

House BILL NO. 395

INTRODUCED BY

Raney *Griffith* *Beck* *Carver* *Abb* *Hayes* *Jaram* *Beck*
Schick *Stanz* *Dap* *Beck* *Carney* *Rose* *Anderson* *Beck* *Hayes*
Kadar *Thompson* *Forbush* *Rehbein* *Benedict* *Treist* *Brad*
Ellis *Benedict* *Walt* *Barnett* *Resi* *Oks*
Swanet *Rnox* *McLain* *Brad*

A BILL FOR AN ACT ENTITLED, "AN ACT IMPLEMENTING AN INTEGRATED NOXIOUS WEED CONTROL PROGRAM FOR STATE AGENCIES AND ENTITIES BY CLARIFYING WHAT PROVISIONS REGARDING PLANS OF OPERATIONS AND BUDGETS MUST BE INCLUDED IN COOPERATIVE AGREEMENTS BETWEEN STATE AGENCIES AND ENTITIES AND THE DISTRICT WEED BOARDS; REQUIRING THE COORDINATION OF WEED CONTROL EFFORTS THROUGH THE STATE WEED COORDINATOR; AMENDING SECTION 7-22-2151, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-22-2151, MCA, is amended to read:

"7-22-2151. Cooperative agreements. (1) Any state agency controlling land within a district, including the department of transportation; the department of state lands; the department of fish, wildlife, and parks; the department of corrections and human services; the department of natural resources and conservation; and the university system, shall enter into a written agreement with the board. The agreement must specify mutual responsibilities for integrated noxious weed management on state-owned or state-controlled land within the district. The agreement must include the following:

- (a) a 6-year integrated noxious weed management plan, which must be updated biennially;
- (b) a noxious weed management goals statement;
- (c) a specific plan of operations for the biennium, including a budget to implement the plan; and
- (d) a provision requiring a biennial performance report by the board to the state weed coordinator in the department of agriculture, on a form to be provided by the state weed coordinator, regarding the success of the plan.

(2) The board and the governing body of each incorporated municipality within the district shall enter into a written agreement and shall cooperatively plan for the management of noxious weeds within the boundaries of the municipality. The board may implement management procedures described in the plan within the boundaries of the municipality for noxious weeds only. Control of nuisance weeds within the municipality remains the responsibility of the governing body of the municipality, as specified in 7-22-4101.

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

4 (4) Each agency or entity listed in subsection (1) shall submit a statement or summary of all
5 noxious weed actions that are subject to the agreement required under subsection (1) to the state weed
6 coordinator and shall post a copy of the statement or summary on the state bulletin board."

7

8 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 1995.

9

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0395, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act implementing an integrated noxious weed control program for state agencies and entities by clarifying what provisions regarding plans of operations and budgets must be included in cooperative agreements between state agencies and entities and the district weed boards; requiring the coordination of weed control efforts through the state weed coordinator; amending some MCA sections; and providing an effective date.

ASSUMPTIONS:

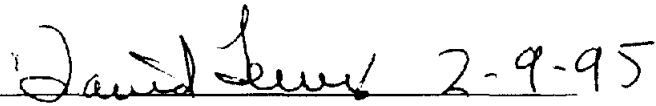
Department of State Lands (DSL)

1. DSL currently has written agreements with district weed boards. These agreements would be updated to bring them into compliance with this act.
2. The 6-year integrated noxious weed management plan or plan of operations would not require DSL to complete a comprehensive weed inventory.
3. The 6-year integrated noxious weed management plan or plan of operations would not be required for those state trust lands with a party responsible for weed control under any land use authorization issued by DSL.
4. The plan of operations could be for either site specific projects or how DSL and the district would deal with weed infestations as they are identified.
5. The noxious weed summary submitted to the state weed coordinator and state bulletin board would only be for those projects which were funded by the state.
6. Updating existing plans biennially, including development of the specific plans of operation and accompanying budget, will require a 0.75 FTE per fiscal year.
7. Implementation and contract administration for weed control efforts will require a 0.25 FTE per fiscal year.
8. The increased emphasis on "integrated" noxious weed management will require an additional commitment to weed management for DSL lands.
9. For DSL lands that are not leased or licensed, the increased emphasis on integrated noxious weed management will require additional expenditure for noxious weed control efforts.
10. Biological control agents cost approximately \$250 per release.
11. Chemical control agents, including application, cost approximately \$60 per acre.
12. DSL will treat about 300 acres annually with chemical agents and conduct 15 bio-control releases as a result of this act.
13. DSL will be required to submit a summary of all noxious weed actions only for activities conducted specifically by the state. Lessees' activities will not be reported to the state weed coordinator.

Department of Fish, Wildlife and Parks (FWP)

14. The existing weed management program plans at FWP are adequate.
15. FWP's existing noxious weed control management planning and reporting procedures will be modified to comply with the requirements, as outlined in the proposal legislation.

(continued on page 2)


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BOB RANEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0395, as introduced

HB 395

Department of Natural Resources and Conservation (DNRC)

16. DNRC is responsible for an estimated 7,000 acres of land not inundated that could require a noxious weed management plan.
17. For water projects benefitting water user associations, those associations would be responsible for the planning and cost of weed control efforts. DNRC would monitor compliance on those 5,000 acres.
18. For lands not associated with water users, approximately 2,000 acres, DNRC would be responsible for plan development and the cost of weed control. It is estimated that 1,000 acres would likely be subject to weed control measures under this act.
19. Environmental assessments will be required under MEPA for some weed control programs.

Department of Transportation (MDT)

20. Currently MDT's maintenance chiefs are working with and have some type of agreement with counties for noxious weed control. The agreements are formal and informal. The 6-year plan, with biennial updates, will require some additional work on DOT's part but should be within the current scope of weed control activities.

Department of Agriculture (DOAg)

21. The current duties of DOAg's weed coordinator include assisting county weed control districts and providing coordination for noxious weed management in the state.
22. Additional department responsibilities required by this act will have minimal impact upon the duties and responsibilities of the weed coordinator and will be incorporated in current duties.

Department of Corrections and Human Services (DCHS)

23. This bill will require the Montana State Prison Ranch, the Center for the Aged (C/A), and the Montana Development Center (MDC) to enter into written agreements with district weed boards including the specifications defined within the bill.
24. The Prison Ranch, C/A, and MDC currently have noxious weed programs and anticipate no additional fiscal impact.
25. MDC land not in use by the facility is leased and the lease holders are currently responsible for weed control. DCHS assumes the lease holders will be responsible for the noxious weed programs for this leased land.
26. DCHS will be responsible for submitting a statement or summary of all noxious weed actions as defined in subsection (1) of this bill to the state weed coordinator and will post a copy of this statement or summary on the state bulletin board.

Commissioner of Higher Education

1. This act would require that a 6-year, site-specific integrated weed management plan be developed for each property owned or managed by the Montana Agricultural Experiment Station (MAES). Each plan must be developed in cooperation with local county weed boards/supervisors. This would require a minimum of 12 separate plans (1 for each county). Plans would need to be updated and evaluated every 2 years. The plan would include the budget necessary for implementation. An evaluation of the implementation of the weed management plan would be prepared cooperatively and reported to the state weed coordinator every 2 years.

(continued)

FISCAL IMPACT:

Department of State Lands

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
FTE	1.00	1.00
Personal Services	29,046	29,147
Operating Expenses	<u>25,000</u>	<u>25,000</u>
Total	54,046	54,147
<u>Funding:</u>		
General Fund	54,046	54,147

Department of Fish, Wildlife and Parks

There will be no fiscal impact to the Department of Fish, Wildlife and Parks.

Department of Natural Resources and Conservation

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
FTE	0.50	0.50
Personal Services	15,903	15,954
Operating Expenses	<u>2,962</u>	<u>2,962</u>
Total	18,865	18,916
<u>Funding:</u>		
General Fund	18,865	18,916

Department of Transportation

There is sufficient authority in the Executive Budget recommendation to cover costs associated with this legislation.

Department of Agriculture

There will be no fiscal impact to the Department of Agriculture.

Department of Corrections and Human Services

There will be no fiscal impact to the Department of Corrections and Human Services.

Commissioner of Higher Education

\$14,400 of general fund would be needed to hold four meetings for each of the 12 county plans.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Better management and control of noxious weed infestations on state lands.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The local water user associations will incur increases in time requirement and costs associated with planning and report writing. The same will probably be true for the district weed boards.

Some financial impact will be experienced by counties in entering into weed management agreements with state agencies owning or managing public property; however, counties and their residents will benefit through improved management of noxious weeds.

House BILL NO. 395

INTRODUCED BY

Raney, Grubfield, Beck, Cannon, Cobb, Hoyer, Schulte, Stone, Dap, Beckin, Carey, Anderson, [unclear], Kadar, [unclear], [unclear], Rehbein, Benedict, [unclear], Brady, Ellis, [unclear], [unclear], Barnett, [unclear], [unclear]

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House Bill No. 395

INTRODUCED BY

Raney, Grosfield, Beck, Cannon, Cobb, Hoyer, Schulz, Stang, Dap, Section, Carey, Anderson, Rose, Bennett, Trest, Brady, Edin, Bennett, Allett, Barnett, Rose, Oks, Swanson, Knox, McLam, Grapple

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1 HOUSE BILL NO. 395

2 INTRODUCED BY RANEY, GROSFIELD, PECK, GRINDE, COBB, HARPER, BECK, LARSON, SCHWINDEN,
3 STORY, GAGE, DEVLIN, CAREY, ROSE, ANDERSON, DEBRUYCKER, KADAS, STANG, FORRESTER,
4 REHBEIN, BENEDICT, TVEIT, GRADY, REAM, OHS, SWANSON, ELLIS, WENNEMAR, ELLIOTT,
5 BARNETT, KNOX, MCCANN, TREXLER

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING AN INTEGRATED NOXIOUS WEED CONTROL
8 PROGRAM FOR STATE AGENCIES AND ENTITIES BY CLARIFYING WHAT PROVISIONS REGARDING
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19 and parks; the department of corrections and human services; the department of natural resources and
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25 (c) a specific plan of operations for the biennium, including a budget to implement the plan; and

26 (d) a provision requiring a biennial performance report by the board to the state weed coordinator
27 in the department of agriculture, on a form to be provided by the state weed coordinator, regarding the
28 success of the plan.

29 (2) The board and the governing body of each incorporated municipality within the district shall
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10
11 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1995.

12 -END-

GOVERNOR'S AMENDMENTS TO
HOUSE BILL NO. 395
(REFERENCE COPY)
April 10, 1995

1. Title, line 12.

FOLLOWING: "DATE"

Insert: "AND A CONTINGENT VOIDNESS PROVISION"

2. Page 2.

Following: line 11

Insert: "NEW SECTION. Section 3. Contingent voidness. In the event an appropriation at least equivalent to the estimated cost of [this act] shown in the latest fiscal note is not included in an appropriation act approved by the Legislature, [this act] is void.



FREE CONFERENCE COMMITTEE

on House Bill 395

Report No. 1, April 12, 1995

Page 1 of 2

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 395** and recommend the following amendments:

WE REJECT THE GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 395, DATED APRIL 10, 1995, AND FURTHER AMEND HOUSE BILL NO. 395, REFERENCE COPY, AS FOLLOWS:

1. Title, line 11.

Following: "COORDINATOR;"

Insert: "APPROPRIATING MONEY FROM THE RESOURCE DEVELOPMENT ACCOUNT TO THE DEPARTMENT OF STATE LANDS AND FROM THE NOXIOUS WEED MANAGEMENT STATE SPECIAL REVENUE FUND TO THE DEPARTMENT OF AGRICULTURE TO DEVELOP NOXIOUS WEED MANAGEMENT PLANS;"

2. Page 2, following line 9.

Insert: "NEW SECTION. Section 2. Appropriation. (1) There is appropriated \$54,046 in fiscal year 1996 to the department of state lands from the resource development account for the development of the plan provided for in [section 1].

(2) There is appropriated \$18,865 in fiscal year 1996 from the noxious weed management state special revenue fund to the department of agriculture as a grant to the department of natural resources and conservation for the development of the plan provided for in [section 1]. The money must be granted pursuant to 80-7-814."

Renumber: subsequent section

We recommend that the amendments to House Bill 395 be acceded to by the senate.

ADOPT

REJECT

HB 395
FCCR #1
841806CC.Hbk

And this FREE Conference Committee report be adopted.

For the House:

Grady

Ed Grady

Chair

Raney

Douglas T. Wagner

Wagner

Rob Raney

For the Senate:

Beck

Tom Beck

Chair

Jergenson

Jergenson

Swysgood

Swysgood

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INTRODUCED BY RANEY, GROSFIELD, PECK, GRINDE, COBB, HARPER, BECK, LARSON, SCHWINDEN, STORY, GAGE, DEVLIN, CAREY, ROSE, ANDERSON, DEBRUYCKER, KADAS, STANG, FORRESTER, REHBEIN, BENEDICT, TVEIT, GRADY, REAM, OHS, SWANSON, ELLIS, WENNEMAR, ELLIOTT, BARNETT, KNOX, MCCANN, TREXLER

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15 YEAR 1996 TO THE DEPARTMENT OF STATE LANDS FROM THE RESOURCE DEVELOPMENT ACCOUNT
16 FOR THE DEVELOPMENT OF THE PLAN PROVIDED FOR IN [SECTION 1].

17 (2) THERE IS APPROPRIATED \$18,865 IN FISCAL YEAR 1996 FROM THE NOXIOUS WEED
18 MANAGEMENT STATE SPECIAL REVENUE FUND TO THE DEPARTMENT OF AGRICULTURE AS A GRANT
19 TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR THE DEVELOPMENT OF THE
20 PLAN PROVIDED FOR IN [SECTION 1]. THE MONEY MUST BE GRANTED PURSUANT TO 80-7-814.

21

22 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1995.

23

-END-