

HOUSE BILL NO. 512

1/26 Introduced  
1/26 Referred to Agriculture, Livestock & Irrig.  
1/29 Fiscal Note Requested  
2/04 Hearing  
2/05 Fiscal Note Received  
Died in Committee

1 HOUSE BILL NO. 512  
2 INTRODUCED BY CH

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW WEED CONTROL  
5 SUPERVISORS TO AUTHORIZE LANDOWNERS TO CONTROL WEEDS ALONG  
6 HIGHWAY RIGHTS-OF-WAY AND TO RECEIVE FINANCIAL ASSISTANCE  
7 FOR THE COSTS OF CONTROL; AMENDING SECTIONS 7-14-2132,  
8 7-22-2121, 7-22-2144, AND 7-22-2146, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-14-2132, MCA, is amended to read:  
12 "7-14-2132. Control of weeds along roads and highways.  
13 (1) The board of weed control and weed seed extermination  
14 supervisors or persons authorized by the supervisors as  
15 provided in 7-22-2121 shall control noxious weeds on the  
16 county roads.

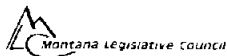
17 (2) If the department of highways does not control  
18 noxious weeds on state and federal highways in any county,  
19 the supervisors or persons authorized by the supervisors as  
20 provided in 7-22-2121 shall control them. Upon presentation  
21 by the supervisors of a verified account of the expenses  
22 incurred, the costs of control shall be paid by the  
23 department to the county noxious weed fund within 60 days."

24 Section 2. Section 7-22-2121, MCA, is amended to read:  
25 "7-22-2121. Weed control program. (1) The supervisors

1 shall control noxious weeds on all lands within the confines  
2 of the district. They shall take particular precautions to  
3 control the noxious weeds while preserving beneficial  
4 vegetation and wildlife habitat. Where at all possible,  
5 methods for such control shall include mowing, chemical, and  
6 biological methods.

7 (2) Any person may request authorization from the  
8 supervisors to control weeds along a county, state, or  
9 federal highway right-of-way adjacent to his land. Upon  
10 receiving such a request, the supervisors or their agent  
11 shall inspect the right-of-way. If the supervisors find that  
12 the weed control board is unable to control noxious weeds on  
13 the right-of-way in a timely fashion, they may authorize the  
14 person to control the weeds. The supervisors may adopt  
15 guidelines defining procedures to be used for weed control  
16 on highway rights-of-way."

17 Section 3. Section 7-22-2144, MCA, is amended to read:  
18 "7-22-2144. Payment of cost of weed control program.  
19 The total cost of such control shall be paid from the  
20 noxious weed fund. The cost of controlling such weeds  
21 growing along the right-of-way of a state or federal highway  
22 shall, upon the presentation by the supervisors of a  
23 verified account of the expenses incurred, be paid from the  
24 state highway fund, whether such costs were incurred by the  
25 supervisors directly or by landowners acting with the



1 approval of the supervisors, pursuant to the provisions of  
 2 7-22-2121. A claim to be paid from the state highway fund  
 3 must be paid within 60 days of its receipt. Costs attributed  
 4 to other lands within the district shall be assessed to and  
 5 collected from the appropriate holder or owner of interest  
 6 as set forth in 7-22-2107."

7 Section 4. Section 7-22-2146, MCA, is amended to read:  
 8 "7-22-2146. Financial assistance to landowners for  
 9 weed control. (1) If in the judgment of the commissioners  
 10 and supervisors it seems advisable, they may agree to assist  
 11 the landowners a landowner in said the district with a part  
 12 of the cost of weed control on their his land or along the  
 13 rights-of-way of federal, state, or county highways adjacent  
 14 to his land.

15 (2) ~~If this is to be done, then in cases where~~  
 16 financial assistance is offered pursuant to subsection (1)  
 17 and the landowner controls the weeds and exterminates the  
 18 weed seed;

19 (a) on his land, he shall present to the supervisors  
 20 a duly verified claim for one-third of such cost all costs  
 21 incurred, and when the same has been approved by the  
 22 supervisors and commissioners, it shall be paid to such  
 23 landowner out of the noxious weed fund;

24 (b) along a federal, state, or county highway  
 25 right-of-way, he shall present to the supervisors a verified

1 claim for all costs incurred.

2 (3) Any claim submitted under subsection (2) and  
 3 approved by the supervisors and commissioners must be paid  
 4 to the landowner out of the noxious weed fund.

5 (4) As provided in 7-14-2132 and 7-22-2144, the state  
 6 highway fund shall reimburse the noxious weed fund for  
 7 claims paid by the noxious weed fund to the landowner for  
 8 weed control along the right-of-way of a state or federal  
 9 highway.

10 (5) The supervisors may adopt guidelines specifying  
 11 the amount and nature of the costs incurred by a landowner  
 12 to be reimbursed from the noxious weed fund.'

-End-

## FISCAL NOTE

In compliance with a written request received January 30 19 85, there is hereby submitted a Fiscal Note for H.B. 512 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

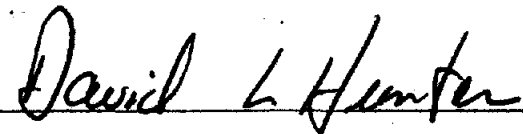
House Bill 512 is an act to allow county weed control supervisors to authorize landowners to control weeds along county, state, and federal highway right-of-way and to receive financial assistance for the costs of control from either the Department of Highways or the holder of the land.

FISCAL IMPACT:

The fiscal impact of this bill upon the state would primarily effect the Department of Highways. The fiscal impact cannot be estimated because the bill does not specify what costs would be reimbursable. The bill allows the county weed control supervisors to formulate guidelines on allowable costs.

TECHNICAL DEFECTS:

1. References to the phrase "weed control" should read "noxious weed control". Under this bill, the Department of Highways would not have any control over the amount of money expended. The bill should be amended so that an agreement is signed between the Department of Highways and the County Weed Control District covering the extent of the area to be sprayed and the amount of funds to be expended.
2. The state may be liable for private landowner actions because the landowners would be acting as agents of the state.



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 4, 1985