

HOUSE BILL NO. 659

2/04 Introduced
2/04 Referred to Agriculture, Livestock & Irrig.
2/05 Fiscal Note Requested
2/11 Fiscal Note Received
2/13 Hearing
Died in Committee

HOUSE BILL NO. 659

INTRODUCED BY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

Shirley Gay Smith
Carol Ellison
Ernest Brown
John Bennett
Richard E. Manning
Miles Adams
Alan Rapp
John Smith
John Debye
John Cody

A BILL FOR AN ACT ENTITLED: "AN ACT TO BE KNOWN AS THE NOXIOUS PLANT MANAGEMENT ACT, GENERALLY REVISING THE LAWS RELATING TO COUNTY WEED CONTROL; AMENDING SECTIONS 7-3-4453,

7-14-2131, 7-14-2132, 7-22-2215, 7-22-4101, 70-30-314, 77-6-113, 77-6-114, 77-6-303, AND 80-5-101, MCA; REPEALING SECTIONS 7-22-2101 THROUGH 7-22-2108, 7-22-2121 THROUGH 7-22-2127, AND 7-22-2141 THROUGH 7-22-2150, MCA; AND PROVIDING AN EFFECTIVE DATE."

Ernest Brown
John Debye
John Cody
E. Smith
Yellowtail

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

NEW SECTION. Section 1. Short title. [Sections 1 through 21] may be cited as the "Noxious Plant Management Act".

NEW SECTION. Section 2. Policy and purpose. Noxious plants are an economic and environmental problem requiring intensive long-term management. The management of noxious plants is primarily the responsibility of landowners. Whenever infestations are of an unusual nature, proportion, or intensity, the cooperation and resources of individuals, communities, and governmental entities may be desirable to manage noxious plants. Therefore, each county shall develop,

fund, and implement an immediate and long-range noxious plant management program. The county shall take particular precautions to protect the environment in planning and implementing this program.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 21], the following definitions apply:

(1) "Board" means any noxious plant management board created under [section 6].

(2) "Department" means the department of agriculture provided for in Title, 2, chapter 15, part 30.

(3) "District" means all land within one or more counties designated for the management of noxious plants.

(4) "Intensive management zone" means an area delineated by the board in which the board may impose stricter management standards for certain noxious plant species, require responsible parties to enter into noxious plant management agreements, or impose other necessary conditions as part of a concerted noxious plant management effort.

(5) "Land" means all land and water, including structures, buildings, contrivances, and machinery, fixed or mobile, situated on the land or used for harvest or transportation.

(6) "Management of noxious plants" or "to manage noxious plants" means planning, implementing, and monitoring



1 the integrated use of chemical, physical, cultural,
 2 mechanical, biological, preventative, or other techniques to
 3 eradicate noxious plants or to reduce the intensity or
 4 distribution of a noxious plant infestation, to prevent the
 5 spread of noxious plants, or to prevent noxious plants from
 6 sprouting, rooting, or going to seed.

7 (7) "Noxious plant" means any exotic plant species
 8 designated pursuant to the provisions of [sections 1 through
 9 21] which is capable of becoming established in suitable
 10 habitat and is difficult to control and which may render
 11 land unfit for agriculture, forestry, livestock, wildlife,
 12 or other beneficial uses.

13 (8) "Noxious plant management agreement" means a
 14 written contract between the board and a responsible party,
 15 specifying the techniques to be used by the responsible
 16 party to manage noxious plants on his land.

17 (9) "Noxious plant management standards" means the
 18 written descriptions of the most effective management
 19 techniques for each noxious plant designated statewide or
 20 within a district.

21 (10) "Noxious plant part" means the seed, root part,
 22 modified stem, or other tissue capable of producing a
 23 noxious plant.

24 (11) "Person" means any individual, association,
 25 partnership, corporation, estate, or other similar entity.

1 (12) "Prohibited noxious plant" means any noxious plant
 2 which has been designated as prohibited pursuant to the
 3 provisions of [sections 1 through 21] and which is not known
 4 to occur or is not widely distributed in Montana, but which
 5 could become established and threaten agriculture, forestry,
 6 livestock, wildlife, or other beneficial land uses in
 7 Montana if not eradicated.

8 (13) "Prohibited noxious plant part" means the seed,
 9 root part, modified stem, or other tissue capable of
 10 producing a prohibited noxious plant.

11 (14) "Public notice" means the publication of specified
 12 information in the newspaper or newspapers of general
 13 circulation in the district and, whenever feasible, the
 14 announcement of specified information through news releases
 15 to the print and broadcast media, posted notices, and other
 16 appropriate means.

17 (15) "Responsible party" means the person who has
 18 financial responsibility for managing noxious plants on an
 19 area of land. The responsible party is the landowner unless
 20 a written agreement is in effect specifying that a lessee,
 21 occupant, manager, employee, or other person has financial
 22 responsibility for noxious plant management on a specified
 23 area of land.

24 (16) "Standards exemption zone" means an area
 25 delineated by the board in which those noxious plants

1 specified by the board need not be managed in accordance
2 with the noxious plant management standards of the district.

3 (17) "Supervisor" means the person employed by the
4 board to conduct a noxious plant management program and to
5 supervise other employees of the noxious plant management
6 program.

7 NEW SECTION. Section 4. Prohibition against noxious
8 plants. No responsible party may allow any noxious plant to
9 propagate or to go to seed on his land, except that any
10 responsible party who adheres to the noxious plant
11 management standards of his district or who has entered into
12 and is in compliance with a noxious plant management
13 agreement is considered to be in compliance with [sections 1
14 through 21].

15 NEW SECTION. Section 5. Districts. A noxious plant
16 management district must be formed for each county and must
17 include all land within the county. However, two or more
18 counties may agree to form a single noxious plant management
19 district. The establishment of a district encompassing two
20 or more counties must be done in accordance with the
21 provisions of the Interlocal Cooperation Act (Title 7,
22 chapter 11, part 1).

23 NEW SECTION. Section 6. Appointment of board. (1) The
24 county governing body or bodies within a district shall
25 appoint a noxious plant management board. If a district is

1 composed of more than one county, the governing bodies of
2 the counties shall together appoint a single noxious plant
3 management board. The county governing body or bodies within
4 a district shall set by resolution the number of board
5 members, but in no case may a board consist of fewer than
6 three or more than seven members. A majority of board
7 members must be agricultural producers within the district;
8 at least one other board member shall reside in a
9 municipality within the district.

10 (2) The initial terms of board members shall commence
11 in January 1986. Any subsequent appointments or
12 reappointments to the board must be made in the month of
13 January. The county weed board shall continue to operate the
14 weed control program in the district until the initial
15 noxious plant management board is appointed.

16 (3) The term of a board member is 3 years, except as
17 provided in subsection (4).

18 (4) The expiration dates of terms must be staggered so
19 that at least one term expires each January, which must be
20 accomplished by appointing some members of the initial board
21 of each district to 1- and 2-year terms.

22 (5) The county governing body or bodies within a
23 district may limit the number of terms each member may
24 serve.

25 (6) The board shall annually elect from its members a

1 chairman, who has full voting privileges. The chairman may
2 appoint a secretary.

3 (7) The county extension agent is a nonvoting
4 ex officio member of the board and shall provide technical
5 assistance to the board. The board may appoint other
6 nonvoting ex officio members.

7 (8) The county governing body or bodies within a
8 district shall by resolution set any salary, per diem, and
9 mileage to be paid to board members and any per diem and
10 mileage to be paid to ex officio board members.

11 NEW SECTION. Section 7. Duties and powers of board.

12 (1) The board shall establish policies and implement a
13 program for the immediate and long-range management of
14 noxious plants on all land within the district.

15 (2) The board shall adopt a noxious plant management
16 plan as the basis for its noxious plant management program,
17 as provided in [section 8].

18 (3) The board may designate noxious plants within the
19 district, as provided in [section 9].

20 (4) The board shall adopt noxious plant management
21 standards for each noxious plant designated statewide or
22 within the district. The management standards for prohibited
23 noxious plants must call for eradication. The board shall
24 issue public notice of the availability of the standards
25 each spring and shall distribute the standards to the public

1 on request and in any other appropriate manner.

2 (5) The board may issue orders to restrict the
3 movement of any materials, products, or equipment into,
4 within, or out of a district when they are known to carry or
5 suspected of carrying noxious plants or noxious plant parts.
6 The board shall issue orders to restrict the movement of any
7 materials, products, or equipment when they are known or
8 suspected to carry prohibited noxious plants or prohibited
9 noxious plant parts. Orders issued by the board under this
10 subsection must be enforced by the county law enforcement
11 authority.

12 (6) The board may delineate as many intensive
13 management zones within the district as it considers
14 appropriate. The board shall specify which noxious plant
15 species within a zone are to be subject to intensive
16 management provisions; other noxious plants must continue to
17 be managed according to the noxious plant management
18 standards of the district. An intensive management zone may
19 consist of land which has a noxious plant infestation of
20 particular concern, land which lies within a specified
21 drainage or cooperative management area, land which is
22 particularly susceptible to a new infestation of noxious
23 plants, or any other land where the board chooses to
24 undertake a concerted noxious plant management effort.

25 (7) The board may delineate as many standards

1 exemption zones within the district as it considers
2 appropriate. A standards exemption zone consists of land
3 where management of specified noxious plants according to
4 district standards is economically infeasible or
5 environmentally incompatible. The board shall specify which
6 species of noxious plants within each zone are included in
7 the standards exemption delineation and thus need not be
8 managed according to the noxious plant management standards
9 of the district. The board may adopt and enforce alternate
10 management standards for the specified noxious plants within
11 a zone and may require specific management actions to limit
12 the spread of these noxious plants to adjacent lands. All
13 other noxious plants in the standards exemption zone must
14 continue to be managed according to the noxious plant
15 management standards of the district.

16 (8) Except as provided in subsection (9), the board
17 shall issue public notice of its intention to delineate any
18 intensive management zone or standards exemption zone not
19 less than 15 days or more than 45 days before taking action.
20 The board shall accept public comment during this period and
21 shall provide the opportunity for oral testimony on the
22 proposal during at least one board meeting prior to its
23 decision on whether to delineate any intensive management
24 zone or standards exemption zone.

25 (9) The board need not comply with the provisions of

1 subsection (8) for any intensive management zone or
2 standards exemption zone delineated through the process of
3 adopting the district noxious plant management plan.

4 (10) The board may issue orders requiring any person to
5 comply with the policies, standards, plan, or other
6 provisions of the noxious plant management program of the
7 district.

8 (11) The board shall employ a supervisor to conduct the
9 management program. The board may assign specific duties and
10 powers to the supervisor, to other employees, or to
11 designated agents.

12 (12) The board shall administer the noxious plant
13 management fund, maintain financial records, and disburse
14 funds to pay employees, to purchase necessary materials and
15 equipment, and to pay other operational costs of the noxious
16 plant management program.

17 (13) The board shall hold regularly scheduled public
18 meetings. The board shall issue public notice of these
19 meetings and shall keep minutes for public record. A
20 majority of the board constitutes a quorum for the conduct
21 of business. The board may hold a hearing on any element of
22 the noxious plant management program. The board shall issue
23 public notice of any hearing and keep a record of the
24 hearing.

25 (14) The board shall publish and make available to the

1 public an annual report on the noxious plant management
2 program within the district.

3 (15) The board may undertake other suitable activities
4 to further noxious plant management.

5 (16) The board shall comply with all applicable county,
6 state, and federal laws and regulations in implementing the
7 noxious plant management program.

8 NEW SECTION. Section 8. Noxious plant management
9 plan. (1) The noxious plant management program must be
10 based on a plan approved by the board.

11 (2) The noxious plant management plan must:

12 (a) specify the goals and priorities of the program;

13 (b) review the distribution and abundance of each
14 noxious plant species known to occur within the district and
15 specify the locations of new infestations and areas
16 particularly susceptible to new infestations; and

17 (c) estimate the personnel, operations, and equipment
18 costs of the proposed program.

19 (3) The noxious plant management plan may:

20 (a) discuss the damage caused by each noxious plant
21 species occurring within the district and the apparent
22 hazard posed by other noxious plant species that might
23 invade the district;

24 (b) describe the proposed techniques and alternatives
25 for managing each noxious plant species and for eradicating

1 each prohibited noxious plant species occurring within the
2 district;

3 (c) discuss the likelihood of invasion by noxious
4 plant species not known to occur within the district and
5 present a plan for preventing invasion and for managing
6 these noxious plants should invasion occur;

7 (d) delineate any intensive management zones, specify
8 the species subject to intensive management within each
9 zone, and present any alternate management standards;

10 (e) delineate any standards exemption zones, specify
11 the species exempt from district noxious plant management
12 standards within each zone, and present any alternate
13 management standards;

14 (f) describe the probable effect of management
15 techniques on each noxious plant species, on nontarget
16 plants and animals, and on agriculture and the environment;

17 (g) present management standards for the revegetation
18 of lands disturbed by development;

19 (h) describe the evaluation procedures to be used to
20 assess the effectiveness of the noxious plant management
21 program;

22 (i) present the procedures for review of noxious plant
23 management agreements proposed voluntarily by persons in the
24 district, as provided in [section 14]; and

25 (j) present any other relevant information.

1 (4) The plan must cover a period of at least 5 years.
 2 The plan must be updated at intervals no longer than 5 years
 3 to review the status of noxious plants in the district, to
 4 set new management priorities, to evaluate the effectiveness
 5 of management techniques, to review special zone
 6 delineations, and to reflect changes in land use and
 7 ownership within the district.

8 (5) Prior to adopting any plan, the board shall
 9 prepare a draft plan and issue public notice of its
 10 availability. The notice must specify the date on which the
 11 board will conduct a public hearing on the draft plan. The
 12 hearing date must be not less than 15 days or more than 45
 13 days after the issuance of public notice. The board shall
 14 accept public comment on the draft plan for at least 7 days
 15 after the hearing.

16 (6) The board shall give due consideration to public
 17 comment and may revise the draft plan. The board shall make
 18 any revised draft plan available to the public and may hold
 19 another public hearing and accept additional public comment
 20 if the revised draft plan differs significantly from the
 21 previous draft.

22 (7) Following the public comment and hearing process,
 23 the board shall formally adopt a noxious plant management
 24 plan. Until a draft plan is adopted as final, the existing
 25 noxious plant management program or weed control program

1 remains in effect.

2 (8) The board shall issue an initial draft plan by
 3 January 1, 1987. The initial noxious plant management plan
 4 must be adopted by March 1, 1987.

5 NEW SECTION. Section 9. Designation of noxious plants
 6 and prohibited noxious plants. (1) The department shall
 7 designate by rule those plant species to be considered
 8 noxious plants and prohibited noxious plants statewide.
 9 Plant species so designated statewide must be considered
 10 noxious in every district of the state.

11 (2) All provisions of [sections 1 through 21] that
 12 apply to noxious plants also apply to prohibited noxious
 13 plants, except when special provisions are provided for the
 14 management of prohibited noxious plants.

15 (3) The department shall forward a notice of all
 16 noxious plants and prohibited noxious plants designated
 17 statewide to the board of each district in the state.

18 (4) The plant species designated as noxious weeds on
 19 district or county lists prior to any rulemaking proceedings
 20 pursuant to this section must be managed as noxious plants
 21 until the department completes its rulemaking designating an
 22 initial list of statewide noxious plants.

23 (5) The board may designate a noxious plant in the
 24 district if the species meets the definition in [section 3]
 25 and if the following procedures are followed:

1 (a) The board shall issue public notice of its
2 intention to designate one or more plant species as noxious
3 plants and to hold a public hearing.

4 (b) The board shall hold a public hearing on its
5 proposal not less than 15 days or more than 45 days after
6 the issuance of public notice. The board shall accept public
7 comment on its proposal for at least 7 days after the
8 hearing.

9 (c) The board shall give due consideration to public
10 comment and shall decide, within 30 days after the close of
11 the public comment period, whether to designate the plant
12 species as noxious.

13 (6) The board may not designate prohibited noxious
14 plants.

15 NEW SECTION. Section 10. Cooperative agreements.

16 (1) Any state agency controlling land within a district,
17 including the department of highways; the department of
18 state lands; the department of fish, wildlife, and parks;
19 the department of institutions; the department of natural
20 resources and conservation; and the university system, must
21 enter into a written agreement with the board. The agreement
22 must specify mutual responsibilities for noxious plant
23 management on state-owned or state-controlled land within
24 the district.

25 (2) The board and the governing body of each

1 incorporated municipality within the district must enter
2 into a written agreement and must cooperatively plan for the
3 management of noxious plants within the boundaries of the
4 municipality. The board may implement management procedures
5 described in the plan within the boundaries of the
6 municipality for noxious plants only. Control of nuisance
7 weeds within the municipality remains the responsibility of
8 the governing body of the municipality, as specified in
9 7-22-4101.

10 (3) A board may develop and carry out its noxious
11 plant management program in cooperation with boards of other
12 districts, with state or federal governments and their
13 agencies, or with any person within the district. The board
14 may enter into cooperative agreements with any of these
15 parties.

16 NEW SECTION. Section 11. Revegetation of
17 rights-of-way and disturbed areas. (1) Any state agency or
18 local government unit approving a mine, major facility,
19 transmission line, solid waste facility, highway,
20 subdivision, or any other development resulting in
21 significant disturbance of land within a district shall
22 notify the board.

23 (2) Whenever any person or agency disturbs vegetation
24 on an easement or right-of-way within a district by
25 construction of a road, irrigation or drainage ditch,

1 pipeline, transmission line, or other development, the board
2 shall require that the disturbed areas be seeded, planted,
3 or otherwise managed to reestablish a cover of beneficial
4 plants.

5 (3) (a) The person or agency disturbing the land shall
6 submit to the board a written plan specifying the methods to
7 be used to accomplish revegetation. The plan must describe
8 the time and method of seeding, fertilization practices,
9 recommended plant species, use of weed-free seed, and the
10 noxious plant management procedures to be used.

11 (b) The plan is subject to approval by the board,
12 which may require revisions to bring the revegetation plan
13 into compliance with the district noxious plant management
14 plan. Upon approval by the board, the revegetation plan is
15 considered a noxious plant management agreement and must be
16 signed by the chairman of the board and the person or agency
17 responsible for the disturbance.

18 NEW SECTION. Section 12. Operation of management
19 program for noxious plants not covered by an intensive
20 management zone designation. (1) Each responsible party
21 shall manage noxious plants on his lands in accordance with
22 the noxious plant management standards adopted by the board
23 or as set forth in a noxious plant management agreement that
24 supersedes the district standards.

25 (2) If a complaint has been made by any person that

1 noxious plants on any land within the district are not being
2 managed in accordance with the noxious plant management
3 standards or if the supervisor has reason to believe that
4 noxious plants are not being so managed, the supervisor may
5 have the land inspected. If the supervisor finds that
6 noxious plants are not being managed in accordance with the
7 district noxious plant management standards, he shall
8 contact the responsible party to advise him of the
9 violation. The responsible party shall then have 10 days to
10 reach a management agreement with the supervisor.

11 (3) If the supervisor and the responsible party reach
12 an agreement, the terms must be put into a written noxious
13 plant management agreement and signed by both parties.

14 (4) If the supervisor and the responsible party cannot
15 reach an agreement within 10 days, the supervisor shall
16 prepare a noxious plant management proposal for the land and
17 shall present it to the board for review. The board may
18 modify the proposal as it considers necessary to accomplish
19 noxious plant management objectives. Approval of the
20 proposal by the board constitutes an order directing the
21 responsible party to manage noxious plants according to the
22 provisions contained therein.

23 NEW SECTION. Section 13. Operation of the management
24 program for noxious plants covered by an intensive
25 management zone designation. (1) The board shall determine

1 the techniques to be used to manage the specified noxious
2 plants within an intensive management zone. These required
3 techniques may vary within the zone, depending on the
4 character of the land, the nature of the noxious plant
5 infestation, and the management goal for each site.

6 (2) The board shall announce the required management
7 techniques to each responsible party controlling land within
8 the zone. The announcement may be made through personal
9 contact, letter, or public notice.

10 (3) The board may require any responsible party
11 controlling land within the intensive management zone to
12 enter into a noxious plant management agreement. If the
13 board so directs, the supervisor shall prepare a noxious
14 plant management agreement for the land. The supervisor
15 shall attempt to consult and cooperate with the responsible
16 party in the development of the agreement. The development
17 of the agreement must proceed as provided in [section 12(3)
18 and (4)].

19 NEW SECTION. Section 14. Standards exemption zones --
20 voluntary noxious plant management agreements.

21 (1) Responsible parties are exempt from complying with the
22 district noxious plant management standards for the
23 specified noxious plant species within a standards exemption
24 zone delineated by the board; however, responsible parties
25 must comply with any alternate management standards adopted

1 by the board for the specified noxious plants within the
2 zone.

3 (2) Any responsible party may voluntarily seek to
4 enter into a noxious plant management agreement with the
5 board as a means of receiving specific direction for
6 managing noxious plants or as a means of receiving approval
7 for managing noxious plants in a manner different from that
8 prescribed in the noxious plant management standards of the
9 district. The supervisor may draft a noxious plant
10 management plan upon the request of and in cooperation with
11 any responsible party; however, the agreement must, in the
12 supervisor's judgment, provide for effective noxious plant
13 management. The noxious plant management agreement must be
14 signed by the responsible party and, upon approval of the
15 board, by the chairman.

16 (3) Any person may voluntarily seek to enter into a
17 noxious plant management agreement for the management of
18 noxious plants on a state or county highway right-of-way
19 bordering his land. The supervisor may draft such an
20 agreement upon the request of and in cooperation with the
21 person; however, the agreement must, in the supervisor's
22 judgment, provide for effective noxious plant management.
23 The noxious plant management agreement must be signed by the
24 person and, upon approval of the board, by the chairman. An
25 agreement including a state highway right-of-way must also

1 be signed by a representative of the department of highways.
 2 The agreement must contain a statement disclaiming any
 3 liability of the board and the department of highways for
 4 any injuries or losses suffered by the person in managing
 5 noxious plants on a state or county highway right-of-way.
 6 The signed agreement transfers responsibility for managing
 7 noxious plants on the specified section of right-of-way from
 8 the board to the person signing the agreement. If the board
 9 later finds that the person has failed to adhere to the
 10 noxious plant management agreement, the board shall issue an
 11 order informing the person that the noxious plant management
 12 agreement will be void and that responsibility for the
 13 management of noxious plants on the right-of-way will revert
 14 to the board unless the person complies with the provisions
 15 of the agreement within a specified time period.

16 NEW SECTION. Section 15. Implementation of noxious
 17 plant management by board. (1) The board may implement
 18 noxious plant management measures on land within the
 19 district in accord with its management plan if:

- 20 (a) the land is county-owned or county-controlled;
 21 (b) the land is covered by a cooperative agreement
 22 with a state or federal agency, Indian tribe, or
 23 municipality and the agreement calls for the board to manage
 24 noxious plants thereon;
 25 (c) the land has an infestation of prohibited noxious

1 plants and emergency action is necessary to eradicate them;

2 (d) the land is determined by the board to have a
 3 noxious plant infestation of a size, nature, or density that
 4 is beyond the reasonable capacity of the responsible party
 5 to manage;

6 (e) the land is determined by the board to have a
 7 noxious plant infestation that is in the best interest of
 8 the district to manage; or

9 (f) the responsible party does not adhere to noxious
 10 plant management standards or to a noxious plant management
 11 agreement or does not comply with an order to manage noxious
 12 plants.

13 (2) Before undertaking noxious plant management as
 14 provided in subsections (1)(c), (1)(d), or (1)(e), the board
 15 shall decide which of the following financial arrangements
 16 will be applicable:

17 (a) the board may pay the entire cost of the operation
 18 from the noxious plant management fund provided for in
 19 [section 18];

20 (b) the board and the responsible party may enter a
 21 cost-sharing agreement, specifying what part of the costs
 22 will be paid from the noxious plant management fund and what
 23 part will be paid by the responsible party; or

24 (c) the board may charge the entire cost of the
 25 operation, including labor, equipment operation, and

1 materials, to the responsible party.

2 (3) Whenever the board implements noxious plant
3 management as provided in subsection (1)(f), the board shall
4 charge to the responsible party the entire cost of the
5 operation, including labor, equipment operation, and
6 materials, plus an additional penalty of 25% of the entire
7 cost.

8 (4) Before undertaking any noxious plant management on
9 land controlled by any responsible party, the board shall
10 send the responsible party a notice by certified mail,
11 except as provided in subsection (6). The notice shall
12 inform the responsible party:

13 (a) that specified noxious plant management activities
14 will be implemented by the board on the responsible party's
15 land;

16 (b) of the reasons for the implementation of noxious
17 plant management by the board; and

18 (c) of any costs of the noxious plant management work
19 that will be charged to the responsible party and, if
20 applicable, that an additional 25% penalty will be assessed.

21 (5) The board may not take any action to implement
22 noxious plant management on the responsible party's land
23 until 15 days have passed from the sending of the notice.
24 During this period, the responsible party may discuss the
25 proposed noxious plant management activities with the board

1 or the supervisor in an effort to reach a mutually agreeable
2 resolution. The 15-day waiting period may be waived if the
3 responsible party contacts the board and agrees to the
4 implementation of noxious plant management activities by the
5 board.

6 (6) The board may take emergency action to eradicate
7 prohibited noxious plants on any land within the district
8 without complying with the notice provisions of subsection
9 (4). The board shall, however, attempt to contact the
10 responsible party before implementing the emergency action.

11 (7) Whenever the board implements noxious plant
12 management on the land of a responsible party and charges
13 the responsible party some or all of the costs, the board
14 shall submit to the responsible party a bill, including an
15 itemized account of the man-hours of labor, the materials
16 and equipment used, and any penalty assessed by the board.
17 Labor and equipment must be valued at the current rate paid
18 for commercial management operations in the district. The
19 bill shall specify a payment due date that may not be less
20 than 30 days from the date the bill is sent to the
21 responsible party. The board shall submit a copy of the bill
22 to the county clerk and recorder. The expenses for the
23 management activities must initially be paid by the board
24 from the noxious plant management fund.

25 (8) If a responsible party controlling any taxable

1 land does not remit full payment to the board by the due
2 date, the county clerk and recorder shall certify the
3 balance owed, with the legal description of all land in the
4 district owned by the responsible party, and shall extend
5 the amount to the assessment list of the county as a special
6 tax on that land.

7 (9) If a responsible party controlling only tax-exempt
8 land within the district does not remit full payment to the
9 board by the due date, the balance owed must be recovered by
10 direct claim against the responsible party and collected in
11 the same manner as a personal property tax.

12 (10) All funds received by the board under subsections
13 (7) through (9) must be deposited in the district noxious
14 plant management fund.

15 NEW SECTION. Section 16. Penalties. Any person
16 convicted of violating any provisions of [sections 1 through
17 21] or the orders issued thereunder or of interfering with
18 the board, supervisor, or designated agent in the
19 performance of his authorized duties is guilty of a
20 misdemeanor and shall be fined not less than \$100 or more
21 than \$1,500.

22 NEW SECTION. Section 17. Administrative and judicial
23 review. (1) Any person adversely affected by a policy or
24 order of the board may request an administrative hearing
25 before the board. The board shall announce its decision on

1 whether to hold a hearing within 7 days of receiving the
2 request.

3 (2) If a hearing is held, it must occur within 30 days
4 of the initial request. Participants testifying may be
5 represented by legal counsel. The board shall make a record
6 of the proceeding and enter its order and findings within 30
7 days after the administrative hearing.

8 (3) If after the hearing process the person still
9 believes himself to be adversely affected by the policy or
10 order of the board, he may file a petition in district court
11 requesting that the policy or order be set aside. The court
12 may affirm, modify, or set aside the policy or order
13 complained of, in whole or in part. The findings of the
14 board with respect to questions of fact must be sustained if
15 supported by substantial evidence when considered on the
16 record as a whole. The court may remand the matter to the
17 board to take further testimony, and the board may modify
18 its findings and its order by reason of the additional
19 record. The board shall file any modification of the
20 findings or order with the clerk of the court.

21 (4) If the board decides under subsection (1) not to
22 schedule an administrative hearing, the person may file a
23 petition in district court to obtain judicial review of the
24 facts and the legal issues pertaining to the board policy or
25 order at issue.

1 NEW SECTION. Section 18. Noxious plant management
2 fund. (1) The county governing body or bodies within a
3 district shall create a noxious plant management fund by:

4 (a) appropriating money from the general fund of the
5 county;

6 (b) levying a noxious plant management tax not
7 exceeding 3 mills of total taxable valuation in the county
8 or counties;

9 (c) levying a special noxious plant management tax not
10 exceeding 2 mills of total taxable valuation in the county
11 or counties; the special noxious plant management tax may be
12 levied to fund a specific noxious plant management project,
13 a major equipment purchase, or any other special need of the
14 district noxious plant management program; and

15 (d) any combination of the above.

16 (2) All funds remaining in a noxious weed fund upon
17 establishment of the noxious plant management fund must be
18 deposited in the noxious plant management fund.

19 (3) As provided in 77-6-114, the county treasurer
20 shall collect as a personal property tax from all lessees of
21 state lands within the district all assessments and taxes
22 levied for noxious plant management by the county governing
23 body. These assessments and taxes must be deposited into the
24 district noxious plant management fund.

25 (4) The noxious plant management fund must be used

1 solely to further the noxious plant management program of
2 the district. Any revenues generated by the sale or
3 application of materials, sale or rental of equipment, or
4 assessment of charges or penalties must be deposited in the
5 noxious plant management fund of the district and may be
6 used during the current or any subsequent year.

7 (5) The board may accept any private, state, or
8 federal gifts, grants, contracts, or other funds to aid in
9 the management of noxious plants within a district.

10 (6) The board may disburse funds to hire and train
11 employees, to purchase materials and equipment, and to pay
12 other operational costs of the noxious plant management
13 program.

14 (7) The board shall determine what materials or
15 equipment owned by the county may be made available for use
16 by persons in the district in furtherance of the district
17 noxious plant management program. The materials and
18 equipment must be used solely for noxious plant management.

19 (8) The board may enter into financial or operational
20 agreements to assist responsible parties in the district
21 with a portion of the cost of managing noxious plants. Such
22 cost-sharing may be made available throughout the district,
23 in intensive management zones, or in any other specified
24 areas at the discretion of the board in furtherance of the
25 district noxious plant management program. Verified claims

1 filed by a responsible party cooperating with the board must
2 be paid from the district noxious plant management fund.

3 (9) The costs of conducting a noxious plant management
4 program on the rights-of-way of state highways must be
5 assessed against the department of highways and must be paid
6 from the state highway fund in compliance with 7-14-2132 and
7 with the agreement concluded under [section 10] between the
8 board and the department of highways.

9 NEW SECTION. Section 19. Citizen responsibilities.

10 (1) Each responsible party shall manage noxious plants on
11 his land in accordance with the district noxious plant
12 management standards, any noxious plant management
13 agreement, and any order of the board applying to that land.

14 (2) Each person owning, controlling, occupying, or
15 leasing any land should, to the best of his ability:

16 (a) learn to identify noxious plants;

17 (b) survey his land for noxious plants;

18 (c) assist the supervisor as much as practical in
19 carrying out the provisions and intent of [sections 1
20 through 21]; and

21 (d) work for lasting reduction or elimination of
22 noxious plants.

23 NEW SECTION. Section 20. Responsibilities of
24 supervisor. The supervisor, under direction of the board,
25 shall:

1 (1) conduct periodic surveys and analyses of all
2 noxious plant populations within the district;

3 (2) plan, develop, implement, and coordinate a
4 long-term noxious plant management program on all land
5 within the district;

6 (3) consult with specialists and the public to aid in
7 planning and developing management programs;

8 (4) prepare specific reports on noxious plant
9 management programs;

10 (5) conduct or provide lectures, displays, meetings,
11 and other educational activities for the public, including
12 agricultural landowners and lessees, on the management of
13 noxious plants;

14 (6) utilize integrated management techniques with the
15 goal of achieving lasting reductions in noxious plant
16 densities and maintaining environmental quality;

17 (7) prepare an annual written report and evaluation of
18 the noxious plant management program for the board;

19 (8) manage and enforce the noxious plant management
20 program;

21 (9) consult and advise upon matters pertaining to the
22 best and most practical methods of noxious plant management;
23 and

24 (10) investigate or aid in the investigation and
25 prosecution of any violation of laws or orders pertaining to

1 the noxious plant management program.

2 NEW SECTION. Section 21. Role of public agencies.

3 (1) The department shall:

4 (a) assist in the development of watershed, district,
5 regional, and statewide noxious plant management plans and
6 programs;

7 (b) assist in the development and submission of
8 materials to aid in the acquisition of state and federal
9 funds for noxious plant management on state and federal
10 lands;

11 (c) promulgate by rule a statewide list of noxious
12 plants and prohibited noxious plants, following the criteria
13 established under subsection (4)(g);

14 (d) develop, publish, distribute, and periodically
15 review for needed changes the list of noxious plant species
16 and prohibited noxious plant species;

17 (e) develop model quarantine standards for the boards;
18 and

19 (f) aid the boards in the manner provided in 80-7-711.

20 (2) The cooperative extension service shall:

21 (a) provide appropriate training sessions to
22 supervisors to help them improve their expertise in the
23 management of noxious plant programs;

24 (b) provide local personnel to plan, schedule, and
25 carry out a variety of educational noxious plant seminars,

1 workshops, clinics, and tours and to serve as nonvoting
2 ex officio members of the board of each district; and

3 (c) provide needed educational materials on the
4 management of noxious plants and cooperate with the boards
5 in establishing noxious plant management standards.

6 (3) The agricultural experiment station provided for
7 in 20-25-222 shall provide an up-to-date research program to
8 meet the needs of Montanans in solving noxious plant
9 management problems.

10 (4) The department, the cooperative extension service,
11 and the agricultural experiment station, in cooperation with
12 the boards, may:

13 (a) denote the presence or absence of each noxious
14 plant species in each district;

15 (b) define the noxious plant infestations in each
16 district, watershed, or other appropriate geographical
17 region of the state;

18 (c) determine the number of acres infested with each
19 noxious plant in each district;

20 (d) determine the economic and environmental impact of
21 noxious plants and disseminate this information;

22 (e) assist in delineating intensive management zones
23 and standards exemption zones;

24 (f) provide and distribute information, materials,
25 personnel, and funds available to aid in the management

1 programs conducted by boards and their employees;

2 (g) develop criteria for establishment of a statewide
3 noxious plant and prohibited noxious plant list; and

4 (h) provide funds and personnel, if available, to
5 manage an emergency infestation of any noxious plant newly
6 introduced into the state.

7 Section 22. Section 7-3-4453, MCA, is amended to read:

8 "7-3-4453. Assessments for snow, ice, weed, and
9 rubbish removal. The commission shall have the power to
10 provide by ordinance for assessing against the abutting
11 property the cost of removing from the sidewalks all
12 accumulation of snow and ice and for assessing against the
13 property the cost of cutting and removing therefrom
14 obnoxious nuisance weeds and rubbish."

15 Section 23. Section 7-14-2131, MCA, is amended to
16 read:

17 "7-14-2131. Reseeding of right-of-way. ~~{†}~~ Whenever
18 the natural sod cover on right-of-way areas is disturbed by
19 construction of county roads, irrigation ditches, drain
20 ditches, or otherwise, the board of county commissioners
21 shall require the person or agency responsible for the
22 disturbance to comply with [section 11] that such--disturbed
23 areas--be--seeded--to--an--adaptabile--perennial--grass--or
24 combination-of-perennial-grasses-and-legumes--Every--effort
25 shall--be--made--to--establish--a-sod-cover-on-the-disturbed

1 area.

2 ~~{2}--All-seed-used-shall-meet-certified-standards-~~
3 ~~{3}--Time-and-method-of-seeding,-fertilizing-practices,~~
4 ~~and-grass-species-shall-be-those-recommended-by-the--Montana~~
5 ~~extension-service."~~

6 Section 24. Section 7-14-2132, MCA, is amended to
7 read:

8 "7-14-2132. Control of weeds noxious plants along
9 roads and highways. (1) The noxious plant management board
10 ~~of-weed-control--and--weed--seed--extermination--supervisors~~
11 shall control noxious weeds plants on the county roads.

12 (2) If the department of highways does not control
13 noxious weeds plants on state and federal highways in any
14 county, the supervisors board shall control them. Upon
15 presentation by the supervisors board of a verified account
16 of the expenses incurred, the costs of control shall be paid
17 by the department."

18 Section 25. Section 7-22-2215, MCA, is amended to
19 read:

20 "7-22-2215. Rodent control board. (1) A governing body
21 creating a rodent control district shall appoint a rodent
22 control board composed of not less than three or more than
23 five members. The county extension agent is an ex officio
24 member of the board. Each member of the board must be an
25 elector and reside within the district.

1 (2) Board members serve 3-year staggered terms. Of the
2 members first appointed to a board, at least one shall serve
3 a 1-year term and at least one shall serve a 2-year term.

4 (3) Each member of the board is entitled to:

5 (a) a mileage allowance as provided in 2-18-503 for
6 the distance actually and necessarily traveled to perform
7 official duties; and

8 (b) per diem expenses established by the governing
9 body.

10 (4) The ~~county--weed~~ noxious plant management board
11 appointed under 7-22-2103 [section 6] may be appointed by
12 the governing body to also serve as the rodent control
13 board, in which case the qualifications, terms,
14 compensation, mileage, and expenses of the rodent control
15 board are the same as those of the ~~county-weed~~ noxious plant
16 management board and subsections (1) through (3) do not
17 apply."

18 Section 26. Section 7-22-4101, MCA, is amended to
19 read:

20 "7-22-4101. Control of noxious nuisance weeds within
21 municipality. The city or town council has power to:

22 (1) declare and determine what vegetation within the
23 city or town shall be noxious nuisance weeds;

24 (2) provide the manner in which they shall be
25 exterminated;

1 (3) require the owner or owners of any property within
2 said city or town to exterminate or remove noxious nuisance
3 weeds from their premises and the one-half of any road or
4 street lying next to the land or boulevard abutting thereon;
5 and

6 (4) provide, in the event the owner or owners of any
7 of said premises neglect to exterminate or remove the
8 noxious nuisance weeds therefrom, for levying the cost of
9 such extermination or removal as a special tax against the
10 property."

11 Section 27. Section 70-30-314, MCA, is amended to
12 read:

13 "~~70-30-314. Weed--control~~ Noxious plant management
14 responsibility. The plaintiff, upon taking possession of the
15 land, is responsible for the ~~control--and--destruction~~
16 management of noxious weeds plants on such land ~~until~~
17 ~~natural--grasses--have--taken--over--the--property--and--noxious~~
18 ~~weeds--have--ceased--to--exist."~~

19 Section 28. Section 77-6-113, MCA, is amended to read:

20 "77-6-113. Lease conditions -- cancellation. (1) It
21 shall be a condition of all leases of agricultural or
22 grazing state lands that:

23 (a) in the case of agricultural lands, the lessee
24 shall observe the ordinary rules for good management of
25 agricultural lands and shall handle the leased land with the

1 view of maintaining its productivity and minimizing wind and
 2 soil erosion and noxious weeds plants and planting crops
 3 with a view of securing the greatest yields of good quality;
 4 and

5 (b) in the case of grazing lands, the lessee shall
 6 observe the ordinary rules for good range management and
 7 shall manipulate the numbers, class, distribution, and
 8 season of the range use and the handling, feeding, breeding,
 9 and marketing of grazing livestock with a view of securing
 10 the production of the maximum of livestock and livestock
 11 products, consistent with the conservation of the land
 12 resources and the perpetuation of its productivity, and to
 13 these ends the state land lease may not be abused by
 14 overgrazing.

15 (2) For the gross violation of any of these rules, the
 16 lease involved shall be canceled by the department, subject
 17 to the appeal procedure provided in 77-6-211."

18 Section 29. Section 77-6-114, MCA, is amended to read:

19 "77-6-114. Lessee responsible for assessments and
 20 taxes for ~~weed-control~~ noxious plant management. It shall
 21 be the duty of the board in leasing any agricultural state
 22 land to provide in such lease that the lessee of lands so
 23 leased lying within the boundaries of any noxious weed
 24 ~~control---and---weed---seed---extermination~~ plant management
 25 district shall assume and pay all assessments and taxes

1 levied by the board of county commissioners for such
 2 district on such state lands, and such assessments and tax
 3 levy shall be imposed on such lessee as a personal property
 4 tax and shall be collected by the county treasurer in the
 5 same manner as regular personal property taxes are
 6 collected. All such state lessees shall be required under
 7 the terms of such lease to pay such assessment and tax levy
 8 at the same time and manner as other regular personal taxes
 9 are paid."

10 Section 30. Section 77-6-303, MCA, is amended to read:

11 "77-6-303. Determination of compensation. (1) In
 12 determining the value of these improvements, consideration
 13 shall be given to their original cost, their present
 14 condition, their suitability for the uses ordinarily made
 15 of the lands on which they are located, and to the general
 16 state of cultivation of the land, its productive capacity as
 17 affected by former use, and its condition with reference to
 18 the infestation of noxious weeds plants. Consideration shall
 19 be given to all actual improvements and to all known effects
 20 that the use and occupancy of the land have had upon its
 21 productive capacity and desirableness for the new lessee.

22 (2) However, if any of the improvements consists of
 23 breaking (meaning the original plowing of the land) and 1
 24 year's crops have been raised on the land after the
 25 breaking, the compensation for the breaking may not exceed

1 \$2.50 per acre, and if two or more crops have been raised on
2 the land after the breaking, the breaking shall not be
3 considered as an improvement to the land."

4 Section 31. Section 80-5-101, MCA, is amended to read:
5 "80-5-101. Definitions. Terms used in this part and
6 not otherwise identified are hereby defined:

7 (1) Agricultural seeds are the seeds of grass, forage,
8 cereal, and fiber crops and any other kinds of seeds
9 commonly recognized within this state as agricultural seeds
10 and include lawn seeds and mixtures of seeds.

11 (2) Vegetable seeds include the seeds of those crops
12 that are or may be grown in gardens or on truck farms and
13 are or may be sold generally under the name of vegetable
14 seeds.

15 (3) Flower seeds include seeds of herbaceous plants
16 grown for their blooms, ornamental foliage, or other
17 ornamental parts and are commonly known and sold under the
18 name of flower seeds in this state.

19 (4) Indigenous seeds include the seeds of those plants
20 that are naturally adapted to an area where the intended use
21 is for revegetation of disturbed sites. These species
22 include grasses, forbs, shrubs, and legumes.

23 (5) (a) The term "weed seeds" includes the seeds or
24 bulblets of all plants generally recognized as weeds or
25 noxious plants within this state and includes noxious weed

1 seeds.

2 (b) Noxious weed seeds are divided into two groups
3 defined as follows:

4 (i) "Prohibited noxious weed seeds" are the seeds of
5 perennial and other serious weeds that not only reproduce by
6 seed but also may spread by underground roots, stems, and
7 other reproductive parts and which, when well established,
8 are highly destructive and difficult to control in this
9 state by ordinary good cultural practice. Prohibited noxious
10 weed seeds include the seeds of:

11	Canada thistle	(Cirsium arvense)
12	leafy spurge	(Euphorbia esula)
13	hoary cress	(Cardaria draba)
14	quackgrass	(Agropyron repens)
15	Russian knapweed	(Centaurea repens)
16	perennial sowthistle	(Sonchus arvensis)
17	field bindweed	(Convolvulus arvensis)
18	dalmatian toadflax	(Linaria dalmatica)
19	halogeton	(Halogeton glomeratus)
20	medusa-head wildrye	(Elymus caput-medusae)
21	creeping bellflower	(Campanula rapunculoides)
22	yellow toadflax	(Linaria vulgaris)

23 (ii) "Restricted noxious weed seeds" are the seeds of
24 weeds that are very objectionable in fields, lawns, and
25 gardens of this state but can be controlled by good cultural

1 practices. Restricted noxious weed seeds include the seeds
2 of:

3	dodder	(Cuscuta spp.)
4	blue lettuce	(Lactuca pulchella)
5	St.-Johnswort	(Hypericum perforatum)
6	oxeye daisy	(Chrysanthemum leucanthemum)
7	spotted knapweed	(Centaurea maculosa)
8	hoary alyssum	(Berteroa incana)
9	wild oats	(Avena fatua)
10	buckhorn plantain	(Plantago lanceolata)
11	chickweed	(Stellaria spp.)
12	curly dock	(Rumex crispus)

13 (6) The term "hybrid" applied to kinds of varieties of
14 seed means the first generation seed of a cross produced by
15 controlling the pollination and by combining:

- 16 (a) two or more inbred lines;
17 (b) one inbred or a single cross with an open
18 pollinated variety; or
19 (c) two or more selected clones, seed lines,
20 varieties, or species.

21 (7) "Controlling the pollination" means to use a
22 method hybridization which will produce pure seed which is
23 at least 75% hybrid seed. Hybrid designations shall be
24 treated as variety names.

25 (8) The terms "approximate percentage" and

1 "approximate number" mean the percentage or number with the
2 variations above or below as allowed according to the
3 tolerance limits defined in the "rules for seed testing"
4 adopted by the association of official seed analysts.

5 (9) The term "percentage of germination" means the
6 percentage of seeds which show normal sprouts as evidence of
7 vitality when the seeds are subjected to the proper moisture
8 and temperature conditions with proper aeration for the
9 customary length of time for each specific kind of seed, as
10 specified in the "rules for seed testing" adopted by the
11 association of official seed analysts.

12 (10) The term "percentage viability" refers to the
13 percentage of live seed capable of producing a normal
14 seedling under optimum growing conditions, after all forms
15 of dormancy have been overcome, if present.

16 (11) The term "name of state in which the seed was
17 grown" means any of the several states of the United States
18 or the foreign country.

19 (12) The term "labeling" means to affix, before
20 offering the seed for sale, in a conspicuous place on the
21 exterior of the container a written or printed label, in the
22 English language, giving the required information.

23 (13) The term "other crop seeds" means any
24 agricultural, vegetable, or flower seeds other than the seed
25 or the mixture of seeds under consideration.

1 (14) The term "sell" includes "offer for sale", "expose
2 for sale", "have in possession for sale", "exchange",
3 "barter", or "trade". It also includes agricultural seeds
4 that are furnished to growers for the production of a crop
5 on contract.

6 (15) The term "certifying agency" means:

7 (a) an agency authorized under the laws of a state,
8 territory, or possession to officially certify seed and
9 which has standards and procedures to assure the genetic
10 purity and identity of the seed certified; or

11 (b) an agency of a foreign country determined by the
12 department to adhere to procedures and standards for seed
13 certification comparable to those adhered to generally by
14 seed certifying agencies under subsection (15)(a) of this
15 section.

16 (16) The term "protected variety" means a variety for
17 which a certificate has been issued by the U.S. plant
18 variety protection office or for which an application for
19 protection has been filed granting the owner or his
20 authorized agent exclusive rights in the sale and
21 distribution of the variety."

22 NEW SECTION. Section 32. Repealer. Sections 7-22-2101
23 through 7-22-2108, 7-22-2121 through 7-22-2127, and
24 7-22-2141 through 7-22-2150, MCA, are repealed.

25 NEW SECTION. Section 33. Severability. If a part of

1 this act is invalid, all valid parts that are severable from
2 the invalid part remain in effect. If a part of this act is
3 invalid in one or more of its applications, the part remains
4 in effect in all valid applications that are severable from
5 the invalid applications.

6 NEW SECTION. Section 34. Effective date. This act is
7 effective July 1, 1985.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN-336-85

Form BD-15

In compliance with a written request received February 5, 19 85, there is hereby submitted a Fiscal Note for H.B. 659 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.

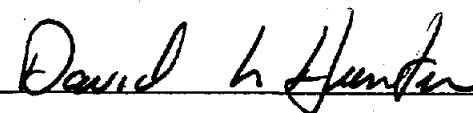
DESCRIPTION OF PROPOSED LEGISLATION:

The bill establishes the Noxious Plant Management Act and generally revises the laws relating to county weed control.

ASSUMPTIONS:

- 1) This bill has no increased fiscal impact on the Departments of Lands, Highways, Fish Wildlife and Parks, Health and Environmental Sciences, and Livestock.
- 2) Counties increase the mill levies to the maximum permitted by the bill. The actual FY 84 levy totalled \$2,087,129 to contain noxious weeds.
- 3) The Department of Natural Resources and Conservation has 10,500 acres of land of which 75% requires control efforts at \$40.00 per acre.
- 4) The Department of Natural Resources and Conservation has no previous weed control expenditures and all properties contracted to local water users are the Department's responsibility for weed control.
- 5) The Department of Agriculture will write five pages of rules, hold two rule hearings and have two mailings to each county annually.
- 6) Weed control on the Department of Institutions' leased property is the responsibility of private individuals.

Section 21, (4) is permissive, therefore, cost increases to the Agricultural Experiment Station and Cooperative Extension Service will be minimal. If the provision is made mandatory, there is a significant impact on expenditures for the University System.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 11, 1985

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>
<u>Expenditures:</u>		
Personal Services	\$ -0-	\$ -0-
Weed Control Supplies	\$ <u>340,927</u>	\$ <u>339,902</u>
Total Cost Increases	\$ <u>340,927</u>	\$ <u>339,902</u>
General Fund	\$ 335,927	\$ 334,902
Proprietary Fund	\$ <u>5,000</u>	\$ <u>5,000</u>
	\$ <u>340,927</u>	\$ <u>339,902</u>

AFFECT ON COUNTY:

If all counties increase the weed control mill levies to the maximum permitted by the bill, revenues will increase from the 1984 levy total of \$2,087,129 to \$11,654,413. Property taxes will rise accordingly.

LONG-RANGE EFFECTS:

Weed control efforts will have to be maintained over the long term.

TECHNICAL NOTES:

None