

## SENATE BILL NO. 363

INTRODUCED BY C. VINCENT

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3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES;  
5 PROVIDING REVENUE SOURCES TO PREVENT AND CONTROL AQUATIC INVASIVE SPECIES;  
6 ESTABLISHING THE NONRESIDENT AQUATIC INVASIVE SPECIES DECAL; ESTABLISHING A FEE FOR  
7 BOAT VALIDATION DECALS; ESTABLISHING A HYDROELECTRIC FACILITY FEE; ESTABLISHING A FEE  
8 FOR HYDROELECTRIC-DEPENDENT UTILITIES; ESTABLISHING AN IRRIGATED FARMLAND FEE;  
9 ALLOCATING REVENUE; REVISING DEFINITIONS; AMENDING SECTIONS 17-1-106, 23-2-502, 23-2-511,  
10 23-2-512, 69-3-308, 80-7-1004, 80-7-1006, AND 80-7-1010, MCA; AND PROVIDING AN EFFECTIVE DATE,  
11 APPLICABILITY DATES, AND A TERMINATION DATE."

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

14  
15 NEW SECTION. **Section 1. Nonresident aquatic invasive species decal required -- fee.** (1) In  
16 addition to any proof of inspection or decontamination required pursuant to Title 80, chapter 7, part 10, a  
17 nonresident aquatic invasive species decal must be displayed as prescribed by the department on a motorboat,  
18 sailboat, or personal watercraft owned by a nonresident when the motorboat, sailboat, or personal watercraft is  
19 operated on waters of this state.

20 (2) A nonresident aquatic invasive species decal must be purchased each calendar year for \$50 at  
21 locations prescribed by the department. The decal is not transferable between watercraft.

22 (3) Money received from the sale of nonresident aquatic invasive species decals must be deposited in  
23 the invasive species account established in 80-7-1004.

24 (4) A person may not operate or give permission for the operation of a motorboat, sailboat, or personal  
25 watercraft that does not display a nonresident aquatic invasive species decal as required by subsection (1).

26  
27 NEW SECTION. **Section 2. Validation decals required -- fee.** (1) Validation decals verifying the  
28 identifying number of a motorboat, sailboat, or personal watercraft must be displayed on the motorboat, sailboat,  
29 or personal watercraft as prescribed in 23-2-512.

30 (2) A set of validation decals must be purchased each calendar year for \$25 at locations prescribed by

1 the department. The set of decals is not transferable and expires on December 31 of the year for which it was  
 2 issued. A set of decals for the subsequent year must be purchased before the existing set expires.

3 (3) A validation decal must be an adhesive sticker that is approximately 3 inches square and must be  
 4 serially numbered and identified by color in accordance with the federal numbering system.

5 (4) Except as provided in 23-2-511(2), the operation of a motorboat, sailboat, or personal watercraft is  
 6 prohibited without current validation decals.

7 (5) Money received from the sale of validation decals must be deposited in the invasive species account  
 8 established in 80-7-1004.

9

10 **NEW SECTION. Section 3. Invasive species fee for hydroelectric facilities.** (1) In recognition of the  
 11 threat that invasive species pose to Montana's hydroelectric power structures and systems, a hydroelectric facility  
 12 shall pay ~~an~~ A QUARTERLY invasive species fee of ~~\$0.0004 per kilowatt hour~~ \$577.75 PER MEGAWATT of the facility's  
 13 nameplate capacity authorized by the federal energy regulatory commission.

14 (2) Every hydroelectric facility subject to the fee in subsection (1) shall file on forms provided by the  
 15 department and pay within 30 days after the end of each quarterly period. The quarterly periods end March 31,  
 16 June 30, September 30, and December 31 of each year.

17 (3) If the fee is not paid on or before the due date, a penalty and interest must be assessed as provided  
 18 in 15-1-216. The department may waive the penalty pursuant to 15-1-216.

19 (4) The department may audit the records and other documents of a hydroelectric facility to ensure that  
 20 the proper fee is paid and collected pursuant to this section.

21 (5) Money collected pursuant to this section must be deposited in the invasive species account  
 22 established in 80-7-1004.

23 (6) FOR THE PURPOSES OF THIS SECTION, 69-3-308 DOES NOT APPLY, AND THE PUBLIC SERVICE COMMISSION  
 24 SHALL DETERMINE THE APPROPRIATE RECOVERY OF THIS FEE IN RATES IN A PROCEEDING HELD PURSUANT TO 69-3-302  
 25 FOR ANY HYDROELECTRIC FACILITY APPROVED PURSUANT TO 69-8-421.

26 ~~(6)~~(7) For the purposes of this section, "hydroelectric facility" means a facility located in Montana that  
 27 produces electricity using water power and has more than 1.5 megawatts in nameplate capacity.

28

29 **NEW SECTION. SECTION 4. INVASIVE SPECIES FEE FOR HYDROELECTRIC-DEPENDENT UTILITIES.** (1) A UTILITY  
 30 RECEIVING MORE THAN 50% OF ITS ANNUAL ELECTRICITY SUPPLY FROM HYDROELECTRIC GENERATION SUPPLIED BY A

1 FEDERAL POWER MARKETING ADMINISTRATION SHALL PAY AN INVASIVE SPECIES FEE OF \$0.0009972 PER KILOWATT HOUR  
 2 OF THE UTILITY'S TOTAL RETAIL SALES FOR THAT QUARTER.

3 (2) A UTILITY SUBJECT TO THE FEE IN SUBSECTION (1) SHALL FILE ON FORMS PROVIDED BY THE DEPARTMENT  
 4 AND PAY WITHIN 30 DAYS AFTER THE END OF EACH QUARTERLY PERIOD. THE QUARTERLY PERIODS END MARCH 31, JUNE  
 5 30, SEPTEMBER 30, AND DECEMBER 31 OF EACH YEAR.

6 (3) IF THE FEE IS NOT PAID ON OR BEFORE THE DUE DATE, A PENALTY AND INTEREST MUST BE ASSESSED AS  
 7 PROVIDED IN 15-1-216. THE DEPARTMENT MAY WAIVE THE PENALTY PURSUANT TO 15-1-216.

8 (4) THE DEPARTMENT MAY AUDIT THE RECORDS AND OTHER DOCUMENTS OF A UTILITY TO ENSURE THAT THE  
 9 PROPER FEE IS PAID AND COLLECTED PURSUANT TO THIS SECTION.

10 (5) MONEY COLLECTED PURSUANT TO THIS SECTION MUST BE DEPOSITED IN THE INVASIVE SPECIES ACCOUNT  
 11 ESTABLISHED IN 80-7-1004.

12  
 13 **NEW SECTION. Section 5. Invasive species fee for irrigated farmland.** (1) In recognition of the threat  
 14 that invasive species pose to irrigation infrastructure, the owner of land that is classified as agricultural land  
 15 pursuant to 15-7-202 and valued as irrigated farmland pursuant to 15-7-201 shall pay an annual invasive species  
 16 fee of \$25.

17 (2) By the second Monday of every October, the department shall identify landowners subject to the fee  
 18 established in subsection (1) and notify the appropriate county treasurer for collection pursuant to Title 15,  
 19 chapter 16, part 1.

20 (3) Fees collected by county treasurers pursuant to this section must be remitted to the department for  
 21 deposit in the invasive species account established in 80-7-1004.

22  
 23 **Section 6.** Section 17-1-106, MCA, is amended to read:  
 24 **"17-1-106. Agency recovery of indirect costs -- exemption.** (1) ~~An~~ Except as provided in 80-7-1004  
 25 and subsections (3) and (4) of this section, an agency receiving nongeneral funds shall, in accordance with all  
 26 applicable regulations, guidelines, or grant rules governing those funds, negotiate indirect cost reimbursement  
 27 amounts and methodologies so that the agency may recover indirect costs.

28 (2) An agency, except for a unit of the university system, that applies for or otherwise receives funds  
 29 through federal or private grants or contracts that do not allow the agency to fully recover indirect costs shall notify  
 30 and must receive written approval from its approving authority prior to accepting the funds.

1 (3) The department of transportation may not recover indirect costs from a local government for the  
2 community transportation enhancement program.

3 (4) The department of transportation may not recover indirect costs for administration of a U.S. federal  
4 transit administration grant, including but not limited to grants provided for in 49 U.S.C. 5310, 49 U.S.C. 5311,  
5 49 U.S.C. 5316, and 49 U.S.C. 5317, from a local government, nonprofit organization, or public transportation  
6 provider that provides transit services.

7 (5) An agency, except for a unit of the university system, may not, as part of the grant or contract  
8 proposal or negotiation process, waive or otherwise forfeit the agency's ability to recover indirect costs that are  
9 otherwise allowable costs under the program, except for intra-agency or interagency grants or contracts. For  
10 grants or contracts for which the entity providing the funds limits administrative cost reimbursements or indirect  
11 cost recoveries by regulation, policy, or guideline, statewide and agency indirect costs paid originally from the  
12 general fund must be claimed first, other indirect costs must be claimed second, agency direct costs of  
13 administration must be claimed third, and program direct costs must be claimed last. For grants or contracts for  
14 which there is no limit on indirect costs or administrative costs, indirect and administrative costs must be claimed  
15 first and direct program costs must be claimed last.

16 (6) Each agency receiving federal funds and not directly charging a grant or program for the recovery  
17 of indirect costs shall submit an indirect cost proposal to the appropriate federal agency. The department shall  
18 provide technical assistance to an agency on how to build an indirect cost proposal.

19 (7) Except as provided for a unit of the university system under 20-25-427, indirect costs recovered by  
20 an agency to pay the agency's indirect costs under 17-1-105 must be deposited as provided in 17-1-105. All other  
21 indirect costs must be deposited in the fund from which the indirect costs were originally paid."  
22

23 **Section 7.** Section 23-2-502, MCA, is amended to read:

24 **"23-2-502. Definitions.** As used in this part, unless the context clearly requires a different meaning, the  
25 following definitions apply:

26 (1) "Certificate of number" means the certificate issued by the department of justice, an authorized agent,  
27 as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the motorboat  
28 or sailboat an identifying number and containing other information as required by the department of justice.

29 (2) "Department" means the department of fish, wildlife, and parks of the state of Montana.

30 (3) "Documented vessel" means a vessel that has and is required to have a valid marine document as

1 a vessel of the United States.

2 (4) "Identifying number" means the boat number set forth in the certificate of number and properly  
3 displayed on the motorboat or sailboat.

4 (5) "Lienholder" means a person holding a security interest.

5 (6) "Manufacturer" means a person engaged in the business of manufacturing or importing new and  
6 unused vessels or new and unused outboard motors for the purpose of sale or trade.

7 (7) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any  
8 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal  
9 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

10 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard  
11 or any successor federal agency.

12 (8) "Operate" means to navigate or otherwise use a motorboat or a vessel.

13 (9) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a  
14 motorboat or vessel.

15 (10) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat  
16 or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an  
17 interest in another person, reserved or created by an agreement securing payment or performance of an  
18 obligation.

19 (b) The term does not include a lessee under a lease not intended as security.

20 (11) "Passenger" means each person carried on board a vessel other than:

21 (a) the owner or the owner's representative;

22 (b) the operator;

23 (c) bona fide members of the crew engaged in the business of the vessel who have not contributed any  
24 consideration for their carriage and who are paid for their services; or

25 (d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not  
26 contributed any consideration, directly or indirectly, for the guest's carriage.

27 (12) "Person" means an individual, partnership, firm, corporation, association, or other entity.

28 (13) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering  
29 a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,  
30 standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

1 (14) "Registration decal" means an adhesive sticker produced by the department of justice and issued  
 2 by the department of justice, an authorized agent as defined in 61-1-101, or a county treasurer to the owner of  
 3 a motorboat, sailboat, or personal watercraft as proof of payment of fees imposed on the motorboat, sailboat, or  
 4 personal watercraft for the registration period indicated on the decal as recorded by the department of justice  
 5 under 61-3-101.

6 (15) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

7 (b) The term does not include a canoe or kayak propelled by wind.

8 (16) "Security interest" means an interest that is reserved or created by an agreement that secures  
 9 payment or performance of an obligation and is valid against third parties generally.

10 (17) "Uniform state waterway marking system" means one of two categories:

11 (a) a system of aids to navigation to supplement the federal system of marking in state waters;

12 (b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information  
 13 and directions.

14 ~~(18) "Validation decal" means an adhesive sticker produced by the department and issued by the~~  
 15 ~~department or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft verifying the~~  
 16 ~~identifying number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the~~  
 17 ~~owner to meet requirements of the federal standard numbering system.~~

18 ~~(19)~~(18) "Vessel" means every description of watercraft, unless otherwise defined by the department,  
 19 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

20 ~~(20)~~(19) "Waters of this state" means any waters within the territorial limits of this state."  
 21

22 **Section 8.** Section 23-2-511, MCA, is amended to read:

23 **"23-2-511. Operation of unnumbered motorboats or sailboats prohibited -- display of registration**  
 24 **and validation decals.** (1) A motorboat ~~on the waters of this state that is propelled by a motor or an engine of~~  
 25 ~~any description~~ or a sailboat on the waters of this state must be properly numbered and display valid registration  
 26 and validation decals. A person may not operate or give permission for the operation of any motorboat or sailboat  
 27 on the waters of this state unless the motorboat or sailboat is numbered and displays valid registration and  
 28 validation decals in accordance with this part and applicable federal law or with a federally approved numbering  
 29 system of another state and unless:

30 (a) the certificate of number assigned to the motorboat or sailboat is in effect;

1 (b) the identifying number set forth in the certificate of number and the valid license decals are displayed  
2 on the motorboat or sailboat; and

3 (c) a temporary permit has been obtained from the county in which a motorboat is being operated if that  
4 county requires a temporary permit for out-of-state motorboats, as provided in 7-16-2121.

5 (2) Upon transfer of ownership of a motorboat or sailboat, the transferred motorboat or sailboat may be  
6 operated on the waters of this state for 40 consecutive calendar days immediately following the transfer of  
7 ownership without displaying the registration ~~and validation decals~~ decals required by subsection (1) ~~and the~~  
8 validation decals required by [section 2] if when the motorboat or sailboat is operated during those 40 consecutive  
9 calendar days, a temporary registration permit has been issued under 61-3-224 and is shown to a warden or  
10 other officer upon request."

11

12 **Section 9.** Section 23-2-512, MCA, is amended to read:

13 **"23-2-512. Identifying number.** (1) The owner of each motorboat, sailboat, or personal watercraft  
14 requiring numbering by this state shall file an application for number in the office of the county treasurer in the  
15 county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the  
16 department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal  
17 watercraft and be accompanied by the fee prescribed in 61-3-321(10). Any alteration, change, or false statement  
18 contained in the application renders the certificate of number void. Upon receipt of the application in approved  
19 form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the  
20 department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the  
21 name and address of the owner. Validation decals verifying the identifying number for each motorboat, sailboat,  
22 or personal watercraft also must be ~~issued along with the certificate of number and must be~~ obtained pursuant  
23 to [section 2] and displayed on the motorboat, sailboat, or personal watercraft pursuant to subsection (7).

24 ~~(2) The fine for failing to display the validation decals may not be more than the cost incurred by the~~  
25 ~~justice's court.~~

26 ~~(3) The department may give only verbal or written warnings until December 31, 2007, for failing to~~  
27 ~~display validation decals in an attempt to educate the boating public.~~

28 ~~(4)~~(2) If the ownership of a motorboat, sailboat, or personal watercraft changes, a new application form  
29 with the certification fee must be filed within 40 days with the county treasurer and a new certificate of number  
30 assigned in the same manner as provided for in an original assignment of number. New validation decals

1 ~~also must be issued simultaneously~~ obtained pursuant to [section 2] and displayed pursuant to subsection (7).

2 ~~(5)(3)~~ If an agency of the United States government has in force a comprehensive system of identification  
3 numbering for motorboats in the United States, the numbering system employed pursuant to this part by the  
4 department of justice must be in conformity.

5 ~~(6)(4)~~ A certificate of number ~~and validation decals~~ issued under this part ~~are~~ is effective unless  
6 terminated or discontinued in accordance with the provisions of this part. ~~All motorboats, sailboats, or personal~~  
7 ~~watercraft already numbered must exhibit validation decals by December 31, 2005. All validation decals expire~~  
8 ~~on February 28, 2008. Validation decals must be obtained by the expiration date at any regional office of the~~  
9 ~~department or through the department website and are in effect for another 3-year period ending February 28,~~  
10 ~~2011. The requirement of renewal validation decals must continue in subsequent 3-year periods, and renewal~~  
11 ~~validation decals must be identified by color in accordance with the federal numbering system. Except as provided~~  
12 ~~in 23-2-511(2) and subsection (4) of this section, the operation of a motorboat, sailboat, or personal watercraft~~  
13 ~~is prohibited without current validation decals.~~

14 ~~Validation decals must be approximately 3 square inches. The validation decals must be serially~~  
15 ~~numbered in accordance with the federal numbering system and must be displayed on each side of the vessel.~~

16 ~~(8)(5)~~ If ownership is transferred, the purchaser shall notify the county treasurer within 40 days of the  
17 acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a  
18 motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or  
19 abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or  
20 abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery  
21 from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat,  
22 or personal watercraft does not terminate the certificate of number.

23 ~~(9)(6)~~ A holder of a certificate of number shall ~~shall~~ notify the county treasurer within a reasonable time if the  
24 holder's address no longer conforms to the address appearing on the certificate and shall furnish the county  
25 treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate  
26 bearing the former address and its replacement with a certificate bearing the new address or the alteration of an  
27 outstanding certificate to show the new address of the holder.

28 ~~(10)(7)~~ (a) The identifying number assigned must be painted on or attached to each outboard side of the  
29 forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location  
30 on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The identifying number



1 assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches  
 2 tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as  
 3 to be clearly visible and legible. The identifying number may not be placed on the obscured underside of the  
 4 flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than  
 5 those used in connection with the identifying number issued may not be placed in the proximity of the identifying  
 6 number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat,  
 7 or personal watercraft by its identifying number may not be carried in a manner that interferes with the  
 8 motorboat's, sailboat's, or personal watercraft's identification. A number other than the identifying number  
 9 assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted,  
 10 attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal  
 11 watercraft. A registration decal issued under this part must be placed next to the identifying number located on  
 12 the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location  
 13 on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft. ~~The~~ A validation decal  
 14 obtained pursuant to [section 2] must be placed immediately aft of the registration decal on the left side and  
 15 immediately aft of the identifying number on the right side of a motorboat, sailboat, or personal watercraft.

16 (b) The certificate of number must be pocket size and available to federal, state, or local law enforcement  
 17 officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the  
 18 motorboat, sailboat, or personal watercraft is on waters of this state.

19 (c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat,  
 20 or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal  
 21 watercraft in place of the certificate of number.

22 ~~(11)~~(8) An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the  
 23 department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the  
 24 owner's name if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or  
 25 within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of  
 26 the United States.

27 ~~(12) The department shall reimburse the department of justice for any programming costs necessary to~~  
 28 ~~implement the provisions of this section that are incurred in fiscal year 2005."~~

29

30 **SECTION 10. SECTION 69-3-308, MCA, IS AMENDED TO READ:**

1           **"69-3-308. Disclosure of taxes and fees paid by customers of public utility -- automatic rate**  
 2 **adjustment and tracking for taxes and fees.** (1) A public utility may separately disclose in a customer's bill the  
 3 amount of state and local taxes and fees assessed against the public utility that the customer is paying.

4           (2) (a) (i) ~~The~~ Except as provided in [section 3], the commission shall allow a public utility to file rate  
 5 schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and  
 6 fees, except state income tax, paid by the public utility. The resulting rate schedule changes must include:

7           (A) adjustments for the net change in federal and state income tax liability caused by the deductibility  
 8 of state and local taxes and fees;

9           (B) retroactive tax adjustments; and

10           (C) adjustments related to the resolution of property taxes paid under protest.

11           (ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases  
 12 and decreases.

13           (b) The amended rates must automatically go into effect on January 1 following the date of change in  
 14 taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c).

15           (c) The amended rate schedule must be filed with the commission on or before the effective date of the  
 16 change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission  
 17 may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public utility to address  
 18 any errors or omissions including, if necessary, any refunds due customers.

19           (d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval on  
 20 the part of the commission.

21           (e) A public utility may challenge an order issued by the commission under subsection (2)(c) in  
 22 accordance with the provisions of 69-3-401 through 69-3-405."

23

24           **Section 11.** Section 80-7-1004, MCA, is amended to read:

25           **"80-7-1004. Invasive species account.** (1) There is an invasive species account in the state special  
 26 revenue fund. The account is administered by the department of fish, wildlife, and parks.

27           (2) Money transferred ~~from the general fund or received from any other~~ lawful source, including but not  
 28 limited to fees collected pursuant to [section 1], [section 2], [section 3], and [section 4], AND [SECTION 5], gifts,  
 29 grants, donations, securities, or other assets, public or private, may be deposited in the account.

30           (3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or

1 control any nonnative, aquatic invasive species pursuant to this part.

2 (4) Any private contribution deposited in the account for a particular purpose, as stated by the donor,  
3 must be used exclusively for that purpose.

4 (5) Any interest and earnings on the account must be retained in the account.

5 (6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species  
6 account."

7

8 **Section 12.** Section 80-7-1006, MCA, is amended to read:

9 **"80-7-1006. Departmental responsibilities -- reporting.** (1) The departments shall prepare a list of  
10 invasive species and identify those departments and other public agencies with jurisdiction over each species  
11 on the list. The jurisdiction of each department for the prevention and control of invasive species is according to  
12 the department's powers and duties as established by law.

13 (2) For those invasive species under the jurisdiction of more than one department, the departments with  
14 jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

15 (3) Working in collaboration with each other, the departments, individually or collectively, shall develop  
16 and adopt an invasive species strategic plan or plans to accomplish the purposes of this part. The plan or plans  
17 shall identify and prioritize threats and determine appropriate actions, in the following order of priority, related to:

18 (a) public awareness and education;

19 (b) prevention and detection of invasive species, including the use of invasive species management  
20 areas authorized under 80-7-1008 and the statewide invasive species management area established in  
21 80-7-1015;

22 (c) management, control, and restoration of infested areas; and

23 (d) emergency response.

24 (4) The departments shall enforce quarantine regulations and measures imposed by law or rule in an  
25 invasive species management area established under 80-7-1008 and in the statewide invasive species  
26 management area established in 80-7-1015, including the mandatory inspection of any interior portion of a vessel  
27 or equipment that may contain water for the presence of an invasive species.

28 (5) The departments may designate employees to carry out the provisions of this part.

29 (6) The department of fish, wildlife, and parks shall authorize a request by another entity to operate a  
30 check station pursuant to this part if the entity agrees to the conditions of an agreement established by all parties,

1 any cooperative funding requirements, and rules adopted under this part. The department of fish, wildlife, and  
2 parks retains oversight authority over the operation of a check station pursuant to this subsection.

3 (7) The departments shall implement education and outreach programs that increase public knowledge  
4 and understanding of prevention, early detection, and control of invasive species.

5 (8) The departments shall report to the environmental quality council at least biannually regarding  
6 activities undertaken and expenses incurred in the implementation of this part."

7

8 **Section 13.** Section 80-7-1010, MCA, is amended to read:

9 **"80-7-1010. Invasive species management area -- regulation.** (1) The owner, operator, or person in  
10 possession of any vessel or equipment authorized for use in an invasive species management area shall comply  
11 with any regulations imposed pursuant to 80-7-1008(3)(b) and provide proof of compliance upon request of a  
12 department or its designee.

13 (2) After use in a body of water within an invasive species management area, all vessels, equipment,  
14 bait containers, livewells, bilges, and other boating-related equipment, excluding marine sanitary systems, must  
15 be drained in a way that does not impact any state waters before being transported on land or a public highway,  
16 as defined in 61-1-101, except where allowed by the department of fish, wildlife, and parks."

17

18 NEW SECTION. Section 14. Codification instruction. (1) [Sections 1 and 2] are intended to be  
19 codified as an integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply  
20 to [sections 1 and 2].

21 (2) [~~Section 3~~] is [SECTIONS 3 AND 4] ARE intended to be codified as an integral part of Title 15, ~~chapter~~  
22 ~~54~~, and the provisions of Title 15, ~~chapter 54~~, apply to [~~section 3~~] [SECTIONS 3 AND 4].

23 (3) [~~Section 4 5~~] is intended to be codified as an integral part of Title 15, chapter 16, part 2, and the  
24 provisions of Title 15, chapter 16, part 2, apply to [section 4 5].

25

26 NEW SECTION. Section 15. Effective date. [This act] is effective May 15, 2017.

27

28 NEW SECTION. Section 16. Applicability. (1) [~~Section 3~~] applies [SECTIONS 3 AND 4] APPLY to quarterly  
29 periods beginning July 1, 2017.

30 (2) [~~Section 4~~] [SECTION 5] applies to tax years beginning after December 31, 2017.

