

**DEPARTMENT OF AGRICULTURE
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Wednesday, December 4, 2013
10:30 am – 12:00 pm**

10:30-10:45 INTRODUCTIONS AND OPENING COMMENTS

10:45-11:00 DEPARTMENT UPDATES

Industrial Hemp Regulatory Program

1. Please provide an update on the implementation of the Industrial Hemp Regulatory Program, including information on the Program's expected workload, challenges for those entering the industry (e.g. obtaining seeds), and the Department's current efforts and future plans to promote industrial hemp in Colorado. Also, discuss any additional legislative or regulatory actions necessary to make industrial hemp a successful cash crop.

Response:

Status of Implementation:

The Colorado Department of Agriculture met with the Industrial Hemp Regulatory Program advisory committee three times between July 18th and September 11th to develop the rules required under the Industrial Hemp Regulatory Program statute (35-61 C.R.S.). A hearing on the rules was held on November 12th and the rules were adopted by the Commissioner. The Rules will be effective on December 30, 2013. This met the statutory mandate that rules be adopted by March 1, 2014. The Department will be prepared by March 1, 2014 to register hemp producers who apply for a registration.

Expected Workload:

The expected workload is still very much unknown primarily because of industry factors such as availability of seed. The Department estimates that it may receive approximately 10 registrations. The Department expects these registrants would be for research and development sites rather than commercial production due to the lack of seed. The Department has entered into an agreement with the CDA Inspection and Consumer Services Biochemistry Laboratory to perform the analysis on the hemp samples collected to verify compliance with the THC requirement.

Challenges for those entering the industry:

- 1) *Availability of Seed: Availability of seed is a significant challenge for potential hemp producers. This issue was mentioned many times during the advisory committee meetings and again at the rules hearing. Very little seed is in the state and it against federal law to transport viable hemp seed into Colorado from other states or countries.*
- 2) *Issues with federal regulations: There are many questions as to whether growing hemp would negate federal crop insurance for other crops if a grower chooses to produce hemp on their farm.*

In addition, the funding mechanism for some growers is an issue because money cannot be borrowed from a bank due to FDIC requirements.

3) No processing facilities in place: There are currently almost no hemp processing facilities in Colorado and the ones that do exist are very small. The statute requires the grower to have a contract with an in-state processor. Processors have stated they are interested in building plants in Colorado but need adequate hemp production to make it work. With the lack of seed there will be very little production so this prevents processing plants from being built in the near term.

4) State research institutions inability to work with hemp: Because of the federal legalities, state research institutions like Colorado State University cannot work on improving and developing varieties of hemp that would be most beneficial in Colorado. The growers will have to do all of their research and seed development.

Department's current efforts and future plans to promote industrial hemp in Colorado:

The Department does not have a current plan to promote industrial hemp. The Department's Markets Division may get involved with this industry to assist in promotion once the industry begins to establish itself. It's still too early to make any determinations as to how to market this new industry in Colorado.

Additional legislative or regulatory actions necessary to make industrial hemp a successful cash crop:

The statute currently only allows hemp registrants for research and development to grow hemp outside in fields. Allowing research and development registrants to conduct hemp research in greenhouses could aid the industry. This issue has been reported to the hemp industry.

As described above, federal regulations are the biggest issue with hemp production.

Flood Recovery Issues

2. Please provide information on the economic impacts of efforts to divert flood and river waters on the agricultural sector. How long will it take to complete testing of all groundwater for flood contamination? What is the extent of groundwater or well water contamination in agricultural areas due to the flooding?

Response: *Groundwater testing is being performed by Colorado State University Extension offices but only on a request basis. Assessment of damages to crops, farm land, equipment, and structures is being performed by the United States Department of Agriculture (USDA) Farm Service Agency (FSA) offices. As of October 24, 2013, the following information has been collected by FSA:*

Number of Farms affected: 1,200

Number of Farm Implements damaged: 112

Number of Farm Structures damaged: 150

Acres of Crops Damaged:

- *Corn: 15,055*

- Alfalfa: 6,365
- Sugar Beets: 900
- Beans: 150

Office Consolidation Update

3. Please provide an update on the status of the Department's office consolidation and negotiations to purchase the office building located at 305 Interlocken Parkway in Broomfield. Include specific information on restrictions of public use of the building imposed by the Interlocken Owners Association, and the request for payment to the Interlocken Consolidated Metropolitan District in lieu of taxes.

Response: *The Department is scheduled to close on the facility in December. There are two remaining details to work out prior to closing on the facility:*

1. *Interlocken Owners Association Covenant – The current draft does allow for public access for the Department's constituents. However, the draft is restrictive to primarily the Department by limiting the type of activity that may operate in the facility. Examples would be Motor Vehicles, Human Services functions, Revenue, and other high volume activities of state government.*
2. *There are eleven buildings within a section of Interlocken that pays in to an additional levy for improvements to common areas, to include US 36 and Interlocken Parkway. The Department's facility is one of the eleven. The Interlocken Association has asked the Department to make a payment in lieu of the levy to prevent the State's tax exempt status from unfairly increasing costs on the other ten facilities while receiving the same benefit. The Department is working diligently with the Attorney General's Office and the State Controller to find a solution.*

11:00-11:40 COLORADO STATE FAIR

4. Please provide:

- a. An update on the profitability of the 2013 Fair event including the final results of the conversion to cashless vending and change in ticket vendors.

Response: *This year's Fair had a profit of \$460,000 for the eleven day event. The Cashless system increased revenues for concessions by \$10,000. The new ticketing system provided by Tickethorse improved concert revenue by \$50,000.*

- b. An update on the impact of the failure of ballot measure Question 1A and the associated funding cuts from Pueblo City and County.

Response: *After the failure of ballot issue 1A both the City and the County restored the funding in full for FY 2013-14.*

- c. A clarification of future fundraising expectations for the Colorado State Fair Foundation as they pertain to the Department's request for General Fund.

Response: *The Colorado State Fair Foundation is a new organization. The foundation currently is pursuing two avenues for funding. One is to raise funds that can offset the annual losses for 4-H and FFA programs during the annual Fair. The other is to raise funds to improve the dorms and other facilities utilized for these programs. So far, the Foundation has raised over \$140,000 to improve the facilities. It is much easier to find organizations and individuals willing to provide funding for capital improvements than it is for operations.*

5. Please provide details on the effectiveness of the cashless system in detecting or deterring fraudulent behavior on the part of vendors at the Fair event.

Response: *The Cashless system improved the Fair's control over concession revenue. The system did expose some areas of possible impropriety. That information is being shared with law enforcement and can't be discussed at this time, however the Department is willing to discuss during an executive session if the Committee would like.*

6. Please describe any strategies pursued by the State Fair Authority to secure adequate revenue to offset operating losses identified in past financial audits. Include information on any steps the Fair has taken to remedy losses outside of the current request for General Fund. Address any outstanding issues with cash fund management and describe steps taken to resolve any problems identified in previous audits.

Response: *The Colorado State Fair has followed the audit recommendations in order to increase revenues. The following actions have been taken:*

1. *Increased gate admission in 2011 from \$8 to \$10 on the weekends.*
2. *Increased carnival band prices from \$25 to \$30.*
3. *Increased rental prices on facilities for non-Fair use.*
4. *Restricted overtime for classified employees.*
5. *Classified staff volunteered time to reduce temporary employee costs.*
6. *Reduced entertainment cost for annual Fair.*
7. *Established a Foundation to pursue other sources of revenue for 4-H programs and facilities.*
8. *Established better cash control procedures.*

Venue and Local Support for the State Fair

7. Please provide information on the status of local support for the Fair in Pueblo. Do the city and county of Pueblo plan to restore local funds or provide support for the Fair going forward?

Response: *The City and County of Pueblo have restored the funding for FY 2013-14. In the last five years, the City and County of Pueblo have provided \$2,135,000 in revenue to the Fair.*

8. Please provide any available information from local elected officials in the Pueblo area regarding ideas or suggestions to help generate more revenue for the Fair and keep it operating successfully.

Response: *The Colorado State Fair, Pueblo County, the City of Pueblo, and the Pueblo Greater Chamber of Commerce worked closely together to utilize the Fair facilities on a year-round basis. The Fair currently hosts the Rocky Mountain Street Rod Nationals, The National Little Britches Rodeo Finals, The Southern Colorado Kennel Club Dog Show, 14 non-Fair horse shows, and at least two to three RV rally's a year. Non-Fair revenues from rentals have improved from under \$550,000 in FY 20098-10 to over \$700,000 in the FY2012-13.*

9. Please provide a discussion of the advantages and challenges of the State Fair's current location in Pueblo. Could the State Fair be more successful if it were located somewhere else?

Response: *A facilities audit was completed on the Fair in 1997. The audit estimated that it would cost over \$280 million to duplicate the Fair facilities. The audit only focused on the buildings and structures. Since 1997, the State of Colorado has invested over \$12 million in infrastructure improvements. At this time there is not another facility in the State with the infrastructure in place to provide for the current annual programs provided at the Fair.*

10. Please provide information on State Fair's performance compared to county fairs and rodeos in the state. What were the most successful attractions at these events?

Response: *Trying to compare county fairs to the annual Colorado State Fair would be difficult. Most county fairs provide a limited number of 4-H programs for exhibitors. The Colorado State Fair is the only event that provides for all 4-H programs. Limiting programs would limit the participation.*

11. Please provide an overview of any efforts to encourage tourism to the Fair and to southern Colorado in general. Discuss any ideas or plans for promoting tourism in the future.

Response: *Currently, the Fair hosts two annual events that promote tourism. The Rocky Mountain Street Rod Nationals (a three-day event) will hold its 30th annual event of the Fairgrounds. Many participates come from outside Colorado. This event typically books most hotels in southern Colorado Springs and Pueblo.*

For nine years the Colorado State Fair has hosted the Little Britches Rodeo Finals. Last year there were over 900 participants and the Fair stalled over 1,200 horses. Most participants come from outside Colorado, coming as far away as Florida. Many of the families make this their summer vacation using the fairgrounds as the base to reach into areas of southern Colorado. During the five day event, no rodeo activities are held on Wednesday so that families can enjoy the area.

The Colorado State Fair uses the facility to make Colorado a destination for RV groups of various sizes. Once again, the groups have participants from all over the United States. Over the years, the Fairgrounds have hosted the Good Sams, Discovery's, Anion's, Air Streams, Holiday Ramblers and others. The rallies have had participants from 250 to 1,500 units. The Colorado State Fair is one of the few facilities in the region that can accommodate these groups. Currently, the campus has over 500 full hooks for RV's and can supplement up to 1,000 more.

4-H and FFA Programs at the Colorado State Fair

12. Please provide information on the use of the 4-H and FFA dormitories on the fairgrounds and address the following questions:

- a. What percentage of 4-H fair participants stay in the dorms and what percentage have lodging outside the Fair? Will upgrading or replacing the dorms increase their use? If so, by how much?

Response: *Last year, 748 4-H and FFA exhibitors used the dorms. Not all youth exhibitors have the financial resources to stay in hotels. The dorms offer supervised accommodations for exhibitors whose parents can't find time for the event or cannot afford the cost of staying in Pueblo. We are not requesting funds to upgrade the dorms. Those funds are being raised by the foundation. This year the FFA and 4-H dorm were combined into one facility, reducing the cost of maintenance on two facilities.*

- b. Has the Fair explored any alternatives to housing 4-H participants in the dorms on the fairground (e.g. using CSU-Pueblo facilities)?

Response: *Many of the youth exhibitors are middle school age and some are younger. Having dorm facilities on the Fairgrounds provides for better supervision and control. In addition, CSU-P fall semester starts at the same time as the week of the Fair. Additionally, transporting the exhibitors back and forth to Fairgrounds becomes an issue of logistics and cost.*

13. Please explain what 4-H and FFA entry fees pay for, if not for the costs of the programs at the Fair.

Response: *The Colorado State Fair strives to keep entry fees low so youth of any economic status can enter and compete. As with dorm fees, the goal is to allow as many children as possible to participate in 4-H programs. While the Fair has adjusted and increased fees in the past, the goal is to not price the program outside the reach of most families. These fees do support a very small portion of the expenses incurred by the Fair however; the Fair does not recuperate anywhere near enough to offset the costs.*

11:40-12:00 NOXIOUS WEEDS MANAGEMENT PROGRAM

14. Please discuss the long term funding challenges for the Noxious Weed Management Program and provide responses to the following funding alternatives:

- a. Option 1: Restore original General Fund support for the Noxious Weed Management Program.
- b. Option 2: Expand the capacity of the Noxious Weed Program by increasing General Fund support beyond the original appropriation.
- c. Option 3: Take no action, leave program funding at \$25,000 General Fund.

Response: *The primary long-term funding challenges are: maintaining consistent funding over time to ensure that all List A species populations are treated annually; and acquiring additional funding to implement the State's strategy for stopping the spread of List B populations, most of which are treated inconsistently, or are being treated as best as the local entities can do with modest if any support from the Department.*

The key to eradicating List A species in Colorado is to completely treat every population each year so that any remaining viable seeds are eventually wiped out. Missing a year's treatment means starting the process over to exhaust the seed bank which, for some species with 8-10 years (or longer) seed viability can mean adding a number of years to needed treatment and monitoring efforts (an unnecessary additional investment of funds). Recent funding levels (federal grants and Ag Management Funds) have allowed us to treat 95-100% of all but one List A species' sites, and treat the remaining species (myrtle spurge) at a 50-60% level.

List B species continue to spread and are treated inconsistently in many regions of the state, particularly those lacking the resources to maintain an effective weed management program at the local level. The noxious weed program currently lacks the funds to help implement a consistent and coordinated effort to stop the spread of most List B species (as required by law), which continue to spread throughout the state.

Option 1: It would be desirable to fund the program's grants to local entities from General Funds. Noxious weeds occur in every region of the state and affect agriculture, recreation,

wildlife habitat, and other economic activities. Thus it makes sense for the program to be funded directly by the taxpayers rather than from within the cash sources. Federal funding sources are continuing to decrease and are not a reliable source of continued funds.

Option 2: Increased funding would ensure all List A species are treated annually (we are currently close to that, but not at 100%) and allow the Department to begin implementing the state strategic plans to stop the spread of List B species. Enhanced funding would allow the Department to establish Weed Prevention Areas, eradicate outlying populations of key List B species, and create hard perimeters around containment areas while using biological control agents to suppress weed populations within containment areas.

Option 3: Taking no action and having \$25,000 to work with would give us only two options; hiring two seasonals to work along the Front Range and foothills as we've done in past years, and have no grants to local entities; or do away with the seasonals and grant out the funds to local entities. \$25,000 would fund either one large-size project, or about four medium to small grants. Our level of coverage for List A species would fall to 25 percent or less statewide.

15. Please provide information on factors that influence or increase the spread of noxious weeds in the state, e.g. fires, floods, and deer and elk herds, including an assessment of which is the most problematic for the successful management of weed populations.

Response: *There are a number of important “vectors” of weed spread in Colorado. The most common and well-documented form of weed spread is via transportation. This includes the transport of seeds and/or plant parts on vehicles, including transported farm, recreational, construction, and other equipment. Roadways are often quite weedy because of this, although not all roadside weeds are considered noxious. We can trace a number of List A species populations to equipment entering the state from another state or region known to have such species.*

Spread by wildlife is fairly common, although more specific to seed structure. For example, houndstongue is often picked up by all sorts of animals with fur (including human socks) and re-distributed when the burrs fall off. Other seeds provide food for birds, and such “bird dispersal” is documented, but not much can be done about it except for limiting the seed source. Wind and water also work to spread noxious weed seeds. Wind is usually fairly localized, affecting a few miles downwind (which is still quite serious), while spread by water can be as localized as affecting riparian areas only, to creating problems by getting into irrigation waterways.

Fires and floods are thankfully not all that common (fires more so), but have very serious consequences for the management of noxious weeds. Many species of plants will spring back from fires by sprouting from undamaged roots, thus getting a head start on plants that rely on seeds to germinate (which may have to be brought in by wind or human restoration). Other plants have seeds that are more likely to germinate following a fire, creating a flush of weeds that then further spread by seed development and dispersal. Fires do provide an opportunity for additional control of some species (such as cheatgrass), but only if managers have the resources to respond quickly and treat the “flush” of new plants. Floods are more of an unknown. We know the recent floods

along the northern Front Range have scoured areas that had noxious weed populations, and runoff from weedy areas will likely create new populations of weeds further downstream. While floods may have wiped out known locations of weed populations, it will create new ones – we won't know where for sure until next spring, and it may take us 1-2 years to find all the new populations, considering how far downstream the flood spread seeds and vegetative materials.

Collaboration with Counties

16. Please provide information on the methods used to identify the location and occurrence of noxious weed populations in counties and on private land (e.g. driving by properties or surveying from the air), and the level of financial support provided to counties for tracking noxious weeds on private land.

Response: *The Department relies primarily on counties to survey and map most noxious weed populations, and many will start with lands they own and/or manage; county road rights-of-ways and facilities are most common. Neighboring properties that can be viewed from public ROWs may also be assessed and recorded. Landowners will also self-report weed populations in order to seek advice on the best way to treat them. Department grants to counties have included surveying for particular weed species and assisting landowners with treatment options, as well as funding the purchase of equipment used for surveying and mapping weed populations (GPS devices, etc.).*

In addition, the Department has recently developed an online mapping system that benefits local entities, as they can use this mapping system rather than having to develop their own, and benefits the State's noxious weed program which can develop a statewide view of noxious weed populations to better allocate resources. Our initial "quarter-quad" system was very paper- and labor-intensive, and is now much easier to use as an online tool. Local entities will be able to map populations to a point or small area, and keep track over time how these populations have been treated. The information they provide to the program on List A and B species will lead to both more effective prevention efforts (with List A's) and treatment results for both lists.

17. Please discuss variation in the extent to which counties fund weed management groups. Are there counties that do not provide as much funding for weed management projects as others?

Response: *The counties vary widely in their capacity to fund effective noxious weed management efforts within their borders. A few counties have several full time paid staff with additional seasonal help during the field season and are well-equipped, while some counties have no staff or even anyone affiliated with the county who is responsible for weed management (besides roadside mowing). Better funded county programs may provide some cost-share funding to private landowners for the control of noxious weeds on the county weed list. However, the typical county employs a full-time county weed manager (with maybe another staff person) and 1-2 seasonal staff if they can get a grant or other supplemental funding. The inequity between counties (and municipalities) in terms of resources and funding does make it difficult for the State as a whole to*

develop and maintain a consistent, effective noxious weed management effort statewide.

The noxious weed program has funded “capacity building” project grants for local entities that are developing their programs (Black Hawk, Central City, Minturn and Fraser/Winter Park, for example), but we expect a matching commitment from those entities, and the capacity building funding is usually limited to 1-2 years.

Finally, even small (in terms of resources) counties can have excellent programs, usually due to an outstanding local weed manager. But when great managers retire, there is often no guarantee that there is someone to fill the empty shoes, effectively articulating needs to decision makers, and communicate well with landowners. The effectiveness of these smaller programs may ebb and flow depending upon local leadership.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

1. Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implement or has partially implemented the legislation on this list.

Response: *The Department has implemented all legislation as required by statute.*

2. Does Department have any outstanding high priority recommendations as identified in the "[Annual Report of Audit Recommendations Not Fully Implemented](#)" that was published by the State Auditor's Office on June 30, 2013? What is the department doing to resolve the outstanding high priority recommendations?

Response: *The only outstanding item remaining for the Department is related to the anhydrous ammonia program. Tracking and processing of registrations will be automated with the implementation of the Department's eLicense program. The Department has a capital IT request to fund this program using available cash sources within various programs of the Department.*

3. Does the department pay annual licensing fees for its state professional employees? If so, what professional employees does the department have and from what funding source(s) does the department pay the licensing fees? If the department has professions that are required to pay licensing fees and the department does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

Response: *The Department has not paid for professional license fees for its employees. Individuals pay these costs however; the Department's current policy does not prohibit the payment of these fees. Sources of payment for these fees depends on the source of funding for the program in which the employee works e.g. cash, General, or federal funding.*

4. Does the department provide continuing education, or funds for continuing education, for professionals within the department? If so, which professions does the department provide continuing education for and how much does the department spend on that? If the department

has professions that require continuing education and the department does not pay for continuing education, does the employee have to pay the associated costs?

Response: *Yes, the Department does pay for continuing education for employees as provided by policy. The Department does not differentiate professions from another when approving requests for funding. Amounts paid vary from year to year and average around \$15,000-\$20,000 annually.*

5. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the department because the starting salary that is offered is not high enough?

Response: *Four top candidates of the last 21 classified position announcements (21%) have turned down the job offer due to the starting salary.*

6. What is the turnover rate for staff in the department?

Response: *The Office of State Planning and Budgeting, in coordination with the Department of Personnel, will be consolidating and providing the requested information.*

7. Please describe how the department responds to inquiries that are made to the department. How does the department ensure that all inquiries receive a timely and accurate response?

Response: *All inquiries are tracked by the Communications Office of the Commissioner's Office. These inquiries are logged with responses reviewed and approved by the Communications Director. The Department works with the inquirer and any programs of which the inquiry was made to ensure the response is timely.*

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11:00-11:40 COLORADO STATE FAIR

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