



EXHIBIT 7
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HB 1166

Working together to strengthen and support noxious weed
management efforts in Montana
www.mtweed.org

From the desk of
EXECUTIVE DIRECTOR
BECKY KINGTON
Becky.kington@mtweed.org

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Dear Members of the House Ag Committee,

As the time winds down for all non-funded bills to be transmitted, I am asking the committee to reconsider HB166, "An act generally revising weed control laws". I believe this bill was unfortunately misinterpreted as being a part of HB133 and there may be a feeling this would grow government.

I was a member of the stakeholder group who drafted the revisions. We had three different meetings to thoroughly review this act and as Harold Blattie of MACo has stated, it is a "vanilla bill". One important change in the language clarifies the duties of the weed board and the county commissioners. We have had many counties express concern about the vagueness of this language and HB166 would clarify that. Inmates are not a viable option for weed districts to hire for weed management.

In regards to the section regarding realtors notification of buyers about noxious weeds, this group has resisted any responsibility for notifying purchasers of noxious weeds. Currently, there is vague language in by-sell agreements, which was a huge step for those involved in weed management when it was implemented in the current act. While realtors may argue that they don't know the weeds and in the winter they can't identify them, I believe that the realtor ask the seller if they are aware of a noxious weed problem in good faith, this would be enough. The reality is that there is a great deal of property being sold in Montana that contains serious infestations of noxious weeds. In a litigious society such as ours, it is only a matter of time before a purchaser sues the realtor and the seller for not letting them know of the presence of noxious weeds, which do reduce property value and given a large infestation, cost a great deal of money to treat.

One other section I would like to address is Section 8, Noxious weed fund. At recent weed board and commissioner trainings, it came to light that some counties were inadvertently and inappropriately using noxious weed fund dollars for general funding in the county. The language in this bill would clarify the use of this funding: "The commissioners shall create a noxious weed fund, to be used only for purposes authorized by this part." In addition, prior language states that money must be appropriated from the general fund and new language in this bill would clean up that language, making it clearer regarding mills or monetary amounts. The only thing I wish could have changed was that the commissioners "SHALL" provide sufficient money in the noxious weed fund! Weed control is often not a high priority in many counties and would help elevate the importance of the programs across the state.

Lastly, Section 10 addresses organic producers and others who do not wish to have their right-of-ways sprayed. In 2009 a county was sued by an organic producer and the producer won. This case highlighted the need to have language in the weed act that might help defer these types of situations in the future. Furthermore, it was decided by the stakeholder group that a standardized system of markers would be made and used in the state for those areas where voluntary agreements were in place.

I thank you for your time and consideration of the points I have highlighted, I felt it was imperative that the Montana Weed Control Association attempt one last time to ask your committee to reconsider HB166. We spent a great deal of time trying to "clean up" the language in the county weed act to make this legislation work better and more efficiently in government. We encourage you to support this bill and place it for consideration by the full house. . Please don't hesitate to contact me if you have any questions or concerns.

Sincerely,

Becky L Kington

Becky Kington
MWCA Executive Director

Montana Weed Control Association P.O. Box 315 Twin Bridges, MT 59754 (406)684 - 5590

