



AN ACT REVISING AQUATIC INVASIVE SPECIES FUNDING LAWS; CREATING A TRUST FUND AND A GRANT ACCOUNT; RESTRICTING TRUST FUND EXPENDITURES; PROVIDING GRANT CRITERIA; PROVIDING RULEMAKING AUTHORITY; ALLOWING TRUST FUNDS TO BE USED IN AN EMERGENCY; AMENDING SECTION 80-7-1013, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Invasive species trust fund. (1) There is an invasive species trust fund. The board of investments shall invest the money of the fund, and the investment income must be deposited in the fund.

(2) The principal of the invasive species trust fund shall forever remain inviolate in an amount of \$10 million unless appropriated by a vote of three-fourths of the members of each house of the legislature.

(3) Except as provided in 80-7-1013 and subsections (2) and (4) of this section, money deposited in the invasive species trust fund may not be appropriated until the principal reaches \$10 million.

(4) On July 1 of each fiscal year, the principal of the invasive species trust fund in excess of \$10 million and the interest and income generated from the trust fund, excluding unrealized gains and losses, must be deposited in the invasive species grant account established in [section 2].

(5) Deposits to the principal of the trust fund may include but are not limited to grants, gifts, transfers, bequests, or donations from any source.

(6) If the invasive species trust fund is terminated, the money in the fund must be divided between all counties according to rules adopted by the department of natural resources and conservation for that purpose.

Section 2. Invasive species grant account. (1) There is an invasive species grant account in the state special revenue fund established in 17-2-102. Subject to appropriation by the legislature, money deposited in the account must be used pursuant to [section 3] and this section.

(2) Deposits to the account may include but are not limited to grants, gifts, transfers, bequests, donations, appropriations from any source, and deposits made pursuant to [section 1].

(3) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

(4) Money deposited in the account may be used for costs incurred by the department of natural resources and conservation to administer the provisions of [sections 1 through 3]. Except for startup costs incurred in the first year of the program, the administrative costs in any fiscal year, including but not limited to personal services and operations, may not exceed 10% of the total amount of grants and contracts awarded pursuant to [section 3] in the previous fiscal year.

Section 3. Invasive species grant program -- criteria -- rulemaking. (1) Money deposited in the invasive species grant account established in [section 2] may be expended by the department of natural resources and conservation through grants to or contracts with communities or local, state, tribal, or other entities for invasive species management.

(2) For the purposes of this section, the term "invasive species management" includes public education and planning, development, implementation, or continuation of a program or project to prevent, research, detect, control, or, where possible, eradicate invasive species.

(3) A grant or contract may be awarded under this section for demonstration of and research and public education on new and innovative invasive species management.

(4) In making grant and contract awards under this section, the department of natural resources and conservation shall give preference to local governments, collaborative stakeholders, and community groups that it determines can most effectively implement programs on the ground.

(5) If the governor appoints an advisory council on invasive species, the department of natural resources and conservation shall consider recommendations by the advisory council for awards made under this section.

(6) The department of natural resources and conservation is not eligible to receive grants and contracts under this section.

(7) The department of natural resources and conservation may accept federal funds for use pursuant to this section.

(8) Any funds awarded under this section, regardless of when they were awarded, that are not fully expended upon termination of a contract or an extension of a contract, not to exceed 1 year, must revert to the department of natural resources and conservation and be deposited in the invasive species grant account

established in [section 2]. The department of natural resources and conservation shall use any reverted funds to make future awards pursuant to this section.

(9) The department of natural resources and conservation may adopt rules to administer the provisions of [sections 1 through 3].

Section 4. Section 80-7-1013, MCA, is amended to read:

"80-7-1013. Emergency response. (1) The governor may declare an invasive species emergency if:

(a) the introduction or spread of an invasive species has occurred or is imminent;

(b) a new and potentially harmful invasive species is discovered in the state and is verified by the departments; or

(c) the state is facing a potential influx of invasive species as the result of a natural disaster.

(2) If an emergency is declared pursuant to subsection (1), the governor may authorize the expenditure of funds pursuant to 10-3-312.

(3) In the absence of necessary funding from other sources, the principal of the invasive species trust fund established in [section 1] may be appropriated by a vote of three-fourths of the members of each house of the legislature to government agencies for emergency relief to eradicate or confine the new invasive species or to protect the state from an influx of invasive species due to a natural disaster."

Section 5. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 80, chapter 7, part 10, and the provisions of Title 80, chapter 7, part 10, apply to [sections 1 through 3].

Section 6. Effective date. [This act] is effective July 1, 2015.

- END -

I hereby certify that the within bill,
HB 0525, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 525

INTRODUCED BY M. NOLAND, G. BENNETT, M. BLASDEL, M. CUFFE, A. DOANE, J. ESSMANN,
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