

HOUSE BILL NO. 411

INTRODUCED BY W. CURDY, J. COHENOUR

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO AQUATIC INVASIVE
5 SPECIES PROGRAM FUNDING; REQUIRING AN AQUATIC INVASIVE SPECIES PREVENTION PASS FOR
6 NONRESIDENT ~~MOTORIZED~~ VESSELS; DECREASING PREVENTION PASS FEES FOR NONRESIDENT
7 ANGLERS; INCREASING REGISTRATION FEES FOR RESIDENT MOTORIZED VESSELS; PROVIDING
8 EXCEPTIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING APPROPRIATIONS; EXTENDING AND
9 DECREASING REVISING FEES FOR HYDROELECTRIC FACILITIES; REALLOCATING LODGING TAX
10 REVENUE; AMENDING SECTIONS 15-65-121, 15-72-601, 61-3-321, 80-7-1004, 87-2-130, AND 87-2-903, AND
11 90-1-135, MCA; AMENDING SECTIONS 19 AND 21, CHAPTER 387, LAWS OF 2017; REPEALING SECTION
12 7, CHAPTER 387, LAWS OF 2017; AND PROVIDING EFFECTIVE DATES AND TERMINATION DATES."

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

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16 NEW SECTION. **Section 1. Aquatic invasive species prevention pass for nonresident motorized**
17 **vessels -- rulemaking.** (1) In order for a motorized vessel exempt from registration in Montana pursuant to
18 61-3-321 OR A NONMOTORIZED VESSEL OWNED BY A NONRESIDENT to launch on the waters of this state, the operator
19 must possess an aquatic invasive species prevention pass purchased for the vessel, available for inspection
20 either in physical form or as an electronic copy at the request of a warden, another officer, or an employee of the
21 department. The pass must include a description of the vessel for which it was purchased.

22 (2) (A) The annual fee for an aquatic invasive species prevention pass purchased pursuant to this section
23 is;

24 (i) \$10 FOR A NONMOTORIZED VESSEL; AND

25 (ii) \$30 FOR A MOTORIZED VESSEL.

26 (B) The pass expires at the end of each calendar year and is not transferable between vessels.

27 (3) Fees collected pursuant to this section must be deposited in the invasive species account established
28 in 80-7-1004.

29 (4) The department may adopt rules to implement the provisions of this section.

30 (5) The provisions of this section do not apply to a motorized vessel owned or controlled by the United

1 States or any state, county, city, special district as defined in 18-8-202, or tribal government or to a motorized
 2 vessel that meets the description of property exempt from taxation under 15-6-201(1)(d), (1)(n), or (1)(o) or
 3 15-6-215.

4 (6) FOR THE PURPOSES OF THIS SECTION, THE TERM "NONMOTORIZED VESSEL" INCLUDES CATAMARANS, DRIFT
 5 BOATS, KAYAKS, RAFTS, AND SAILBOATS.

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7 **SECTION 2. SECTION 15-65-121, MCA, IS AMENDED TO READ:**

8 **"15-65-121. Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must,
 9 in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to
 10 the credit of the department. The department may spend from that account in accordance with an expenditure
 11 appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of
 12 the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as
 13 provided in subsections (2)(a) through ~~(2)(g)~~ (2)(h) of this section, the department shall determine the
 14 expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from
 15 the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was
 16 paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount
 17 deducted less the portion paid with federal funds in the state general fund. The amount of \$400,000 each year
 18 must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

19 (2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the
 20 expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with
 21 federal funds, or deposited in the heritage preservation and development account must be transferred to an
 22 account in the state special revenue fund to the credit of the department of commerce for tourism promotion and
 23 promotion of the state as a location for the production of motion pictures and television commercials, to the
 24 Montana historical interpretation state special revenue account, to the Montana historical society, to the university
 25 system, and to the department of fish, wildlife, and parks, as follows:

26 (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside
 27 historical signs and historic sites;

28 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research
 29 program;

30 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that

1 have both resident and nonresident use;

2 (d) 4.4% 1.4% to the invasive species state special revenue account established in 80-7-1004;

3 ~~(d)~~(e) 64.4% 60% 63% to be used directly by the department of commerce;

4 ~~(e)~~(f) (i) except as provided in subsection ~~(2)(e)(ii)~~ (2)(f)(ii), 22.5% to be distributed by the department
5 to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total
6 proceeds collected statewide; and

7 (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort
8 area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit
9 tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is
10 located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county,
11 resort area, or resort area district;

12 ~~(f)~~(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal
13 economic development commission established in 90-1-131 for activities in the Indian tourism region; and

14 ~~(g)~~(h) 2.6% to the Montana historical interpretation state special revenue account established in
15 22-3-115.

16 (3) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for
17 funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an
18 annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit
19 tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is
20 located.

21 (4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing
22 plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation
23 may be used by the department of commerce for tourism promotion and promotion of the state as a location for
24 the production of motion pictures and television commercials.

25 (5) The tax proceeds received that are transferred to a state special revenue account pursuant to
26 subsections (2)(a) through ~~(2)(e)~~ (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided
27 in 17-7-502.

28 (6) The tax proceeds received that are transferred to the invasive species state special revenue account
29 pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account pursuant
30 to subsection ~~(2)(g)~~ (2)(h) are subject to appropriation by the legislature."

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SECTION 3. SECTION 15-72-601, MCA, IS AMENDED TO READ:

"15-72-601. (Temporary) Invasive species fee for hydroelectric facilities. (1) In recognition of the threat that invasive species pose to Montana's hydroelectric power structures and systems, a hydroelectric facility shall pay a quarterly invasive species fee of ~~\$795.76~~ ~~\$397.88~~ per megawatt of BASED ON the facility's nameplate capacity authorized by the federal energy regulatory commission. THE QUARTERLY INVASIVE SPECIES FEE FOR NAMEPLATE CAPACITY OF:

(A) AT LEAST 1.5 MEGAWATTS BUT LESS THAN 25 MEGAWATTS IS \$274.95 PER MEGAWATT;

(B) AT LEAST 25 MEGAWATTS BUT LESS THAN 100 MEGAWATTS IS \$549.90 PER MEGAWATT; AND

(C) 100 MEGAWATTS OR MORE IS \$824.85 PER MEGAWATT.

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

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

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

(5) A hydroelectric facility that funds protection, mitigation, and enhancement measures pursuant to a settlement approved by the federal energy regulatory commission may use any of those funds that are unobligated to pay, in whole or in part, the fee owed pursuant to subsection (1).

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

~~(7) For the purposes of this section, the public service commission shall determine the appropriate recovery of this fee in rates in a proceeding held pursuant to 69-3-302 for any hydroelectric facility approved pursuant to 69-8-421.~~

~~(8)~~(7) For the purposes of this section, "hydroelectric facility" means an operating facility located in Montana in a watercourse as that term is defined in 85-2-102 that produces electricity using water power and has more than 1.5 megawatts in nameplate capacity. ~~(Terminates June 30, 2019--sec. 21(3), Ch. 387, L. 2017.)"~~

Section 4. Section 61-3-321, MCA, is amended to read:

1 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**

2 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
3 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
4 semitrailers, and pole trailers as provided in subsections (2) through (20).

5 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under
6 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging
7 trucks that weigh 1 ton or less is as follows:

- 8 (i) if the vehicle is 4 or less years old, \$217;
9 (ii) if the vehicle is 5 through 10 years old, \$87; and
10 (iii) if the vehicle is 11 or more years old, \$28.

11 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years
12 old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

13 (3) (a) Except as provided in subsection (15), the one-time registration fee based on the declared weight
14 of a trailer, semitrailer, or pole trailer is as follows:

- 15 (i) if the declared weight is less than 6,000 pounds, \$61.25; or
16 (ii) if the declared weight is 6,000 pounds or more, \$148.25.

17 (b) If a trailer, semitrailer, or pole trailer is registered under 61-3-701, the fees required in subsection
18 (3)(a) must be paid annually.

19 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
20 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

- 21 (a) 2,850 pounds and over, \$10; and
22 (b) under 2,850 pounds, \$5.

23 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
24 than a quadricycle or motorcycle is \$61.25.

25 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

26 (7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on
27 the age of the motor home, is as follows:

- 28 (i) less than 2 years old, \$282.50;
29 (ii) 2 years old ~~and~~ through less than 5 years old, \$224.25;
30 (iii) 5 years old ~~and~~ through less than 8 years old, \$132.50; and

- 1 (iv) 8 years old ~~and or~~ older, \$97.50.
- 2 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
3 under this section may permanently register the motor home upon payment of:
- 4 (i) a one-time registration fee of \$237.50;
- 5 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
6 deposited in the account established under 61-6-158;
- 7 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and
- 8 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
9 license plate under 61-3-465.
- 10 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years
11 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.
- 12 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and
13 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
14 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 15 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
16 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 17 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
18 length of the travel trailer, is as follows:
- 19 (a) under 16 feet in length, \$72; and
- 20 (b) 16 feet in length or longer, \$152.
- 21 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
22 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:
- 23 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
24 ~~\$65.50~~ \$100.50, of which \$35 must be deposited in the invasive species account established in 80-7-1004;
- 25 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
26 length, ~~\$125.50~~ \$175.50, of which \$50 must be deposited in the invasive species account established in
27 80-7-1004; and
- 28 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, ~~\$295.50~~ \$370.50, of which
29 \$75 must be deposited in the invasive species account established in 80-7-1004.
- 30 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a

1 snowmobile is \$60.50.

2 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
3 of daily rental to customers is assessed:

4 (A) a fee of \$40.50 in the first year of registration; and

5 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

6 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
7 registered and the business is assessed the registration fee imposed in subsection (11)(a).

8 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

9 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a
10 low-speed restricted driver's license is \$25.

11 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
12 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
13 which must be displayed visibly on the golf cart.

14 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
15 standard license plates, a new single standard license plate, or a replacement set of special license plates
16 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
17 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
18 paid if the vehicle to which the plates are transferred is not currently registered.

19 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
20 number from license plates issued before January 1, 2010, when replacement of those plates is required under
21 61-3-332(3).

22 (c) The fees imposed in this subsection (13) must be deposited in the account established under
23 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

24 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
25 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
26 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
27 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
28 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

29 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
30 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,

1 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle
2 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
3 fees imposed under this section.

4 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

5 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
6 in the state general fund.

7 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the
8 enumerated vehicles or vessels that constitute inventory of the dealership.

9 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
10 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
11 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
12 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
13 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks [or as otherwise
14 appropriated by the legislature], 25 cents for fishing access sites, and 38 cents for the operation of state-owned
15 facilities at Virginia City and Nevada City.

16 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
17 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
18 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
19 be collected.

20 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
21 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
22 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
23 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
24 election to pay the additional fee on one or more of the light vehicles.

25 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
26 to a different person.

27 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
28 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$10 must be
29 collected and forwarded to the state for deposit in the account established in 44-1-504.

30 (21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected

1 for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from
 2 the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the
 3 account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be
 4 allocated as provided in 60-3-309.

5 (b) A person who registers one or more light vehicles may, at the time of annual registration, make a
 6 written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

7 (22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
 8 61-3-721.

9 (23) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in
 10 subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle
 11 division administration account established in 61-3-112.

12 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of
 13 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current
 14 fiscal year appropriation for the motor vehicle division administration account established in 61-3-112. (Bracketed
 15 language terminates June 30, 2019--sec. 21, Ch. 351, L. 2017.)"

16

17 **Section 5.** Section 80-7-1004, MCA, is amended to read:

18 **"80-7-1004. (Temporary) Invasive species account.** (1) There is an invasive species account in the
 19 state special revenue fund. The account is administered by the department of fish, wildlife, and parks.

20 (2) Money transferred from any lawful source, including but not limited to fees collected pursuant to
 21 ~~87-2-130, 15-65-121, 15-72-601, and [15-72-602,] and [section 1], and~~ gifts, grants, donations, securities, or
 22 other assets, public or private, may be deposited in the account.

23 (3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or
 24 control any nonnative, aquatic invasive species pursuant to this part.

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

27 (5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings,
 28 must be transferred to the invasive species trust fund established in 80-7-1016.

29 (6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species
 30 account. (~~Terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017; bracketed~~ Bracketed language terminates

1 June 30, 2019--sec. 21(3), Ch. 387, L. 2017.)

2 ~~80-7-1004. (Effective March 1, 2020) Invasive species account. (1) There is an invasive species~~
 3 ~~account in the state special revenue fund. The account is administered by the department of fish, wildlife, and~~
 4 ~~parks.~~

5 ~~———— (2) Money transferred from any lawful source, including but not limited to gifts, grants, donations,~~
 6 ~~securities, or other assets, public or private, may be deposited in the account.~~

7 ~~———— (3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or~~
 8 ~~control any nonnative, aquatic invasive species pursuant to this part.~~

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

11 ~~———— (5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings,~~
 12 ~~must be transferred to the invasive species trust fund established in 80-7-1016.~~

13 ~~———— (6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species~~
 14 ~~account. (Subsection (6) terminates June 30, 2027--sec. 21(2), Ch. 387, L. 2017.)"~~

15

16 **Section 6.** Section 80-7-1004, MCA, is amended to read:

17 **"80-7-1004. (Temporary) Invasive species account.** (1) There is an invasive species account in the
 18 state special revenue fund. The account is administered by the department of fish, wildlife, and parks.

19 (2) Money transferred from any lawful source, including but not limited to fees collected pursuant to
 20 ~~87-2-130, [15-65-121, 15-72-601, and 15-72-602,]~~ [section 1], and 61-3-321, and gifts, grants, donations,
 21 securities, or other assets, public or private, may be deposited in the account.

22 (3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or
 23 control any nonnative, aquatic invasive species pursuant to this part.

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

26 (5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings,
 27 must be transferred to the invasive species trust fund established in 80-7-1016.

28 (6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species
 29 account. ~~(Terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017; bracketed language terminates June 30,~~
 30 ~~2019--sec. 21(3), Ch. 387, L. 2017.)~~

1 ~~80-7-1004. (Effective March 1, 2020) Invasive species account.~~ (1) There is an invasive species
 2 account in the state special revenue fund. The account is administered by the department of fish, wildlife, and
 3 parks.

4 ~~(2) Money transferred from any lawful source, including but not limited to gifts, grants, donations,~~
 5 ~~securities, or other assets, public or private, may be deposited in the account.~~

6 ~~(3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or~~
 7 ~~control any nonnative, aquatic invasive species pursuant to this part.~~

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

10 ~~(5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings,~~
 11 ~~must be transferred to the invasive species trust fund established in 80-7-1016.~~

12 ~~(6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species~~
 13 ~~account. (Subsection (6) terminates June 30, 2027--sec. 21(2), Ch. 387, L. 2017.)"~~

14

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

16 **"80-7-1004. (Temporary) Invasive species account.** (1) There is an invasive species account in the
 17 state special revenue fund. The account is administered by the department of fish, wildlife, and parks.

18 (2) Money transferred from any lawful source, including but not limited to fees collected pursuant to
 19 ~~87-2-130, [15-65-121, 15-72-601, and 15-72-602,]~~ section 1, and 61-3-321, and gifts, grants, donations,
 20 securities, or other assets, public or private, may be deposited in the account.

21 (3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or
 22 control any nonnative, aquatic invasive species pursuant to this part.

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

25 (5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings,
 26 must be transferred to the invasive species trust fund established in 80-7-1016.

27 (6) The department of fish, wildlife, and parks may ~~not~~ recover not more than 5% in indirect costs from
 28 the invasive species account. ~~(Terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017; bracketed language~~
 29 ~~terminates June 30, 2019--sec. 21(3), Ch. 387, L. 2017.)~~

30 ~~80-7-1004. (Effective March 1, 2020) Invasive species account.~~ (1) There is an invasive species

1 account in the state special revenue fund. The account is administered by the department of fish, wildlife, and
2 parks:

3 ~~———(2) Money transferred from any lawful source, including but not limited to gifts, grants, donations,~~
4 ~~securities, or other assets, public or private, may be deposited in the account.~~

5 ~~———(3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or~~
6 ~~control any nonnative, aquatic invasive species pursuant to this part.~~

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

9 ~~———(5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings,~~
10 ~~must be transferred to the invasive species trust fund established in 80-7-1016.~~

11 ~~———(6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species~~
12 ~~account. (Subsection (6) terminates June 30, 2027--sec. 21(2), Ch. 387, L. 2017.)"~~

13

14 **Section 8.** Section 87-2-130, MCA, is amended to read:

15 **"87-2-130. (Temporary) Aquatic invasive species prevention pass.** (1) To be eligible to fish in
16 Montana or to apply for a fishing license or a combination license that includes a fishing license, a person who
17 is 16 years of age or older must first obtain an aquatic invasive species prevention pass as provided in this
18 section. The pass must be purchased once each license year.

19 (2) Resident aquatic invasive species prevention passes may be purchased for a fee of \$2.

20 (3) Nonresident aquatic invasive species prevention passes may be purchased for a fee of \$15 \$7.50.

21 ~~(Terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017.)"~~

22

23 **Section 9.** Section 87-2-903, MCA, is amended to read:

24 **"87-2-903. (Temporary) Compensation, fees, and duties of agents -- penalty for late submission**
25 **of license money.** (1) License agents, except salaried employees of the department, must receive for all services
26 rendered a commission of 50 cents for each transaction, plus any additional amount as determined under
27 subsection (9) and by rules adopted pursuant to subsection (10).

28 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a
29 purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit
30 collection of the convenience fee provided for in this subsection.

1 (3) Each license agent shall submit to the department the money received from the sale of licenses and
 2 aquatic invasive species prevention passes and from donations received pursuant to [76-17-102 and] 87-1-293,
 3 less the appropriate commission and convenience fee.

4 (4) Each license agent shall submit to the department copies of each paper license sold.

5 (5) The department may charge license agents appointed after March 1, 1998, an electronic license
 6 system fee not to exceed actual costs.

7 (6) The department may designate classes of license agents and may establish a protocol for each class
 8 of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the
 9 department, the director, the wardens, or the legislative auditor.

10 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,
 11 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not
 12 include donations collected pursuant to [76-17-102 and] 87-1-293 or the sale of aquatic invasive species
 13 prevention passes pursuant to section 1 or 87-2-130.

14 (8) If a license agent fails to submit to the department all money received from the declared sale of
 15 licenses and aquatic invasive species prevention passes and from donations received pursuant to [76-17-102
 16 and] 87-1-293, less the appropriate commission and convenience fee, by the deadline established by the
 17 department, an interest charge equal to the rate charged under 15-1-216 may be assessed. Acceptance of late
 18 payments with interest does not preclude the department from summarily revoking the appointment of a license
 19 agent under 87-2-904.

20 (9) A license agent, except for an electronic service provider, must receive a commission of 50 cents for
 21 each ticket the agent processes for a hunting license lottery held pursuant to 87-1-271.

22 (10) The department may adopt rules necessary to implement this section. (~~Terminates February 29,~~
 23 ~~2020--sec. 21(1), Ch. 387, L. 2017.)~~

24 ~~87-2-903. (Effective March 1, 2020) Compensation, fees, and duties of agents -- penalty for late~~
 25 ~~submission of license money. (1) License agents, except salaried employees of the department, must receive~~
 26 ~~for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined~~
 27 ~~under subsection (9) and by rules adopted pursuant to subsection (10):~~

28 ~~(2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a~~
 29 ~~purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit~~
 30 ~~collection of the convenience fee provided for in this subsection.~~

1 ~~————(3) Each license agent shall submit to the department the money received from the sale of licenses and~~
 2 ~~from donations received pursuant to [76-17-102 and] 87-1-293, less the appropriate commission and convenience~~
 3 ~~fee.~~

4 ~~————(4) Each license agent shall submit to the department copies of each paper license sold.~~

5 ~~————(5) The department may charge license agents appointed after March 1, 1998, an electronic license~~
 6 ~~system fee not to exceed actual costs.~~

7 ~~————(6) The department may designate classes of license agents and may establish a protocol for each class~~
 8 ~~of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the~~
 9 ~~department, the director, the wardens, or the legislative auditor.~~

10 ~~————(7) For purposes of this section, the term "transaction" includes the sale of any license or permit,~~
 11 ~~collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not~~
 12 ~~include donations collected pursuant to [76-17-102 and] 87-1-293.~~

13 ~~————(8) If a license agent fails to submit to the department all money received from the declared sale of~~
 14 ~~licenses and from donations received pursuant to [76-17-102 and] 87-1-293, less the appropriate commission~~
 15 ~~and convenience fee, by the deadline established by the department, an interest charge equal to the rate charged~~
 16 ~~under 15-1-216 may be assessed. Acceptance of late payments with interest does not preclude the department~~
 17 ~~from summarily revoking the appointment of a license agent under 87-2-904.~~

18 ~~————(9) A license agent, except for an electronic service provider, must receive a commission of 50 cents for~~
 19 ~~each ticket the agent processes for a hunting license lottery held pursuant to 87-1-271.~~

20 ~~————(10) The department may adopt rules necessary to implement this section. (Bracketed language~~
 21 ~~terminates June 30, 2027--sec. 10, Ch. 374, L. 2017.)"~~

22

23 **SECTION 10. SECTION 90-1-135, MCA, IS AMENDED TO READ:**

24 **"90-1-135. Special revenue accounts.** (1) There is a state special revenue account in the state treasury
 25 for the receipt of state and private funds and a federal special revenue account in the state treasury for the receipt
 26 of federal funds for expenditure by the state-tribal economic development commission established in 90-1-131.

27 (2) Money in the state special revenue account from proceeds distributed under ~~15-65-121(2)(f)~~
 28 15-65-121(2)(g) is to be used for activities for the Indian tourism region, defined in 15-65-101.

29 (3) Except as provided in subsection (2), money in the accounts established in subsection (1) must be
 30 used to pay:

- 1 (a) the commission's administrative costs;
- 2 (b) the salary, benefits, and administrative expenses of the tribal business center coordinator and the
3 federal grants coordinator; and
- 4 (c) the costs of conducting or commissioning and periodically updating or otherwise modifying a
5 comprehensive assessment of economic development needs and priorities on each of the Indian reservations
6 in the state.
- 7 (4) Money in the accounts that is not expended for the purposes identified in subsection (2) or (3) may
8 be used for other purposes that the commission considers prudent or necessary.
- 9 (5) Interest and income earned on the money in the accounts must be deposited in the accounts for the
10 commission's use."
11

12 **NEW SECTION. Section 11. Appropriation.** (1) For fiscal year 2020, there is appropriated for the
13 prevention and control of aquatic invasive species:

- 14 (a) subject to the provisions of subsection (3), to the department of fish, wildlife, and parks:
15 (i) \$2,467,042 from the invasive species account established in 80-7-1004;
16 (ii) \$2,467,041 from the state special revenue fund established in 87-1-601;
17 (iii) \$1,400,000 from the federal special revenue fund established in 87-1-601; and
18 (b) to the department of natural resources and conservation, \$650,000 from the invasive species account
19 established in 80-7-1004.

20 (2) For fiscal year 2021, there is appropriated for the prevention and control of aquatic invasive species:

- 21 (a) subject to the provisions of subsection (3), to the department of fish, wildlife, and parks:
22 (i) \$2,313,785 from the invasive species account established in 80-7-1004;
23 (ii) \$2,313,784 from the state special revenue fund established in 87-1-601;
24 (iii) \$1,400,000 from the federal special revenue fund established in 87-1-601; and
25 (b) to the department of natural resources and conservation, \$650,000 from the invasive species account
26 established in 80-7-1004.

27 (3) If federal funds are received by the department of fish, wildlife, and parks for aquatic invasive species
28 prevention and control in excess of the federal special revenue appropriation in this section, the state special
29 revenue appropriation must be decreased by a commensurate amount and the federal special revenue
30 appropriation must be increased by a commensurate amount.

1 (4) The legislature intends that the appropriations in this section be considered a part of the ongoing base
2 for the 2021 legislative session.

3
4 **NEW SECTION. Section 12. Appropriation.** (1) For the biennium beginning July 1, 2019, there is
5 appropriated \$837,893 from the federal special revenue fund established in 87-1-601 to the department of fish,
6 wildlife, and parks for improvements and operations at Tiber reservoir and Canyon Ferry reservoir related to the
7 prevention and control of aquatic invasive species.

8 (2) For purposes of [this act], the provisions of 17-7-212 apply to the appropriations provided for in
9 subsection (1) of this section.

10
11 **Section 13.** Section 19, Chapter 387, Laws of 2017, is amended to read:
12 **"Section 19. Effective dates date.** (1) ~~Except as provided in subsection (2), [this [This act] is effective~~
13 May 15, 2017.

14 ~~————(2) [Section 7] is effective March 1, 2020."~~

15
16 **Section 14.** Section 21, Chapter 387, Laws of 2017, is amended to read:
17 **"Section 21. Termination.** (1) ~~[Sections 1, 6, 13, 14, 15, 16, and 17] terminate February 29, 2020:~~
18 ~~————(2) [Sections 4 and 7(6)] terminate June 30, 2027.~~
19 ~~————(3) [Sections 2 and Section 3] and the references reference to [sections 2 and section 3] in [section 6]~~
20 terminate June 30, 2019."

21
22 **NEW SECTION. Section 15. Repealer.** Section 7, Chapter 387, Laws of 2017, is repealed.

23
24 **NEW SECTION. Section 16. Codification instruction.** [Section 1] is intended to be codified as an
25 integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply to [section 1].

26
27 **NEW SECTION. Section 17. Effective dates.** (1) Except as provided in subsections (2) through (5),
28 [this act] is effective July 1, 2019.

29 (2) [Sections 1, ~~3, 7, 10, 11, and 13~~ 5, 9, 13, 14, AND 16] and this section are effective on passage and
30 approval.

1 (3) [Sections ~~2 and 4~~ 4 AND 6] are effective January 1, 2020.

2 (4) [Section ~~6~~ 8] is effective March 1, 2020.

3 (5) [Section ~~5~~ 7] is effective July 1, 2023.

4

5 NEW SECTION. Section 18. Termination. (1) [Section ~~3~~ 5] terminates December 31, 2019.

6 (2) [Section ~~4~~ 6] terminates June 30, 2023.

7

- END -