

**MONTANA NOXIOUS WEED
TRUST FUND ACT
AND
ADMINISTRATIVE RULES**



**STATE OF MONTANA
DEPARTMENT OF AGRICULTURE
P.O. BOX 200201
HELENA, MONTANA 59620-0201
(406) 444-5400**

www.agr.mt.gov

**MONTANA DEPARTMENT OF AGRICULTURE
AGRICULTURAL SCIENCES DIVISION
HELENA, MONTANA**

**TITLE 80, CHAPTER 7
PART 8**

NOXIOUS WEED MANAGEMENT FUNDING ACT

**GREGORY H. AMES
ADMINISTRATOR**

**NANCY K. PETERSON
DIRECTOR**

OCTOBER 2003

Disclaimer

This document contains a copy of the statutes relating to the subject matter. Although every attempt is made to ensure that the information placed in this document is accurate and timely, the Department of Agriculture cannot assure the accuracy of any specific provision, and you are urged to consult the official printed versions of these publications or to contact legal counsel of your choice. All critical information should be independently verified.

The Montana Code and Constitution is at: http://leg.state.mt.us/css/mtcode_const/default.asp.

**TITLE 80, CHAPTER 7 PART 8
NOXIOUS WEED MANAGEMENT FUNDING**

<u>MCA</u>	<u>CONTENTS</u>	<u>PAGE NO</u>
80-7-801	DEFINITIONS	1
80-7-802	RULES	1
80-7-803 AND 80-7-804	RESERVED.....	1
80-7-805	NOXIOUS WEED MANAGEMENT ADVISORY COUNCIL.....	1
80-7-806 THROUGH 80-7-809	RESERVED	1
80-7-810	REPEALED.....	1
80-7-811	NOXIOUS WEED MANAGEMENT TRUST FUND	2
80-7-812	REPEALED.....	2
80-7-813	ACCEPTANCE AND EXPENDITURE OF GIFTS AND OTHER FUNDS	2
80-7-814	ADMINISTRATION AND EXPENDITURE OF FUNDS	2
80-7-815	NOXIOUS WEED EMERGENCY - EXPENDITURE AUTHORIZED.....	3
80-7-816	ACCOUNT - DEPOSIT - INVESTMENT	4
80-7-817 THROUGH 80-7-820	RESERVED	4
80-7-821	REPEALED.....	4
80-7-822	TERMINATED.....	4
80-7-823	TRANSFER OF FUNDS	4

**TITLE 80. AGRICULTURE
CHAPTER 7. DISEASE, PEST, AND WEED CONTROL**

Part 8. Noxious Weed Management Funding

80-7-801. Definitions. As used in this part, the following definitions apply:

(1) "Crop weed" means any plant commonly accepted as a weed and for which grants for management research, evaluation, and education under 80-7-814 (3)(g) may be given.

(2) "Department" means the department of agriculture established in 2-15-3001.

(3) "Noxious weed" means any weed defined in 7-22-2101 (8)(a).

History: En. Sec. 1, Ch. 577, L. 1985; amd. Sec. 1, Ch. 15, L. 1987; amd. Sec. 1, Ch. 220, L. 1995; amd. Sec. 22, Ch. 407, L. 2001.

80-7-802. Rules. The department may adopt rules necessary to implement this part.

History: En. Sec. 8, Ch. 577, L. 1985.

80-7-803 through 80-7-804 reserved.

80-7-805. Noxious weed management advisory council. (1) The director of the department shall appoint a noxious weed management advisory council to provide advice to the department concerning the administration of this part.

(2) If appointed, the council must be composed of 11 members, as follows:

(a) the director of the department of agriculture, who shall serve as presiding officer;

(b) one member representing livestock production;

(c) one member representing agriculture crop production;

(d) one member from a recreationist/wildlife group;

(e) one member who is a herbicide dealer or applicator;

(f) one member from a consumer group;

(g) one member representing biological research and control interests;

(h) one member from the Montana weed control association;

(i) two members representing counties, one each from the western and eastern parts of the state, which may include a county commissioner, district weed board member, or weed district supervisor; and

(j) one at-large member from the agricultural community.

History: En. Sec. 9, Ch. 577, L. 1985; amd. Sec. 1, Ch. 493, L. 1999.

80-7-806 through 80-7-809 reserved.

80-7-810. Repealed. Sec. 253, Ch. 574, L. 2001.

History: En. Sec. 2, Ch. 639, L. 1987; amd. Sec. 7, Ch. 588, L. 1991; amd. Sec. 2, Ch. 493, L. 1999.

80-7-811. Noxious weed management trust fund. There is a noxious weed management trust fund of \$10 million. The department shall administer the trust fund in accordance with this part.

History: En. Sec. 2, Ch. 577, L. 1985; amd. Sec. 2, Ch. 220, L. 1995; amd. Sec. 3, Ch. 493, L. 1999.

80-7-812. Repealed. Sec. 10, Ch. 220, L. 1995.

History: En. Sec. 3, Ch. 577, L. 1985; amd. Sec. 2, Ch. 15, L. 1987; amd. Sec. 6, Ch. 588, L.

80-7-813. Acceptance and expenditure of gifts and other funds. The department may accept gifts, grants, contracts, or other funds designated for noxious weed management. The funds must be deposited in the noxious weed management trust fund or in the account established in 80-7-816 and may be expended to support a noxious weed management project.

History: En. Sec. 4, Ch. 577, L. 1985; amd. Sec. 3, Ch. 220, L. 1995.

80-7-814. Administration and expenditure of funds. (1) (a) Except as provided in subsection (1)(b), money deposited in the noxious weed management trust fund may not be committed or expended until the principal reaches \$2.5 million, except in case of a noxious weed emergency as provided in 80-7-815. Once this amount is accumulated, interest or revenue generated by the trust fund and by other funding measures provided by this part, excluding unrealized gains and losses, must be deposited in the special revenue fund and may be expended for noxious weed management projects in accordance with this section, as long as the principal of the trust fund remains at least \$2.5 million.

(b) Money deposited as principal in the trust fund from [former 80-7-822] may not be expended until the principal of the trust fund reaches \$10 million. However, interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be deposited in the special revenue fund and may be expended for noxious weed management projects in accordance with this section.

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

(3) The department may expend funds without the restrictions specified in subsection (2) for the following:

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

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

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

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

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

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

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

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

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

(6) If the noxious weed management trust fund is terminated by law, the money in the fund must be divided between all counties according to rules adopted by the department for that purpose.

History: En. Sec. 5, Ch. 577, L. 1985; amd. Sec. 3, Ch. 639, L. 1987; amd. Sec. 76, Ch. 83, L. 1989; amd. Sec. 1, Ch. 440, L. 1991; amd. Sec. 4, Ch. 220, L. 1995; amd. Sec. 4, Ch. 493, L. 1999; amd. Sec. 221, Ch. 574, L. 2001; amd. Sec. 1, Ch. 106, L. 2003; amd. Sec. 125, Ch. 114, L. 2003.

80-7-815. Noxious weed emergency -- expenditure authorized. (1) The governor may declare a noxious weed emergency if:

(a) a new and potentially harmful noxious weed is discovered growing in the state and is verified by the department; or

(b) the state is facing a potential influx of noxious weeds as the result of a natural disaster.

(2) In the absence of necessary funding from other sources, this declaration authorizes the department to allocate up to \$150,000 of the principal of the noxious weed management trust fund to government agencies for emergency relief to eradicate or confine the new noxious weed species or to protect the state from an influx of noxious weeds due to a natural disaster.

(3) If the expenditure causes the principal of the trust fund to fall below \$2.5 million, it must be replenished by the interest or revenue generated by the trust fund or by the other revenue provided by this part, as determined by the department.

History: En. Sec. 6, Ch. 577, L. 1985; amd. Sec. 8, Ch. 588, L. 1991; amd. Sec. 5, Ch. 220, L. 1995; amd. Sec. 23, Ch. 407, L. 2001; amd. Sec. 222, Ch. 574, L. 2001.

80-7-816. Account -- deposit -- investment. (1) There is a noxious weed account in the state special revenue fund established in 17-2-102. The interest from the noxious weed management trust fund and the funds directed to be deposited as provided in 80-7-823, excluding unrealized gains and losses, must be deposited in the account and must be expended as provided in 80-7-705 and 80-7-814.

(2) The department may direct the board of investments to invest the funds collected under subsection (1) pursuant to the provisions of 17-6-201. The income from the investments must be credited to the account in the state special revenue fund.

History: En. Sec. 6, Ch. 220, L. 1995; amd. Sec. 73, Ch. 7, L. 2001; amd. Sec. 24, Ch. 407, L. 2001; amd. Sec. 223, Ch. 574, L. 2001; amd. Sec. 2, Ch. 106, L. 2003.

80-7-817 through 80-7-820 reserved.

80-7-821. Repealed. Sec. 10, Ch. 220, L. 1995.

History: En. Sec. 7, Ch. 577, L. 1985.

80-7-822. Terminated. Sec. 7, Ch. 493, L. 1999.

History: En. Sec. 5, Ch. 493, L. 1999.

80-7-823. Transfer of funds. (1) There is transferred \$100,000 annually from the highway nonrestricted account, provided for in 15-70-125, to the noxious weed state special revenue account, provided for in 80-7-816, for the purposes provided in 80-7-705. (2) There is a one-time transfer in fiscal year 2003 of up to \$300,000 from the resource indemnity trust fund, as provided in 15-38-505, from the first money paid into the resource indemnity trust fund that exceeds \$100 million for the purposes provided in 80-7-705.

History: En. Sec. 2, Ch. 407, L. 2001; amd. Sec. 8, Ch. 20, Sp. L. August 2002.