

HOUSE BILL NO. 378
INTRODUCED BY SMALL-EASTMAN

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE DEFINITION OF "NATIVE PLANT"; AND AMENDING SECTIONS 7-22-2101 AND 80-7-701, MCA."

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

Section 1. Section 7-22-2101, MCA, is amended to read:

"7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

- (1) "Board" means a district weed board created under 7-22-2103.
- (2) "Commissioners" means the board of county commissioners.
- (3) "Coordinator" means the person employed by the board to conduct the district noxious weed management program and supervise other district employees.
- (4) "Department" means the department of agriculture provided for in 2-15-3001.
- (5) "District" means a weed management district organized under 7-22-2102.
- (6) "Native plant" means a plant ~~endemic to the state of Montana~~ species that occurred in Montana prior to 1805 INDIGENOUS TO THE STATE OF MONTANA.
- (7) "Native plant community" means an assemblage of native plants occurring in a natural habitat.
- (8) (a) "Noxious weeds" or "weeds" means any exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated:
 - (i) as a statewide noxious weed by rule of the department; or
 - (ii) as a district noxious weed by a board, following public notice of intent and a public hearing.
- (b) A weed designated by rule of the department as a statewide noxious weed must be considered noxious in every district of the state.
- (9) "Person" means an individual, partnership, corporation, association, or state or local government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way, including any county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, barrow pit, or right-of-way for a canal or lateral.

(10) "Weed management" or "control" means the planning and implementation of a coordinated program for the containment, suppression, and, where possible, eradication of noxious weeds."

Section 2. Section 80-7-701, MCA, is amended to read:

"80-7-701. Regulation of importation or sale of noxious weeds. (1) As used in this section:

(a) "native plant" means a plant ~~endemic to the state of Montana~~ species that occurred in Montana prior to 1895 INDIGENOUS TO THE STATE OF MONTANA; and

(b) "native plant community" means an assemblage of native plants occurring in a natural habitat.

(2) The department may regulate or prohibit the importation or sale of grain, plants, seed, tubers, nursery stock, fruit, or other materials containing noxious weed seed or plants harmful to Montana's horticultural, agricultural, forestry, livestock, wildlife, or native plant communities."

- END -