

SENATE BILL NO. 259

INTRODUCED BY LEWIS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT TRANSFER OF PROPERTY TO NONFEDERAL
5 PUBLIC OWNERSHIP REQUIRES AN INSPECTION TO DETERMINE IF NOXIOUS WEEDS ARE PRESENT;
6 REQUIRING THE INSPECTION INFORMATION BE SUBMITTED TO THE PURCHASER OR GRANTEE;
7 REQUIRING THE ENTITIES TO DEVELOP A WEED MANAGEMENT AGREEMENT; REQUIRING THE WEED
8 MANAGEMENT AGREEMENT TO BE PART OF THE PURCHASE AGREEMENT; AND PROVIDING AN
9 ~~IMMEDIATE~~ EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. Section 1. Public purchase or receipt of property -- weed management plan. (1)
14 ~~Prior~~ EXCEPT AS PROVIDED IN SUBSECTION (4), PRIOR to the purchase of real property with public funds or the
15 receipt of real property by a NONFEDERAL public entity, the purchaser or grantee shall have the property inspected
16 by the county weed management district. The county weed management district's report regarding the property
17 must be filed with the purchaser or grantee. The costs associated with the inspection must be borne by the seller
18 or grantor.

19 (2) If the report indicates that there are noxious weeds present on the property, the purchaser, seller,
20 grantee, or grantor shall develop a noxious weed management agreement to ensure compliance with the district
21 noxious weed management program. HOWEVER, UNLESS THE PARTIES AGREE OTHERWISE, A SELLER OR GRANTOR
22 IS OBLIGATED BY A NOXIOUS WEED AGREEMENT ONLY UNTIL THE PROPERTY SALE OR TRANSFER IS COMPLETED. ~~The~~
23 EXCEPT AS PROVIDED IN SUBSECTION (4), THE weed management agreement must be incorporated into the
24 purchase agreement.

25 ~~———— (3) The provisions of this part apply to property that is owned by a public entity.~~

26 (3) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

27 (A) THE STATE ACQUISITION OR DISPOSITION OF A PUBLIC RIGHT-OF-WAY PURSUANT TO TITLE 60, CHAPTER 4;

28 OR

29 (B) LANDS SOLD OR PURCHASED THROUGH LAND BANKING PURSUANT TO 77-2-361 THROUGH 77-2-367.

30 (4) IF A TRANSFER OF PROPERTY WILL OCCUR DURING THE WINTER MONTHS WHEN THE ABILITY TO IDENTIFY

1 NOXIOUS WEEDS IS SIGNIFICANTLY REDUCED BY SNOW COVER, THE PURCHASER, SELLER, GRANTEE, OR GRANTOR MAY
2 REQUEST A 6-MONTH EXTENSION FOR COMPLETION OF THE INSPECTION AND ANY NOXIOUS WEED MANAGEMENT
3 AGREEMENT THAT MAY BE REQUIRED. IF, UPON INSPECTION, IT IS DETERMINED THAT A NOXIOUS WEED MANAGEMENT
4 AGREEMENT IS NECESSARY, UNLESS OTHERWISE AGREED BY THE PARTIES, THE PURCHASER OR GRANTEE IS RESPONSIBLE
5 FOR IMPLEMENTING THE PROVISIONS OF THAT AGREEMENT.

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7 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
8 integral part of Title 7, chapter 22, part 21, and the provisions of Title 7, chapter 22, part 21, apply to [section 1].

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10 NEW SECTION. Section 3. Effective date. [This act] is effective ~~on passage and approval~~ JULY 1,
11 2005.

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