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INTRODUCED BY House BILL NO. 226  
Ellis Raven Cole  
J Ferguson

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT WEED CONTROL BE ADDRESSED AS AN ELEMENT OF THE OFF-HIGHWAY VEHICLE TRAIL AND NATIONAL RECREATION TRAIL GRANT PROGRAMS; REQUIRING DEVELOPMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS OF A WEED CONTROL PLAN FOR OFF-HIGHWAY VEHICLE TRAILS AND NATIONAL RECREATION TRAILS AND COORDINATION OF THE PLAN WITH THE DEPARTMENT OF AGRICULTURE AND COUNTY WEED BOARDS; PROVIDING THAT GRANTS FOR OFF-HIGHWAY VEHICLE TRAILS AND NATIONAL RECREATION TRAILS MAY NOT BE IMPLEMENTED UNTIL THE REQUISITE WEED CONTROL PLAN IS IN PLACE; CLARIFYING REQUIRED COMPONENTS OF A WEED CONTROL PLAN; AND REQUIRING CERTAIN RECORDKEEPING AND A REPORT ON PROGRAM PROGRESS TO THE 56TH LEGISLATURE."

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

**NEW SECTION. Section 1. Comprehensive weed control plan required -- grant funding contingent on weed control plan -- components of plan.** (1) A comprehensive plan for state and local control of noxious weeds is required to be in place prior to the allocation of funding:

(a) from the account created in 23-2-804(3) for any grant for development of trails for off-highway vehicle recreation use pursuant to 23-2-804(3)(b); and

(b) for any grant for development of a national recreation trail with funds allocated to the department pursuant to 16 U.S.C. 1241, et seq.

(2) The department of fish, wildlife, and parks shall develop the weed control plan for the off-highway vehicle trail grant program and the national recreation trail grant program. The plan must be in a form that addresses weed control measures on department-owned lands and other lands that are likely to be affected by the department's actions under the off-highway vehicle trail grant program and the national recreation trail grant program.

(3) Each off-highway vehicle trail grant application and national recreation trail grant application must contain an explanation of how the applicant intends to address the control of noxious weeds, including:

- 1 (a) existing noxious weed infestations in or adjacent to the grant area;
- 2 (b) identification of current noxious weed control efforts in the grant area and of any entities  
3 involved in those efforts;
- 4 (c) a long-range plan for the control of noxious weeds in the grant area and an estimate of costs  
5 necessary to implement the plan;
- 6 (d) the nature of control efforts that will be applied in the grant area, which may include chemical  
7 control, biological control, and mechanical or hand-pulling techniques;
- 8 (e) a mechanism for keeping records of noxious weed control activities, expenditures made in weed  
9 control efforts, and tracking of results of weed control efforts, including a record of complaints or new  
10 infestations subsequent to issuance of the grant.

11

12 **NEW SECTION. Section 2. Coordination of weed control measures between agencies -- categorical**  
13 **exemption of grant prohibited.** (1) The department of fish, wildlife, and parks shall coordinate noxious  
14 weed control plans under [section 1] with the department of agriculture and affected county weed boards  
15 to ensure compatibility of all weed control efforts and to avoid duplication of services.

16 (2) An off-highway vehicle trail grant or a national recreation trail grant may not be categorically  
17 or otherwise exempted from the requirements of [section 1].

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19 **NEW SECTION. Section 3. Report to legislature.** The department of fish, wildlife, and parks shall  
20 report to the 56th legislature regarding:

- 21 (1) adoption and implementation of a noxious weed control plan pursuant to [section 1]; and  
22 (2) the success and future needs of noxious weed control under the off-highway vehicle trail grant  
23 program and the national recreation trail grant program.

24

25 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified  
26 as an integral part of Title 23, chapter 2, part 8, and the provisions of Title 23, chapter 2, part 8, apply to  
27 [sections 1 and 2].

28

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0226, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act requiring that weed control be addressed as an element of the off-highway vehicle trail and national recreation trail grant programs; requiring development by the Department of Fish, Wildlife, and Parks of a weed control plan for off-highway vehicle trails and national recreation trails and coordination of the plan with the Department of Agriculture and County Weed Boards; providing that grants for off-highway vehicle trails and national recreation trails may not be implemented until the requisite weed control plan is in place; clarifying required components of a weed control plan; and requiring certain record keeping and a report on program progress to the 56th Legislature.

ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks (FWP) receives 70 to 80 grant applications per year for the off-highway vehicle and national recreation trails programs.
2. FWP would contract for the production of the planning document to address weed control measures.
3. It is estimated FWP will need 1.00 FTE, Parks Operations Specialist, grade 14, and operating expenses to help clubs identify existing noxious weeds in grant areas, liaise with other agencies that are conducting weed control efforts in the grant areas, assist with the long-term weed control planning, help the clubs prepare cost estimates for weed control, train local clubs in the various weed control techniques, coordinate record keeping activities for the clubs and projects, monitor and track weed control results, and inspect sites for new infestations and compliance with the terms of the grant.
4. Weed coordination efforts may add to current responsibilities of existing Department of Agriculture staff.

FISCAL IMPACT:

<u>Department of Fish, Wildlife and Parks</u>	<u>FY98</u> <u>Difference</u>	<u>FY99</u> <u>Difference</u>
<u>Expenses:</u>		
FTE	1.00	1.00
Personal Services	31,835	31,835
Contracted Services	25,000	0
Operating Expenses	<u>10,000</u>	<u>10,000</u>
Total	66,835	41,835
<u>Funding:</u>		
Off-Highway Vehicle Fuel Tax (02)	66,835	41,835
<u>Net Impact on Fund Balance:</u> (Revenue minus expense)		
Off-Highway Vehicle Fuel Tax (02)	(66,835)	(41,835)

*Dave Lewis* 1-15-97  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

ALVIN ELLIS, PRIMARY SPONSOR      DATE  
 Fiscal Note for HB0226, as introduced

**HB 226**