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# Noxious Weed Law Issues for Montana

Scott Bockness, Yellowstone County  
Weed District

# WHY WE ARE HERE

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- The Montana County Weed Act was created in 1939
- Several revisions through 2009
- The intent of the law was to develop a coordinated effort to address the negative impacts to the natural resources of Montana's lands.
- Montana – Changing landscape –Political & Societal – Law needs to change with it !!

# Weed Law-Concerns/Challenges

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- **IMPLEMENTATION !!!!!**

Weed Law implementation varies at the county level due to a variety of issues such as: funding, local priorities, statutory intent vs. local interpretation. This is most likely an ACT that does not provide consistent guidance !!

# COUNTY WEED ACT

## Examples / Challenges

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- MCA 7-22-2109 – Section regarding the powers and duties of board and County Commissioners

Are the responsibilities clear ??

Are they being applied consistently??

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Sections MCA 7-22- 2116 / 2117 /2123  
deal with the non-compliance issue

- Are the actions legally defensible /constitutional ?
- Are existing programs **WILLING** and **CAPABLE** of implementation ?
- Are the actions supported consistently by the BOCC'S and County Attorneys ?

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MCA 7-22-2121 Weed Management  
Program (3) – States responsibilities of  
weed control on County and  
Municipality owned property.

Need for required agreements defining  
financial and operational responsibilities  
between the county and their  
municipalitie(s)??

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Sections MCA 7-22- 2141 – 7-22-2146  
deal with the funding of weed district  
programs

- Is funding (or lack of) the root cause of  
county weed program OR
- Is it difficulties/inconsistencies OR
- Is it lack of legal requirement guidance  
OR

MORE ???

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Sections MCA 7-22-2150 / 2151 – deal with the responsibility and cooperation of state agencies

- Is the law being complied with on state agency public lands ?
- Are there adequate resources being committed to the effort ?
- Should there be financial mandates ?

# OPTIONS

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- NO CHANGE – ongoing trouble ??
- CHANGE – We need your help!!!

# Stakeholder Involvement

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Why we wish to see a bill:

- Bill Draft – Allows for appointment of “stakeholders” to the committee –Higher level of technical involvement
- EQC support important.

## In Summary:

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Historically the weed act has been subject to legislative revision to address specific needs and/or conditions. A comprehensive weed law review will create an opportunity to define the legality of it's process, and provide CLEAR guidance to the implementation of the law at the local level in a consistent manner !!!