

SENATE BILL NO. 144

INTRODUCED BY SESSO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NOXIOUS WEED MANAGEMENT TRUST FUND LAWS;  
5 ~~AUTHORIZING~~ REQUIRING THE USE OF REVERTED FUNDS FOR FUTURE NOXIOUS WEED  
6 MANAGEMENT GRANT AWARDS; PROHIBITING THE DEPARTMENT OF AGRICULTURE FROM APPLYING  
7 FOR OR RECEIVING GRANT AWARDS; CLARIFYING ELIGIBLE ADMINISTRATIVE COSTS AND  
8 EXPENDITURES SUBJECT TO THE ADMINISTRATIVE EXPENDITURE LIMITATION APPLICABLE TO THE  
9 NOXIOUS WEED MANAGEMENT PROGRAM; AND AMENDING SECTION 80-7-814, MCA; AND PROVIDING  
10 AN IMMEDIATE EFFECTIVE DATE."

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

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

15 **"80-7-814. Administration and expenditure of funds.** (1) The provisions of this section constitute the  
16 noxious weed management program.

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

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

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

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

30 (E) THE DEPARTMENT MAY NOT APPLY FOR OR RECEIVE GRANT AWARDS FROM THE NOXIOUS WEED TRUST FUND

1 MANAGEMENT SPECIAL REVENUE FUND.

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.

5 (4) The department may expend funds under this section through grants or contracts to communities,  
6 weed management districts, or other entities that it considers appropriate for noxious weed management projects.  
7 A project is eligible to receive funds only if the county in which the project occurs has funded its own weed  
8 management program using one of the following methods, whichever is less:

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

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

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~~ COSTS INCURRED BY the department for ~~managing~~ ADMINISTERING the  
21 noxious weed management program ~~and other provisions of this part. The cost of.~~ IN ANY FISCAL YEAR AS FOLLOWS:

22 (I) IN FISCAL YEAR 2014, THE FUNDS USED BY THE DEPARTMENT FOR administering the program, INCLUDING  
23 BUT NOT LIMITED TO PERSONAL SERVICES COSTS, OPERATING COSTS, AND OTHER ADMINISTRATIVE AND PROGRAM COSTS  
24 ATTRIBUTABLE TO THE PROGRAM, may not exceed ~~42%~~ 16% of the total ~~program expenses.~~ AMOUNT EXPENDED  
25 THROUGH GRANTS AND CONTRACTS MADE UNDER SUBSECTION (4). NO ADDITIONAL ADMINISTRATIVE OR OTHER COSTS  
26 MAY BE TAKEN BY THE DEPARTMENT ON REVERTED FUNDS USED FOR FUTURE GRANT AWARDS.

27 (II) IN FISCAL YEAR 2015 AND IN EACH SUCCEEDING FISCAL YEAR, THE FUNDS USED BY THE DEPARTMENT FOR  
28 ADMINISTERING THE PROGRAM, INCLUDING BUT NOT LIMITED TO PERSONAL SERVICES COSTS, OPERATING COSTS, AND  
29 OTHER ADMINISTRATIVE AND PROGRAM COSTS ATTRIBUTABLE TO THE PROGRAM, MAY NOT EXCEED 12% OF THE TOTAL  
30 AMOUNT EXPENDED THROUGH GRANTS AND CONTRACTS MADE UNDER SUBSECTION (4). NO ADDITIONAL ADMINISTRATIVE

1 OR OTHER COSTS MAY BE TAKEN BY THE DEPARTMENT ON REVERTED FUNDS USED FOR FUTURE GRANT AWARDS.

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

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

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

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

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

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

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14 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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