

1 HOUSE BILL NO. 553

2 INTRODUCED BY M. NOLAND, G. BENNETT, B. BROWN, S. FITZPATRICK, C. GLIMM, E. LIESER,
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES;
6 REVISING DEPARTMENTAL DUTIES; ALLOWING OTHER ENTITIES TO OPERATE CHECK STATIONS;
7 PROVIDING ENFORCEMENT; AND AMENDING SECTIONS 80-7-1006 AND 80-7-1015, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 80-7-1006, MCA, is amended to read:

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

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

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

21 (a) public awareness and education;

22 (b) prevention and detection of invasive species, including the use of invasive species management
23 areas authorized under 80-7-1008 and the statewide invasive species management area established in
24 80-7-1015;

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

26 (d) emergency response.

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

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

2 ~~(6) The departments DEPARTMENT OF FISH, WILDLIFE, AND PARKS shall authorize a request by another entity~~
 3 ~~to operate a check station pursuant to this part if the entity agrees to the conditions of an agreement established~~
 4 ~~by all parties, ANY COOPERATIVE FUNDING REQUIREMENTS, and rules adopted under this part. THE DEPARTMENT OF~~
 5 ~~FISH, WILDLIFE, AND PARKS RETAINS OVERSIGHT AUTHORITY OVER THE OPERATION OF A CHECK STATION PURSUANT TO~~
 6 ~~THIS SUBSECTION.~~

7 ~~(6)(7)~~ The departments shall implement education and outreach programs that increase public
 8 knowledge and understanding of prevention, early detection, and control of invasive species."
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10 **Section 2.** Section 80-7-1015, MCA, is amended to read:

11 **"80-7-1015. Statewide invasive species management area.** (1) There is established a statewide
 12 invasive species management area for the purpose of preventing the introduction, importation, and infestation
 13 of invasive species through the mandatory inspection of vessels and equipment at key entry points to the state
 14 on a seasonal basis and the mandatory decontamination of any vessel or equipment on or in which an invasive
 15 species is detected.

16 ~~(2) To the greatest extent possible, the department of transportation shall COOPERATE WITH THE~~
 17 ~~DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO utilize ports of entry or adjacent department of transportation~~
 18 ~~facilities as locations for check stations established pursuant to this section.~~

19 ~~(2)(3)~~ As far as practical, signs indicating that the statewide invasive species management area is in
 20 place must be posted in an effective manner along the boundaries of and within the state. The signs must include
 21 information about the specific regulations that apply to the area. The signs must be paid for with funds from the
 22 invasive species account established in 80-7-1004. The departments may coordinate with any other governmental
 23 entity for the posting of signs.

24 ~~(3)(4)~~ At a check station established pursuant to this section, the departments may examine vessels and
 25 equipment for the presence of an invasive species and compliance with this section and rules adopted pursuant
 26 to 80-7-1007. A department may examine any interior portion of a vessel or equipment that may contain water,
 27 including bilges, livewells, and bait containers, for compliance only if inspection of interior portions is included as
 28 part of quarantine measures established pursuant to rules adopted under 80-7-1007.

29 ~~(4)(5)~~ The owner, operator, or person in possession of a vessel or equipment shall:

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

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

3 ~~(5)~~(6) If during an inspection of a vessel or equipment the presence of an invasive species is detected,
4 that vessel or equipment may not leave the check station without authorization until it is cleaned and
5 decontaminated in a manner established in accordance with rules adopted pursuant to 80-7-1007. The
6 department shall make every effort to ensure decontamination of the vessel or equipment as expeditiously as
7 possible.

8 ~~(6)~~(7) After use in a body of water within the statewide invasive species management area, all vessels,
9 equipment, bait containers, livewells, bilges, and other boating-related equipment, excluding marine sanitary
10 systems, must be drained in a way that does not impact any state waters before being transported on land or on
11 a public highway, as defined in 61-1-101, except when allowed by the department of fish, wildlife, and parks."
12

13 **NEW SECTION. Section 3. Enforcement.** A peace officer, as defined in 45-2-101, may:

14 (1) stop the driver of a vehicle transporting a vessel or equipment on receiving a complaint or observing
15 that the driver failed to stop at a check station as required under this part;

16 (2) upon particularized suspicion that a vessel or equipment is infested with an invasive species, require
17 the driver of a vehicle transporting a vessel or equipment to submit the vessel or equipment to an inspection. The
18 peace officer may conduct mandatory inspections of any interior portion of a vessel or equipment that may
19 contain water for compliance with this part and rules adopted under this part only if:

20 (a) the peace officer obtains a search warrant, as defined in 46-1-202; or

21 (b) the vessel or equipment is physically located within the boundaries of an invasive species
22 management area established under 80-7-1008 or the statewide invasive species management area established
23 in 80-7-1015 and use of mandatory inspections has been included in quarantine measures established pursuant
24 to 80-7-1008(3)(b)(i) or rules adopted under 80-7-1007.

25 (3) cite a person for a violation of this part.
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27 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an
28 integral part of Title 80, chapter 7, part 10, and the provisions of Title 80, chapter 7, part 10, apply to [section 3].
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