

Senate Bill 25

In The Senate

January 5, 1981	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 7, 1981	Committee recommend bill do not pass.

1 SENATE BILL NO. 25  
2 INTRODUCED BY HAFFERMAN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE USE OF  
5 HERBICIDES AND INSECTICIDES ALONG ROADWAYS LOCATED IN  
6 FORESTED LANDS WEST OF THE CONTINENTAL DIVIDE."

7  
8 WHEREAS, birds of many species are beneficial to  
9 mankind, both aesthetically and because they are a natural  
10 control of harmful, destructive insects; and

11 WHEREAS, the blue jay population which helps to control  
12 pine beetle infestations is a prime example of a beneficial  
13 bird species; and

14 WHEREAS, indiscriminate spraying with herbicides and  
15 insecticides is harmful to the beneficial bird populations.

16 THEREFORE, it is the intent of this bill to prohibit the  
17 use of herbicides and insecticides along roadways located in  
18 forested areas west of the Continental Divide to preserve  
19 the balance of nature by protecting the beneficial bird  
20 populations.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 Section 1. Definitions. As used in [this act], the  
24 following definitions apply:

25 (1) "County road" means a public highway opened,

1 established, constructed, maintained, abandoned, or  
2 discontinued by a county in accordance with Title 7, chapter  
3 14.

4 (2) "Forested land" means land which has enough timber,  
5 standing or down, slash, or brush to constitute, in the  
6 judgment of the department of natural resources and  
7 conservation provided for in Title 2, chapter 15, part 33,  
8 a substantial habitat for beneficial birds.

9 (3) "Herbicide" means a substance or mixture of  
10 substances for preventing, destroying, repelling, or  
11 mitigating any weed.

12 (4) "Insecticide" means any substance or mixture of  
13 substances for preventing, destroying, repelling, or  
14 mitigating any insects present in any environment.

15 (5) "State highway" means a public highway planned,  
16 laid out, altered, constructed, reconstructed, improved,  
17 repaired, maintained, or abandoned by the department of  
18 highways provided for in Title 2, chapter 15, part 25.

19 (6) "Right-of-way" means land or property or any  
20 interest therein, usually in a strip, acquired for or  
21 devoted to highway purposes.

22 Section 2. Restrictions on herbicide and insecticide  
23 use. The use of herbicides and insecticides is prohibited on  
24 the right-of-way of any portion of a state highway or county  
25 road that is located in forested land west of the

LC 0065/01

1 Continental Divide.

2 Section 3. Penalty. Any person violating the provisions  
3 of [section 2] is guilty of a misdemeanor and is punishable  
4 as provided in 46-18-212.

-End-