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 introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

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 with the hopes of building a $10 million corpus. Interest would be used to provide grants and contracts to communities for AIS management projects. No money was put in the trust.

Since 2009, the Legislature has authorized millions of dollars in one-time appropriations for AIS programs. After mussel larvae were confirmed in Tiber Reservoir and suspected in Canyon Ferry in 2016, the 2017 Legislature enacted two AIS-specific funding sources: hydroelectric and fishing fees. They’re expected to generate $6.97 million per year, but sunset in 2019 and 2020. These fees are deposited in the AIS account established in 80-7-1004, MCA. Unreserved account funds are now swept at the end of each fiscal year into the AIS trust fund. The 2017 Legislature prohibited use of the trust fund until it reaches $100 million and routed trust fund money in excess of that amount back to the AIS account.

**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
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Other Materials:
Montana Invasive Species Council report, August 2018
Upper Columbia Conservation Commission report, August 2018
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

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 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.
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House Bill No. 622 – Chapter Number Assigned -- AN ACT REVISIONING LAWS RELATED TO INVASIVE SPECIES; ESTABLISHING THE INVASIVE SPECIES COUNCIL; ESTABLISHING THE UPPER COLUMBIA CONSERVATION COMMISSION; PROVIDING POWERS AND DUTIES; REQUIRING REPORTING; REVISIONING 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; REVISIONING 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 REVISIONING 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; REVISIONING 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 REVISIONING 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; REVISIONING THE INVASIVE SPECIES TRUST FUND; AMENDING SECTIONS 17-1-106, 69-3-308, 80-7-1004, 80-7-1006, 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 REVISIONING 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.

House Bill No. 553 – Chapter Number Assigned -- AN ACT REVISIONING LAWS RELATED TO AQUATIC INVASIVE SPECIES; REVISIONING 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.
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House Bill No. 586 – Chapter Number Assigned -- AN ACT REVISIONING 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 REVISIONING LAWS RELATED TO THE PREVENTION AND CONTROL OF AQUATIC INVASIVE SPECIES IN MONTANA; REVISION 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 REVISIONING THE MONTANA AQUATIC INVASIVE SPECIES ACT; REVISIONING DEFINITIONS; REVISION 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.

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
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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.

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