

Montana Administrative Code and Statutes

- **Montana Code Annotated** - State Laws
 - **Local Government** (Title 7)
 - **General Provisions** (Chapter 1)
 - **Creation of New Boards** (7-1-202)
 - **Weed and Pest Control** (Chapter 22)
 - **Part 21 – County Weed Control**
 - **7-22-2102** established weed management districts in every county in Montana, providing latitude to include more than one county the agreement of affect county commissioners.
 - **7-22-2013** gives authority to commissioners to appoint a weed board and, with a recommendation from the weed board, the commissioners can appoint a weed coordinator. A weed management plan can be approved or rejected pursuant to 7-22-2121.
 - **7-22-2109** gives authority to the weed board to administer a district's noxious week management program, establish management criteria for noxious weeds on all lands in the district, and make efforts to develop and implement a noxious weed management program on all lands within the district owned or administered by a federal agency. The board may supervise a coordinator and other employees, purchase items to implement a noxious weed management program using noxious weed funds, determine chemicals that can be used by people controlling weeds on their own land, enter into agreements with the department for control or eradication of any new exotic plant species, enter into cost-share agreements for noxious weed management, entire into agreements with commercial applicators (pursuant to 80-8-102) for control of noxious weeds, and request legal advice and services from the county attorney.
 - **7-22-2116** makes it unlawful for any person to permit any noxious weed to propagate or go to seed on the person's land, except for those who adhere to the district noxious weed program or people who have land in compliance with a noxious weed management agreement.
 - **7-22-2117** provides for civil penalties for people who interfere with the board or its authorized agent equal to the actual cost to the board or the estimated cost of removing noxious weeds from the impacted property. Funds are paid to the county treasurer and placed into the noxious weed fund.
 - **7-22-2133** provides for noncompliance actions for landowners.
 - **7-22-2134** provides for noncompliance actions by the board.
 - **7-22-2141** creates a noxious weed fund by the commissions to be maintained by the county treasurer pursuant to 7-6-2111.
 - **Part 23 – County Control of Insect Pests**
 - **7-22-2301** authorizes the board of commissioners and its agents to exterminate insect pests that destroys grain, hay, range, and horticultural crops within the county.
 - **7-22-2304** authorizes any person pursuant to 7-22-2301 to control and exterminate insect pests.
 - **Part 25 – County Vertebrate Pest Management**
 - **7-22-2502** authorizes a governing body to establish a program to manage and suppress vertebrate pests, cooperating with the department, and able to enter into cooperative agreements with state and federal agencies, counties, and other entities.
 - **7-22-2511** states that a governing body that establishes a program to manage and suppress vertebrate pests must establish a county vertebrate pest management fund.

- **80-7-805** authorizes the director of the department to appoint an 11-member noxious weed management advisory council to provide advice to the department on noxious weed management funding.
 - **80-7-811** authorizes the department to administer the \$10 million noxious weed management trust fund.
 - **80-7-814** describe the elements of the noxious weed management program.
 - **80-7-815** authorizes the governor to declare a noxious weed emergency.
 - **80-7-823** mandates the transfer of \$100,000 annually from the highway nonrestricted account to the noxious weed state special revenue account.
- **Noxious Weed Seed Free Forage Act (Part 9)**
 - **80-7-904** authorizes the director of the department to appoint a 10-voting/2-ex-officio member advisory council to administer the Act.
 - **80-7-905** gives powers and duties to the department to administer and enforce the Act.
 - **80-7-907** gives authority to the department (with the advice of the advisory council) to establish fees to support the cost of administering the noxious weed seed free forage program.
 - **80-7-908** authorizes deposit of all funds received from the department for fees or penalties collected or received under 80-7-905 through 80-7-907, 80-7-921 and 80-7-922 in the state noxious weed forage account.
 - **80-7-910** authorizes the department or its agents, upon reasonable cause, to enter private or public premises, property, or vehicle, with a warrant or the consent of the inhabitant to inspect, sample or investigate forage subject to certification or sale as certified forage or as free of noxious weed seeds.
 - **80-7-911** authorizes the department to issue a written stop sale, use, or removal order to anyone suspected of selling, distributing, storing, transporting, or using forage in violation of the provisions of the Act.
 - **80-7-912** prohibits anyone from certifying or selling as certified noxious weed seed free any forage as free of noxious weed seed within Montana unless the forage is identified as "Montana certified" and the forage meets all of the requirements of this part.
 - **80-7-922** provides for penalties for violation of this part.
- **Aquatic Invasive Species (Part 10)**
 - **80-7-1004** authorizes the department of fish, wildlife and parks to administer an invasive species account in the state special revenue fund.
 - **80-7-1005** authorizes the departments to enter into cooperative agreements with each other or any entity or person to carry out the agreement.
 - **80-7-1006** require the departments prepare a list of invasive species and identify the departments and public agencies with jurisdiction over each species on the list. Invasive species that are under the jurisdiction of more than one department will clarify and coordinate their responsibilities. The departments shall develop and adopt an invasive species strategic plan or plans, which will identify and prioritize threats and determine appropriate actions.
 - **80-7-1007** authorize the departments to adopt rules for the prevention, early detection, and control of invasive species.
 - **80-7-1015** authorizes a department with jurisdiction over an invasive species to designate and administer an invasive species management areas for a specific area of land or for a body or bodies of water for a specific or indeterminate amount of time to

prevent and control the infestation or spread of the invasive species.

- **80-7-1010** mandates that owners, operators, or people in possession of vehicles or equipment authorized for use in an invasive species management area comply with 80-7-1008(3)(b) and that this equipment must be drained (such that it does not impact waters of the state) prior to being transported on land or public highway (defined in 61-1-101), except where allowed by department of fish, wildlife and parks.
- **80-7-1011** authorizes the department to establish check stations within or adjacent to invasive species management areas for the purposes of examining the vessels and equipment for invasive species. Owners, operators, or possessors of vessels or equipment are required to stop at check stations unless there is a medical emergency in which death or serious injury is likely to occur. If invasive species are detected, the vessel or equipment cannot leave the check station until it is cleaned and decontaminated.
- **80-7-1012** prohibits a person from importing, purchasing, selling, bartering, distributing, propagating, transporting, introducing or possessing invasive species (with exceptions).
- **80-7-1013** authorizes the governor to declare an invasive species emergency if the introduction or spread of an invasive species has occurred or is imminent.
- **80-7-1014** provides for penalties in violation of the Act.
- **80-7-1015** provides for signage, inspection stations, and other activities associated with statewide invasive species management areas.

o **Fish and Wildlife (Title 87)**

▪ **Wildlife Protection (Chapter 5)**

▪ **Importation, Introduction, and Transplantation of Wildlife (Part 7)**

- **87-5-704** authorizes the commission to adopt rules for this title and chapter.
- **87-5-705** prohibits a person from importing, possessing, or selling exotic wildlife if it is allowed by law or commission rule, they have obtained authorization from the department for livestock, or they have a department-issued permit.
- **87-5-706** authorizes the possession or sale (but not the release or transplant) of noncontrolled exotic wildlife without a permit.
- **87-5-707** authorizes the commission, upon recommendation from a classification review committee, to adopt a list of controlled exotic wildlife that may be imported, possessed, or sold pursuant to commission and department rules and authorization.
- **87-5-708** authorizes the director to appoint a classification review committee to advise the commission on the importation, possession, and sale of exotic wildlife, including those animals that shall be placed on noncontrolled, controlled, or prohibited exotic wildlife lists.
- **87-5-709** provides exceptions and exemptions to possession and sale of exotic wildlife.
- **87-5-711** prohibits the importation for introduction or the transplantation or introduction of any wildlife unless the commission determines the species poses no threat of harm to native wildlife and plants or to agricultural production, and that the introduction has significant public benefits.
- **87-5-712** authorizes the commission to list, by administrative rule, wildlife species or exotic wildlife that may not be imported, possessed, or sold as pets for captive breeding for research or commercial purposes, for the commercial pet trade, or for any other reason.
- **87-5-713** subjects any wildlife species listed in 87-5-714 and approved by the commission for introduction or transplantation to

have a plan developed by the department to ensure that the population can be controlled if harm should occur.

- **87-5-714** authorizes wildlife species that may be introduced or transplanted based on scientific investigation and approval of the commission.
- **87-5-715** authorizes the department to control or exterminate any wildlife or feral species transplanted or introduced in the say if the commission determines the species poses harm to native wildlife or plants or agricultural production.
- **87-5-721** provides for penalties of this part.
- **87-5-725** mandates the department provide public notice when the decision is made to introduce or transplant a wolf, bear, or mountain lion, and requires landowner permission before any animal is transplanted onto private property.

- **Administrative Rules of Montana** - State Regulations

- Agriculture (Title 4)
 - Noxious Weed Management (Chapter 4.5)
 - Agricultural Sciences Division (Chapter 4.12)
 - Quarantines and Pest Management Standards (Subchapter 13)
- Fish, Wildlife, and Parks (Title 12)
 - Enforcement Division (Chapter 12.6)
 - Exotic Wildlife (Subchapter 22)
 - Recreational Water Use (Chapter 12.11)
 - Aquatic Invasive Species Inspection Stations (12.11.341)
- Natural Resources and Conservation (Title 36)
 - Forest Management (Chapter 11)
 - Weed Management (36.11.445)

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Other State Legal Resources

- Montana Department of Agriculture
 - [Montana Noxious Weed List](#) – Invasive Species Executive Order 13112
 - 34 species
 - Priority 1A – not present or very limited presence in Montana. Management criteria will require prevention, education, and eradication, if detected.
 - Priority 1B – Limited presence in Montana. Management criteria will require eradication or containment, where present, and prevention and education elsewhere.
 - Priority 2A – Common in isolated areas of Montana. Management criteria will require containment and suppression where common; and eradication, prevention, and education where less abundant. Management shall be prioritized by local weed districts.
 - Priority 2B – Abundant in Montana and widespread in many counties. Management criteria will require containment and suppression where abundant and widespread; and eradication, prevention and education where less abundant. Management shall be prioritized by local weed districts.
 - Priority 3 – Not noxious weeds, but regulated plants that have the potential to have significant negative economic and ecological impacts. Intentional spread or sale of regulated plants other than as a containment in agricultural products is prohibited. Research, education, prevention, and

control programs, where appropriate, are recommended to minimize the spread of these weeds. Control of Priority 3 weeds is not mandated.

Priority 1A

Yellow starthistle

Dyer's woad

Priority 1B

Knotweed complex (*Fallopia* spp.)

Purple loosestrife (*Lythrum* spp.)

Rush skeletonweed (*Chondrilla juncea*)

Scotch broom (*Cytisus scoparius*)

Priority 2A

Blueweed (*Echium vulgare*)

Hoary alyssum (*Berteroa incana*)

Meadow hawkweed complex (*Hieracium* spp.)

Orange hawkweed (*Hieracium aurantiacum*)

Perennial pepperweed (*Lepidium latifolium*)

Tall buttercup (*Ranunculus acris*)

Tansy ragwort (*Senecio jacobaea*)

Yellowflag iris (*Iris pseudacorus*)

Priority 2B

Canada thistle (*Cirsium arvense*)

Common tansy (*Tanacetum vulgare*)

Curlyleaf pondweed (*Potamogeton crispus*)

Dalmatian toadflax (*Linaria dalmatica*)

Diffuse knapweed (*Centaurea diffusa*)

Eurasian watermilfoil (*Myriophyllum spicatum*)

Field bindweed (*Convolvulus arvensis*)

Flowering rush (*Butomus umbelatus*)

Houndstongue (*Cynoglossum officinale*)

Leafy spurge (*Euphorbia esula*)

Oxeye daisy (*Chrysanthemum leucanthemum*)

Russian knapweed (*Centaurea repens*)

Saltcedar (*Tamarix* spp.)

Spotted knapweed (*Centaurea stoebe* or *maculosa*)

St. Johnswort (*Hypericum perforatum*)

Sulfur cinquefoil (*Potentilla recta*)

Whitetop (*Cardaria draba*)

Yellow toadflax (*Linaria vulgaris*)

Priority 3

Cheatgrass (*Bromus tectorum*)

Hydrilla (*Hydrilla verticillata*)

Russian olive (*Elaeagnus angustifolia*)

- Montana Fish, Wildlife and Parks
 - Exotic Species: Importation, Introduction, and Transplantation of Wildlife
 - Any importation, transplantation, possession, sale, or introduction permitted must be conducted in a manner to ensure that wildlife or exotic wildlife can be controlled if harm arises from unforeseen effects. Prohibited species,

unless authorized by Montana Fish, Wildlife & Parks may not be imported, possessed, sold, purchased, exchanged, or transported in Montana, the same applies for any species not classified. Controlled species may be imported into the state however, specific control measures for each species must be adhered to.

- **Controlled species:** A live, exotic wildlife species, subspecies, or hybrid of species that may not be imported, possessed, sold, purchased or exchanged in Montana unless a person obtains written authorization from the department.
 - **Noncontrolled Species:** A live, exotic wildlife species, subspecies, or hybrid of that species that may be possessed, sold, purchased or exchanged in the state without a permit, except as provided in this subchapter or in Montana statutes or federal statutes. An uncontrolled species may not be released into the wild unless authorized in writing by the department. This definition does not authorize the sale possession, transportation, importation or exportation of a noncontrolled species in violation of any applicable federal or state statute or regulation or county or city ordinance.
 - **Prohibited Species:** A live, exotic wildlife species, subspecies, or hybrid of that species, including viable embryos or gametes, that may not be possessed, sold, purchased, exchanged, or transported in Montana, except as provided in [MCA 87-5-709](#) or [ARM 12.6.2220](#).
- [SB 343 - Montana Aquatic Invasive Species Act](#) - Enacted in 2009, the Act established the state's invasive species program and authorized the use of invasive species check stations to prevent the movement of invasive species from infested to uninfested areas. Montana Fish, Wildlife, and Parks has primary authority to implement the program and the agency's regulations identify listed prohibited species and set forth the restrictions for contaminated bodies of water.