

HOUSE BILL NO. 528

INTRODUCED BY TUSS, STRIZICH, S. RICE, WYATT, RYAN,
DOLEZAL, STANFORD

IN THE HOUSE

FEBRUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
FEBRUARY 18, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED.
	AYES, 90; NOES, 7.
FEBRUARY 22, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN.
	AYES, 41; NOES, 6.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 528
 2 INTRODUCED BY /s/ SRice Wyatt Ryan Dalegal Stanford
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
 5 COMMUNITY AND URBAN FORESTRY PROGRAM; AND CREATING A SPECIAL
 6 REVENUE ACCOUNT."
 7

8 STATEMENT OF INTENT

9 A statement of intent is required for this bill because
 10 [section 3] authorizes the department of state lands to
 11 adopt rules for the implementation of [sections 1 through
 12 4]. Although implementation by the department is
 13 discretionary, it would require the adoption of rules.

14 At a minimum, the rules must address the following:

15 (1) the types of trees and vegetative cover best suited
 16 to the Montana environment;

17 (2) instructions for the planting and maintenance of
 18 trees and vegetation; and

19 (3) criteria for the selection of suitable sites for
 20 planting.

21
 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 NEW SECTION. Section 1. Title -- purpose. [Sections 1
 24 through 4] may be cited as the "Community and Urban Forestry
 25 Act". The purpose of the act is to:

1 (1) encourage the planting, maintenance, and management
 2 of trees in municipalities and counties;

3 (2) maximize the potential of trees and vegetative
 4 cover in improving the quality of the environment;

5 (3) encourage the coordination of state and local
 6 agency activities and maximize citizen participation in the
 7 development and implementation of community and urban
 8 forestry-related programs;

9 (4) foster healthy economic activity for the state's
 10 community and urban forestry-related businesses through
 11 cooperative and supportive contracts with the private
 12 business sector;

13 (5) facilitate the creation of jobs related to
 14 community and urban forestry activities, including
 15 opportunities for retraining and employing displaced timber
 16 resource workers; and

17 (6) provide meaningful voluntary opportunities for the
 18 state's citizens and organizations interested in community
 19 and urban forestry activities.

20 NEW SECTION. Section 2. Definitions. As used in
 21 [sections 1 through 4], the following definitions apply:

22 (1) "Community and urban forestry" means the planning,
 23 establishment, protection, care, and management of trees and
 24 associated plants individually, in small groups, or under
 25 forest conditions within municipalities and counties.

(2) "Department" means the department of state lands provided for in 2-15-3201.

(3) "Local government" means a city, town, county, consolidated city-county, or other political subdivision of the state.

NEW SECTION. Section 3. Authority -- rulemaking. (1) The department may establish and maintain a program in community and urban forestry to accomplish the purpose set forth in [section 1]. The department may assist local governments in establishing and maintaining community and urban forestry programs and in encouraging persons to engage in appropriate and improved tree management and care.

(2) The department may advise, encourage, and assist local governments in the development and coordination of policies, programs, and activities for the promotion of community and urban forestry.

(3) The department may appoint an advisory committee to assist the department in establishing and carrying out a program in community and urban forestry.

(4) The department shall adopt rules to implement [sections 1 through 4].

NEW SECTION. Section 4. Special revenue account -- donations. (1) There is an account in the state special revenue fund. The department shall deposit in the account money received from gifts, grants, bequests, or endowments

from public or private sources, and the funds must be used to carry out the provisions of [sections 1 through 4]. The money in the account may be spent in accordance with a legislative appropriation.

(2) The department may accept donations of labor, material, seedlings, and equipment from public or private sources for the purpose of carrying out the provisions of [sections 1 through 4].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0528, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act establishing a community and urban forestry program; and creating a special revenue account.

ASSUMPTIONS:

1. HB528 would provide authority to the Department of State Lands (DSL) to assist communities in establishing and perpetuating a healthy urban tree resource.
2. DSL currently provides such assistance, under a cooperative Urban Forestry Assistance program authorized by the Forest Stewardship Act of 1990 (Forestry Title of 1990 Farm Bill, P.L. 101-624).
3. The program's current-level budget of \$173,818 (federal funds) was appropriated as a budget modification for the 1993 biennium, and is therefore included in the 1995 biennium budget request.
4. Under the authority provided in HB0528, DSL would continue to conform to federal standards for the cooperative Urban Forestry Assistance Program, which include:
 - a. Hiring a statewide coordinator and other necessary staff.
 - b. Establishing a statewide urban forestry advisory council.
 - c. Coordinating volunteer efforts within the state.
 - d. Developing a state plan for urban and community forestry.
5. Under HB0528, DSL would continue offering professional advice, technical services and financial aid to city governments, economic development organizations, and volunteer organizations involved in urban forestry work. On an annual basis, approximately 30 communities would receive significant services from the program.
6. A 0.5 FTE program manager is required for developing and maintaining the Montana Community Forestry Plan; developing and maintaining administrative rules, standards and guidelines; allocating annual work objectives to field offices; performing fiscal management duties; and chairing the Montana Community Forestry Council.
7. A 1.0 FTE program specialist is required for training field personnel; communicating program information, activities and accomplishments to cooperating agencies and organizations statewide; performing professional staff work for the Montana Community Forestry Council; producing informational and educational materials for statewide use in the program; and implementing program-marketing strategies and educational projects statewide.

(continued on next page)

David Lewis 2-12-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Carley Tuss / us 2/15/93
CARLEY TUSS, PRIMARY SPONSOR DATE

Fiscal Note for HB0528, as introduced

HB528

- 8. 3.0 FTE regional community forestry coordinators are needed (one each at Missoula, Lewistown, and Miles City), to provide technical assistance for tree inventories and community forestry plans; coordination of urban-tree volunteer organizations and projects; administration of state and federal subgrants for community forestry projects; and various certifications and awards.
- 9. The current amount of the federal grant is sufficient to cover all program costs. This grant does not require any non-federal matching funds; therefore, no state general fund is needed. Long-term funding of the program would be contingent on sufficient federal funds and state special revenues, as provided under HB0528.

FISCAL IMPACT: None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Under the program of services authorized by HB0528, cities and counties may qualify for federal and state grants earmarked for community forestry projects.

Long-term commitment to a program of urban tree management normally requires a community to secure its own funding from local private and public sources.

TECHNICAL NOTES:

It is advised that rule-making be at the Department of State Land's discretion, as the bill's stated purposes constitute information, education and assistance-not regulation. It is also advised that any rule-making elected by the Department of State Lands be required only to clarify program administration and operating procedures, and not be required to address technical issues that are subject to changing knowledge and technology.

HB 528

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 528

INTRODUCED BY TUSS, STRIZICH, S. RICE, WYATT, RYAN,

DOLEZAL, STANFORD

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
COMMUNITY AND URBAN FORESTRY PROGRAM; AND CREATING A SPECIAL
REVENUE ACCOUNT."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 3] authorizes the department of state lands to
adopt rules for the implementation of [sections 1 through
4]. Although implementation by the department is
discretionary, it would require the adoption of rules.

At a minimum, the rules must address the following:

(1) the types of trees and vegetative cover best suited
to the Montana environment;

(2) instructions for the planting and maintenance of
trees and vegetation; and

(3) criteria for the selection of suitable sites for
planting.

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

NEW SECTION. **Section 1.** Title -- purpose. [Sections 1
through 4] may be cited as the "Community and Urban Forestry

Act". The purpose of the act is to:

(1) encourage the planting, maintenance, and management
of trees in municipalities and counties;

(2) maximize the potential of trees and vegetative
cover in improving the quality of the environment;

(3) encourage the coordination of state and local
agency activities and maximize citizen participation in the
development and implementation of community and urban
forestry-related programs;

(4) foster healthy economic activity for the state's
community and urban forestry-related businesses through
cooperative and supportive contracts with the private
business sector;

(5) facilitate the creation of jobs related to
community and urban forestry activities, including
opportunities for retraining and employing displaced timber
resource workers; and

(6) provide meaningful voluntary opportunities for the
state's citizens and organizations interested in community
and urban forestry activities.

NEW SECTION. **Section 2.** Definitions. As used in
[sections 1 through 4], the following definitions apply:

(1) "Community and urban forestry" means the planning,
establishment, protection, care, and management of trees and
associated plants individually, in small groups, or under

1 forest conditions within municipalities and counties.

2 (2) "Department" means the department of state lands
3 provided for in 2-15-3201.

4 (3) "Local government" means a city, town, county,
5 consolidated city-county, or other political subdivision of
6 the state.

7 NEW SECTION. Section 3. Authority -- rulemaking. (1)
8 The department may establish and maintain a program in
9 community and urban forestry to accomplish the purpose set
10 forth in [section 1]. The department may assist local
11 governments in establishing and maintaining community and
12 urban forestry programs and in encouraging persons to engage
13 in appropriate and improved tree management and care.

14 (2) The department may advise, encourage, and assist
15 local governments in the development and coordination of
16 policies, programs, and activities for the promotion of
17 community and urban forestry.

18 (3) The department may appoint an advisory committee to
19 assist the department in establishing and carrying out a
20 program in community and urban forestry.

21 (4) The department shall MAY adopt rules to implement
22 [sections 1 through 4].

23 NEW SECTION. Section 4. Special revenue account --
24 donations. (1) There is an account in the state special
25 revenue fund. The department shall deposit in the account

1 money received from gifts, grants, bequests, or endowments
2 from public or private sources, and the funds must be used
3 to carry out the provisions of [sections 1 through 4]. The
4 money in the account may be spent in accordance with a
5 legislative appropriation.

6 (2) The department may accept donations of labor,
7 material, seedlings, and equipment from public or private
8 sources for the purpose of carrying out the provisions of
9 [sections 1 through 4].

-End-

HOUSE BILL NO. 528

INTRODUCED BY TUSS, STRIZICH, S. RICE, WYATT, RYAN,

DOLEZAL, STANFORD

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
COMMUNITY AND URBAN FORESTRY PROGRAM; AND CREATING A SPECIAL
REVENUE ACCOUNT."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 3] authorizes the department of state lands to
adopt rules for the implementation of [sections 1 through
4]. Although implementation by the department is
discretionary, it would require the adoption of rules.

At a minimum, the rules must address the following:

(1) the types of trees and vegetative cover best suited
to the Montana environment;

(2) instructions for the planting and maintenance of
trees and vegetation; and

(3) criteria for the selection of suitable sites for
planting.

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

NEW SECTION. Section 1. Title -- purpose. [Sections 1
through 4] may be cited as the "Community and Urban Forestry

Act". The purpose of the act is to:

(1) encourage the planting, maintenance, and management
of trees in municipalities and counties;

(2) maximize the potential of trees and vegetative
cover in improving the quality of the environment;

(3) encourage the coordination of state and local
agency activities and maximize citizen participation in the
development and implementation of community and urban
forestry-related programs;

(4) foster healthy economic activity for the state's
community and urban forestry-related businesses through
cooperative and supportive contracts with the private
business sector;

(5) facilitate the creation of jobs related to
community and urban forestry activities, including
opportunities for retraining and employing displaced timber
resource workers; and

(6) provide meaningful voluntary opportunities for the
state's citizens and organizations interested in community
and urban forestry activities.

NEW SECTION. Section 2. Definitions. As used in
[sections 1 through 4], the following definitions apply:

(1) "Community and urban forestry" means the planning,
establishment, protection, care, and management of trees and
associated plants individually, in small groups, or under

1 forest conditions within municipalities and counties.

2 (2) "Department" means the department of state lands
3 provided for in 2-15-3201.

4 (3) "Local government" means a city, town, county,
5 consolidated city-county, or other political subdivision of
6 the state.

7 NEW SECTION. Section 3. Authority -- rulemaking. (1)
8 The department may establish and maintain a program in
9 community and urban forestry to accomplish the purpose set
10 forth in [section 1]. The department may assist local
11 governments in establishing and maintaining community and
12 urban forestry programs and in encouraging persons to engage
13 in appropriate and improved tree management and care.

14 (2) The department may advise, encourage, and assist
15 local governments in the development and coordination of
16 policies, programs, and activities for the promotion of
17 community and urban forestry.

18 (3) The department may appoint an advisory committee to
19 assist the department in establishing and carrying out a
20 program in community and urban forestry.

21 (4) The department ~~shall~~ MAY adopt rules to implement
22 [sections 1 through 4].

23 NEW SECTION. Section 4. Special revenue account --
24 donations. (1) There is an account in the state special
25 revenue fund. The department shall deposit in the account

1 money received from gifts, grants, bequests, or endowments
2 from public or private sources, and the funds must be used
3 to carry out the provisions of [sections 1 through 4]. The
4 money in the account may be spent in accordance with a
5 legislative appropriation.

6 (2) The department may accept donations of labor,
7 material, seedlings, and equipment from public or private
8 sources for the purpose of carrying out the provisions of
9 [sections 1 through 4].

-End-