Legislative Committee report prepared by Chad Clark 3/2/2015

Our committee activities this year were:

-Participated in Science Policy calls

-Sent emails to state contacts to find the right person to give a summary of the legislative activities.

-Sent individual emails to track down the proper person or get more information from others.

-Sent a request for a summary from everyone who responded (cutting out those folks in the state who were not the proper contact) and to those from states who never responded.

-Kept in contact with Drew Lyon and other committee members along the way.

-Here are the reports I was able to get from the folks that volunteered their time and expertise. I have ranked the reports alphabetical by state followed by the person who reported and the legislation they are following. In some cases, I summarized their reports.

Alaska- Brianne Blackburn:

- **HB 20: Ban/limit neonicotinoid pesticides**
  This legislation prohibits the application of neonicotinoid pesticides unless applied within a greenhouse. This stems from concerns for honeybees and other pollinators. A similar bill was introduced in previous sessions and did not gain traction. This bill would have significant ramifications for pest management for our agricultural industry. http://www.akleg.gov/basis/Bill/Detail/29?Root=HB%20%2020#tab6_4

- **HB 38: Relating to the rapid response to, and control of aquatic invasive species and establishing the aquatic invasive species response fund.**
  This legislation directs involved agencies to draft and adopt rapid response measures for incipient populations of aquatic invasive species (both marine and freshwater). This legislation also proposes the development of a process for funds (no funds at this time) to be allocated into a non-lapsing account to be used for implementing rapid response management action. http://www.akleg.gov/basis/Bill/Detail/29?Root=HB%20%2038#tab1_4

- **HB 53: Use of Pesticides and Broadcast Chemicals near fish habitat and water used for human consumption and on state land.**
  This legislation imposes restrictions on state agencies applying pesticides on any state land or any land within 150 ft of fish (anadromous or resident populations) habitat or 600 ft of public or private water sources. http://www.akleg.gov/basis/Bill/Detail/29?Root=HB%20%2053

California- David Pegos:

- CA has no introduced legislation yet that deals with invasive species that we are tracking.

Colorado- Chad Clark

- **HB15-1006 Invasive Phreatophyte Grant Program** The grant fund will be housed under the Department of Ag in the noxious weed management funds, with the bill calling for $5 Million dollars for invasive phreatophyte control for each of the next 5 years. Here is the bill link: http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/F67AD6EA00B4C33187257D90007828BF?Open&file=1006_01.pdf

- **SB15-119 Pesticide Applicators Act Sunset, Senate Bill 119**. We expect little trouble in the bill passing, but will likely have another long testimony period. **On this particular bill if there are other states who would like to share their experiences with us on a pesticide applicators sunset we would really appreciate the input.** Here is the link to the bill: http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/DFAB6214C8DA40AA87257D9000783400?Open&file=119_01.pdf

Hawaii- Becky Azama:

- No report.

Kansas- Scott Marsh:

- We are following SB 134 – Amendments to the noxious weed law and HB2329 – Creating a program to research the use of industrial hemp.

Montana- Dave Burch:

- HB-525 - A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AQUATIC INVASIVE SPECIES FUNDING LAWS;
  7 CREATING A TRUST FUND AND A GRANT ACCOUNT
  http://leg.mt.gov/bills/2015/billpdf/HB0525.pdf

- HB-553 - A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES;
  6 REVISING DEPARTMENTAL DUTIES; ALLOWING OTHER ENTITIES TO OPERATE CHECK STATIONS;
  7 PROVIDING ENFORCEMENT
  http://leg.mt.gov/bills/2015/billpdf/HB0553.pdf

- HB-167 - A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO OFF-HIGHWAY VEHICLE
  5 NONRESIDENT TEMPORARY-USE PERMITS; INCREASING THE NONRESIDENT TEMPORARY-USE

6 PERMIT FEE FOR OFF-HIGHWAY VEHICLES; REQUIRING A NONRESIDENT TEMPORARY-USE PERMIT
7 FOR ALL OFF-HIGHWAY VEHICLES OWNED BY NONRESIDENTS
http://leg.mt.gov/bills/2015/billpdf/HB0167.pdf

Nebraska- Bobbie Wickham:

- Nothing to contribute.

Nevada- Jamie Greer:

- In 2013 – 2014 season the NDA received petition from Pacific Northwest Seed Growers for removal of Mayweed chamomile from NV Noxious Weed List. After workshop and hearing approval of change was denied by Nevada Board of Agriculture and Nevada Department of Agriculture Director.
- In last 2 years, we have had a lot more pressure to enforce our state noxious weed statutes. In 2014 we did first state initiated abatement.
- Although we have more pressure to enforce the state noxious weed statutes, Nevada still does not have statewide local infrastructure in place for weeds. By this I mean we still do not have county level weed districts or weed programs in every county in our state. This makes enforcement much more difficult when there is not a local presence. Ideas have been discussed to mandate counties to have weed district and to ask the state to support the formation of those county weed districts in the counties in which we do not have any. – This will most likely be a topic in the 2017 legislative session for Nevada and one that we may ask WSWS to support. At this time, it is in infancy stages but I will keep you updated.
- We have in session now AB 77 in Nevada that looks at cleaning up our current noxious weed statutes for Nevada in NRS 555. In addition to clean-up we have added in the ability to assess civil penalties and fines for lack of compliance with statute after notice has been issued.
- In Nevada we continue to struggle with consistent management and treatments on federal land. The NEPA process has limited many EDRR and other on the ground actions to take place. Being that Nevada is over 85% federal land, it is a concern and uphill battle if controls are not performed by our federal partners. For the most part, CWMAs have been successful to coordinate controls across federal and non-federal lands, however, in last 3 years we have had an escalating problem where no treatments have occurred within an entire district due to various reasons including out-dated weeds EAs or lack of certain treatment methods in EAs. We have a section in state of Nevada statutes that gives the NDA authority for removal/abatement of noxious weeds from federal domain in Nevada Revised Statutes 555.200. We have increased pressure to enforce this section of statute, which has never been done before in our state, if coordination and actual on the ground action does not improve.

Oklahoma- Jeanetta Cooper

- Oklahoma does not have any weed legislation or support at this time. We have a bare bones noxious weed list but enforcement is non-existent. We (ODAFF and OSU support) have, in the past, gone to legislature for possible funding and been turned down. I don't foresee any change in support in the future.

South Dakota- Brandon Beshears:

- In South Dakota we don't have any legislation this session affecting weed & pest or pesticide issues. We did have a bill for the Department of Ag that revises some of statutes, but that was some housekeeping in our code.

Washington- Alison Halpern:

- **HB 1375: Concerning criminal trespass on private property**. This bill, if passed, would have eliminated the immunities that have been granted to government employees in various statutes (including RCW 10.10), for trespassing onto private property. Fortunately, the House Committee on State Government did not take executive action following its public hearing on February 10. This is not the first year that this bill – or a similar permutation – has been introduced.
- **SB 5769: Concerning the management of noxious weeds on state lands.** This bill, if passed, would allow county weed boards to put liens on public property, under 17.10.170, for the expenses accrued by the weed board to control noxious weeds after failure to comply with RCW 17.10.
- **SHB 1654: Controlling noxious weeds while still supporting pollen-rich forage plant communities for honey bees.** The AGNR Committee discussed the bill in executive session on February 12. And an additional amendment to PSHB 1654 was also passed. This amendment, introduced by Representative Chandler, shifted the target of the state weed board's pilot project from private, willing landowners to federal and state lands.

Wyoming- Josh Shorb:

- There hasn't been much activity in the Wyoming legislature that has to do with weeds. The one bill that the WWPC has been following is Senate File 0012.

- S. F. No. 0012 Trespassing to collect data. Sponsored By: Joint Judiciary Interim Committee AN ACT relating to crimes and offenses; creating the crimes of trespassing to unlawfully collect resource data and unlawful collection of resource data; limiting use of unlawfully collected data; providing for expungement; providing definitions; and providing for an effective date. http://legisweb.state.wy.us/2015/Digest/SF0012.pdf

- Update!
  The Senate File now looks like it may pass. After the bill failed in the senate, it went to conference and they came up with a middle ground that the senate could live with. It now goes back to the house for concurrence.

-Despite multiple attempts I was unable to make contact with Oregon, Utah, Idaho, New Mexico, Arizona, North Dakota and Texas even though I had names and emails as credible sources. My

recommendation for future chairs is to continue communication with those who responded in the past and to try to come up with contacts for those states that have given no response. Eventually, I think that there can be an open dialog where the legislative contacts can share ideas and offer insight from their legislative experiences.

Recommendations for Board Action:

My recommendation to the Board would be for Board members to reach out to some of their colleagues in the states where we were unable to get a report and find out who might be the best person to help. Perhaps this personal touch will help coax some folks into helping out the committee. However, I do not feel that a specific "action" is needed.

Budget Needs:

There are no budget needs other than time to send emails and follow-up.

Suggestions for the Future:

In the future it may be a nice gesture to offer a reception to the state contacts at one of our meetings. Not all of these folks are members and did not have to contribute to this effort. This reception could raise some awareness with public entities and give WSWS a chance to expand membership.

It is my belief that this committee should be more involved with the Board. It does not necessarily need to be a voting member but should have a closer relationship in order for the Board to provide better direction to membership. Perhaps the chair should be someone who is on the Board? Since "To support legislation governing weed control programs and weed research and education programs" is one of the 5 objectives, I believe the committee should be much closer than it has been to the Board.

Also, I would argue that there should be more communication between committees as many of the committees cross-over. The legislative committee could offer insight into issues facing many of the committee already existing. This collaboration could inspire a cohesiveness that helps WSWS maintain its objectives and keeps other committees informed of issues that individual members might find most important.

Current Committee Members:

Current committee members are Julie Kraft (2015), Chad Clark-chair (2016), Fred Raish (2017), Lee Van Wychen (*ex officio*), Pat Clay (WSSA Representative).

Prepared by Chad Clark