

Request for Legislative Review of Montana's County Weed Act

*by Montana Weed Control Association,
Montana Department of Agriculture and
Montana Association of Counties*

The Montana County Weed Control Act (MCA 7,22,21) was restructured by the 1985 Legislature, and since that implementation has undergone several revisions and changes through bills passed by the legislature. Since 1985, county weed districts have enforced this act, however, several problems and issues have come to light. It is the feeling of MACo, MWCA and MDA that because of the magnitude and variety of these issues, a legislative review is necessary.

Some of the key issues we have concerns with regarding this act include, but are not limited to:

- Weed Control in organic production – MCA 7-22-2153
- Municipality weed control responsibilities –7-22-2121 (3)
- Non-compliance and constitutionality as part of the enforcement process-7-22-2123/2124
- State agencies weed control responsibility and cooperation –7-22-2150/2151
- Jurisdiction/power of county weed boards and commissioners clarified-7-1-201/203 & 7-22-2109
- Compliance process not being done in every county-7-22-2116/2117/2123
- Noxious weed fund authorized –vs- sufficient funding and how funds are spent–7-22-2141/2142
- More clarification of classification of weed budgets in the act-7-22-2141 - 2146
- Look at “mays” and “shalls” – All segments
- Define comprehensive weed management plan – 7-22-2101(10)/2109/2116(1)/2121/2123(3 &4)

As stated earlier, more county weed districts are hiring full time staff and have strong non-compliance programs; and as enforcement of the county weed act becomes more prevalent, the above listed issues have begun to surface. These issues have come from not only county weed boards, but from commissioners and from questions and complaints that MDA has received as well.

It is our hope that during the EQC meeting on January 7, 2010, we will be able to convince the committee that the necessity of a legislative review is vital towards enacting better language and clarifying the county weed act in the future. We are open to the committee's recommendation of pursuing this review through a bill or through resolution based on our expanded explanation of the issues on January 7th.