

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

1 principal.

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

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

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

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

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

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

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

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

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

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

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

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

3 (8) If the noxious weed management trust fund is terminated by constitutional amendment, the money
4 in the fund must be divided between all counties according to rules adopted by the department for that purpose."
5

6 **Section 2.** Section 80-7-1003, MCA, is amended to read:

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

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

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

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 3.** 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 4.** 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 and natural resources and
9 conservation, the ~~departments, individually or collectively,~~ department of fish, wildlife, and parks shall develop
10 and adopt an invasive species strategic plan ~~or plans~~ to accomplish the purposes of this part. The plan ~~or plans~~
11 shall identify and prioritize threats and determine appropriate actions, ~~in the following order of priority,~~ related to:

- 12 (a) public awareness and education;
13 (b) prevention and detection of invasive species, including the use of invasive species management
14 areas authorized under 80-7-1008;
15 (c) management, control, and restoration of infested areas; and
16 (d) emergency response.

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

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

22

23 **Section 5.** Section 80-7-1007, MCA, is amended to read:

24 **"80-7-1007. Rulemaking authority.** Unless otherwise provided in Title 81, chapters 2 and 7, or this
25 chapter, each of the departments may adopt rules for the prevention, early detection, and control of invasive
26 species under the departments' jurisdiction, including rules for the:

- 27 (1) implementation of ~~an~~ the invasive species strategic plan adopted pursuant to 80-7-1006;
28 (2) transportation of an invasive species or any agent likely to be a carrier of an invasive species;
29 (3) designation, regulation, and treatment of an invasive species management area, including rules
30 pertaining to the movement of vessels within, to, or from the area and the inspection and cleaning of the exterior

1 of vessels moving within, to, or from the area; and

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

5

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

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

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

13

14 **NEW SECTION. Section 7. Appropriations from state general fund.** For the biennium beginning July
15 1, 2011, there is appropriated:

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

18 (2) to the department of natural resources and conservation \$190,000 from the state general fund for the
19 prevention and control of Eurasian watermilfoil pursuant to Title 80, chapter 7, part 10.

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21 **NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2011.

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