HOUSE BILL NO. 586

INTRODUCED BY M. CUFFE

BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES; ESTABLISHING A STATEWIDE INVASIVE SPECIES MANAGEMENT AREA; AUTHORIZING USE OF QUARANTINE MEASURES AND CHECK STATIONS AT KEY ENTRY POINTS TO THE STATE; DEFINING AND AUTHORIZING INSPECTION OF EQUIPMENT; REVISING DEPARTMENTAL DUTIES, INCLUDING DUTIES OF THE DEPARTMENT OF TRANSPORTATION; GRANTING RULEMAKING AUTHORITY; ~~TRANSFERRING MONEY FROM THE NATURAL RESOURCES PROJECTS STATE SPECIAL REVENUE ACCOUNT AND THE STATE GENERAL FUND;~~ PROVIDING AN APPROPRIATION ~~AND A STATUTORY APPROPRIATION~~; AMENDING SECTIONS ~~15-38-302,~~ ~~15-1-122, 17-7-502,~~ 80-7-1002, 80-7-1003, 80-7-1004, 80-7-1006, 80-7-1007, 80-7-1008, 80-7-1010, 80-7-1011, AND 80-7-1014, MCA; AND PROVIDING EFFECTIVE DATES ~~AND A TERMINATION DATE~~."

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

NEW SECTION. **Section 1. Statewide invasive species management area.** (1) There is established a statewide invasive species management area for the purpose of preventing the introduction, importation, and infestation of invasive species through the mandatory inspection of vessels and equipment at key entry points to the state on a seasonal basis and the mandatory decontamination of any vessel or equipment on or in which an invasive species is detected.

(2) As far as practical, signs indicating that the statewide invasive species management area is in place must be posted in an effective manner along the boundaries of and within the state. The signs must include information about the specific regulations that apply to the area. The signs must be paid for with funds from the invasive species account established in 80-7-1004. The departments may coordinate with any other governmental entity for the posting of signs.

(3) At a check station established pursuant to this section, the departments may examine vessels and equipment for the presence of an invasive species and compliance with this section and rules adopted pursuant

to 80-7-1007. A department may examine any interior portion of a vessel or equipment that may contain water, including bilges, livewells, and bait containers, for compliance only if inspection of interior portions is included as part of quarantine measures established pursuant to rules adopted under 80-7-1007.

(4) The owner, operator, or person in possession of a vessel or equipment shall:

(a) comply with this section and rules imposed under 80-7-1007; and

(b) stop at any check station established pursuant to this section unless a medical emergency makes stopping likely to result in death or serious bodily injury.

(5) If during an inspection of a vessel or equipment the presence of an invasive species is detected, that vessel or equipment may not leave the check station without authorization until it is cleaned and decontaminated in a manner established in accordance with rules adopted pursuant to 80-7-1007. THE DEPARTMENT SHALL MAKE EVERY EFFORT TO ENSURE DECONTAMINATION OF THE VESSEL OR EQUIPMENT AS EXPEDITIOUSLY AS POSSIBLE.

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

~~**Section 2.** Section 15-38-302, MCA, is amended to read:~~

~~**"15-38-302. Natural resources projects state special revenue account created -- revenue allocated -- limitations on appropriations from account.** (1) There is a natural resources projects state special revenue account within the state special revenue fund established in 17-2-102.~~

~~(2) There must be paid into the natural resources projects state special revenue account money allocated from:~~

~~(a) the interest income of the resource indemnity trust fund under the provisions of 15-38-202;~~

~~(b) the resource indemnity and ground water assessment tax under the provisions of 15-38-106;~~

~~(c) the oil and natural gas production tax as provided in 15-36-331; and~~

~~(d) the excess of the coal severance tax proceeds allocated by 85-1-603 to the renewable resource loan debt service fund above debt service requirements as provided in and subject to the conditions of 85-1-619.~~

~~(3) Appropriations may be made from the natural resources projects state special revenue account for grants and loans for designated projects and the activities authorized in 85-1-602, and 90-2-1102, and subsection (4) of this section.~~

~~(4) At the end of each biennium, any unencumbered ending fund balance in the natural resources projects state special revenue account up to $300,000 must be transferred into the invasive species account established in 80-7-1004."~~

~~**SECTION 2.** SECTION 15-1-122, MCA, IS AMENDED TO READ:~~

~~**"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, a base amount of $59,209, and the amount of the transfer must be increased by 10% in each succeeding fiscal year.~~

~~(2) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:~~

~~(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, 1.48% of the motor vehicle revenue deposited in the state general fund in each fiscal year. The amount of 9.48% of the allocation in each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.~~

~~(b) to the noxious weed state special revenue account provided for in 80-7-816, 1.50% of the motor vehicle revenue deposited in the state general fund in each fiscal year;~~

~~(c) to the department of fish, wildlife, and parks:~~

~~(i) 0.46% of the motor vehicle revenue deposited in the state general fund, with the applicable percentage to be:~~

~~(A) used to:~~

~~(I) acquire and maintain pumpout equipment and other boat facilities, 4.8% in each fiscal year;~~

~~(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 19.1% in each fiscal year;~~

~~(III) enforce the provisions of 23-2-804, 11.1% in each fiscal year; and~~

~~(IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, 16.7% in each fiscal year; and~~

~~(B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 48.3% in each fiscal year;~~

~~(ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-618,~~

~~23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and~~

~~(iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be deposited in the motorboat account to be used as provided in 23-2-533;~~

~~(d) 0.64% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be deposited in the veterans' services account provided for in 10-2-112(1);~~

~~(e) 0.30% of the motor vehicle revenue deposited in the state general fund in each fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and~~

~~(f) to the search and rescue account provided for in 10-3-801, 0.04% of the motor vehicle revenue deposited in the state general fund in each fiscal year.~~

~~(3) The amount of $200,000 is transferred from the state general fund to the livestock loss reduction and mitigation restricted state special revenue account provided for in 81-1-112 in each fiscal year.~~

~~(4) The amount of $300,000 is transferred from the state general fund to the invasive species account provided for in 80-7-1004 at the beginning of each biennium.~~

~~(4)(5) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:~~

~~(a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;~~

~~(b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;~~

~~(c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and~~

~~(d) all money collected pursuant to 15-1-504(3).~~

~~(5)(6) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."~~

~~**Section 3.** Section 17-7-502, MCA, is amended to read:~~

~~**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.~~

~~(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:~~

~~(a) The law containing the statutory authority must be listed in subsection (3).~~

~~(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.~~

~~(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-7-1004; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.~~

~~(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.~~

~~5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017.)"~~

Section 2. Section 80-7-1002, MCA, is amended to read:

"80-7-1002. Legislative findings and purpose. (1) The legislature finds that:

(a) invasive species can wreak damage on the economy, environment, recreational opportunities, and human health in Montana;

(b) there is reason to be concerned about the further introduction, importation, and infestation of Eurasian watermilfoil (Myriophyllum spicatum) and the introduction, importation, and infestation of additional invasive species in Montana, such as the zebra mussel (Dreissena polymorpha) and the quagga mussel (Dreissena bugensis), that could cause catastrophic damage to not only our waterways, rivers, and lakes, our water storage, delivery, and irrigation systems, our hydroelectric power structures and systems, and our aquatic ecosystems, but also to the entire state economy;

(c) as infestations of threatening invasive species move ever closer to Montana's borders, protecting Montana against these species is of utmost importance to the state economy, environment, recreational opportunities, and human health for the benefit of all Montanans;

(d) preventing the introduction, importation, and infestation of invasive species is the most effective and least costly strategy for combating invasive species that, once established, are often difficult to control or eradicate;

(e) the use of check stations, at which vessels and ~~trailers transporting vessels~~ equipment may be inspected for the presence of invasive species and cleaned if an invasive species is detected, is an effective way to prevent the introduction, importation, and infestation of invasive species that are easily transferred from infested areas to uninfested areas when proper precautions are not taken; and

(f) preventing the introduction, importation, and infestation of invasive species is best accomplished through coordinated educational and management activities.

(2) The purpose of this part is to establish a mechanism for Montana to take concerted action to detect, control, and manage invasive species, including preventing further introduction, importation, and infestation, by

educating the public about the threat of these species, coordinating public and private efforts and expertise to combat these species, and authorizing the use of check stations to prevent the ~~intrastate~~ movement of invasive species from infested areas to uninfested areas to protect the state's economy, environment, recreational opportunities, and human health for the benefit of all Montanans."

Section 3. Section 80-7-1003, MCA, is amended to read:

"80-7-1003. Definitions. As used in this part, the following definitions apply:

(1) "Departments" means the department of agriculture, the department of fish, wildlife, and parks, ~~and~~ the department of natural resources and conservation, and the department of transportation.

~~(2) "Equipment" means an article, tool, implement, device, or machinery capable of carrying or containing water or an invasive species, including but not limited to boat lifts, trailers transporting vessels, floating docks, pilings, dredge pipe, irrigation structures, and buoys.~~

(2) "EQUIPMENT" MEANS AN IMPLEMENT OR MACHINERY THAT HAS BEEN WHOLLY OR PARTIALLY IMMERSED IN SURFACE WATERS, INCLUDING BUT NOT LIMITED TO BOAT LIFTS, TRAILERS TRANSPORTING VESSELS, FLOATING DOCKS, PILINGS, DREDGE PIPES, AND BUOYS.

~~(2)~~(3) "Invasive species" means, upon the mutual agreement of the directors of the departments, a nonnative, aquatic species that has caused, is causing, or is likely to cause harm to the economy, environment, recreational opportunities, or human health.

~~(3)~~(4) "Invasive species management area" means a designation made by a department under 80-7-1008 for a specific area or for a body or bodies of water for a specific or indeterminate amount of time that regulates invasive species or potential carriers of invasive species within the boundaries of that area.

~~(4)~~(5) "Person" means an individual, partnership, corporation, association, limited partnership, limited liability company, governmental subdivision, agency, or public or private organization of any character.

~~(5)~~(6) "Vessel" has the meaning provided in 61-1-101."

Section 4. Section 80-7-1004, MCA, is amended to read:

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

(2) Money transferred from the general fund~~, transferred pursuant to 15-38-302(4),~~ or received from any

other lawful source, including but not limited to gifts, grants, donations, securities, or other assets, public or private, may be deposited in the account.

(3) Subject to subsection (4), money deposited in the account must be used ~~to accomplish the purposes of this part~~ FOR PROJECTS THAT PREVENT OR CONTROL ANY NONNATIVE, AQUATIC INVASIVE SPECIES PURSUANT TO THIS PART.

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

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

~~(6) If the amount transferred into the account pursuant to 15-38-302(4) is less than $300,000, the difference must be transferred to the account from the state general fund.~~

~~(7)(6) An amount of money equal to the amount transferred into the account pursuant to 15-38-302(4) and subsection (6) of this section~~ THE ~~MONEY TRANSFERRED IN 15-1-122(4) TO THE ACCOUNT FROM THE STATE GENERAL FUND is statutorily appropriated, AS PROVIDED IN 17-7-502, to the department of natural resources and conservation to be used for projects that prevent or control any nonnative, aquatic invasive species pursuant to this part.~~"

Section 5. Section 80-7-1006, MCA, is amended to read:

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

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

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

(a) public awareness and education;

(b) prevention and detection of invasive species, including the use of invasive species management areas authorized under 80-7-1008 and the statewide invasive species management area established in [section 1];

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

(d) emergency response.

(4) The departments ~~may~~ shall enforce quarantine regulations and measures imposed by law or rule in an invasive species management area under 80-7-1008 or in the statewide invasive species management area under [section 1], including the mandatory inspection of any interior portion of a vessel or equipment that may contain water for the presence of an invasive species.

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

~~(5)~~(6) The departments shall implement education and outreach programs that increase public knowledge and understanding of prevention, early detection, and control of invasive species."

Section 6. Section 80-7-1007, MCA, is amended to read:

"80-7-1007. Rulemaking authority. (1) Unless otherwise provided in Title 81, chapters 2 and 7, or this chapter, each of the departments may adopt rules for the prevention, early detection, and control of invasive species under the departments' jurisdiction, including rules for the:

~~(1)~~(a) implementation of the invasive species strategic plan adopted pursuant to 80-7-1006;

~~(2)~~(b) transportation of an invasive species or any agent likely to be a carrier of an invasive species;

~~(3)~~(c) designation, regulation, and treatment of an invasive species management area under 80-7-1008, including rules pertaining to:

~~(a)~~(i) the use of quarantine regulations and measures;

~~(b)~~(ii) the movement of vessels and equipment within, to, or from the area; and

~~(c)~~(iii) the inspection and cleaning of vessels and equipment moving within, to, or from the area; and

~~(4)~~(d) manner in which vessels and equipment, including bilges, livewells, bait containers, and other boating-related equipment, traveling in the state must be cleaned to ensure that they are free from the presence of an invasive species.

(2) The departments shall adopt rules for the administration of the statewide species management area established in [section 1], including rules specifying the method or methods for preventing the introduction or further introduction of invasive species into the state, and shall adopt rules for:

(a) the use of quarantine measures;

(b) the movement of vessels and equipment into the state; and

(c) the manner in which check stations will be used to inspect, clean, and decontaminate vessels and

equipment moving into the state."

Section 7. Section 80-7-1008, MCA, is amended to read:

"80-7-1008. Invasive species management area -- authorization. (1) ~~When~~ Except as provided in [section 1], when an invasive species is identified as infesting or threatening an area, the department with jurisdiction over that invasive species may designate and administer an invasive species management area for a specific area of land or for a body or bodies of water for a specific or indeterminate amount of time to prevent and control the infestation or spread of that invasive species.

(2) To the extent practicable, prior to the designation of an invasive species management area, the department making the designation shall coordinate with all of the departments in order to further the purposes of this part.

(3) The designation of an invasive species management area must specify:

(a) the invasive species present or considered threatening; and

(b) the method or methods for preventing the introduction of the species or controlling or eradicating the species, including regulations pertaining to:

(i) the use of quarantine measures;

(ii) the movement of vessels and equipment within, to, and from the area; and

(iii) whether check stations will be used to inspect and clean vessels and equipment moving within, to, or from the area. A department may conduct mandatory inspections of any interior portion of a vessel or equipment that may contain water only if the department has included the use of mandatory inspections as part of quarantine measures established pursuant to subsection (3)(b)(i).

(4) As far as practical, signs indicating that an invasive species management area is in place must be posted in an effective manner at access points to the designated area and along the boundaries and within the area. The signs must include information about the specific regulations that apply to the area. The signs must be paid for with funds from the invasive species account established in 80-7-1004. The departments may coordinate with any other governmental entity for the posting of signs."

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

"80-7-1010. Invasive species management area -- regulation. (1) The owner, operator, or person in possession of any vessel or equipment authorized for use in an invasive species management area shall comply

with any regulations imposed pursuant to 80-7-1008(3)(b).

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

~~(3) In a body of water designated as an invasive species management area, taking from the water or possessing any bait animal, dead or alive, including but not limited to crayfish, leeches, and minnows, is prohibited unless approved by the department of fish, wildlife, and parks.~~"

Section 9. Section 80-7-1011, MCA, is amended to read:

"80-7-1011. Check stations. (1) The departments shall establish a check station within or adjacent to an invasive species management area to prevent the introduction, importation, infestation, and spread of the invasive species for which the designation was issued.

(2) At a check station established under subsection (1), the departments may examine vessels and ~~trailers transporting vessels~~ equipment for the presence of an invasive species and compliance with regulations imposed under 80-7-1008(3)(b) and with this section. A department may examine any interior portion of a vessel or equipment that may contain water, including bilges, livewells, and bait containers, for compliance only if inspection of interior portions is included as part of quarantine measures established pursuant to 80-7-1008(3)(b)(i).

(3) The owner, operator, or person in possession of a vessel or equipment shall stop at any check station unless a medical emergency makes stopping likely to result in death or serious bodily injury.

(4) If during an inspection of a vessel or ~~a trailer transporting a vessel~~ equipment the presence of an invasive species is detected, that vessel or ~~trailer~~ equipment may not leave the check station without authorization until it is cleaned and decontaminated in a manner established in accordance with 80-7-1008(3)(b). THE DEPARTMENT SHALL MAKE EVERY EFFORT TO ENSURE DECONTAMINATION OF THE VESSEL OR EQUIPMENT AS EXPEDITIOUSLY AS POSSIBLE."

Section 10. Section 80-7-1014, MCA, is amended to read:

"80-7-1014. Penalty. (1) Except as provided in subsection (2), the following penalties apply:

(a) The offense of negligently violating the provisions of 80-7-1010 through 80-7-1012 and [section 1]

or rules adopted under 80-7-1010 through 80-7-1012 and [section 1] pertaining to an invasive species management area or the statewide invasive species management area is a misdemeanor punishable by a fine not to exceed $500.

(b) The offense of purposely or knowingly violating the provisions of 80-7-1010 through 80-7-1012 and [section 1] or rules adopted under 80-7-1010 through 80-7-1012 and [section 1] pertaining to an invasive species management area or the statewide invasive species management area is a misdemeanor punishable by a fine not to exceed $1,000.

(c) Purposely or knowingly attempting to introduce an invasive species in Montana is a felony. Any person found guilty under this subsection (1)(c) is subject to a criminal penalty of up to 2 years in prison, a fine not to exceed $5,000, or both. A person convicted of violating this subsection (1)(c) may also be required to pay restitution for any cost incurred to mitigate the effect of the violation.

(d) A civil penalty not to exceed $250 may be imposed on any person who violates any other provision of 80-7-1010 through 80-7-1012 and [section 1] or rules adopted under 80-7-1010 through 80-7-1012 and [section 1] not enumerated in subsections (1)(a) through (1)(c).

(2) A warning without penalty may be issued to any person violating the provisions of 80-7-1010 through 80-7-1012 and [section 1] or rules adopted under 80-7-1010 through 80-7-1012 and [section 1] if it is determined that a warning best serves the public interest.

(3) Civil penalties collected under this section must be deposited in the general fund."

NEW SECTION. **Section 11. Appropriation.** (1) In each year of the biennium beginning July 1, 2013, there is appropriated to the department of fish, wildlife, and parks ~~$500,000~~ $640,000 from the state general fund for the prevention and control of any nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10.

(2) FOR THE BIENNIUM BEGINNING JULY 1, 2013, THERE IS APPROPRIATED TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION $300,000 FROM THE GENERAL FUND FOR PROJECTS THAT PREVENT OR CONTROL ANY NONNATIVE, AQUATIC INVASIVE SPECIES PURSUANT TO 80-7-1004.

NEW SECTION. **Section 12. Codification instruction.** [Section 1] is 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 [section 1].

NEW SECTION. **Section 13. Effective dates.** (1) Except as provided in subsection (2), [this act] is

effective on passage and approval.

(2) [Section ~~13~~ 11] is effective July 1, 2013.

~~NEW SECTION. **SECTION 16. TERMINATION.** [SECTIONS 2, 3, AND 6(6)] TERMINATE JUNE 30, 2019.~~

- END -