

AQUATIC INVASIVE SPECIES (AIS)

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the detailed bill information pages from each session.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: The 2009 Legislature enacted the Montana Aquatic Invasive Species Act ([Title 80, chapter 7, part 10](#)). Subsequent legislatures modified agency responsibilities, rulemaking, and other authorities under the Act in response to emerging issues and changes in best practices for inspecting boats and other equipment. The 2011 Legislature authorized quarantine measures and allowed for mandatory inspection of interior portions of boats that hold water if the boat was located in an AIS management area. The 2013 Legislature created a statewide management area to expand these mandatory inspections. The 2015 Legislature authorized other entities to operate check stations and created an AIS trust fund. The 2017 Legislature increased the trust fund corpus from \$10 million to \$100 million and routed funds in excess of that amount back to general operations paid through the AIS account. The 2017 Legislature also broke the cycle of funding AIS with one-time-only appropriations and created two AIS-specific funding sources: hydroelectric and fishing fees. The 2019 Legislature adjusted those fees, added fees for nonresident vessels, used general fund monies in lieu of resident vessel fees, and dedicated a portion of the lodging tax to AIS efforts.

Legislative Services Division Materials:

Environmental Quality Council AIS program evaluation, July 2018

[Montana AIS funding flowchart](#), FY 2018

[Inspection/decontamination 2017 site map with expenditures](#)

[Funding proposals considered but not passed in 2017 session](#)

[A comparison of funding for state AIS programs](#)

[FY 2020 Funding at a Glance](#), January 2020

AQUATIC INVASIVE SPECIES

Other Materials:

[2019 watercraft inspection report](#), FWP

[PowerPoint from Tom Woolf](#), May 2020, FWP

[DNRC grant program update](#), May 2020

[Upper Columbia Conservation Commission 2019 annual report](#)

[Montana Invasive Species Council](#) report, August 2018

[Upper Columbia Conservation Commission 2018](#) report

[Dept. of Agriculture](#) AIS activity report to EQC, Sept 2017

[FWP](#) AIS activity report to EQC, Sept 2017

cleandraindry.mt.gov

[Map of 2018 AIS inspection stations](#)

[Map of 2017 AIS inspection stations](#)

[FWP AIS check station map and infested boat summary](#), September 2013

Introduced Legislation

2019

[House Joint Resolution No. 17](#) -- Filed with Secretary of State -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT ENABLES FEDERAL AGENCIES TO SUPPORT STATES' EFFORTS TO COMBAT AQUATIC INVASIVE SPECIES.

[House Bill No. 32](#) -- (H) Died in Process -- AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES PROGRAMS; REQUIRING AN AQUATIC INVASIVE SPECIES PREVENTION PASS FOR OPERATION OF VESSELS; ESTABLISHING FEES; REVISING PREVENTION PASS FEES FOR ANGLERS; PROVIDING FOR TRANSFERS OF GENERAL FUND; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 15-1-122, 17-7-502, 80-7-1004, 87-2-130, AND 87-2-903, MCA; AMENDING SECTIONS 19 AND 21, CHAPTER 387, LAWS OF 2017; REPEALING SECTION 7, CHAPTER 387, LAWS OF 2017; AND PROVIDING EFFECTIVE DATES.

[House Bill No. 402](#) -- (H) Died in Process -- AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS RELATED TO INVASIVE SPECIES; AUTHORIZING INVERTEBRATE PEST PROGRAMS; PROVIDING DEFINITIONS; AUTHORIZING COOPERATIVE AGREEMENTS; AUTHORIZING AN INVERTEBRATE PEST MANAGEMENT TAX; REVISING ORDINANCES THAT CAN BE ADOPTED BY A COUNTY LOCATED WITHIN THE COLUMBIA RIVER BASIN; AUTHORIZING QUARANTINE MEASURES; PROVIDING PENALTIES; AND AMENDING SECTIONS 7-22-2501, 7-22-2502, 7-22-2503, 7-22-2511, 7-22-2512, 7-22-2513, AND 7-22-2601, MCA.

[House Bill No. 411](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES PROGRAM FUNDING; REQUIRING AN AQUATIC INVASIVE SPECIES PREVENTION PASS FOR NONRESIDENT VESSELS; DECREASING PREVENTION PASS FEES FOR NONRESIDENT ANGLERS; INCREASING REGISTRATION FEES FOR RESIDENT MOTORIZED VESSELS; PROVIDING EXCEPTIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING APPROPRIATIONS; EXTENDING AND REVISING FEES FOR HYDROELECTRIC FACILITIES; REALLOCATING LODGING TAX REVENUE; AMENDING SECTIONS 15-65-121, 15-72-601, 61-3-321, 80-7-1004, 87-2-130, 87-2-903, AND 90-1-135, MCA;

AQUATIC INVASIVE SPECIES

AMENDING SECTIONS 19 AND 21, CHAPTER 387, LAWS OF 2017; REPEALING SECTION 7, CHAPTER 387, LAWS OF 2017; AND PROVIDING EFFECTIVE DATES AND TERMINATION DATES.

[House Bill No. 608](#) -- Chapter Number Assigned -- AN ACT AUTHORIZING MANDATORY DECONTAMINATION OF CERTAIN VESSELS WITH BALLAST OR BLADDERS; ALLOWING FEES; ALLOWING CERTIFICATION OF PRIVATE ENTITIES, TRIBES, AND CONSERVATION DISTRICTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 80-7-1006 AND 80-7-1015, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 711](#) -- (H) Died in Process -- AN ACT IMPLEMENTING THE PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; AUTHORIZING LEGISLATIVE TRANSFERS FROM THE INVASIVE SPECIES ACCOUNT; PROVIDING FOR A FUND TRANSFER; AMENDING SECTION 80-7-1004, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Senate Bill No. 352 -- Chapter Number Assigned -- AN ACT IMPLEMENTING THE PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; GENERALLY REVISING LAWS RELATED TO THE STATE BUDGET; TRANSFERRING FUNDS; PROVIDING COORDINATION INSTRUCTIONS FOR A GENERAL FUND TRANSFER TO THE STATEWIDE PUBLIC SAFETY COMMUNICATIONS SYSTEM ACCOUNT AND AN APPROPRIATION IN THE GENERAL APPROPRIATIONS ACT; PROVIDING COORDINATION INSTRUCTIONS REMOVING RESIDENT MOTOR VEHICLE REGISTRATION FEES FROM AQUATIC INVASIVE SPECIES FUNDING AND AN APPROPRIATION IN THE GENERAL APPROPRIATIONS ACT; AND PROVIDING AN EFFECTIVE DATE.

2017

[House Bill No. 204](#) -- (H) Died in Standing Committee -- AN ACT REVISING FISHING ACCESS MAINTENANCE LAWS RELATED TO VESSELS; REQUIRING A FISHING ACCESS SITE MAINTENANCE DECAL FOR EACH VESSEL OPERATED IN MONTANA; ESTABLISHING FEES AND USES OF REVENUE (including to prevent and control AIS); PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 540](#) -- (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES; ESTABLISHING WATER BASIN PLANNING COMMITTEES; ESTABLISHING AN INVASIVE SPECIES COUNCIL TO OVERSEE ADMINISTRATION OF THE AQUATIC INVASIVE SPECIES ACT; PROVIDING POWERS AND DUTIES; AND AMENDING SECTIONS 80-7-1003, 80-7-1004, 80-7-1005, 80-7-1006, 80-7-1007, 80-7-1008, 80-7-1009, 80-7-1011, 80-7-1015, 80-7-1017, AND 80-7-1018, MCA.

[House Bill No. 567](#) -- (H) Died in Standing Committee -- AN ACT INCREASING THE SALES TAX ON ACCOMMODATIONS AND CAMPGROUNDS; ALLOCATING A PORTION OF THE SALES TAX ON ACCOMMODATIONS AND CAMPGROUNDS TO AQUATIC INVASIVE SPECIES; AND AMENDING SECTIONS 15-68-102 AND 15-68-820, MCA.

[House Bill No. 575](#) -- (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO THE USE OF FISHING ACCESS SITES AND WILDLIFE MANAGEMENT AREAS; ESTABLISHING THE FISH AND WILDLIFE RECREATION ACCESS PASS; ESTABLISHING FEES AND USES OF REVENUE; ESTABLISHING THE COUNTY REIMBURSEMENT GRANT ACCOUNT; PROVIDING RULEMAKING AUTHORITY; PROVIDING

AQUATIC INVASIVE SPECIES

STATUTORY APPROPRIATIONS; PROVIDING PENALTIES; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 607](#) – (H) Died in Standing Committee -- AN ACT IMPOSING AN EXCISE TAX ON SOFT DRINKS TO BE PAID BY BOTTLERS AND IMPORTERS; PROVIDING FOR THE ADMINISTRATION OF THE TAX; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; ALLOCATING REVENUE TO STATE PARKS, AQUATIC INVASIVE SPECIES PROGRAMS, AND ADMINISTRATION OF VIRGINIA CITY AND NEVADA CITY; AND PROVIDING A DELAYED EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE.

[House Bill No. 622](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO INVASIVE SPECIES; ESTABLISHING THE INVASIVE SPECIES COUNCIL; ESTABLISHING THE UPPER COLUMBIA CONSERVATION COMMISSION; PROVIDING POWERS AND DUTIES; REQUIRING REPORTING; REVISING LOCATION AND TIMING OF INSPECTIONS IN THE STATEWIDE INVASIVE SPECIES MANAGEMENT AREA; AUTHORIZING COUNTY INVASIVE SPECIES ORDINANCES; ESTABLISHING THE MISSOURI RIVER CONTAINMENT AND QUARANTINE PROGRAM; ESTABLISHING THE UPPER COLUMBIA PILOT PROGRAM; REVISING PENALTIES; PROVIDING APPROPRIATIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 80-7-1003, 80-7-1007, 80-7-1008, 80-7-1011, 80-7-1014, AND 80-7-1015, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

[House Bill No. 646](#) – (H) Died in Process -- AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES; ESTABLISHING AN AGENCY OVERSIGHT COMMITTEE; AUTHORIZING COUNTY INVASIVE SPECIES ORDINANCES; ESTABLISHING THE COLUMBIA HEADWATERS INVASIVE SPECIES MANAGEMENT AREA; AUTHORIZING A PILOT PROGRAM; AUTHORIZING LOCAL USE BOAT STICKERS; PROVIDING RULEMAKING AUTHORITY; REVISING PENALTIES; REQUIRING A CONTAINMENT AND QUARANTINE PROGRAM IN THE MISSOURI RIVER SYSTEM; AND AMENDING SECTIONS 80-7-1007, 80-7-1014, AND 80-7-1015, MCA.

[Senate Bill No. 363](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES; PROVIDING REVENUE SOURCES TO PREVENT AND CONTROL AQUATIC INVASIVE SPECIES; ESTABLISHING THE AQUATIC INVASIVE SPECIES PREVENTION PASS; ESTABLISHING A HYDROELECTRIC FACILITY FEE; ESTABLISHING A FEE FOR HYDROELECTRIC-DEPENDENT UTILITIES; ALLOCATING REVENUE; DEFINING "HYDROELECTRIC FACILITY"; EXTENDING RULEMAKING AUTHORITY; REVISING THE INVASIVE SPECIES TRUST FUND; AMENDING SECTIONS 17-1-106, 69-3-308, 80-7-1004, 80-7-1006, 80-7-1010, 80-7-1016, 80-7-1017, 80-7-1018, 87-2-514, 87-2-711, 87-2-816, 87-2-817, AND 87-2-903, MCA; AND PROVIDING EFFECTIVE DATES, AN APPLICABILITY DATE, AND TERMINATION DATES.

2015

[House Bill No. 525](#) – Chapter Number Assigned -- AN ACT REVISING AQUATIC INVASIVE SPECIES FUNDING LAWS; CREATING A TRUST FUND AND A GRANT ACCOUNT; RESTRICTING TRUST FUND EXPENDITURES; PROVIDING GRANT CRITERIA; PROVIDING RULEMAKING AUTHORITY; ALLOWING TRUST FUNDS TO BE USED IN AN EMERGENCY; AMENDING SECTION 80-7-1013, MCA; AND PROVIDING AN EFFECTIVE DATE.

AQUATIC INVASIVE SPECIES

[House Bill No. 553](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES; REVISING DEPARTMENTAL DUTIES; ALLOWING OTHER ENTITIES TO OPERATE CHECK STATIONS; PROVIDING ENFORCEMENT; AND AMENDING SECTIONS 80-7-1006 AND 80-7-1015, MCA.

2013

[House Bill No. 160](#) – (H) Died in Standing Committee -- AN ACT APPROPRIATING GENERAL FUND MONEY TO AQUATIC INVASIVE SPECIES PROGRAMS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 15-1-122, 17-7-502, AND 80-7-1004, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 586](#) – Chapter Number Assigned -- 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; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 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.

2011

[House Bill No. 621](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO THE PREVENTION AND CONTROL OF AQUATIC INVASIVE SPECIES IN MONTANA; REVISING THE MONTANA AQUATIC INVASIVE SPECIES ACT; AUTHORIZING COLLABORATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; ELIMINATING THE COORDINATING AUTHORITY; AUTHORIZING THE USE OF QUARANTINE MEASURES IN AN INVASIVE SPECIES MANAGEMENT AREA; APPROPRIATING FUNDS FROM THE STATE GENERAL FUND; AMENDING SECTIONS 80-7-1002, 80-7-1003, 80-7-1005, 80-7-1006, 80-7-1007, 80-7-1008, AND 80-7-1011, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 343](#) – (H) Died in Standing Committee -- AN ACT REVISING THE MONTANA AQUATIC INVASIVE SPECIES ACT; REVISING DEFINITIONS; REVISING DEPARTMENTAL RESPONSIBILITIES AND RULEMAKING AUTHORITY; AUTHORIZING THE USE OF QUARANTINE MEASURES IN AN INVASIVE SPECIES MANAGEMENT AREA; CLARIFYING WHEN INVASIVE SPECIES MANAGEMENT AREAS MAY BE ESTABLISHED; AUTHORIZING IMPOUNDMENT OF CERTAIN VESSELS FOR DECONTAMINATION; PROVIDING ENFORCEMENT PROVISIONS; AMENDING SECTIONS 80-7-1002, 80-7-1003, 80-7-1006, 80-7-1007, 80-7-1008, 80-7-1011, AND 80-7-1014, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 363](#) – (S) Died Standing Committee -- AN ACT ESTABLISHING A STATE SPECIAL REVENUE INVASIVE SPECIES DETECTION AND CONTROL ACCOUNT TO BE ADMINISTERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; ESTABLISHING A SURCHARGE ON LAND TRANSACTIONS INVOLVING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; PROVIDING AN ALLOCATION TO THE ACCOUNT FROM THE SURCHARGE; LIMITING THE COSTS OF ADMINISTERING THE FUNDS RECEIVED FROM THE SURCHARGE; AMENDING SECTION 87-1-209, MCA; AND PROVIDING AN EFFECTIVE DATE.

AQUATIC INVASIVE SPECIES

2009

[Senate Bill No. 118](#) – (S) Died in Standing Committee -- AN ACT CREATING THE MONTANA INVASIVE SPECIES ACT; PROVIDING LEGISLATIVE FINDINGS AND DEFINITIONS; CREATING THE INVASIVE SPECIES COUNCIL; CREATING THE INVASIVE SPECIES ACCOUNT; PROVIDING FOR COOPERATIVE AGREEMENTS; DEFINING DEPARTMENTAL DUTIES; GRANTING RULEMAKING AUTHORITY; AUTHORIZING THE DESIGNATION OF INVASIVE SPECIES MANAGEMENT AREAS; PROVIDING FOR THE PREVENTION OF INFESTATIONS; AUTHORIZING INSPECTION OF VEHICLES AND VESSELS; GRANTING CITATION AUTHORITY; PROHIBITING THE TRANSFER AND TRANSPORT OF INVASIVE SPECIES AND AQUATIC PLANTS; PROVIDING EXCEPTIONS; AUTHORIZING EMERGENCY DECLARATIONS; PROVIDING CIVIL AND CRIMINAL PENALTIES; AMENDING SECTIONS 10-3-103 AND 87-5-721, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 343](#) – Chapter Number Assigned -- AN ACT CREATING THE MONTANA AQUATIC INVASIVE SPECIES ACT; ESTABLISHING THE INVASIVE SPECIES ACCOUNT; DEFINING DEPARTMENTAL RESPONSIBILITIES; ENCOURAGING COOPERATION AMONG PUBLIC AND PRIVATE ENTITIES; GRANTING RULEMAKING AUTHORITY; AUTHORIZING THE USE OF MANAGEMENT AREAS TO PREVENT THE SPREAD OF AQUATIC INVASIVE SPECIES; PROVIDING FOR THE PREVENTION AND CONTROL OF INFESTATIONS; AUTHORIZING INSPECTION OF THE EXTERIOR OF VESSELS FOR AQUATIC INVASIVE SPECIES; PROHIBITING THE TRANSFER OR TRANSPORT OF AQUATIC INVASIVE SPECIES; PROVIDING EXCEPTIONS; AUTHORIZING EMERGENCY DECLARATIONS; PROVIDING CIVIL AND CRIMINAL PENALTIES; AMENDING SECTIONS 10-3-312, 87-1-506, AND 87-5-721, MCA; AND PROVIDING AN EFFECTIVE DATE.

Prepared by:

Hope Stockwell, research analyst

9/3/20