



AN ACT ALLOWING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH NOXIOUS WEED SEED FREE CERTIFICATION FOR ADDITIONAL MATERIALS; ALLOWING FOR THE ESTABLISHMENT OF FEES TO FUND PROGRAMS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 80-7-902, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

**Section 1. Creation of certification programs -- other materials.** (1) The department may by rule establish certification programs for materials other than forage. Certification may include but is not limited to:

- (a) noxious weed free;
- (b) noxious weed and seed free; or
- (c) invasive organism free.

(2) Programs established in accordance with subsection (1) must be paid for using fees or donations and may not be mandated by the department.

(3) All fees, materials, and standards for programs established in accordance with this section must be included in rules established in accordance with subsection (1).

(4) A person who falsely claims a certification created under this section is subject to penalties under 80-7-922.

(5) To assist in implementation of a program, the department may enter into agreements with counties, the Montana state university extension service, other states, federal agencies, or other parties.

**Section 2.** Section 80-7-902, MCA, is amended to read:

**"80-7-902. Findings -- purpose.** (1) The legislature finds that:

- (a) natural resources of the state need to be protected from noxious weeds and their seeds;

(b) the movement of agricultural crops or commodities as livestock forage, bedding, mulch, and related materials, including pellets, cubes, and other processed livestock feeds with noxious weed seeds, causes new and expanding noxious weed infestations on private and government-managed lands, which adversely impact agricultural, forest, recreational, and other lands;

(c) it is necessary to develop and implement a state forage and product noxious weed seed free program in cooperation with federal, state, and local government, the university system, and private enterprise;

(d) an educational program is needed to inform all citizens of the importance of the incentive to market and handle forage that is free of noxious weed seeds;

(e) a cooperative forage and product distribution system with federal, state, local, and private land manager participation is needed to prevent increased noxious weed infestations; ~~and~~

(f) compliance standards involving the import or export of forage, in cooperation with county weed districts and the department, are needed; and

(g) to the extent there is a need for standards and good practices for other materials to prevent the spread of noxious weeds, seeds, and other invasive organisms, the department may create options for proof of compliance in a cost-effective manner to protect the state and to provide options for businesses.

(2) The purpose of this part is to promote incentives to benefit the people of this state and other states by producing and making available forage and other materials free of noxious ~~weed~~ weeds and their seeds."

**Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 80, chapter 7, part 9, and the provisions of Title 80, chapter 7, part 9, apply to [section 1].

**Section 4. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
HB 93, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 93

INTRODUCED BY K. WALSH

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

AN ACT ALLOWING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH NOXIOUS WEED SEED FREE CERTIFICATION FOR ADDITIONAL MATERIALS; ALLOWING FOR THE ESTABLISHMENT OF FEES TO FUND PROGRAMS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 80-7-902, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.