

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

Date: Tuesday, March 29, 2011
Place: Capitol

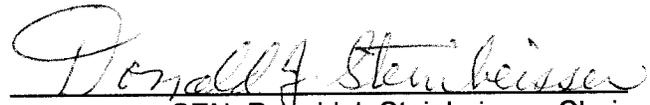
Time: 10:00 A.M.
Room: 335

BILLS and RESOLUTIONS HEARD:

EXECUTIVE ACTION TAKEN:

HB 133 AS Amended DO PASS

Comments:


SEN. Donald J. Steinbeisser, Chair

MONTANA STATE SENATE
ROLL CALL
AGRICULTURE, LIVESTOCK,
& IRRIGATION COMMITTEE

DATE: March 29, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Steinbeisser	✓	
Vice Chair Brown	✓	
Senator Branae	✓	
Senator Hawks	✓	
Senator Hutton	✓	
Senator Larsen	✓	
Senator Moore	✓	
Senator Murphy	✓	
Senator Ripley	✓	
Senator Stewart-Peregoy	✓	
Senator Windy Boy		✓

11 Committee Members



SENATE STANDING COMMITTEE REPORT

March 29, 2011

Page 1 of 5

Mr. President:

We, your committee on **Agriculture, Livestock and Irrigation** recommend that **House Bill 133** (third reading copy -- blue) **be concurred in as amended.**

Signed: *Donald J. Steinbeisser*
Senator Donald J. Steinbeisser, Chair

To be carried by Senator Cliff Larsen

And, that such amendments read:

1. Page 1, line 14.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 16 and 17.

Following: "board shall"

Insert: "attempt informal resolution"

Strike: "notify the" on line 16 through "mail" on line 17

Following: "noxious weeds"

Insert: "by notifying the landowner by mail or telephone."

Strike: "and the"

Insert: "If the situation is not resolved after the initial mail or telephone contact, the"

3. Page 1, line 18.

Following: "land"

Insert: "by sending the request by certified mail at least 10 days after the initial contact is attempted"

Following: "The"

Insert: "(b)"

4. Page 1, line 20.

Following: "10 DAYS."

Committee Vote:

Yes 7, No 4

Fiscal Note Required __

Insert: "(c)"

5. Page 1, line 23.

Strike: "7"

Insert: "10"

6. Page 1, line 24.

Strike: "3"

Insert: "10"

Strike: "NOTIFYING the landowner"

Insert: "sending a certified letter to the address listed on the tax records for the property or the agent of service"

7. Page 1, line 25.

Strike: "contact or" through "landowner"

Insert: "determine the owner of the property or the landowner objects to the inspection"

8. Page 1, line 28.

Following: "(2) (a)"

Insert: "(i)"

9. Page 1, line 30.

Following: "by"

Insert: "certified"

10. Page 2, line 2.

Following: "management program."

Insert: "(ii) The notice must contain the language specified in this section."

Strike: "The"

Insert: "(iii) If ownership of the land is in question or the board believes it is advisable, the"

11. Page 2, line 9 through line 10.

Following: "board"

Insert: "of county commissioners"

Strike: "to"

Following: "penalty"

Strike: "equal to" on line 9 through "found" on line 20

12. Page 2, line 11.

Following: "penalty"

Insert: "as established by the board following a public hearing after providing notice as required in 7-1-2121"

13. Page 2, line 12.

Following: "(C)"

Insert: "(i)"

14. Page 2, line 13 through line 14.

Following: "A HEARING"

Strike: "IN COURT"

Insert: "before the board"

15. Page 2.

Following: line 15

Insert: "(ii) If the landowner's objection to the board's action remains after the hearing, the landowner has 10 days to appeal the board's decision to the district court having jurisdiction in the county in which the property is located."

16. Page 2, line 18.

Following: "FROM THE"

Insert: "board or the"

17. Page 2, line 20.

Strike: "month" in both places

Insert: "year" in both places

18. Page 3, line 3.

Insert: "(5) If a court issues an order approving a board's actions, the court retains jurisdiction over the matter:

(a) until the actions specified in the weed management plan or court order are complete;

(b) for the length of time specified in the order; or

(c) for 5 years if the order does not specify a time limit.

(6) The department shall provide boards with a uniform notification form that must be used when notifying landowners of potential noncompliance with this part. The form must:

(a) list the noxious weeds found on the property;

(b) provide the legal description of the property;

(c) provide the address of the property, if available;

(d) state the fact that the presence of the weeds violates state law and that the landowner has 10 days after mailing of the notice to contact the board or its agent;

(e) provide the address and phone number for the board or its agent;

(f) notify the landowner of the landowner's:

(i) responsibility to submit a weed management proposal; and

(ii) right to request a hearing to contest the finding of noncompliance, including the timeframe for making the request; and

(g) specify the actions the board may take if the landowner fails to remove the weeds, including but not limited to the anticipated costs of destroying the weeds, the 25% penalty allowed under 7-22-2124, and the board's intent to file a court

action to impose a civil fine that may become a lien upon the property.

19. Page 3, line 5 through 7.

Following: "(1) (a)" on line 5

Strike: "If the" on line 5 through "7-22-2123(3), the" on line 7

Insert: "The" on line 7

20. Page 3, line 9.

Strike: "(1)(b)(iii)"

Insert: "(1)(c)(iii), if:

(i) the landowner or the landowner's representative does not take corrective action within the time specified in 7-22-2123(2);

(ii) a proposal is not made and accepted as provided in 7-22-2123(3); and

(iii) the board does not receive a formal objection or a request for a hearing"

Following: "."

Insert: "(b)"

21. Page 3, line 12.

Strike: "(b)"

Insert: "(c)"

Following: "After"

Insert: "taking action pursuant to subsection (1)(a) or "

22. Page 3, line 13 through line 15.

Strike: ", itemizing hours" on line 13 through "(1)(b)(iii), together with" on line 15

Insert: "that covers the costs of the weed control measures and contains"

23. Page 3, line 17.

Following: "~~7-22-2123~~."

Insert: "The bill must itemize the hours of labor, cost of material, equipment time, legal fees, and court costs or provide an invoice from a commercial applicator if the board contracted for weed control pursuant to subsection (1)(c)(iii)."

24. Page 3, line 21.

Following: "in the district."

Insert: "The bill must reflect actual legal fees and court costs incurred by the board."

25. Page 4, line 18 through line 22.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

26. Page 4, line 24.

Strike: "all of"

Insert: "the infested parcel of the"

- END -

MONTANA STATE SENATE
Roll Call Vote
AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

DATE 3-29-11 BILL NO H8133 MOTION NO. _____
 MOTION: AS Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SEN. GARY BRANAE	✓		
SEN. BOB HAWKS	✓		
SEN. ROWLIE HUTTON	✓		
SEN. CLIFF LARSEN	✓		
SEN. ERIC MOORE		✓	
SEN. TERRY MURPHY		✓	
SEN. RICK RIPLEY		✓	
SEN. SHARON STEWART-PEREGOY		✓	
SEN. JONATHAN WINDY BOY	✓		
SEN. TAYLOR BROWN, VICE CHAIR	✓		
SEN. DONALD STEINBEISSER, CHAIR	✓		

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jonathon Windy Boy, request to be excused from the
Agriculture, Livestock and Irrigation
COMMITTEE

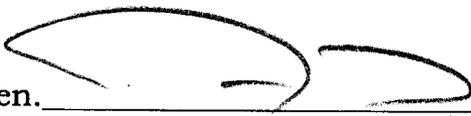
due to my other commitment. I desire to leave my proxy vote with:

Gay Branson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
take HB 133 from table	X	
Amendment 13301, 950	X	
Conceptual Amend	X	
H.B. 133	X	

BILL/AMENDMENT	AYE	NO

Sen. 
(Signature)

Date 3/29/11

