

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 469

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO NOXIOUS WEEDS; AMENDING SECTION 22-2402, IDAHO CODE, TO REVISE A
DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-2402, Idaho Code, be, and the same is hereby
amended to read as follows:

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

(1) "Agency" means:

(a) In the case of the federal government, any authority which exercises administrative control over defined areas of federal lands within the state of Idaho;

(b) In the case of the state of Idaho, any department, board, commission, or institution;

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

(2) "Applicable fund or account" means:

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

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

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

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

(5) "Classical biological control" means the introduction of control agents into a region, that is not part of their natural range, to suppress permanently the populations of selected target weeds usually also introduced into that region. "Augmentative biological control" means the supplemental release of control agents into a region, that is part of their natural range, to suppress permanently the populations of selected target weeds.

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

(7) "Control" means any or all of the following: prevention, rehabilitation, eradication or modified treatments.

(8) "Control authority" means:

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

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

1 (9) "Cooperative weed management area (CWMA)" means a distinguishable
2 hydrologic, vegetative or geographic zone based upon geography, weed infes-
3 tations, climate or human-use patterns. Cooperative weed management areas
4 may be composed of a portion of a county, a county, portions of several coun-
5 ties, or portions of one (1) or more states.

6 (10) "Department" means the Idaho state department of agriculture.

7 (11) "Director" means the director of the department of agriculture or
8 the director's designated agent.

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

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

17 (14) "Land" means all soil or water or other growing medium.

18 (15) "Landowner" means:

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

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

24 (16) "Modified treatment" means treatment specified in an integrated
25 weed management plan.

26 (17) "Noxious weed" means any plant having the potential to cause injury
27 to public health, crops, livestock, land or other property; and which is des-
28 ignated as noxious by the director.

29 (18) "Person" means any individual, partnership, firm, agency, corpo-
30 ration, company, society or association.

31 (19) "Prevention" means:

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

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

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

40 (21) "Rehabilitation" means the process of reconditioning formerly
41 weed infested land to a productive or desirable condition.

42 (22) "Riparian" means the green, vegetated areas along the edge of water
43 bodies like rivers, creeks, canals, lakes, springs, sloughs, potholes and
44 wetlands. They are the transition zone between upland and aquatic ecosys-
45 tems. Underlying saturated soil is a key feature in riparian areas.

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

49 (24) "Viable" means a plant or plant part capable of surviving or liv-
50 ing successfully, especially under particular environmental conditions.

1 (25) "Waters" means all the accumulations of water, surface and under-
2 ground, natural and artificial, public and private, or parts thereof which
3 are wholly or partially within, which flow through, or which border upon the
4 state.

5 (26) "Weed control advisory committee" means a committee established by
6 weed control agencies or authorities, at the county level, or a steering com-
7 mittee of a cooperative weed management area, to develop and to recommend im-
8 plementation of integrated weed management plans and strategies.

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

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

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

18 (30) "Research facility" means:

19 (a) Any laboratory, institution, college or university, at which sci-
20 entific tests, experiments or peer-reviewed investigations involving
21 the use of any living plants ~~is~~ are carried out, conducted or attempted
22 and that receives funds under a grant, award or contract from a depart-
23 ment, agency, or instrumentality of the United States for the purpose
24 of carrying out research, tests or experiments and that uses generally
25 accepted protocols at an equivalent or higher level than a U.S. centers
26 for disease control and prevention biosafety level 1 facility; or

27 (b) Any privately funded laboratory, institution, college or uni-
28 versity at which scientific tests, experiments or peer-reviewed in-
29 vestigations involving the use of any living plants are carried out,
30 conducted or attempted and that uses generally accepted protocols at an
31 equivalent or higher level than a U.S. centers for disease control and
32 prevention biosafety level 1 facility.