

Moved by Dayley

Seconded by Erpelding

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO S.B. NO. 1073

AMENDMENT TO SECTION 1

1  
2 On page 1 of the printed bill, delete lines 11 through 41; delete page 2  
3 and on page 3, delete lines 1 through 8, and insert:

4 "22-2402. DEFINITIONS. As used in this chapter:

5 (1) "Agency" means:

6 (a) In the case of the federal government, any authority which exer-  
7 cises administrative control over defined areas of federal lands within  
8 the state of Idaho;

9 (b) In the case of the state of Idaho, any department, board, commis-  
10 sion, or institution;

11 (c) In the case of local government, cities, counties and any legal  
12 subdivisions thereof, drainage districts, irrigation districts, canal  
13 companies, highway districts, or any special taxing district.

14 (2) "Applicable fund or account" means:

15 (a) In the case of the state of Idaho, the noxious weed account, which is  
16 hereby created and established in the dedicated fund and which shall be  
17 used exclusively for the purposes prescribed by this chapter;

18 (b) In each county, the noxious weed fund, which is hereby created and  
19 established and shall be maintained in each county and which shall be  
20 used exclusively for the purposes prescribed by this chapter.

21 (3) "Aquatic plant" means any plant growing in, or closely associated  
22 with, the aquatic environment and includes, but is not limited to, riparian  
23 plants.

24 (4) "Article" means a particular kind of object, and includes any type  
25 of conveyance, mode of transport or associated materials such as water.

26 (5) "Classical biological control" means the introduction of control  
27 agents into a region, that is not part of their natural range, to suppress  
28 permanently the populations of selected target weeds usually also intro-  
29 duced into that region. "Augmentative biological control" means the supple-  
30 mental release of control agents into a region, that is part of their natural  
31 range, to suppress permanently the populations of selected target weeds.

32 (6) "Containment" means halting the spread of a weed infestation beyond  
33 specified boundaries.

34 (57) "Control" means any or all of the following: prevention, rehabil-  
35 itation, eradication or modified treatments.

36 (68) "Control authority" means:

37 (a) On the state level, the director of the department of agriculture;

38 (b) On the county level, the board of county commissioners.

39 (79) "Cooperative weed management area (CWMA)" means a distinguishable  
40 hydrologic, vegetative or geographic zone based upon geography, weed infes-

1 tations, climate or human-use patterns. Cooperative weed management areas  
2 may be composed of a portion of a county, a county, portions of several coun-  
3 ties, or portions of one (1) or more states.

4 (~~8~~10) "Department" means the Idaho state department of agriculture.

5 (~~9~~11) "Director" means the director of the department of agriculture or  
6 the director's designated agent.

7 (~~10~~2) "Eradication" means the elimination of a noxious weed based on ab-  
8 sence as determined by a visual inspection by the control authority during  
9 the current growing season.

10 (~~11~~3) "Integrated weed management plan (IWMP)" means a plan developed  
11 to manage, control or eradicate a noxious weed(s) from a cooperative weed  
12 management area or other weed management area. Integrated weed management  
13 strategies may include, but are not limited to, prevention, cultural, me-  
14 chanical, chemical and biological methods.

15 (~~12~~4) "Land" means all soil or water or other growing medium.

16 (~~13~~5) "Landowner" means:

17 (a) The person who holds legal title to the land, except that portion  
18 for which another person has the right to exclude others from possession  
19 of the parcel; or

20 (b) A person with an interest in a parcel of land such that the person  
21 has the right to exclude others from possession of the parcel.

22 (~~14~~6) "Modified treatment" means treatment specified in an integrated  
23 weed management plan.

24 (~~15~~7) "Noxious weed" means any plant having the potential to cause in-  
25 jury to public health, crops, livestock, land or other property; and which is  
26 designated as noxious by the director.

27 (~~16~~8) "Person" means any individual, partnership, firm, agency, corpo-  
28 ration, company, society or association.

29 (~~17~~9) "Prevention" means:

30 (a) Any action that reduces the potential for the introduction or es-  
31 tablishment of a plant species in areas not currently infested with that  
32 species; or

33 (b) Any action that deters the spread of noxious weeds.

34 (~~18~~20) "Quarantine" means the regulation of the production, movement,  
35 or existence of plants, plant products, animals, animal products, or any  
36 other article or material, or the normal activity of persons, to prevent or  
37 limit introduction or spread of noxious weeds.

38 (~~19~~21) "Rehabilitation" means the process of reconditioning formerly  
39 weed infested land to a productive or desirable condition.

40 (~~20~~2) "Riparian" means the green, vegetated areas along the edge of  
41 water bodies like rivers, creeks, canals, lakes, springs, sloughs, pot-  
42 holes and wetlands. They are the transition zone between upland and aquatic  
43 ecosystems. Underlying saturated soil is a key feature in riparian areas.

44 (~~21~~3) "State noxious weed advisory committee" means an advisory commit-  
45 tee appointed by the director to advise and to assist in development, modifi-  
46 cation and direction of a statewide noxious weed management strategy.

47 (~~22~~4) "Viable" means a plant or plant part capable of surviving or liv-  
48 ing successfully, especially under particular environmental conditions.

49 (~~22~~5) "Waters" means all the accumulations of water, surface and under-  
50 ground, natural and artificial, public and private, or parts thereof which

1 are wholly or partially within, which flow through, or which border upon the  
2 state.

3 (236) "Weed control advisory committee" means a committee established  
4 by weed control agencies or authorities, at the county level, or a steering  
5 committee of a cooperative weed management area, to develop and to recommend  
6 implementation of integrated weed management plans and strategies.

7 (27) "Hybrid" means the offspring of two (2) plants of different  
8 breeds, varieties, species or genera.

9 (28) "Releasing" means releasing, placing, planting, or causing to be  
10 released, a species in a water body, facility, water supply system, field,  
11 garden, planted area, ecosystem or otherwise into the environment within the  
12 state of Idaho.

13 (29) "Researcher" means someone who has the generally accepted educa-  
14 tion, experience and position within the biological control research commu-  
15 nity.

16 (30) "Research facility" means any laboratory, institution, college or  
17 university, at which scientific tests, experiments or peer-reviewed inves-  
18 tigations involving the use of any living plants is carried out, conducted  
19 or attempted and that receives funds under a grant, award or contract from a  
20 department, agency, or instrumentality of the United States for the purpose  
21 of carrying out research, tests or experiments and that uses generally ac-  
22 cepted protocols at an equivalent or higher level than a U.S. center for dis-  
23 ease control and prevention biosafety level 1 facility."

24 AMENDMENT TO SECTION 2

25 On page 3, delete lines 11 through 49; delete page 4; and on page 5, delete  
26 lines 1 through 12, and insert:

27 "22-2404. STATE POWERS. (1) The director is authorized to:

28 (a) Investigate the subject of noxious weeds; and

29 (b) Require information, annual work plans and reports from each county  
30 and from each state agency as to the presence of noxious weeds and other  
31 information relative to noxious weeds and the control thereof; and

32 (c) To cooperate with agencies and persons in carrying out the direc-  
33 tor's duties under this chapter, and to conduct matters outside this  
34 state in the interest of state noxious weed control; and

35 (d) Advise and confer as to the extent of noxious weed infestations and  
36 the methods of control; and

37 (e) Assist counties in the training of county weed superintendents; and

38 (f) Call and attend meetings and conferences dealing with the subject  
39 of noxious weeds; and

40 (g) Disseminate information and conduct educational campaigns inde-  
41 pendently or in cooperation with others; and

42 (h) Appoint a state noxious weed advisory committee, as provided by  
43 section 22-103, Idaho Code, to aid in the development and implementa-  
44 tion of a statewide noxious weed management strategy, aid in evaluation  
45 of cost share projects and research proposals, and advise the director  
46 on matters pertaining to the state noxious weed program; and

47 (i) Procure materials and equipment; and

1 (j) Inspect and certify Idaho crops and imports and exports to verify  
2 freedom from noxious weeds, and authorize others to conduct such in-  
3 spections and certification; and

4 (k) Enter on any public or private land at reasonable times for the pur-  
5 pose of carrying out the provisions of this chapter; and

6 (l) Apply to any court of competent jurisdiction for a search warrant  
7 authorizing access to any land where access was denied and sought for  
8 the purposes set forth in this chapter. The court may, upon such appli-  
9 cation, issue the search warrant for the purposes requested; and

10 (m) Perform such other acts as may be necessary or appropriate to the  
11 administration of the provisions of this chapter; and

12 (n) Cooperate with the federal government or any established agency  
13 thereof in any program of noxious weed control which shall be deemed  
14 advisable for the welfare of the people of the state of Idaho, accept any  
15 advisable program and make any necessary rules which are not in contra-  
16 diction to the purposes of this chapter; and

17 (o) Accept any gift, grant, contract or other funds, or grants-in-aid  
18 from the federal government or other entities for noxious weed control  
19 purposes and account for such moneys as prescribed by the state con-  
20 troller, and all such funds are hereby appropriated to the purpose for  
21 which they are received; and

22 (p) Initiate agreements with federal agencies in accordance with ap-  
23 plicable federal laws; and

24 (q) Control noxious weeds on federal land within the state, with or  
25 without reimbursement, and with the consent of the federal agency in-  
26 volved; and

27 (r) Take any appropriate action necessary to control or quarantine nox-  
28 ious weed infestations whenever an actual or potential emergency situa-  
29 tion exists concerning noxious weed infestations anywhere in the state;  
30 and

31 (s) Initiate cooperative agreements with other agencies and states for  
32 the establishment and support of cooperative weed management areas; and

33 (t) Aid other weed control agencies or authorities in developing and  
34 implementing integrated weed management plans for control of noxious  
35 weeds; and

36 (u) Temporarily designate a weed as noxious for up to fifteen (15)  
37 months, after publication in a newspaper of general circulation serving  
38 the area of infestation; and

39 (v) Authorize the issuance of deficiency warrants for the purposes of  
40 defraying excess costs for the control of noxious weeds for emergency  
41 situations, in the event the actual cost for the control of noxious  
42 weeds in any one (1) year exceeds the appropriations made for that pur-  
43 pose. When so authorized the state controller shall draw deficiency  
44 warrants against the general account; and

45 (w) Allow the collection, removal and movement of noxious weeds by a re-  
46 searcher from an infested area in Idaho to a facility within Idaho when  
47 available within the state of Idaho for purposes of biological control  
48 research, so long as the following conditions are satisfied and certi-  
49 fied by the researcher and the director in legally binding and notarized  
50 documents:

1           1. The director is notified in writing by the researcher the pre-  
2           precise details of the proposed research project at least thirty (30)  
3           days prior to any contemplated collection, removal or movement of  
4           noxious weeds. The director and specialist staff shall conduct  
5           a review of the proposed research project and complete a written  
6           project approval plan that includes details of all appropriate  
7           actions that will be taken to ensure implementation and protection  
8           of the authority of the director as outlined in section 22-2403,  
9           Idaho Code, the state powers as outlined in section 22-2404, Idaho  
10           Code, the county duties as outlined in section 22-2405, Idaho  
11           Code, the county powers as outlined in section 22-2406, Idaho  
12           Code, the landowner duties as outlined in section 22-2407, Idaho  
13           Code, and the landowner and citizen powers as outlined in section  
14           22-2408, Idaho Code. The researcher shall take no action prior  
15           to written approval from all control authorities. The written  
16           approval process shall also contain a notification to all other  
17           appropriate entities as outlined in this chapter;

18           2. The collection, removal and movement activities are certified  
19           in writing that they will be conducted using methods and protocols  
20           prescribed and generally accepted in the biological control re-  
21           search community that prevent the dissemination of noxious weeds;

22           3. The biological control agent that is the subject of the re-  
23           search is not a plant pest within the meaning of the plant pest  
24           act of 2002, an invasive species within the meaning of the invasive  
25           species act of 2008 or a viable noxious weed within the meaning of  
26           this chapter;

27           4. Viable noxious weeds, as determined by the department, are not  
28           reintroduced into the environment as a component or result of the  
29           biological control research;

30           5. Any articles, including but not limited to plant parts, that  
31           are collected for transport as part of biological control research  
32           must be destroyed or treated at the research facility in such a way  
33           as to destroy the viability of any plant pests, invasive species,  
34           hybrids and noxious weeds; and

35           6. The project is conducted in accordance with such other condi-  
36           tions as may be set in the written approval document by the direc-  
37           tor to ensure containment during collection, removal and movement  
38           of the noxious weed.

39           Penalties for intentional transportation or release of a biological  
40           control agent shall not exceed those established in the plant protec-  
41           tion act (Title 7, USC 7734).

42           Should it be necessary to transport a biological control agent into or  
43           out of the state of Idaho all appropriate biological control protocols  
44           shall be followed as delineated by the appropriate federal agencies  
45           such as the USDA animal plant health inspection service plant protec-  
46           tion quarantine (USDA APHIS PPQ).

47           None of the actions authorized in this paragraph shall be carried out  
48           until the director both outlines the actions and certifies to the board  
49           of examiners that the specific funding and personnel necessary for all

