

HOUSE BILL NO. 93

INTRODUCED BY P. GREEN

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO NOXIOUS WEED MANAGEMENT; ELIMINATING THE NOXIOUS WEED SEED FREE FORAGE ADVISORY COUNCIL AND TRANSFERRING DUTIES TO THE NOXIOUS WEED MANAGEMENT ADVISORY COUNCIL; REVISING THE MAKEUP OF THE NOXIOUS WEED MANAGEMENT ADVISORY COUNCIL; AMENDING SECTIONS 80-7-805, 80-7-903, AND 80-7-909, MCA; REPEALING SECTION 80-7-904, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 80-7-805, MCA, is amended to read:

"80-7-805. Noxious weed management advisory council. (1) The director of the department shall appoint a noxious weed management advisory council to provide advice to the department concerning the administration of this part and part 9 of this title.

(2) If appointed, the council must be composed of 11 members, as follows:

(a) the director of the department of agriculture, who shall serve as presiding officer;

(b) one member representing livestock production;

(c) one member representing agriculture crop production;

(d) one member from a recreationist/wildlife group;

(e) one member who is a herbicide dealer or applicator;

(f) one member ~~from a consumer group~~ representing noxious weed seed free material interests;

(g) one member representing ~~biological research and control interests~~ weed research and control interests;

(h) one member from the Montana weed control association;

(i) two members representing counties, one each from the western and eastern parts of the state,

1 which may include a county commissioner, district weed board member, or weed district supervisor; and
2 (j) one at-large member from the agricultural community."

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4 **Section 2.** Section 80-7-903, MCA, is amended to read:

5 **"80-7-903. Definitions.** As used in this part, the following definitions apply:

6 (1) "Advisory council" means the ~~Montana noxious weed seed free forage advisory council~~
7 MONTANA NOXIOUS WEED MANAGEMENT ADVISORY COUNCIL. Except as provided in ~~80-7-904~~ 80-7-805, the council
8 is subject to the provisions of 2-15-122.

9 (2) "Certification" means the state-approved and documented process of determining within a
10 standard range of variances or tolerances that forage production fields are free of the seeds of noxious weeds,
11 as defined in 7-22-2101, which process allows a person to sell the forage as noxious weed seed free and to
12 attach approved certification identification.

13 (3) "Forage" means any crop, including alfalfa, grass, small grains, straw, and similar crops and
14 commodities, that is grown, harvested, and sold for livestock forage, bedding material, or mulch or related uses
15 and the byproducts of those crops or commodities that have been processed into pellets, cubes, or related
16 products.

17 (4) "Noxious weed seed free" means that forage has an absence of noxious weed seeds within a
18 standardized range of variances or tolerances established by department rule.

19 (5) "Person" means a natural person, individual, firm, partnership, association, corporation,
20 company, joint-stock association, body politic, or organized group of persons, whether incorporated or not, and
21 any trustee, receiver, assignee, or similar representative.

22 (6) "Producer" means a person engaged in growing forage, a tenant personally engaged in
23 growing forage, or both the owner and the tenant jointly and includes a person, cooperative organization, trust,
24 sharecropper, and any other business entity, devices, and arrangements that grow forage that is proposed to
25 be certified as noxious weed seed free.

26 (7) "Sale" or "sell" means the selling, wholesaling, distributing, offering, exposing for sale,
27 advertising, exchanging, brokering, bartering, or giving away by any person within this state of any forage as
28 noxious weed seed free or certified or approved as noxious weed seed free."

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Section 3. Section 80-7-909, MCA, is amended to read:

"80-7-909. Rules. The department may, with the advice of the advisory council appointed under ~~80-7-904~~ 80-7-805, adopt rules necessary to carry out its responsibilities under this part in accordance with Title 2, chapter 4. The rules may include but are not limited to:

- (1) contracts and agreements;
- (2) certification standards, processing, and sampling and equipment standards and operation;
- (3) inspections and investigation procedures and standards;
- (4) operations;
- (5) records;
- (6) application, inspection, production, import, certification identification, mileage, and per diem fees and their collection;
- (7) reciprocal agreements with other states or Canadian provinces; and
- (8) penalties, stop sales, condemnation, and other orders."

NEW SECTION. **Section 4. Repealer.** The following section of the Montana Code Annotated is repealed:

80-7-904. Composition of advisory council.

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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