



AN ACT REVISING AQUATIC INVASIVE SPECIES FEES FOR HYDROELECTRIC FACILITIES; AMENDING SECTION 15-72-601, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

**Section 1.** Section 15-72-601, MCA, is amended to read:

**"15-72-601. 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 ~~based on~~ of \$397.88 per megawatt of 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, "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."

**Section 2. Effective date.** [This act] is effective July 1, 2021.

**Section 3. Applicability.** [Section 1] applies to quarterly periods beginning July 1, 2021.

- END -

I hereby certify that the within bill,  
SB 384, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 384

INTRODUCED BY J. ESP

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