

1 *Senate* BILL NO. *123*
 2 INTRODUCED BY *Jargeson*
 3 *Stephan Conditinger*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
 5 PORTION OF THE PROCEEDS IN THE NOXIOUS WEED MANAGEMENT TRUST
 6 FUND BE ALLOCATED TO THE AGRICULTURAL EXPERIMENT STATION FOR
 7 RESEARCH ON NOXIOUS WEED MANAGEMENT; REQUIRING ANNUAL
 8 REPORTS ON WEED CONTROL RESEARCH; PROVIDING FOR OUTREACH
 9 PROGRAMS TO INFORM THE PUBLIC ON THE SUCCESS OF WEED CONTROL
 10 RESEARCH; AMENDING SECTIONS 80-7-508, 80-7-810, 80-7-812,
 11 AND 80-7-814, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN
 12 APPLICABILITY DATE."
 13

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

15 **Section 1.** Section 80-7-810, MCA, is amended to read:

16 **"80-7-810.** Disposition of proceeds. Three percent of
 17 the proceeds from the fee imposed in 61-3-510 may be
 18 retained by the county treasurer for costs of collection.
 19 The remainder must be deposited in the special revenue fund
 20 and must be expended as provided in 80-7-814(2) and ~~(3)~~
 21 through (4). Twenty-five percent of the money deposited in
 22 the special revenue fund under this section must be used for
 23 research and development of nonchemical methods of weed
 24 management."

25 **Section 2.** Section 80-7-812, MCA, is amended to read:

1 **"80-7-812.** Surcharge imposed on retail sales of
 2 herbicides -- disposition of proceeds. (1) There is imposed
 3 a surcharge of 1 cent per dollar of the retail value of all
 4 registered herbicides sold for consumer use in the state.
 5 The volume of sales of each registered herbicide must be
 6 determined by the department from records required of
 7 pesticide dealers and retailers.

8 (2) The surcharge must be collected by the department
 9 on an annual calendar basis from the registrant of the
 10 herbicide and is due and payable within 30 days after notice
 11 of the amount has been given to the registrant.

12 (3) ~~No~~ A registrant may not be allowed to reregister a
 13 herbicide if he has failed to pay in full the surcharge on
 14 his product.

15 (4) The department and the agricultural experiment
 16 station may expend or commit not more than one-half of the
 17 annual proceeds of the surcharge as provided in 80-7-814(2)
 18 ~~and--(3)~~ through (4). All remaining annual proceeds of the
 19 surcharge and any interest income collected must be
 20 deposited into the noxious weed management trust fund."

21 **Section 3.** Section 80-7-814, MCA, is amended to read:

22 **"80-7-814.** Administration and expenditure of funds. (1)
 23 Money deposited in the noxious weed management trust fund
 24 may not be committed or expended until the principal reaches
 25 \$2,500,000, except as provided by 80-7-815 in case of a



1 noxious weed emergency. Once this amount is accumulated, any
 2 interest or revenue generated by the trust fund and by other
 3 funding measures provided by this part must be deposited in
 4 the special revenue fund and may be expended for noxious
 5 weed management projects in accordance with this section, so
 6 long as the principal of the trust fund remains at least
 7 \$2,500,000.

8 (2) The department may expend funds 87.5% of the
 9 expendable principal under this section through grants or
 10 contracts to communities, weed control districts, or other
 11 entities it considers appropriate for noxious weed
 12 management projects. A project is eligible to receive funds
 13 only if the county in which the project occurs has funded
 14 its own weed management program with a levy in an amount not
 15 less than 1.6 mills or an equivalent amount from another
 16 source or by an amount of not less than \$100,000 for first
 17 class counties, as defined in 7-1-2111.

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

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

1 organizations.

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

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

8 (d) costs of collecting the surcharge imposed by
 9 80-7-812, not to exceed 3% of the total surcharge proceeds;

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

12 (f) any project recommended by the noxious weed
 13 management advisory council, if the department determines
 14 the project will significantly contribute to the management
 15 of noxious weeds within the state.

16 (4) The agricultural experiment station may expend
 17 12.5% of the expendable principal under this section to
 18 conduct weed control research and evaluation as provided in
 19 this subsection. The agricultural experiment station shall:

20 (a) systematically evaluate weed control procedures and
 21 methods in crops in terms of biological, chemical, cultural,
 22 and mechanical control in conventional, low-chemical, and
 23 no-chemical systems. The research must evaluate the use of
 24 integrated weed control systems and determine if alternative
 25 weed management systems are viable, economical, and

1 efficacious.

2 (b) (i) conduct research on the use of fungi that are
3 potentially lethal and genetically manipulatable for control
4 of weeds in crops; the research must determine which fungi
5 are environmentally safe and must meet national and state
6 standards for genetically manipulated organisms; and

7 (ii) promote the successful uses of fungi for biological
8 control for possible development and marketability within
9 Montana or regional business enterprises;

10 (c) submit annual reports on current projects and
11 future plans to the noxious weed management advisory
12 council; and

13 (d) conduct outreach programs in cooperation with the
14 cooperative extension service and others to inform
15 agricultural producers and the public on the progress,
16 success, and use of research conducted under this subsection
17 (4).

18 {4}(5) In making such expenditures under subsections
19 (2) and (3), the department must give preference to weed
20 control districts and community groups.

21 {5}(6) If the noxious weed management trust fund is
22 terminated by law, the money in the fund must be divided
23 between all counties according to rules adopted by the
24 department for that purpose."

25 **Section 4.** Section 80-7-508, MCA, is amended to read:

1 **"80-7-508. Duties of the cooperative extension service.**

2 (1) The cooperative extension service within the department
3 of education shall conduct investigations pertaining to
4 insects and other arthropods affecting plants and animals.
5 When an injurious infestation of an insect or other
6 arthropod occurs in any part of the state, the authorized
7 employees of the cooperative extension service shall go to
8 the scene of the infestation, shall determine the extent and
9 seriousness of the infestation, and make public the best
10 remedies to be employed.

11 (2) The cooperative extension service shall cooperate
12 with the agricultural experiment station in providing
13 outreach programs on the progress, success, and use of weed
14 control research conducted under 80-7-814(4)."

15 **NEW SECTION. Section 5. Effective date** --
16 **applicability.** [This act] is effective July 1, 1991, and
17 applies to herbicide surcharge fees and motor vehicle
18 registration weed control fees collected on or after July 1,
19 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0123, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

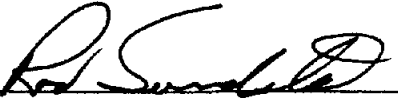
This bill provides that a portion of the proceeds in the noxious weed management trust fund be allocated to MSU Agricultural Experiment Station for research on noxious weed management. The bill also requires annual reports on weed control research.

ASSUMPTIONS:

1. The vehicle noxious weed fee would continue to support the weed coordinator position and operations (\$43,457) and the community and biological weed grants would be funded at \$1,084,175.
2. Herbicide surcharge derived from a 1% surcharge on sale of herbicides results in revenue of \$400,948 per year. One-half (\$200,474) is deposited in the trust fund and the other half (\$200,474) is available to support the mandatory noxious weed council, a 0.25 FTE clerk, their operations and the noxious weed surcharge grants program.
3. Herbicides applied to crops amounts to at least 68% (\$272,645) of the surcharge collected, herbicides applied to rangeland and noncrop sites amounts to 32% (\$128,303) of the surcharge.
4. Proposed legislation would allow for an integrated biological agent development and research program by the MSU Agricultural Experiment Station for weeds affecting crops on a consistent and organized basis using \$160,000 of the \$272,645 generated from the surcharge on crop herbicides.
5. The MSU Agricultural Experiment Station (AES) would submit annual reports to the noxious weed management advisory council.
6. The noxious weed trust fund will not meet the mandated \$2.5 million dollar level until June 30, 1993. Therefore, the funding derived from interest on the principal is not available until FY 94-95 and such funding has not been considered in this fiscal note. Once the interest from the trust becomes available the department will receive 87.5% of the interest for the noxious weed program and AES will receive 12.5% for the crop weed program.
7. The Department of Agriculture noxious weed surcharge grants program will be reduced by \$156,098 FY92 and \$156,100 FY93.

FISCAL IMPACT:

see next page


ROD SUNDSTED, BUDGET DIRECTOR 1-22-91
Office of Budget and Program Planning DATE


GREG JERGESON, PRIMARY SPONSOR 1/23/91
DATE

Fiscal Note for SB0123, as introduced

SB 123

FISCAL IMPACT:

Department of Agriculture, Environmental Division:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	0.25	0.25	0.00	0.25	0.25	0.00
Personal Services	5,295	5,295	0	5,295	5,295	0
Operating Costs	7,582	7,582	0	7,582	7,582	0
Grants	182,028	25,930	(156,098)	182,028	25,930	(156,098)
CMD Indirects	<u>5,569</u>	<u>1,667</u>	<u>(3,902)</u>	<u>5,569</u>	<u>1,667</u>	<u>(3,902)</u>
Total	200,474	40,474	(160,000)	200,474	40,474	(160,000)
<u>Funding:</u>						
General Fund	0	3,902	3,902	0	3,902	3,902
Noxious Weed Surcharge (02)	<u>200,474</u>	<u>40,474</u>	<u>(160,000)</u>	<u>200,474</u>	<u>40,474</u>	<u>(160,000)</u>
Total	200,474	44,376	(156,098)	200,474	44,376	(156,098)
Net General Fund Increase	0	3,902	3,902	0	3,902	3,902

Agricultural Experiment Station

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	0.00	4.00	4.00	0.00	4.00	4.00
Personal Services	0	134,000	134,000	0	134,000	134,000
Operating Costs	<u>0</u>	<u>26,000</u>	<u>26,000</u>	<u>0</u>	<u>26,000</u>	<u>26,000</u>
Total	0	160,000	160,000	0	160,000	160,000
<u>Funding:</u>						
Noxious Weed Surcharge (02)	0	160,000	160,000	0	160,000	160,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Grants for noxious weed community projects and the biological agents developed for control of noxious weeds are reduced by \$156,098 in FY92 and in FY93.

SB 123

APPROVED BY COMM. ON
FINANCE AND CLAIMS

SENATE BILL NO. 123

INTRODUCED BY JERGSON, STEPLER, J. DEBRUYCKER,
R. DEBRUYCKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
PORTION OF THE PROCEEDS IN THE NOXIOUS WEED MANAGEMENT TRUST
FUND MAY BE ALLOCATED GRANTED TO THE AGRICULTURAL EXPERIMENT
STATION AND THE COOPERATIVE EXTENSION SERVICE FOR RESEARCH,
EVALUATION, AND EDUCATION ON NOXIOUS CROP WEED MANAGEMENT;
REQUIRING ANNUAL REPORTS ON WEED CONTROL RESEARCH; PROVIDING
FOR OUTREACH PROGRAMS TO INFORM THE PUBLIC ON THE SUCCESS OF
WEED CONTROL RESEARCH; AMENDING SECTIONS 80-7-508, 80-7-810,
80-7-812, AND 80-7-814, MCA; AND PROVIDING AN EFFECTIVE DATE
AND AN APPLICABILITY DATE."

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

~~Section 1, Section 80-7-810, MCA, is amended to read:~~

~~"80-7-810. Disposition of proceeds. Three percent of
the proceeds from the fee imposed in 61-3-510 may be
retained by the county treasurer for costs of collection.
The remainder must be deposited in the special revenue fund
and must be expended as provided in 80-7-814(2) and (3)
through (4). Twenty-five percent of the money deposited in
the special revenue fund under this section must be used for
research and development of nonchemical methods of weed~~

management."

~~Section 2, Section 80-7-812, MCA, is amended to read:~~

~~"80-7-812. Surcharge imposed on retail sales of
herbicides. Disposition of proceeds. (1) There is imposed
a surcharge of 1 cent per dollar of the retail value of all
registered herbicides sold for consumer use in the state.
The volume of sales of each registered herbicide must be
determined by the department from records required of
pesticide dealers and retailers.~~

~~(2) The surcharge must be collected by the department
on an annual calendar basis from the registrant of the
herbicide and is due and payable within 30 days after notice
of the amount has been given to the registrant.~~

~~(3) No registrant may not be allowed to reregister a
herbicide if he has failed to pay in full the surcharge on
his product.~~

~~(4) The department and the agricultural experiment
station may expend or commit not more than one-half of the
annual proceeds of the surcharge as provided in 80-7-814(2)
and (3) through (4). All remaining annual proceeds of the
surcharge and any interest income collected must be
deposited into the noxious weed management trust fund."~~

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

"80-7-814. Administration and expenditure of funds. (1)
Money deposited in the noxious weed management trust fund

SECOND READING

1 may not be committed or expended until the principal reaches
 2 \$2,500,000, except as provided by 80-7-815 in case of a
 3 noxious weed emergency. Once this amount is accumulated, any
 4 interest or revenue generated by the trust fund and by other
 5 funding measures provided by this part must be deposited in
 6 the special revenue fund and may be expended for noxious
 7 weed management projects in accordance with this section, so
 8 long as the principal of the trust fund remains at least
 9 \$2,500,000.

10 (2) The department may expend funds ~~87-5%--OF--THE~~
 11 ~~EXPENDABLE-PRINCIPAL FUNDS~~ under this section through grants
 12 or contracts to communities, weed control districts, or
 13 other entities it considers appropriate for noxious weed
 14 management projects. A project is eligible to receive funds
 15 only if the county in which the project occurs has funded
 16 its own weed management program with a levy in an amount not
 17 less than 1.6 mills or an equivalent amount from another
 18 source or by an amount of not less than \$100,000 for first
 19 class counties, as defined in 7-1-2111.

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

22 (a) employment of a new and innovative noxious weed
 23 management project or the development, implementation, or
 24 demonstration of any noxious weed management project that
 25 may be proposed, implemented, or established by local,

1 state, or national organizations, whether public or private.
 2 Such expenditures must be on a cost-share basis with such
 3 organizations.

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

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

10 (d) costs of collecting the surcharge imposed by
 11 80-7-812, not to exceed 3% of the total surcharge proceeds;

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

14 (f) any project recommended by the noxious weed
 15 management advisory council, if the department determines
 16 the project will significantly contribute to the management
 17 of noxious weeds within the state; AND

18 (G) GRANTS TO THE AGRICULTURAL EXPERIMENT STATION AND
 19 THE COOPERATIVE EXTENSION SERVICE FOR CROP WEED MANAGEMENT
 20 RESEARCH, EVALUATION, AND EDUCATION.

21 (4) The agricultural experiment station AND COOPERATIVE
 22 EXTENSION SERVICE SHALL ~~may expend 12.5% of the expendable~~
 23 ~~principal--under--this--section--to--conduct--weed--control~~
 24 ~~research--and--evaluation--as--provided--in--this--subsection--The~~
 25 ~~agricultural-experiment-station-shall:~~

1 ~~(a) systematically evaluate weed control procedures and~~
 2 ~~methods in crops in terms of biological, chemical, cultural,~~
 3 ~~and mechanical control in conventional, low-chemical, and~~
 4 ~~no-chemical systems. The research must evaluate the use of~~
 5 ~~integrated weed control systems and determine if alternative~~
 6 ~~weed management systems are viable, economical, and~~
 7 ~~efficacious.~~

8 ~~(b) (i) conduct research on the use of fungi that are~~
 9 ~~potentially lethal and genetically manipulatable for control~~
 10 ~~of weeds in crops; the research must determine which fungi~~
 11 ~~are environmentally safe and must meet national and state~~
 12 ~~standards for genetically manipulated organisms; and~~

13 ~~(ii) promote the successful uses of fungi for biological~~
 14 ~~control for possible development and marketability within~~
 15 ~~Montana or regional business enterprises;~~

16 ~~(c) submit annual reports on current projects and~~
 17 ~~future plans to the noxious weed management advisory~~
 18 ~~council; and.~~

19 ~~(d) conduct outreach programs in cooperation with the~~
 20 ~~cooperative extension service and others to inform~~
 21 ~~agricultural producers and the public on the progress,~~
 22 ~~success, and use of research conducted under this subsection~~
 23 ~~(4).~~

24 ~~(4)(5) In making such expenditures under subsections~~
 25 ~~(2) and (3), the department must give preference to weed~~

1 control districts and community groups.

2 ~~(5)(6) If the noxious weed management trust fund is~~
 3 ~~terminated by law, the money in the fund must be divided~~
 4 ~~between all counties according to rules adopted by the~~
 5 ~~department for that purpose."~~

6 **Section 2.** Section 80-7-508, MCA, is amended to read:

7 "**80-7-508. Duties of the cooperative extension service.**

8 ~~(1) The cooperative extension service within the department~~
 9 ~~of education shall conduct investigations pertaining to~~
 10 ~~insects and other arthropods affecting plants and animals.~~
 11 ~~When an injurious infestation of an insect or other~~
 12 ~~arthropod occurs in any part of the state, the authorized~~
 13 ~~employees of the cooperative extension service shall go to~~
 14 ~~the scene of the infestation, shall determine the extent and~~
 15 ~~seriousness of the infestation, and make public the best~~
 16 ~~remedies to be employed.~~

17 ~~(2) The cooperative extension service shall cooperate~~
 18 ~~with the agricultural experiment station in providing~~
 19 ~~outreach programs on the progress, success, and use of weed~~
 20 ~~control research conducted under 80-7-814(4); ANNUAL REPORTS~~
 21 ~~REQUIRED UNDER 80-7-814(4)."~~

22 NEW SECTION. **Section 3.** Effective date --
 23 applicability. [This act] is effective July 1, 1991, and
 24 applies to herbicide surcharge fees and motor vehicle
 25 registration weed control fees collected on or after July 1,

SB 0123/02

1 1991.

-End-

-7-

SB 123

SENATE BILL NO. 123

INTRODUCED BY JERGESON, STEPLER, J. DEBRUYCKER,

R. DEBRUYCKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PORTION OF THE PROCEEDS IN THE NOXIOUS WEED MANAGEMENT TRUST FUND MAY BE ALLOCATED GRANTED TO THE AGRICULTURAL EXPERIMENT STATION AND THE COOPERATIVE EXTENSION SERVICE FOR RESEARCH, EVALUATION, AND EDUCATION ON NOXIOUS CROP WEED MANAGEMENT; REQUIRING ANNUAL REPORTS ON WEED CONTROL RESEARCH; PROVIDING FOR OUTREACH PROGRAMS TO INFORM THE PUBLIC ON THE SUCCESS OF WEED CONTROL RESEARCH; AMENDING SECTIONS 80-7-508, 80-7-810, 80-7-812, AND 80-7-814, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 80-7-810, MCA, is amended to read:

"80-7-810. Disposition of proceeds. Three percent of the proceeds from the fee imposed in 61-3-510 may be retained by the county treasurer for costs of collection. The remainder must be deposited in the special revenue fund and must be expended as provided in 80-7-814(2) and (3) through (4). Twenty-five percent of the money deposited in the special revenue fund under this section must be used for research and development of nonchemical methods of weed

management."

Section 2. Section 80-7-812, MCA, is amended to read:

"80-7-812. Surcharge imposed on retail sales of herbicides. Disposition of proceeds. (1) There is imposed a surcharge of 1 cent per dollar of the retail value of all registered herbicides sold for consumer use in the state. The volume of sales of each registered herbicide must be determined by the department from records required of pesticide dealers and retailers.

(2) The surcharge must be collected by the department on an annual calendar basis from the registrant of the herbicide and is due and payable within 30 days after notice of the amount has been given to the registrant.

(3) No registrant may not be allowed to reregister a herbicide if he has failed to pay in full the surcharge on his product.

(4) The department and the agricultural experiment station may expend or commit not more than one-half of the annual proceeds of the surcharge as provided in 80-7-814(2) and (3) through (4). All remaining annual proceeds of the surcharge and any interest income collected must be deposited into the noxious weed management trust fund."

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

"80-7-814. Administration and expenditure of funds. (1) Money deposited in the noxious weed management trust fund

THIRD READING



1 may not be committed or expended until the principal reaches
 2 \$2,500,000, except as provided by 80-7-815 in case of a
 3 noxious weed emergency. Once this amount is accumulated, any
 4 interest or revenue generated by the trust fund and by other
 5 funding measures provided by this part must be deposited in
 6 the special revenue fund and may be expended for noxious
 7 weed management projects in accordance with this section, so
 8 long as the principal of the trust fund remains at least
 9 \$2,500,000.

10 (2) The department may expend funds ~~87.5%--OF--THE~~
 11 ~~EXPENDABLE-PRINCIPAL FUNDS~~ under this section through grants
 12 or contracts to communities, weed control districts, or
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 14 management projects. A project is eligible to receive funds
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 18 source or by an amount of not less than \$100,000 for first
 19 class counties, as defined in 7-1-2111.

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 21 restrictions specified in subsection (2) for the following:

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18 (G) GRANTS TO THE AGRICULTURAL EXPERIMENT STATION AND
 19 THE COOPERATIVE EXTENSION SERVICE FOR CROP WEED MANAGEMENT
 20 RESEARCH, EVALUATION, AND EDUCATION.

21 (4) The agricultural experiment station AND COOPERATIVE
 22 EXTENSION SERVICE SHALL ~~may expend 12.5% of the expendable~~
 23 ~~principal--under--this--section--to--conduct--weed--control~~
 24 ~~research--and--evaluation--as--provided--in--this--subsection;--The~~
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 2 ~~methods in crops in terms of biological, chemical, cultural,~~
 3 ~~and mechanical control in conventional, low chemical, and~~
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 5 ~~integrated weed control systems and determine if alternative~~
 6 ~~weed management systems are viable, economical, and~~
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 9 ~~potentially lethal and genetically manipulatable for control~~
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 18 ~~council; and.~~

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 20 ~~cooperative extension service and others to inform~~
 21 ~~agricultural producers and the public on the progress,~~
 22 ~~success, and use of research conducted under this subsection~~
 23 ~~(4).~~

24 ~~(4)(5) In making such expenditures under subsections~~
 25 ~~(2) and (3), the department must give preference to weed~~

1 control districts and community groups.

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 4 ~~between all counties according to rules adopted by the~~
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 12 ~~arthropod occurs in any part of the state, the authorized~~
 13 ~~employees of the cooperative extension service shall go to~~
 14 ~~the scene of the infestation, shall determine the extent and~~
 15 ~~seriousness of the infestation, and make public the best~~
 16 ~~remedies to be employed.~~

17 ~~(2) The cooperative extension service shall cooperate~~
 18 ~~with the agricultural experiment station in providing~~
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 20 ~~control research conducted under 80-7-814(4); ANNUAL REPORTS~~
 21 ~~REQUIRED UNDER 80-7-814(4).~~

22 ~~NEW SECTION. Section 3. Effective date ---~~
 23 ~~applicability. [This act] is effective July 1, 1991 and~~
 24 ~~applies to herbicide surcharge fees and motor vehicle~~
 25 ~~registration weed control fees collected on or after July 1,~~

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-End-

SENATE BILL NO. 123

INTRODUCED BY JERGESON, STEPLER, J. DEBRUYCKER,

R. DEBRUYCKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PORTION OF THE PROCEEDS IN THE NOXIOUS WEED MANAGEMENT TRUST FUND MAY BE ALLOCATED GRANTED TO THE AGRICULTURAL EXPERIMENT STATION AND THE COOPERATIVE EXTENSION SERVICE FOR RESEARCH, EVALUATION, AND EDUCATION ON ~~NOXIOUS~~ CROP WEED MANAGEMENT; REQUIRING ANNUAL REPORTS ON WEED CONTROL RESEARCH; PROVIDING FOR OUTREACH PROGRAMS TO INFORM THE PUBLIC ON THE SUCCESS OF WEED CONTROL RESEARCH; AMENDING SECTIONS 80-7-508, 80-7-810, 80-7-812, AND 80-7-814, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 80-7-810, MCA, is amended to read:

"80-7-810. Disposition of proceeds. Three percent of the proceeds from the fee imposed in 61-3-510 may be retained by the county treasurer for costs of collection. The remainder must be deposited in the special revenue fund and must be expended as provided in 80-7-814(2) and (3) through (4). Twenty-five percent of the money deposited in the special revenue fund under this section must be used for research and development of nonchemical methods of weed

management."

Section 2. Section 80-7-812, MCA, is amended to read:

"80-7-812. Surcharge imposed on retail sales of herbicides. Disposition of proceeds. (1) There is imposed a surcharge of 1 cent per dollar of the retail value of all registered herbicides sold for consumer use in the state. The volume of sales of each registered herbicide must be determined by the department from records required of pesticide dealers and retailers.

(2) The surcharge must be collected by the department on an annual calendar basis from the registrant of the herbicide and is due and payable within 30 days after notice of the amount has been given to the registrant.

(3) No registrant may not be allowed to reregister a herbicide if he has failed to pay in full the surcharge on his product.

(4) The department and the agricultural experiment station may expend or commit not more than one-half of the annual proceeds of the surcharge as provided in 80-7-814(2) and (3) through (4). All remaining annual proceeds of the surcharge and any interest income collected must be deposited into the noxious weed management trust fund."

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

"80-7-814. Administration and expenditure of funds. (1) Money deposited in the noxious weed management trust fund

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1 may not be committed or expended until the principal reaches
 2 \$2,500,000, except as provided by 80-7-815 in case of a
 3 noxious weed emergency. Once this amount is accumulated, any
 4 interest or revenue generated by the trust fund and by other
 5 funding measures provided by this part must be deposited in
 6 the special revenue fund and may be expended for noxious
 7 weed management projects in accordance with this section, so
 8 long as the principal of the trust fund remains at least
 9 \$2,500,000.

10 (2) The department may expend funds ~~87-5%--OP--THE~~
 11 EXPENDABLE-PRINCIPAL FUNDS under this section through grants
 12 or contracts to communities, weed control districts, or
 13 other entities it considers appropriate for noxious weed
 14 management projects. A project is eligible to receive funds
 15 only if the county in which the project occurs has funded
 16 its own weed management program with a levy in an amount not
 17 less than 1.6 mills or an equivalent amount from another
 18 source or by an amount of not less than \$100,000 for first
 19 class counties, as defined in 7-1-2111.

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

22 (a) employment of a new and innovative noxious weed
 23 management project or the development, implementation, or
 24 demonstration of any noxious weed management project that
 25 may be proposed, implemented, or established by local,

1 state, or national organizations, whether public or private.
 2 Such expenditures must be on a cost-share basis with such
 3 organizations.

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

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

10 (d) costs of collecting the surcharge imposed by
 11 80-7-812, not to exceed 3% of the total surcharge proceeds;

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

14 (f) any project recommended by the noxious weed
 15 management advisory council, if the department determines
 16 the project will significantly contribute to the management
 17 of noxious weeds within the state; AND

18 (G) GRANTS TO THE AGRICULTURAL EXPERIMENT STATION AND
 19 THE COOPERATIVE EXTENSION SERVICE FOR CROP WEED MANAGEMENT
 20 RESEARCH, EVALUATION, AND EDUCATION.

21 (4) The agricultural experiment station AND COOPERATIVE
 22 EXTENSION SERVICE SHALL ~~may-expend-12-5%--of--the--expendable~~
 23 ~~principal--under--this--section--to--conduct--weed--control~~
 24 ~~research--and--evaluation--as--provided--in--this--subsection--The~~
 25 ~~agricultural-experiment-station-shall~~

1 ~~(a) systematically evaluate weed control procedures and~~
 2 ~~methods in crops in terms of biological, chemical, cultural,~~
 3 ~~and mechanical control in conventional, low chemical, and~~
 4 ~~no chemical systems. The research must evaluate the use of~~
 5 ~~integrated weed control systems and determine if alternative~~
 6 ~~weed management systems are viable, economical, and~~
 7 ~~efficacious.~~

8 ~~(b)(i) conduct research on the use of fungi that are~~
 9 ~~potentially lethal and genetically manipulatable for control~~
 10 ~~of weeds in crops; the research must determine which fungi~~
 11 ~~are environmentally safe and must meet national and state~~
 12 ~~standards for genetically manipulated organisms; and~~

13 ~~(ii) promote the successful uses of fungi for biological~~
 14 ~~control for possible development and marketability within~~
 15 ~~Montana or regional business enterprises;~~

16 (c) submit annual reports on current projects and
 17 future plans to the noxious weed management advisory
 18 council; and.

19 (d) conduct outreach programs in cooperation with the
 20 cooperative extension service and others to inform
 21 agricultural producers and the public on the progress,
 22 success, and use of research conducted under this subsection
 23 (4);

24 (4)(5) In making such expenditures under subsections
 25 (2) and (3), the department must give preference to weed

1 control districts and community groups.

2 (5)(6) IF the noxious weed management trust fund is
 3 terminated by law, the money in the fund must be divided
 4 between all counties according to rules adopted by the
 5 department for that purpose."

6 **Section 2.** Section 80-7-508, MCA, is amended to read:

7 **"80-7-508. Duties of the cooperative extension service.**

8 (1) The cooperative extension service within the department
 9 of education shall conduct investigations pertaining to
 10 insects and other arthropods affecting plants and animals.
 11 When an injurious infestation of an insect or other
 12 arthropod occurs in any part of the state, the authorized
 13 employees of the cooperative extension service shall go to
 14 the scene of the infestation, shall determine the extent and
 15 seriousness of the infestation, and make public the best
 16 remedies to be employed.

17 (2) The cooperative extension service shall cooperate
 18 with the agricultural experiment station in providing
 19 outreach programs on the progress, success, and use of weed
 20 control research conducted under 80-7-814(4); ANNUAL REPORTS
 21 REQUIRED UNDER 80-7-814(4)."

22 **NEW SECTION. Section 3.** Effective date --
 23 applicability. [This act] is effective July 1, 1991 and
 24 applies to herbicide surcharge fees and motor vehicle
 25 registration weed control fees collected on or after July 1,

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1 1991.

-End-

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