



SENATE EDUCATION
 COMMITTEE NO. 1
 DATE 4-19-11
 BILL NO. HB 621

SENATE COMMITTEE OF THE WHOLE AMENDMENT

House Bill 621

Senator Verdell Jackson

April 8, 2011 1:52 pm

Page 1 of 1

Mr. Chairman:

I move to amend **House Bill 621** (second house second reading copy -- tan).

Signed:

Verdell Jackson

Senator Verdell Jackson

And, that such amendments to **House Bill 621** (second house second reading copy -- tan) read as follows:

1. Title, page 1, line 8 through page 9.

Strike: "DESIGNATING THE" on line 8 through "AUTHORITY;" on line 9

2. Title, page 1, line 12.

Strike: "80-7-1005,"

3. Page 3, line 20 through line 29.

Strike: section 3 in its entirety

Renumber: subsequent sections

4. Page 4, line 8.

Strike: "agriculture"

Insert: "fish, wildlife, and parks"

5. Page 4, line 9.

Strike: "fish, wildlife, and parks"

Insert: "agriculture"

- END -

ADOPT 29-20
REJECT

Amendment # HB 621-001

HB0621001CW00436.sdr

HB 621

DR



SENATE STANDING COMMITTEE REPORT

April 7, 2011

Page 1 of 2

Mr. President:

We, your committee on **Agriculture, Livestock and Irrigation** recommend that **House Bill 621** (third reading copy -- blue) **be concurred in as amended.**

Signed: *Don Steinbeisser*
Senator Don Steinbeisser, Chair

To be carried by Senator Jonathan Windy Boy

And, that such amendments read:

1. Title, page 1, line 10 through line 11.
Strike: "THE NOXIOUS" on line 10 through "FUND AND" on line 11.
2. Title, page 1, line 11.
Strike: "80-7-814,"
3. Page 1, line 16 through page 3, line 3.
Strike: section 1 in its entirety
Renumber: subsequent sections
4. Page 3, line 11 through line 12.
Strike: "THE" on line 11 through "WEEDS." on line 12
5. Page 4, line 19 through line 21.
Strike: subsection (5) in its entirety
6. Page 5, line 6 through line 12.
Strike: section 6 in its entirety
Renumber: subsequent sections
7. Page 5, line 16.
Strike: "\$208,000"
Insert: "\$58,000"

Committee Vote:

Yes 11, No 0

Fiscal Note Required

HB0621001SC02634.sdr

HB 621

OR

8. Page 5, line 17.

Strike: "and"

Insert: "(2) to the department of fish, wildlife, and parks
\$150,000 from the state general fund for the prevention and
control of any nonnative, aquatic invasive species pursuant
to Title 80, chapter 7, part 10; and"

Renumber: subsequent subsections

9. Page 5, line 19.

Strike: "Eurasian watermilfoil"

Insert: "aquatic noxious weeds"

- END -

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HOUSE BILL NO. 621
INTRODUCED BY D. ANKNEY

BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES
AND TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PREVENTION AND CONTROL
OF AQUATIC INVASIVE SPECIES IN MONTANA; REVISING THE MONTANA AQUATIC INVASIVE SPECIES
ACT; ~~DESIGNATING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS THE OVERALL~~
~~COORDINATING AUTHORITY~~; AUTHORIZING COLLABORATION WITH THE DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION; APPROPRIATING FUNDS FROM ~~THE NOXIOUS WEED~~
~~MANAGEMENT TRUST FUND~~ AND THE STATE GENERAL FUND; AMENDING SECTIONS ~~80-7-814~~;
~~80-7-1003~~, ~~80-7-1005~~, 80-7-1006, AND 80-7-1007, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

~~Section 1. Section 80-7-814, MCA, is amended to read:~~

~~"80-7-814. Administration and expenditure of funds. (1) The provisions of this section constitute the
noxious weed management program:~~

~~(2) (a) Except as provided in subsection (2)(b), money deposited in the noxious weed management trust
fund may not be committed or expended until the principal reaches \$10 million:~~

~~(b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the
members of each house of the legislature may appropriate principal from the trust fund:~~

~~(c) Interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be
deposited in the noxious weed management special revenue fund and may be expended for noxious weed
management projects before the principal of the noxious weed management trust reaches \$10 million with a
majority vote of each house of the legislature:~~

~~(d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended
upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the
department. The department shall deposit any reverted funds into the noxious weed management trust fund as
principal:~~

1 ~~_____ (3) The principal of the noxious weed management trust fund in excess of \$10 million may be~~
2 ~~appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of \$10~~
3 ~~million may be used only to fund the noxious weed management program, including appropriations for the~~
4 ~~purpose of prevention and control of nonnative, aquatic invasive plant species NOXIOUS WEEDS pursuant to Title~~
5 ~~80, chapter 7, part 10.~~

6 ~~_____ (4) The department may expend funds under this section through grants or contracts to communities;~~
7 ~~weed management districts, or other entities that it considers appropriate for noxious weed management projects.~~
8 ~~A project is eligible to receive funds only if the county in which the project occurs has funded its own weed~~
9 ~~management program with a levy in an amount not less than 1.6 mills or an equivalent amount from another~~
10 ~~source or by an amount of not less than \$100,000 for first-class counties, as defined in 7-1-2111.~~

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

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

17 ~~_____ (b) cost-share noxious weed management programs with local weed management districts;~~

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

20 ~~_____ (d) administrative expenses of the department for managing the noxious weed management program~~
21 ~~and other provisions of this part. The cost of administering the program may not exceed 12% of the total program~~
22 ~~expenses.~~

23 ~~_____ (e) administrative expenses incurred by the noxious weed management advisory council;~~

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

26 ~~_____ (g) grants to the agricultural experiment station and the cooperative extension service for crop weed~~
27 ~~management research, evaluation, and education.~~

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

30 ~~_____ (7) In making expenditures under subsections (3) through (5), the department shall give preference to~~

1 ~~weed management districts and community groups.~~

2 ~~_____ (8) If the noxious weed management trust fund is terminated by constitutional amendment, the money~~
3 ~~in the fund must be divided between all counties according to rules adopted by the department for that purpose."~~

4

5 **Section 1.** Section 80-7-1003, MCA, is amended to read:

6 **"80-7-1003. Definitions.** As used in this part, the following definitions apply:

7 (1) "Departments" means the department of agriculture, ~~and the department of fish, wildlife, and parks,~~
8 and the department of natural resources and conservation.

9 (2) "Invasive species" means, upon the mutual agreement of the directors of the departments, ~~of~~
10 ~~agriculture and fish, wildlife, and parks,~~ a nonnative, aquatic species that has caused, is causing, or is likely to
11 cause harm to the economy, environment, recreational opportunities, or human health. ~~THE TERM MAY INCLUDE~~
12 AQUATIC NOXIOUS WEEDS.

13 (3) "Invasive species management area" means a designation made by a department for a specific area,
14 for a body or bodies of water, or for the entire state for a specific or indeterminate amount of time that regulates
15 invasive species or potential carriers of invasive species within the boundaries of that area.

16 (4) "Person" means an individual, partnership, corporation, association, limited partnership, limited
17 liability company, governmental subdivision, agency, or public or private organization of any character.

18 (5) "Vessel" has the meaning provided in 61-1-101."
19

20

~~_____ Section 2.~~ Section 80-7-1005, MCA, is amended to read:

21 ~~_____ "80-7-1005. Cooperative agreement for invasive species detection and control.~~ (1) In order to
22 ~~implement, administer, and accomplish the purposes of this part, the departments, collectively or individually, shall~~
23 ~~enter into a cooperative agreement with each other or may enter into an agreement with any person with the~~
24 ~~appropriate expertise and administrative capacity to perform the obligations of the agreement.~~

25 ~~_____ (2) Prior to entering an agreement with a person other than a department, the departments shall work~~
26 ~~in collaboration with each other to coordinate their respective responsibilities in order to further the purposes of~~
27 ~~this part.~~

28 ~~_____ (3) A cooperative agreement may include provisions for funding to implement the agreement.~~

29 ~~_____ (4) The overall coordinating authority is the department of agriculture fish, wildlife, and parks."~~
30

1 **Section 2.** Section 80-7-1006, MCA, is amended to read:

2 **"80-7-1006. Departmental responsibilities.** (1) The departments shall prepare a list of invasive species
3 and identify those departments and other public agencies with jurisdiction over each species on the list. The
4 jurisdiction of each department for the prevention and control of invasive species is according to the department's
5 powers and duties as established by law.

6 (2) For those invasive species under the jurisdiction of more than one department, the departments with
7 jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

8 (3) Working in collaboration with ~~each other~~ the departments of agriculture FISH, WILDLIFE, AND PARKS and
9 natural resources and conservation, the ~~departments, individually or collectively,~~ department of fish, wildlife, and
10 parks AGRICULTURE shall develop and adopt an invasive species strategic plan ~~or plans~~ to accomplish the
11 purposes of this part. The plan ~~or plans~~ shall identify and prioritize threats and determine appropriate actions, ~~in~~
12 ~~the following order of priority,~~ related to:

13 (a) public awareness and education;

14 (b) prevention and detection of invasive species, including the use of invasive species management
15 areas authorized under 80-7-1008;

16 (c) management, control, and restoration of infested areas; and

17 (d) emergency response.

18 (4) The departments shall implement education and outreach programs that increase public knowledge
19 and understanding of prevention, early detection, and control of invasive species.

20 ~~_____ (5) Any funds appropriated from the noxious weed management trust fund pursuant to 80-7-814(3) must~~
21 ~~be used exclusively to prevent and control the infestation or spread of nonnative, aquatic invasive plant species~~
22 ~~NOXIOUS WEEDS pursuant to this part."~~

23

24 **Section 3.** Section 80-7-1007, MCA, is amended to read:

25 **"80-7-1007. Rulemaking authority.** Unless otherwise provided in Title 81, chapters 2 and 7, or this
26 chapter, each of the departments may adopt rules for the prevention, early detection, and control of invasive
27 species under the departments' jurisdiction, including rules for the:

28 (1) implementation of ~~an~~ the invasive species strategic plan adopted pursuant to 80-7-1006;

29 (2) transportation of an invasive species or any agent likely to be a carrier of an invasive species;

30 (3) designation, regulation, and treatment of an invasive species management area, including rules

1 pertaining to the movement of vessels within, to, or from the area and the inspection and cleaning of the exterior
2 of vessels moving within, to, or from the area; and

3 (4) manner in which vessels, including bilges, livewells, bait containers, and other boating-related
4 equipment, traveling in the state must be cleaned to ensure that they are free from the presence of an invasive
5 species."

6

7 ~~NEW SECTION. Section 6. Appropriation from noxious weed management trust fund. (1) There~~
8 ~~is appropriated to the department of agriculture \$192,000 of principal from the noxious weed management trust~~
9 ~~fund established in Article IX, section 6, of the Montana constitution for the biennium beginning July 1, 2011.~~

10 ~~(2) The appropriation may not reduce the noxious weed management trust fund principal below \$10~~
11 ~~million.~~

12 ~~(3) The appropriation must be used exclusively to prevent and control the infestation or spread of~~
13 ~~nonnative, aquatic invasive plant species NOXIOUS WEEDS pursuant to Title 80, chapter 7, part 10.~~

14

15 NEW SECTION. Section 4. Appropriations from state general fund. For the biennium beginning July
16 1, 2011, there is appropriated:

17 (1) to the department of agriculture ~~\$208,000~~ \$58,000 from the state general fund for the prevention and
18 control of any nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10; and

19 (2) TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS \$150,000 FROM THE STATE GENERAL FUND FOR THE
20 PREVENTION AND CONTROL OF ANY NONNATIVE, AQUATIC INVASIVE SPECIES PURSUANT TO TITLE 80, CHAPTER 7, PART
21 10; AND

22 ~~(2)(3)~~ (3) to the department of natural resources and conservation \$190,000 from the state general fund for
23 the prevention and control of ~~Eurasian watermilfoil~~ AQUATIC NOXIOUS WEEDS pursuant to Title 80, chapter 7, part
24 10.

25

26 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2011.

27

- END -



SENATE EDUCATION

EXHIBIT NO. 1DATE 4-19-11BILL NO. HB 621

SENATE COMMITTEE OF THE WHOLE AMENDMENT

House Bill 621

Senator Verdell Jackson

April 8, 2011 1:52 pm

Page 1 of 1

Mr. Chairman:

I move to amend **House Bill 621** (second house second reading copy -- tan).

Signed:

Senator Verdell Jackson

And, that such amendments to **House Bill 621** (second house second reading copy -- tan) read as follows:

1. Title, page 1, line 8 through page 9.

Strike: "DESIGNATING THE" on line 8 through "AUTHORITY;" on line 9

2. Title, page 1, line 12.

Strike: "80-7-1005,"

3. Page 3, line 20 through line 29.

Strike: section 3 in its entirety**ReNUMBER:** subsequent sections

4. Page 4, line 8.

Strike: "agriculture"**Insert:** "fish, wildlife, and parks"

5. Page 4, line 9.

Strike: "fish, wildlife, and parks"**Insert:** "agriculture"

- END -

ADOPT
REJECT

29-20

Amendment # HB 621-001

HB0621001CW00436.sdr

HB 621

DR



SENATE STANDING COMMITTEE REPORT

April 7, 2011

Page 1 of 2

Mr. President:

We, your committee on Agriculture, Livestock and Irrigation recommend that House Bill 621 (third reading copy -- blue) be concurred in as amended.

Signed: Don Steinbeisser
Senator Don Steinbeisser, Chair

To be carried by Senator Jonathan Windy Boy

And, that such amendments read:

1. Title, page 1, line 10 through line 11.
Strike: "THE NOXIOUS" on line 10 through "FUND AND" on line 11
2. Title, page 1, line 11.
Strike: "80-7-814,"
3. Page 1, line 16 through page 3, line 3.
Strike: section 1 in its entirety
Renumber: subsequent sections
4. Page 3, line 11 through line 12.
Strike: "THE" on line 11 through "WEEDS." on line 12
5. Page 4, line 19 through line 21.
Strike: subsection (5) in its entirety
6. Page 5, line 6 through line 12.
Strike: section 6 in its entirety
Renumber: subsequent sections
7. Page 5, line 16.
Strike: "\$208,000"
Insert: "\$58,000"

Committee Vote:

Yes 11, No 0

Fiscal Note Required

HB0621001SC02634.sdr

HB 621

DR

8. Page 5, line 17.

Strike: "and"

Insert: "(2) to the department of fish, wildlife, and parks
\$150,000 from the state general fund for the prevention and
control of any nonnative, aquatic invasive species pursuant
to Title 80, chapter 7, part 10; and"

Renumber: subsequent subsections

9. Page 5, line 19.

Strike: "Eurasian watermilfoil"

Insert: "aquatic noxious weeds"

- END -

1 HOUSE BILL NO. 621

2 INTRODUCED BY D. ANKNEY

3 BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES
4 AND TRANSPORTATION5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PREVENTION AND CONTROL
7 OF AQUATIC INVASIVE SPECIES IN MONTANA; REVISING THE MONTANA AQUATIC INVASIVE SPECIES
8 ACT; ~~DESIGNATING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS THE OVERALL~~
9 ~~COORDINATING AUTHORITY~~; AUTHORIZING COLLABORATION WITH THE DEPARTMENT OF NATURAL
10 RESOURCES AND CONSERVATION; APPROPRIATING FUNDS FROM ~~THE NOXIOUS WEED~~
11 ~~MANAGEMENT TRUST FUND AND THE STATE GENERAL FUND~~; AMENDING SECTIONS ~~80-7-814~~;
12 ~~80-7-1003, 80-7-1005, 80-7-1006, AND 80-7-1007, MCA~~; AND PROVIDING AN EFFECTIVE DATE."13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:15
16 ~~Section 1. Section 80-7-814, MCA, is amended to read:~~17 ~~"80-7-814. Administration and expenditure of funds. (1) The provisions of this section constitute the~~
18 ~~noxious weed management program.~~19 ~~(2) (a) Except as provided in subsection (2)(b), money deposited in the noxious weed management trust~~
20 ~~fund may not be committed or expended until the principal reaches \$10 million.~~21 ~~(b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the~~
22 ~~members of each house of the legislature may appropriate principal from the trust fund.~~23 ~~(c) Interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be~~
24 ~~deposited in the noxious weed management special revenue fund and may be expended for noxious weed~~
25 ~~management projects before the principal of the noxious weed management trust reaches \$10 million with a~~
26 ~~majority vote of each house of the legislature.~~27 ~~(d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended~~
28 ~~upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the~~
29 ~~department. The department shall deposit any reverted funds into the noxious weed management trust fund as~~
30 ~~principal.~~

1 ~~(3) The principal of the noxious weed management trust fund in excess of \$10 million may be~~
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3 ~~million may be used only to fund the noxious weed management program, including appropriations for the~~
4 ~~purpose of prevention and control of nonnative, aquatic invasive plant species NOXIOUS WEEDS pursuant to Title~~
5 ~~80, chapter 7, part 10.~~

6 ~~(4) The department may expend funds under this section through grants or contracts to communities,~~
7 ~~weed management districts, or other entities that it considers appropriate for noxious weed management projects.~~
8 ~~A project is eligible to receive funds only if the county in which the project occurs has funded its own weed~~
9 ~~management program with a levy in an amount not less than 1.6 mills or an equivalent amount from another~~
10 ~~source or by an amount of not less than \$100,000 for first-class counties, as defined in 7-1-2111.~~

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

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

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

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

20 ~~(d) administrative expenses of the department for managing the noxious weed management program~~
21 ~~and other provisions of this part. The cost of administering the program may not exceed 12% of the total program~~
22 ~~expenses.~~

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

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

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

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

30 ~~(7) In making expenditures under subsections (3) through (5), the department shall give preference to~~

1 ~~weed management districts and community groups.~~

2 ~~—— (8) If the noxious weed management trust fund is terminated by constitutional amendment, the money~~
3 ~~in the fund must be divided between all counties according to rules adopted by the department for that purpose."~~

5 **Section 1.** Section 80-7-1003, MCA, is amended to read:

6 **"80-7-1003. Definitions.** As used in this part, the following definitions apply:

7 (1) "Departments" means the department of agriculture, ~~and~~ the department of fish, wildlife, and parks,
8 and the department of natural resources and conservation.

9 (2) "Invasive species" means, upon the mutual agreement of the directors of the departments, ~~of~~
10 ~~agriculture and fish, wildlife, and parks,~~ a nonnative, aquatic species that has caused, is causing, or is likely to
11 cause harm to the economy, environment, recreational opportunities, or human health. THE TERM MAY INCLUDE
12 AQUATIC NOXIOUS WEEDS.

13 (3) "Invasive species management area" means a designation made by a department for a specific area,
14 for a body or bodies of water, or for the entire state for a specific or indeterminate amount of time that regulates
15 invasive species or potential carriers of invasive species within the boundaries of that area.

16 (4) "Person" means an individual, partnership, corporation, association, limited partnership, limited
17 liability company, governmental subdivision, agency, or public or private organization of any character.

18 (5) "Vessel" has the meaning provided in 61-1-101."

20 ~~**Section 2.** Section 80-7-1005, MCA, is amended to read:~~

21 ~~**"80-7-1005. Cooperative agreement for invasive species detection and control.** (1) In order to~~
22 ~~implement, administer, and accomplish the purposes of this part, the departments, collectively or individually, shall~~
23 ~~enter into a cooperative agreement with each other or may enter into an agreement with any person with the~~
24 ~~appropriate expertise and administrative capacity to perform the obligations of the agreement.~~

25 ~~—— (2) Prior to entering an agreement with a person other than a department, the departments shall work~~
26 ~~in collaboration with each other to coordinate their respective responsibilities in order to further the purposes of~~
27 ~~this part.~~

28 ~~—— (3) A cooperative agreement may include provisions for funding to implement the agreement.~~

29 ~~—— (4) The overall coordinating authority is the department of agriculture fish, wildlife, and parks."~~

1 **Section 2.** Section 80-7-1006, MCA, is amended to read:

2 **"80-7-1006. Departmental responsibilities.** (1) The departments shall prepare a list of invasive species
3 and identify those departments and other public agencies with jurisdiction over each species on the list. The
4 jurisdiction of each department for the prevention and control of invasive species is according to the department's
5 powers and duties as established by law.

6 (2) For those invasive species under the jurisdiction of more than one department, the departments with
7 jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

8 (3) Working in collaboration with ~~each other~~ the departments of agriculture FISH, WILDLIFE, AND PARKS and
9 natural resources and conservation, the ~~departments, individually or collectively, department of fish, wildlife, and~~
10 ~~parks~~ AGRICULTURE shall develop and adopt an invasive species strategic plan ~~or plans~~ to accomplish the
11 purposes of this part. The plan ~~or plans~~ shall identify and prioritize threats and determine appropriate actions, ~~in~~
12 ~~the following order of priority~~, related to:

13 (a) public awareness and education;

14 (b) prevention and detection of invasive species, including the use of invasive species management
15 areas authorized under 80-7-1008;

16 (c) management, control, and restoration of infested areas; and

17 (d) emergency response.

18 (4) The departments shall implement education and outreach programs that increase public knowledge
19 and understanding of prevention, early detection, and control of invasive species.

20 ~~— (5) Any funds appropriated from the noxious weed management trust fund pursuant to 80-7-814(3) must~~
21 ~~be used exclusively to prevent and control the infestation or spread of nonnative, aquatic invasive plant species~~
22 ~~NOXIOUS WEEDS pursuant to this part."~~

23

24 **Section 3.** Section 80-7-1007, MCA, is amended to read:

25 **"80-7-1007. Rulemaking authority.** Unless otherwise provided in Title 81, chapters 2 and 7, or this
26 chapter, each of the departments may adopt rules for the prevention, early detection, and control of invasive
27 species under the departments' jurisdiction, including rules for the:

28 (1) implementation of ~~an~~ the invasive species strategic plan adopted pursuant to 80-7-1006;

29 (2) transportation of an invasive species or any agent likely to be a carrier of an invasive species;

30 (3) designation, regulation, and treatment of an invasive species management area, including rules

1 pertaining to the movement of vessels within, to, or from the area and the inspection and cleaning of the exterior
2 of vessels moving within, to, or from the area; and

3 (4) manner in which vessels, including bilges, livewells, bait containers, and other boating-related
4 equipment, traveling in the state must be cleaned to ensure that they are free from the presence of an invasive
5 species."

6
7 ~~NEW SECTION. Section 6. Appropriation from noxious weed management trust fund. (1) There~~
8 ~~is appropriated to the department of agriculture \$192,000 of principal from the noxious weed management trust~~
9 ~~fund established in Article IX, section 6, of the Montana constitution for the biennium beginning July 1, 2011.~~

10 ~~(2) The appropriation may not reduce the noxious weed management trust fund principal below \$10~~
11 ~~million.~~

12 ~~(3) The appropriation must be used exclusively to prevent and control the infestation or spread of~~
13 ~~nonnative, aquatic invasive plant species NOXIOUS WEEDS pursuant to Title 80, chapter 7, part 10.~~

14
15 NEW SECTION. Section 4. Appropriations from state general fund. For the biennium beginning July
16 1, 2011, there is appropriated:

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18 control of any nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10; ~~and~~

19 (2) TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS \$150,000 FROM THE STATE GENERAL FUND FOR THE
20 PREVENTION AND CONTROL OF ANY NONNATIVE, AQUATIC INVASIVE SPECIES PURSUANT TO TITLE 80, CHAPTER 7, PART
21 10; AND

22 ~~(2)(3)~~ (3) to the department of natural resources and conservation \$190,000 from the state general fund for
23 the prevention and control of Eurasian watermilfoil AQUATIC NOXIOUS WEEDS pursuant to Title 80, chapter 7, part
24 10.

25
26 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2011.

27 - END -

