

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AQUATIC INVASIVE SPECIES LAWS;  
5 DEFINING "FOREIGN STATE"; AUTHORIZING COOPERATIVE AGREEMENTS WITH FOREIGN STATES;  
6 REQUIRING CONSULTATION WITH TRIBES WHEN DEVELOPING STRATEGIC PLANS; AMENDING  
7 SECTIONS 80-7-1003, 80-7-1005, AND 80-7-1006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
8 DATE."

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

11  
12 **Section 1.** Section 80-7-1003, MCA, is amended to read:

13 **"80-7-1003. Definitions.** As used in this part, the following definitions apply:

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

16 (2) "Equipment" means an implement or machinery that has been wholly or partially immersed in surface  
17 waters, including but not limited to boat lifts, trailers transporting vessels, floating docks, pilings, dredge pipes,  
18 and buoys.

19 (3) "Foreign state" means a government other than the United States, a state, or a federally recognized  
20 Indian tribe.

21 ~~(3)~~(4) "Invasive species" means, upon the mutual agreement of the directors of the departments, a  
22 nonnative, aquatic species that has caused, is causing, or is likely to cause harm to the economy, environment,  
23 recreational opportunities, or human health.

24 ~~(4)~~(5) "Invasive species management area" means a designation made by a department under  
25 80-7-1008 for a specific area or for a body or bodies of water for a specific or indeterminate amount of time that  
26 regulates invasive species or potential carriers of invasive species within the boundaries of that area.

27 ~~(5)~~(6) "Person" means an individual, partnership, corporation, association, limited partnership, limited  
28 liability company, governmental subdivision, agency, or public or private organization of any character.

29 ~~(6)~~(7) "Vessel" has the meaning provided in 61-1-101."  
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1           **Section 2.** Section 80-7-1005, MCA, is amended to read:

2           **"80-7-1005. Cooperative agreement for invasive species detection and control.** (1) In order to  
3 implement, administer, and accomplish the purposes of this part, the departments, collectively or individually, shall  
4 enter into a cooperative agreement with each other or may enter into an agreement with any person or foreign  
5 state with the appropriate expertise and administrative capacity to perform the obligations of the agreement.

6           (2) Prior to entering an agreement with a person other than a department or a foreign state, the  
7 departments shall work in collaboration with each other to coordinate their respective responsibilities in order to  
8 further the purposes of this part.

9           (3) A cooperative agreement may include provisions for funding to implement the agreement."  
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11           **Section 3.** 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) (a) Working in collaboration with each other, the departments, individually or collectively, shall  
19 develop and adopt an invasive species strategic plan or plans to accomplish the purposes of this part. The plan  
20 or plans shall identify and prioritize threats and determine appropriate actions, in the following order of priority,  
21 related to:

22           ~~(a)~~(i) public awareness and education;

23           ~~(b)~~(ii) prevention and detection of invasive species, including the use of invasive species management  
24 areas authorized under 80-7-1008 and the statewide invasive species management area established in  
25 80-7-1015;

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

27           ~~(d)~~(iv) emergency response.

28           (b) The departments shall:

29           (i) consult with tribes in Montana regarding how the departments may work cooperatively with the tribes  
30 to accomplish the purposes of this part; and

1           (ii) incorporate the results of those consultations in the strategic plan or plans, as appropriate.

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

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

7           (6) The department of fish, wildlife, and parks shall authorize a request by another entity to operate a  
8     check station pursuant to this part if the entity agrees to the conditions of an agreement established by all parties,  
9     any cooperative funding requirements, and rules adopted under this part. The department of fish, wildlife, and  
10    parks retains oversight authority over the operation of a check station pursuant to this subsection.

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

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14          NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a  
15    copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
16    Chippewa tribe.

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18          NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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