

SJ42 draft findings/summary

ENVIRONMENTAL QUALITY COUNCIL
J. MOHR – APRIL 9, 2026

Oxford Languages dictionary: “Finding: A conclusion reached as a result of an inquiry, investigation, or trial.

SJ42: STUDY OF NOXIOUS WEED CONTROL

Senate Joint Resolution 42 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

STUDY PROGRESS

Legislative Council assigned the study to the EQC, which has:

- Reviewed related laws, including the County Weed Act; laws related to seeds, nurseries, and forage; the Montana Aquatic Invasive Species Act; and other related statutes. This review included a legislative history of the County Weed Act
- Convened a panel discussion on updating noxious weed laws and considered testimony of 13 representatives offering statewide, local, and tribal perspectives
- Discussed noxious weed funding at the county level and the role of county attorneys in the noxious weed compliance process
- Considered recommendations from all panelists and public commentors

DRAFT FINDINGS

1. Noxious weeds infest approximately 9 percent of Montana’s surface area
2. Infestations negatively impact agriculture, habitat, land use, and recreational activities
3. State agencies, counties, agricultural businesses, and private landowners cooperate on noxious weed management
4. Eradicating untreated infestations is sometimes slowed because compliance efforts cannot begin until an infestation is discovered, which may be in the middle of the growing season or after the sometimes years-long enforcement process is concluded.
5. Though state law mandates a funding “floor” for a county weed district, this amount is highly variable, resulting in underfunded districts
6. County weed districts depend on state and federal grants to operate, and requests for grants often outstrip available funds

7. Enforcement of the County Weed Act culminates with a tax lien on an infested property, although county attorneys rarely, if ever, deploy this method of enforcement
8. Drones and biocontrol of noxious weeds are being deployed, alongside traditional chemical treatment

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)