice of the lien also must be filed in the office of the secretary of state as required by 71-3-125"; and made minor changes in phraseology and punctuation.

Applicability: Section 10, Ch. 529, L. 1989, provided: "[This act] applies to agricultural liens filed after September 30, 1989."

Cross-References

Form of ordinary oath, 1-6-102.

Affirmation or declaration in lieu of oath, 1-6-104.

Farm Laborers' Liens

Crop or Grain Liens for Spraying or Dusting

Crop Liens for Seed or Grain Insurance

Arnie A. Hove
Attorney at Law

P.O. BOX 184 — CIRCLE, MONTANA 59215
TELEPHONE: 406-485-2952

February 20, 1991

Betty Lou Kasten, Representative
State Capitol
Helena, MT 59620

Re: Bill for "An Act Revising the Law Relating to
the Filing of Thresher's Liens" and Amending
Section 71-3-802, MCA.

Dear Betty:

This letter is in support of the above-referenced house bill.

As the bill has been amended, it will simplify the filing of thresher's liens for those in agriculture. The amendments are necessary in that the statute as it now reads, is difficult for a farmer to properly perfect a thresher's lien.

I would encourage you and each member of the Agriculture Committee give their support to this bill and the committee recommend its passage.

Thank you.

Sincerely,



Arnie A. Hove

AAH/tk
cc: Jerry Schillinger

BEAVERHEAD
County Commissioners



Dillon, Montana

SENATE AGRICULTURE
EXHIBIT NO. #2
DATE 3/11/91
BILL NO. # HB 549K

March 11, 1991

The Honorable Ed Grady
House of Representatives
Helena, Montana 59620

Dear Mr. Grady:

The Beaverhead County Commissioners strongly support House Bills 549 and 840.

Sincerely,

David I. Moss
Chairman
Beaverhead County Commissioners

:pk



SENATE JOURNAL
EXHIBIT NO. #3
DATE 3/11/91
BILL NO. HB 549

POST OFFICE BOX 1911 • BOZEMAN, MONTANA 59771

WRITTEN TESTIMONY FOR HB 549
MONTANA WEED CONTROL ASSOCIATION
DAVID BURCH, PRESIDENT ELECT AND LOBBYIST

3/11/91

For the record my name is David Burch and I represent the Montana Weed Control Association. The Montana Weed Control Association would at this time like to go on record in support of HB-549.

The revisions in HB 549 would strengthen Weed Management in Montana. Training for Weed District Supervisors must be improved, there is more to running a Weed District then just spraying weeds. Weed control has evolved from a 6 month spray program to a 12 month weed management program which involves so much more then just spraying. There are many different factors that must be looked at when trying to control weeds, such as the environment, (when to spray, when not to spray, what chemical to use or should an alternative method of weed control be used).

This bill would also ensure that specific pesticide management goals and procedures be a part of a counties noxious weed management plan, which is not found in all county plans at this time. This bill will help the weed district supervisor receive more training which is crucial, and the over all goal is to become more professional in running a sound and solid weed management program.

In summary, the changes would be good for weed Control in the state of Montana, as it would enhance what is already happening for Weed Control, and as Law makers we hope you see the need to further the Weed Control Program and this bill would surely do this. Thank You.

EXHIBIT NO. #4
DATE 3/11/91
NO. HB 549WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 11 day of March, 1991.

Name: Gordon Morris

Address: MACo.

Telephone Number: 442-5209

Representing whom?

Appearing on which proposal?

HB 549

Do you: Support? Amend? X Oppose?

Comments:

Section 1 - mandates Counties employ
a supervisor. I recommend reinstating
the original language by striking section
1 in its entirety.

This would reestablish the permissive
language as in current law.



The "Hoke Amendment" requires
funding for legislative mandates.

Thank you
Gordon Morris

Purple Loosestrife

A New Weed Threat to Wetlands in Montana

by Joyce E. Brenneman, Barbra H. Mullin, and Peter K. Fay¹



Purple loosestrife (*Lythrum salicaria*) is an exotic perennial plant that infests wetlands. It has been found in flood plains, along drainage ditches, and on marsh edges in several places in Montana. The most severe infestations are often found in areas where the natural vegetation has been disturbed or eliminated. Evidence from Wisconsin and other states suggests that the plant is a serious threat to wetlands.

¹Student and Professor of Agronomy, and Professor of Agronomy, Plant and Soil Science Department, Montana State University, and State Weed Coordinator, Montana Department of Agriculture, respectively.

Origin and History

Purple loosestrife, a native of Europe and Asia, was introduced into North America in the early 1800's. The first citing in the United States was in New York in 1843. Early records indicate the seed was probably brought from Europe as shipping ballast. Over the next 100 years, the plant went through a period of acclimation, remaining primarily in the New England and eastern seaboard regions. Over the past 50 to 60 years it has gradually spread westward and is now reported in several mid-western and Pacific coast states.

Reproduction

Loosestrife has a high reproductive capacity. An established stand of loosestrife can produce up to 10,000 seeds per yard. The seed, which is quite small, is dispersed by wind, in the fur and feathers of animals and birds, and also by water. Seed remains viable for several years under both dry and submerged conditions.

The plant also reproduces vegetatively from rootstocks. Pieces of cut stem develop vigorous new shoots and roots when placed in water.

Because it is a wetland weed, Purple loosestrife has evolved mechanisms that allow it to survive the fluctuating environment found in these areas. An extremely hardy plant, it is capable of withstanding significant changes in soil moisture and temperature. It has developed an important survival mechanism in response to flooding; when an established plant is covered by water it's stems develop roots with a spongy bark layer called aerenchyma. It is this layer of bark which allows for the exchange of gases from the atmosphere to the roots, permitting further growth of the weed.

Life Cycle

Purple loosestrife seed germinates in the spring and summer, although seedlings do not typically flower in their first season. In autumn the stems die back and the plant remains dormant through the winter. The following spring, new stems form from root buds. Flowering starts in late June and continues into September. Rose-purple flowers with spike-like panicles are borne on upright three-to five-inch stalks.

The brilliant color of the purple loosestrife flower is replaced by copper colored fruiting capsules. Flowering stalks contain fully ripened capsules as well as floral buds which allow for seed dispersal over a long period of time.

Single plants continue increasing in size with each subsequent year of growth. New shoots form at the base of the plant, resulting in dense stands. These dense clumps of semi-woody stalks resist decay, and over time, debris becomes trapped between roots and stems, resulting in the elevation of the ground level. This eliminates hydrophilic species such as cattail, rushes and sedges. The height of the stalks creates a shaded environment that is detrimental to the growth of wildlife foods such as pond weeds. In addition, the vigorous growth and extensive seed dispersal give purple loosestrife a significant competitive advantage over most native species.

Detrimental Effects

The detrimental qualities of purple loosestrife are centered around its impact on wildlife. Established plant communities choke out more desirable wildlife vegetation and create an environment less suitable for wildlife habitat. In Minnesota, the first animal species effected by loosestrife was the muskrat, who utilizes cattails as nest-building material. Waterfowl are adversely affected by loosestrife-infested wetlands, as dense growth of the plant often covers an entire marsh, eliminating open water. Nesting sites are also eliminated due to the impenetrable nature of a loosestrife stand.

Because the plant can completely clog ditches, purple loosestrife also poses a threat to farmers who rely on irrigation ditches for water supply. The seed is rapidly spread the length of a ditch by the movement of water, thereby creating large infestations.

Benefits

Because of its perennial nature as well as the beauty of its purple-red spiked flowers, Purple loosestrife is cultivated as an ornamental. It is useful as a cut flower; it also fills the landscape area where tall plants are needed. Its long blooming period makes it a desirable honey plant. The plant also has medicinal attributes ranging from antibiotic properties to usefulness as an antiuremic or diuretic.

Control Methods

Despite these useful qualities, purple loosestrife poses a substantial threat that warrants control. Several methods, ranging from mechanical to chemical, have been attempted with varying degrees of success. Biological controls which are being investigated may hold promise for controlling the plant in areas of dense infestation in the future.



Mechanical Control

Mechanical methods include hand pulling, mowing, and flooding. Hand pulling is effective when infestations are detected early. The root system must be completely removed, since the root sections can sprout and form new plants. However, hand pulling is only effective on small plants.

Mowing or cutting the plant decreases plant vigor and retards seed production. Best results are obtained when the plant is mowed in mid to late July, but this does not normally provide long-term effects.

Flooding retards the growth of seedlings and reduces the vigor of established plants. The water must cover new plants completely. Again, this does not provide long-term control, since complete inundation for long periods is difficult.

Increasing the salinity of infested sites by flooding them with salt water has also been effective in controlling loosestrife populations. However, the special facilities required to flush the marsh with fresh water after the treatment limits the feasibility of this method.

Chemical Control

Chemical control has been effective. Dicamba (sold under the trade name Banvel) and 2,4-D provide control similar to mowing.

Rodeo is the most effective herbicide yet tested; 90% control has been achieved with plants treated in late summer. But because Rodeo is a non-selective herbicide, desirable vegetation is killed along with the purple loosestrife. In addition, purple loosestrife seedlings must be treated on an annual basis, and the potential of herbicide use is limited in large, inaccessible plots.

Biological Control

Biological control may eventually bring plant populations into balance with other vegetation. A survey of loosestrife populations in Europe has resulted in the selection of five insects which may have potential as biocontrol agents on the plant. Initial tests for host acceptance of these insects will be conducted by the Commonwealth Institute of Biological Control in Switzerland. Further testing in quarantine will be conducted at the Virginia Polytechnic Institute.

Programs to Combat Loosestrife

Several states have taken measures to prevent the further spread of loosestrife. Minnesota and Wisconsin have each included the plant on "noxious" and "nuisance" weed lists, respectively. Both states have created legislation to fund control programs and restrict its usage as nursery stock. Infestations are being mapped.

In states with limited purple loosestrife infestations such as Montana, education stressing the potential impact of the plant and the need for control is critical. Montana is currently implementing an educational program targeting wetland area managers, nurserymen and landowners in western Montana.

A statewide survey and detection program is also being initiated in Montana. Because some varieties of loosestrife are reported to be sterile, nurserymen will be encouraged to sell only those varieties. However, no specific regulations restricting nursery sales have been proposed at this time.

The Situation in Montana as of November 1988

Lake County

The Lake County Weed District added purple loosestrife to its noxious weed list in the spring of 1988. Infestations were surveyed and mapped during the summer, with a spray program starting in late summer and continuing into early fall.

To date almost 50 individual patches have been identified and mapped in a 72 square mile area. It is estimated that less than 100 acres of this area is infested with purple loosestrife. The U.S. Fish and Wildlife Service (USFWS) is providing herbicide for control of infested areas and the Lake County Weed District is providing equipment and labor. A number of purple loosestrife patches have been hand treated with Rodeo herbicide.

Other control methods include digging plants and clipping heads to prevent seed set. Though both methods are very labor intensive and expensive, land managers feel that they can be effective tools in key areas. Several larger infestations are located along waterways where hand control is difficult. Alternate control methods, including the use of herbicides such as 2,4-D, are being investigated. The herbicide 2,4-D, specific for control of broadleaf plants, has caused much less environmental damage than the broad spectrum Rodeo (glyphosate) herbicide in control sites in Minnesota.

The USFWS is committed to the control of purple loosestrife on private and state lands around their refuge areas in Lake County. They are willing to work with all landowners to solve the problem. Present work includes:

- Development of a task force to set long-term goals for control and possible eradication of purple loosestrife
- Continued mapping of infested areas
- Research into alternative control methods
- Development of a special management zone under the County Noxious Weed Control Act
- Identification of funding sources to help with control costs

Flathead County

Purple loosestrife plants producing viable seeds have been identified in five locations in Flathead County. The Weed Supervisor has contacted local USFWS managers to discuss the problem. He has also contacted land

owners with purple loosestrife infestations in their gardens regarding destruction of the plants. All of these plants have been pulled. It is estimated that there are less than 20 plants in the county.

Several plants have been found along Ashley Creek. Though this infestation is currently on private land, it threatens water fowl production areas. The Weed District supervisor has encouraged USFWS staff to survey the length of Ashley Creek and control the limited infestation currently found in the county.

A commercial nursery in the area warns gardeners not to plant purple loosestrife near water areas. At this time there are no plans to add purple loosestrife to the county noxious weed list due to the current limited infestation and potential to control the plants.

Cascade County

Purple loosestrife has been identified along the Missouri River at Great Falls from the Country Club area down to Sacajawea Island near the Black Eagle Dam. Staff members from the Cascade County Pesticide Program have surveyed the area to identify all infestations to determine how far down the Missouri River the infestation occurs. They are also trying to identify landowners in infested areas. Adjacent counties along the Missouri, as well as staff from the CMR Wildlife Refuge, have been contacted regarding purple loosestrife identification to determine the extent of the infestation along the Missouri River. Purple loosestrife has been added to the county noxious weed list.

State Program

The Montana Department of Agriculture will continue to coordinate activities and information on purple loosestrife by providing identification and control information to interested groups. Information on identification has been provided to all USFWS and FWP wetland managers. There has been support from across the state to add purple loosestrife to the state noxious weed list.

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Extension Service

The programs of the Montana State University Extension Service are available to all people regardless of race, creed, color, sex, handicap or national origin. Issued in furtherance of cooperative extension work in agriculture and home economics, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, James R. Welsh, Director, Extension Service, Montana State University, Bozeman, Montana 59717.

EB 70 April, 1990



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

SENATE AGRICULTURE

EXHIBIT NO. #6

DATE 3/11/91

BILL NO. HS40

BILL # HB-840 ; TESTIMONY BY: Lorna Frank

DATE March 11, 1991 ; SUPPORT Support ; OPPOSE _____

Mr. Chairman, members of the committee, for the record, I am Lorna Frank, representing the Montana Farm Bureau.

We support HB 840 in that it requires ~~stringent~~ regulation of materials imported into Montana that may expose agriculture and other economical and beneficial uses to degradation by noxious weeds and plants. Control and eradication of weeds ^{are of} ~~is a~~ primary concern to our organization.

We recommend a do pass for HB-840. Thank you.

SIGNED: _____

Lorna Frank

— FARMERS AND RANCHERS UNITED —



SENATE AGRICULTURE

EXHIBIT NO. #7

DATE 3/11/91

BILL NO. #840

POST OFFICE BOX 1911 • BOZEMAN, MONTANA 59771

WRITTEN TESTIMONY FOR HB 840
MONTANA WEED CONTROL ASSOCIATION
DAVE BURCH, PRESIDENT ELECT AND LOBBYIST

3/11/91

For the record my name is Dave Burch and I represent the Montana Weed Control Association. The Montana Weed Control Association would at this time like to go on record in support of HB 840.

We feel that the County Weed Districts and the people in Montana have enough weeds to try to control right now. It only makes sense to try to stop weeds before they get started and by stopping the importation and sale of noxious weeds this would be accomplished. It is not going to be a cure all for weed control but it will surely help.

The Montana Weed Control Association urges you to pass HB 840.

Thank you.

ROLL CALL VOTE

SENATE COMMITTEE _____

Date 3/11/91 Bill No. HB 674 Time _____

NAME	YES	NO
Sen Beck	X	

Secretary _____

Chairman _____

Motion: See Roll Call Vote on March 8, 1991.
(Tie Vote 4-4) Final Vote:
Those in favor - 5 (Abelstad, Brush, Swift,
Jerguson, Beck) Opposed - 4 (Devlin, Rea,
Williams, Koehnke) HB 674 CONCURRED
IN.

ROLL CALL VOTE

AGRICULTURE

SENATE COMMITTEE _____

Date 3/11/91 Bill No. HB 722 Time _____

NAME	YES	NO
SEN. AKLESTAD	X	
SEN. BECK		X
SEN. BRUSKI	X	
SEN. DEVLIN	X	
SEN. REA		X
SEN. SWIFT	X	
SEN. WILLIAMS		X
SEN. KOEHNKE	X	
SEN. JERGESON		X

DOROTHY QUINN

GREG JERGESON

Secretary _____

Chairman _____

Motion: Senator Aklestad made a
motion that HB 722 BE
TABLED. Those in favor - 5;
opposed - 4. MOTION CARRIED.

ROLL CALL VOTE

SENATE COMMITTEE _____

AGRICULTURE

Date 3/11/91

Bill No. HB 549

Time 4:45

NAME	YES	NO
SEN. AKLESTAD	X	
SEN. BECK	X	
SEN. BRUSKI	X	
SEN. DEVLIN	X	
SEN. REA	X	
SEN. SWIFT	X	
SEN. WILLIAMS	X	
SEN. KOEHNKE	X	
SEN. JERGESON	X	

DOROTHY QUINN

GREG JERGESON

Secretary

Chairman

Motion: Sen. Williams made a motion
To amend HB 549 (striking Section 1.)
and adopt amendment. Those in
favor - 9; opposed - 0. Motion CARRIED.

ROLL CALL VOTE

AGRICULTURE

SENATE COMMITTEE _____

Date 3/11/91 Bill No. HB 549 Time 4:48

NAME	YES	NO
SEN. AKLESTAD		X
SEN. BECK	X	
SEN. BRUSKI	X	
SEN. DEVLIN		X
SEN. REA	X	
SEN. SWIFT		X
SEN. WILLIAMS	X	
SEN. KOEHNKE	X	
SEN. JERGESON	X	

DOROTHY QUINN

GREG JERGESON

Secretary

Chairman

Motion: Sen Williams made a motion
that HB 549 BE CONCURRED
IN AS AMENDED. Those in favor- 6;
Opposed- 3 (Aklestad, Devlin, Swift)
MOTION CARRIED.