

## 1 SENATE BILL NO. 365

2 INTRODUCED BY D. LEWIS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING ELIGIBLE ADMINISTRATIVE COSTS AND  
5 EXPENDITURES SUBJECT TO THE ADMINISTRATIVE EXPENDITURE LIMITATION APPLICABLE TO THE  
6 NOXIOUS WEED MANAGEMENT PROGRAM; EXTENDING RULEMAKING AUTHORITY; AMENDING  
7 SECTION 80-7-814, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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11 **Section 1.** Section 80-7-814, MCA, is amended to read:12 **"80-7-814. Administration and expenditure of funds.** (1) The provisions of this section constitute the  
13 noxious weed management program.14 (2) (a) Except as provided in subsection (2)(b), money deposited in the noxious weed management trust  
15 fund may not be committed or expended until the principal reaches \$10 million.16 (b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the  
17 members of each house of the legislature may appropriate principal from the trust fund.18 (c) Interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be  
19 deposited in the noxious weed management special revenue fund and may be expended for noxious weed  
20 management projects before the principal of the noxious weed management trust reaches \$10 million with a  
21 majority vote of each house of the legislature.22 (d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended  
23 upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the  
24 department. The department shall deposit any reverted funds into the noxious weed management trust fund as  
25 principal.26 (3) The principal of the noxious weed management trust fund in excess of \$10 million may be  
27 appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of \$10  
28 million may be used only to fund the noxious weed management program.29 (4) The department may expend funds under this section through grants or contracts to communities,  
30 weed management districts, or other entities that it considers appropriate for noxious weed management projects.

1 A project is eligible to receive funds only if the county in which the project occurs has funded its own weed  
 2 management program with a levy in an amount not less than 1.6 mills or an equivalent amount from another  
 3 source or by an amount of not less than \$100,000 for first-class counties, as defined in 7-1-2111.

4 (5) The department may expend funds without the restrictions specified in subsection (4) for the  
 5 following:

6 (a) employment of a new and innovative noxious weed management project or the development,  
 7 implementation, or demonstration of any noxious weed management project that may be proposed, implemented,  
 8 or established by local, state, or national organizations, whether public or private. The expenditures must be on  
 9 a cost-share basis with the organizations.

10 (b) cost-share noxious weed management programs with local weed management districts;

11 (c) special grants to local weed management districts to eradicate or contain significant noxious weeds  
 12 newly introduced into the county. These grants may be issued without matching funds from the district.

13 (d) ~~administrative expenses of~~ costs incurred by the department for ~~managing~~ administering the noxious  
 14 weed management program ~~and other provisions of this part. The.~~ In any fiscal year, the cost of administering  
 15 the program, including but not limited to personal services costs, operating costs, and other administrative costs  
 16 attributable to the program, may not exceed 12% of the total ~~program expenses~~ amount expended through grants  
 17 and contracts made under subsection (4).

18 (e) administrative expenses incurred by the noxious weed management advisory council;

19 (f) a project recommended by the noxious weed management advisory council, if the department  
 20 determines that the project will significantly contribute to the management of noxious weeds within the state; and

21 (g) grants to the agricultural experiment station and the cooperative extension service for crop weed  
 22 management research, evaluation, and education.

23 (6) The agricultural experiment station and cooperative extension service shall submit annual reports  
 24 on current projects and future plans to the noxious weed management advisory council.

25 (7) In making expenditures under subsections (3) through (5), the department shall give preference to  
 26 weed management districts and community groups.

27 (8) If the noxious weed management trust fund is terminated by constitutional amendment, the money  
 28 in the fund must be divided between all counties according to rules adopted by the department for that purpose."  
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30 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2011.

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