

Summary of work on SJ42 (noxious weed control)

ENVIRONMENTAL QUALITY COUNCIL
MARCH 16, 2026

WHAT IS SJ42?

Senate Joint Resolution 42 (Study of noxious weed control) asks the Environmental Quality Council to:

- examine state law and department rules related to containment, suppression, and eradication of noxious weeds in Montana
- research noxious weed control strategies, including herbicides, materials, and equipment
- examine how other states have incorporated noxious weed control in statute
- propose legislation
- collaborate with relevant stakeholders

WHAT'S IN THE EQC WORK PLAN FOR SJ42?

- o Panel discussion
- o Staff background paper/presentation on existing statutes, including funding mechanisms, methods of weed control, and responsibilities of weed boards and coordinators
- o Examine responsibilities of weed boards and coordinators, identify areas of need
- o Examine currently available noxious weed control methods in industry
- o Identify any effects that updating statutory language could have on funding
- o Deliverables: Report of committee's findings; legislation to clarify responsibilities and enforcement for weed boards and commissions; framework for other, future control methods

WHAT HAS BEEN DONE?

On Oct. 22, staff from the Dept. of Agriculture and the Montana Invasive Species Council reviewed the related laws, which include:

<i>Statute</i>	<i>Summary</i>
<u>County Weed Control act</u>	Establishes weed districts, weed boards (all counties have a weed district, though number of employees and level of funding varies) Unlawful to permit noxious weeds to propagate (Ag Dept. designates 41 species as "noxious;" subdivisions, gravel pits must have approved weed plans) Procedures for noncompliance (complaints, inspection, notification, hearing, appeal, court order to control weeds, costs/penalties; most voluntarily comply with notices)
Administration of State Lands	State authorization to control weeds on state land
<u>Seed Labeling, Licensing, Certification</u>	Prohibited and restricted noxious weed seeds ("a person may not sell or transport for use in planting in this state any seed that contains prohibited noxious weed seeds or contains more restricted weed seeds in excess of department rules")

<u>Control of Diseases and Insects in Nurseries</u>	Dept. of Agriculture regulation (importation rules) of grain, plants, seeds et al., harmful to Montana plant communities; biennial reporting requirement
<u>Noxious weed management funding</u>	Includes codification of 2004 Constitutional amendment; trust advisory council
<u>Noxious Weed Seed Free Forage Act</u>	Department of Ag certification of weed-free hay
<u>Montana Aquatic Invasive Species Act</u>	Ag, FWP, DNRC, MDT develop strategic plans to management agreed-upon list of aquatic invasives, i.e., boat check stations
<u>Invasive Species Council</u>	Policy recommendations, stakeholder coordination, education and outreach
<u>Kelly Flynn Wildlife Habitat Improvement Act</u>	Habitat projects must include noxious weed plan
<u>Greater Sage-Grouse Stewardship Act</u>	Projects for sage grouse habitat must reduce spread of invasive weeds

On Jan. 13, the council hosted a panel discussion on updating noxious weed laws, including statewide, local and tribal perspectives. See p. 3 for a summary of panel findings and recommendations.

WHAT'S ON THE MARCH AGENDA?

The council will hear additional information related to:

- Funding of weed districts
- County attorneys' role in noxious weed enforcement
- Recommendations of the Montana Weed Control Association

WHAT COMES NEXT?

The council and its [work plan](#) will direct the next step of the SJ42 study, which may include findings, recommendations, legislation, or additional information.

The council meets next on May 12-13.

SJ42 PANEL* FINDINGS (OF JAN. 13)

IMPACT OF INFESTATION

Montana is not losing the war on noxious weeds

Approx. 9 percent of the state is infested

Infestations significantly impact agricultural productivity, reducing the per-acre value of land

Weed control must be viewed as an ongoing maintenance cost rather than a one-time fix

Montana Natural Heritage Program invasive weed dashboard provides information and tools on noxious weed infestations

FUNDING AND RESOURCE CONSTRAINTS

Statutory funding “floor” (\$100,000 or 1.6 mills) is insufficient for weed control in less-populated counties

Tribal governments face limits on taxing authority and federal support, resulting in informal and inconsistent treatment

Requests for state-funded weed control outstrip available funds

“Nozzleheads” are underpaid for work and knowledge required

VECTORS AND ENVIRONMENTAL FACTORS

Fire creates ideal conditions for noxious weed, so land recovery is critical in first years after a burn

Noxious weeds may be spread by hauling infested hay

Infestations spread along many travel corridors, including railway lines

REGULATORY AND ENFORCEMENT

Fixing noncompliance often takes 1-2 years, as infestations not discovered until prime summer growing months and the compliance process is slow

Enforcement sometimes relies on property tax liens, which go unpaid. Other states allow counties to levy fines.

Weed boards need the authority to supervise weed coordinators, who are county employees

SUCCESSFUL MANAGEMENT

Success stories include the state’s decades-long effort against Dyer’s Woad and the limitation of rust weed west of the Continental Divide

State agencies follow weed management plans for state-administered lands and routinely treat infected acres

Drones are being used to identify and target infestations

Biocontrol methods use specific insects or natural pathogens to target an invasive species.

State, counties, agricultural businesses and private landowners cooperate on noxious weed management

PANEL RECOMMENDATIONS	
REGULATORY AND ENFORCEMENT	
	Allow counties to levy fines for noncompliance
	Add unpaid weed treatment costs to a property owner's tax bill
	Require weed management plans and inspections for solar farms, wind farms, and gravel pits
COUNTY WEED ACT	
	Change "revegetation plan" in section 7-22-2152 to "weed management plan"
	Clarify 7-22-2116 regarding the phrase "unlawful to propagate"
	Remove subsection (3)(b) of section 7-22-2154 to require inspection of property acquired by state land banking program (section 77-2-361 through 77-2-367)
	Increase 15-day notice to a weed board of an activity that has a potential for noxious weed infestation (section 7-22-2152)
	Clarify signature requirements for noxious weed control agreements (section 7-22-2152)
FUNDING AND RESOURCES	
	Augment or replace the Noxious Weed Management Trust Fund with one like the conservation district account (section 76-15-106), using coal severance dollars for funding.
	Dedicate "hard dollars" to the Montana Natural Heritage Program to maintain its invasive weed dashboard
	Create a statewide, anti-noxious weed messaging campaign similar to "Clean, drain, dry" and "Squeal on pigs."
ADMINISTRATIVE AND OPERATIONAL	
	Allow county weed boards to supervise weed coordinators
	Require counties to establish a weed supervisor
	Prioritize the eradication of small infestations of particularly aggressive weeds via rapid response efforts
	Prioritize research for control and management of noxious weeds

Panelists were: Dave Burch, former state noxious weed coordinator (Dept. of Ag.); Jasmine Chaffee, state noxious weed coordinator (Dept. of Agriculture); Christy Clark, director of Dept. of Fish, Wildlife and Parks (also representing Fish and Wildlife Commission, Parks and Recreation Board); Tanner Hoversland, Moore Farmers Oil and Montana Agricultural Business Association; Parker Osterloh, Land Management Section supervisor (Dept. of Natural Resources and Conservation); Pam Schwend, private landowners' representative on Montana Invasive Species Council; Steve Wanderaas, chairman of Montana Invasive Species Council (also representing conservation districts); Amy Adler, weed dept. coordinator (Rosebud Co.); David Brink, weed coordinator (Mineral Co.) and MSU Extension agent; Amber Burch, weed coordinator (Beaverhead Co.); Pam Converse, weed coordinator (Pondera Co.); Jayme Lamebull, land director (Ft. Belknap Indian Community); Dan Lucas, Western Region Dept. head (MSU Extension)