

1 SENATE BILL NO. 144

2 INTRODUCED BY J. SESSO

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NOXIOUS WEED MANAGEMENT TRUST FUND LAWS;
5 AUTHORIZING THE USE OF REVERTED FUNDS FOR FUTURE NOXIOUS WEED MANAGEMENT GRANT
6 AWARDS; AND AMENDING SECTION 80-7-814, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 80-7-814, MCA, is amended to read:

11 **"80-7-814. Administration and expenditure of funds.** (1) The provisions of this section constitute the
12 noxious weed management program.

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

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

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

21 (d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended
22 upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the
23 department. ~~The department shall deposit~~ may use any reverted funds ~~into the noxious weed management trust~~
24 ~~fund as principal~~ for future grant awards, provided the noxious weed management trust fund principal exceeds
25 \$10 million as provided in subsection (2)(a).

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 using one of the following methods, whichever is less:

3 (a) levying an amount of not less than 1.6 mills or an equivalent amount from another source; or

4 (b) appropriating an amount of not less than \$100,000 from any source.

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

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

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

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

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

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

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

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

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

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

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

28 - END -