

## SENATE BILL NO. 363

INTRODUCED BY C. VINCENT

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3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO AQUATIC INVASIVE SPECIES;  
5 PROVIDING REVENUE SOURCES TO PREVENT AND CONTROL AQUATIC INVASIVE SPECIES;  
6 ~~ESTABLISHING THE NONRESIDENT AQUATIC INVASIVE SPECIES DECAL; ESTABLISHING A FEE FOR~~  
7 ~~BOAT VALIDATION DECALS; ESTABLISHING THE AQUATIC INVASIVE SPECIES PREVENTION PASS;~~  
8 ESTABLISHING A HYDROELECTRIC FACILITY FEE; ESTABLISHING A FEE FOR  
9 HYDROELECTRIC-DEPENDENT UTILITIES; ~~ESTABLISHING AN IRRIGATED FARMLAND FEE;~~  
10 ESTABLISHING A FEE FOR CERTAIN BICYCLES; ESTABLISHING A BOTTLED WATER CAP DEPOSIT FOR  
11 INVASIVE SPECIES PREVENTION; ALLOCATING REVENUE; REVISING DEFINITIONS; DEFINING  
12 "HYDROELECTRIC FACILITY"; EXTENDING RULEMAKING AUTHORITY; REVISING THE INVASIVE SPECIES  
13 TRUST FUND; AMENDING SECTIONS 17-1-106, ~~23-2-502, 23-2-511, 23-2-512, 69-3-308, 69-3-308,~~ 80-7-1004,  
14 80-7-1006, ~~AND~~ 80-7-1010, 80-7-1016, 80-7-1017, 80-7-1018, 87-2-514, 87-2-711, 87-2-816, AND 87-2-817,  
15 AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE EFFECTIVE DATES, APPLICABILITY DATES  
16 AN APPLICABILITY DATE, AND A TERMINATION DATE TERMINATION DATES."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19  
20 ~~NEW SECTION. Section 1. Nonresident aquatic invasive species decal required -- fee.~~ (1) In  
21 addition to any proof of inspection or decontamination required pursuant to Title 80, chapter 7, part 10, a  
22 nonresident aquatic invasive species decal must be displayed as prescribed by the department on a motorboat,  
23 sailboat, or personal watercraft owned by a nonresident when the motorboat, sailboat, or personal watercraft is  
24 operated on waters of this state:  
25 ~~(2) A nonresident aquatic invasive species decal must be purchased each calendar year for \$50 at~~  
26 ~~locations prescribed by the department. The decal is not transferable between watercraft.~~  
27 ~~(3) Money received from the sale of nonresident aquatic invasive species decals must be deposited in~~  
28 ~~the invasive species account established in 80-7-1004.~~  
29 ~~(4) A person may not operate or give permission for the operation of a motorboat, sailboat, or personal~~  
30 ~~watercraft that does not display a nonresident aquatic invasive species decal as required by subsection (1).~~

1  
2 ~~NEW SECTION. Section 2. Validation decals required -- fee.~~ (1) Validation decals verifying the  
3 identifying number of a motorboat, sailboat, or personal watercraft must be displayed on the motorboat, sailboat,  
4 or personal watercraft as prescribed in 23-2-512.

5 ~~(2) A set of validation decals must be purchased each calendar year for \$25 at locations prescribed by~~  
6 ~~the department. The set of decals is not transferable and expires on December 31 of the year for which it was~~  
7 ~~issued. A set of decals for the subsequent year must be purchased before the existing set expires.~~

8 ~~(3) A validation decal must be an adhesive sticker that is approximately 3 inches square and must be~~  
9 ~~serially numbered and identified by color in accordance with the federal numbering system.~~

10 ~~(4) Except as provided in 23-2-511(2), the operation of a motorboat, sailboat, or personal watercraft is~~  
11 ~~prohibited without current validation decals.~~

12 ~~(5) Money received from the sale of validation decals must be deposited in the invasive species account~~  
13 ~~established in 80-7-1004.~~

14  
15 NEW SECTION. SECTION 1. 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  
17 MUST FIRST OBTAIN AN AQUATIC INVASIVE SPECIES PREVENTION PASS AS PROVIDED IN THIS SECTION. THE PASS MUST BE  
18 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.

21  
22 NEW SECTION. Section 2. Invasive species fee for hydroelectric facilities. (1) In recognition of the  
23 threat that invasive species pose to Montana's hydroelectric power structures and systems, a hydroelectric facility  
24 shall pay ~~an A QUARTERLY~~ invasive species fee of ~~\$0.0004 per kilowatt hour~~ \$577.75 \$967.62 \$795.76 PER  
25 MEGAWATT of the facility's nameplate capacity authorized by the federal energy regulatory commission.

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

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

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

3 (5) A HYDROELECTRIC FACILITY THAT FUNDS PROTECTION, MITIGATION, AND ENHANCEMENT MEASURES  
4 PURSUANT TO A SETTLEMENT APPROVED BY THE FEDERAL ENERGY REGULATORY COMMISSION MAY USE ANY OF THOSE  
5 FUNDS THAT ARE UNOBLIGATED TO PAY, IN WHOLE OR IN PART, THE FEE OWED PURSUANT TO SUBSECTION (1).

6 ~~(5)(6)~~ Money collected pursuant to this section must be deposited in the invasive species account  
7 established in 80-7-1004.

8 ~~—— (6) FOR THE PURPOSES OF THIS SECTION, 69-3-308 DOES NOT APPLY, AND THE PUBLIC SERVICE COMMISSION~~  
9 ~~SHALL DETERMINE THE APPROPRIATE RECOVERY OF THIS FEE IN RATES IN A PROCEEDING HELD PURSUANT TO 69-3-302~~  
10 ~~FOR ANY HYDROELECTRIC FACILITY APPROVED PURSUANT TO 69-8-421.~~

11 (7) FOR THE PURPOSES OF THIS SECTION, THE PUBLIC SERVICE COMMISSION SHALL DETERMINE THE  
12 APPROPRIATE RECOVERY OF THIS FEE IN RATES IN A PROCEEDING HELD PURSUANT TO 69-3-302 FOR ANY  
13 HYDROELECTRIC FACILITY APPROVED PURSUANT TO 69-8-421.

14 ~~(6)(7)(6)(7)(8)~~ For the purposes of this section, "hydroelectric facility" means a AN OPERATING facility  
15 located in Montana IN A WATERCOURSE AS THAT TERM IS DEFINED IN 85-2-102 that produces electricity using water  
16 power and has more than 1.5 megawatts in nameplate capacity.

17  
18 NEW SECTION. SECTION 3. INVASIVE SPECIES FEE FOR HYDROELECTRIC-DEPENDENT UTILITIES. (1) A  
19 BETWEEN JULY 1, 2017, AND JUNE 30, 2019, A LOAD-SERVING UTILITY RECEIVING THAT RECEIVES MORE THAN 50% OF  
20 ITS ANNUAL ELECTRICITY SUPPLY FROM HYDROELECTRIC GENERATION SUPPLIED BY A FEDERAL POWER MARKETING  
21 ADMINISTRATION AND THAT DOES NOT OWN A HYDROELECTRIC FACILITY ASSESSED AN INVASIVE SPECIES FEE PURSUANT  
22 TO [SECTION 2] SHALL PAY AN A QUARTERLY INVASIVE SPECIES FEE OF \$0.0009972 PER KILOWATT HOUR OF THE UTILITY'S  
23 TOTAL RETAIL SALES FOR THAT QUARTER. DETERMINED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2).

24 (2) BY SEPTEMBER 30, 2017, THE DEPARTMENT SHALL CALCULATE THE QUARTERLY FEE FOR EACH LOAD-  
25 SERVING UTILITY BY MULTIPLYING THE UTILITY'S 2015 KILOWATT-HOUR SALES BY THE FACTOR CALCULATED PURSUANT  
26 TO SUBSECTION (3), DIVIDING THE PRODUCT BY FOUR, AND ROUNDING THAT PRODUCT TO THE NEAREST WHOLE DOLLAR.

27 (3) THE DEPARTMENT SHALL DETERMINE THE FACTOR USED IN SUBSECTION (2) BY MULTIPLYING THE FEE  
28 ASSESSED IN [SECTION 2(1)] BY FOUR, MULTIPLYING THAT PRODUCT BY THE TOTAL NAMEPLATE CAPACITY OF A UTILITY  
29 REGULATED PURSUANT TO TITLE 69, CHAPTER 8, AND THEN DIVIDING THAT PRODUCT BY 6,080,144,265.

30 ~~(2)(4)~~ A UTILITY SUBJECT TO THE FEE IN SUBSECTION (1) SHALL FILE ON FORMS PROVIDED BY THE DEPARTMENT

1 AND PAY WITHIN 30 DAYS AFTER THE END OF EACH QUARTERLY PERIOD. THE QUARTERLY PERIODS END MARCH 31, JUNE  
 2 30, SEPTEMBER 30, AND DECEMBER 31 OF EACH YEAR.

3 ~~(3)~~(5) IF THE FEE IS NOT PAID ON OR BEFORE THE DUE DATE, A PENALTY AND INTEREST MUST BE ASSESSED AS  
 4 PROVIDED IN 15-1-216. THE DEPARTMENT MAY WAIVE THE PENALTY PURSUANT TO 15-1-216.

5 ~~(4)~~(6) THE DEPARTMENT MAY AUDIT THE RECORDS AND OTHER DOCUMENTS OF A UTILITY TO ENSURE THAT THE  
 6 PROPER FEE IS PAID AND COLLECTED PURSUANT TO THIS SECTION.

7 ~~(5)~~(7) MONEY COLLECTED PURSUANT TO THIS SECTION MUST BE DEPOSITED IN THE INVASIVE SPECIES ACCOUNT  
 8 ESTABLISHED IN 80-7-1004.

9  
 10 ~~NEW SECTION. SECTION 5. Invasive species fee for irrigated farmland.~~ (1) In recognition of the threat  
 11 that invasive species pose to irrigation infrastructure, the owner of land that is classified as agricultural land  
 12 pursuant to 15-7-202 and valued as irrigated farmland pursuant to 15-7-201 shall pay an annual invasive species  
 13 fee of \$25.

14 ~~(2) By the second Monday of every October, the department shall identify landowners subject to the fee~~  
 15 ~~established in subsection (1) and notify the appropriate county treasurer for collection pursuant to Title 15,~~  
 16 ~~chapter 16, part 1.~~

17 ~~(3) Fees collected by county treasurers pursuant to this section must be remitted to the department for~~  
 18 ~~deposit in the invasive species account established in 80-7-1004.~~

19  
 20 ~~NEW SECTION. SECTION 4. NONRESIDENT INVASIVE SPECIES BICYCLE DECAL.~~ (1) ~~AN INVASIVE SPECIES~~  
 21 ~~DECAL MUST BE AFFIXED IN A CONSPICUOUS PLACE TO EACH BICYCLE THAT IS BROUGHT INTO AND USED IN MONTANA BY~~  
 22 ~~A NONRESIDENT. A NONRESIDENT MAY NOT USE OR GIVE PERMISSION FOR THE USE OF A BICYCLE THE NONRESIDENT~~  
 23 ~~BROUGHT INTO THE STATE ON WHICH AN INVASIVE SPECIES DECAL IS NOT AFFIXED.~~

24 ~~(2) AN INVASIVE SPECIES DECAL MUST BE PURCHASED EACH CALENDAR YEAR FOR \$25 AT LOCATIONS~~  
 25 ~~PRESCRIBED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS. THE DECAL IS NOT TRANSFERABLE BETWEEN BICYCLES.~~

26 ~~(3) MONEY COLLECTED BY PAYMENT OF FEES UNDER THIS SECTION MUST BE DEPOSITED IN THE INVASIVE~~  
 27 ~~SPECIES ACCOUNT ESTABLISHED IN 80-7-1004.~~

28  
 29 ~~NEW SECTION. SECTION 4. BOTTLED WATER CAP DEPOSIT FOR INVASIVE SPECIES PREVENTION -- DEFINITIONS~~  
 30 ~~-- REQUIREMENTS -- RULEMAKING.~~ (1) (A) ~~EACH CAP ON A BOTTLE OF BOTTLED WATER SOLD IN MONTANA HAS A REFUND~~

1 ~~VALUE OF 2 CENTS:~~

2 ~~—— (B) A DISTRIBUTOR OF BOTTLED WATER SHALL CLEARLY INDICATE BY STAMP, LABEL, OR OTHER METHOD~~  
 3 ~~SECURELY AFFIXED TO THE WATER BOTTLE THE REFUND VALUE OF THE CAP AND INFORMATION REQUIRED BY THE~~  
 4 ~~DEPARTMENT INDICATING THAT REFUNDS MAY BE DONATED TOWARD THE PREVENTION OF AQUATIC INVASIVE SPECIES:~~

5 ~~—— (C) A RETAILER WHO SELLS BOTTLED WATER SHALL COLLECT 2 CENTS FOR EACH BOTTLE OF BOTTLED WATER:~~

6 ~~—— (D) BEGINNING IN JULY 2018 AND EACH QUARTER THEREAFTER, A RETAILER SHALL REMIT TO THE DEPARTMENT~~  
 7 ~~THE DEPOSITS COLLECTED PURSUANT TO THIS SECTION, MINUS 4% OF THE TOTAL TO REIMBURSE THE RETAILER FOR THE~~  
 8 ~~COLLECTION OF THE DEPOSIT:~~

9 ~~—— (2) (A) A PERSON MAY REDEEM PROPERLY LABELED BOTTLED WATER CAPS FOR 2 CENTS EACH AT THE~~  
 10 ~~DEPARTMENT'S HEADQUARTERS IN HELENA OR AT REGIONAL HEADQUARTERS:~~

11 ~~—— (B) A MINIMUM OF 500 BOTTLED WATER CAPS IS REQUIRED TO OBTAIN A REFUND PURSUANT TO THIS SECTION:~~

12 ~~—— (3) (A) THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND ESTABLISHED BY 17-2-102 TO BE KNOWN~~  
 13 ~~AS BOTTLED WATER DEPOSIT FUND:~~

14 ~~—— (B) THERE MUST BE DEPOSITED IN THE ACCOUNT MONEY COLLECTED PURSUANT TO SUBSECTION (1):~~

15 ~~—— (C) FUNDS IN THE ACCOUNT MAY BE USED FOR:~~

16 ~~—— (i) REFUNDS PURSUANT TO SUBSECTION (2); AND~~

17 ~~—— (ii) TRANSFERS TO THE INVASIVE SPECIES ACCOUNT ESTABLISHED IN 80-7-1004.~~

18 ~~—— (D) BEGINNING JANUARY 1, 2019, AND EACH QUARTER THEREAFTER, 75% OF THE FUNDS IN THE ACCOUNT MUST~~  
 19 ~~BE TRANSFERRED TO THE INVASIVE SPECIES ACCOUNT ESTABLISHED IN 80-7-1004.~~

20 ~~—— (4) THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS SECTION:~~

21 ~~—— (5) AS USED IN THIS SECTION, THE FOLLOWING DEFINITIONS APPLY:~~

22 ~~—— (A) "BOTTLED WATER" MEANS WATER DEVOID OF ADDED FLAVORS OR CARBONATION SOLD BY A RETAILER IN A~~  
 23 ~~PLASTIC BOTTLE FOR HUMAN CONSUMPTION:~~

24 ~~—— (B) "DISTRIBUTOR" MEANS A PERSON WHO SELLS BOTTLED WATER TO ANOTHER DISTRIBUTOR OR A RETAILER IN~~  
 25 ~~MONTANA. THE TERM INCLUDES A MANUFACTURER OF BOTTLED WATER WHO ENGAGES IN THESE SALES:~~

26 ~~—— (C) "RETAILER" MEANS A PERSON IN MONTANA WHO SELLS BOTTLED WATER TO A CONSUMER:~~

27

28 **Section 4.** Section 17-1-106, MCA, is amended to read:

29 **"17-1-106. Agency recovery of indirect costs -- exemption.** (1) ~~An~~ Except as provided in 80-7-1004  
 30 and subsections (3) and (4) of this section, an agency receiving nongeneral funds shall, in accordance with all

1 applicable regulations, guidelines, or grant rules governing those funds, negotiate indirect cost reimbursement  
2 amounts and methodologies so that the agency may recover indirect costs.

3 (2) An agency, except for a unit of the university system, that applies for or otherwise receives funds  
4 through federal or private grants or contracts that do not allow the agency to fully recover indirect costs shall notify  
5 and must receive written approval from its approving authority prior to accepting the funds.

6 (3) The department of transportation may not recover indirect costs from a local government for the  
7 community transportation enhancement program.

8 (4) The department of transportation may not recover indirect costs for administration of a U.S. federal  
9 transit administration grant, including but not limited to grants provided for in 49 U.S.C. 5310, 49 U.S.C. 5311,  
10 49 U.S.C. 5316, and 49 U.S.C. 5317, from a local government, nonprofit organization, or public transportation  
11 provider that provides transit services.

12 (5) An agency, except for a unit of the university system, may not, as part of the grant or contract  
13 proposal or negotiation process, waive or otherwise forfeit the agency's ability to recover indirect costs that are  
14 otherwise allowable costs under the program, except for intra-agency or interagency grants or contracts. For  
15 grants or contracts for which the entity providing the funds limits administrative cost reimbursements or indirect  
16 cost recoveries by regulation, policy, or guideline, statewide and agency indirect costs paid originally from the  
17 general fund must be claimed first, other indirect costs must be claimed second, agency direct costs of  
18 administration must be claimed third, and program direct costs must be claimed last. For grants or contracts for  
19 which there is no limit on indirect costs or administrative costs, indirect and administrative costs must be claimed  
20 first and direct program costs must be claimed last.

21 (6) Each agency receiving federal funds and not directly charging a grant or program for the recovery  
22 of indirect costs shall submit an indirect cost proposal to the appropriate federal agency. The department shall  
23 provide technical assistance to an agency on how to build an indirect cost proposal.

24 (7) Except as provided for a unit of the university system under 20-25-427, indirect costs recovered by  
25 an agency to pay the agency's indirect costs under 17-1-105 must be deposited as provided in 17-1-105. All other  
26 indirect costs must be deposited in the fund from which the indirect costs were originally paid."  
27

28 ~~Section 7. Section 23-2-502, MCA, is amended to read:~~

29 ~~"23-2-502. Definitions. As used in this part, unless the context clearly requires a different meaning, the~~  
30 ~~following definitions apply:~~

- 1 ~~—— (1) "Certificate of number" means the certificate issued by the department of justice, an authorized agent,~~  
 2 ~~as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the motorboat~~  
 3 ~~or sailboat an identifying number and containing other information as required by the department of justice.~~
- 4 ~~—— (2) "Department" means the department of fish, wildlife, and parks of the state of Montana.~~
- 5 ~~—— (3) "Documented vessel" means a vessel that has and is required to have a valid marine document as~~  
 6 ~~a vessel of the United States.~~
- 7 ~~—— (4) "Identifying number" means the boat number set forth in the certificate of number and properly~~  
 8 ~~displayed on the motorboat or sailboat.~~
- 9 ~~—— (5) "Lienholder" means a person holding a security interest.~~
- 10 ~~—— (6) "Manufacturer" means a person engaged in the business of manufacturing or importing new and~~  
 11 ~~unused vessels or new and unused outboard motors for the purpose of sale or trade.~~
- 12 ~~—— (7) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any~~  
 13 ~~machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal~~  
 14 ~~source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.~~
- 15 ~~—— (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard~~  
 16 ~~or any successor federal agency.~~
- 17 ~~—— (8) "Operate" means to navigate or otherwise use a motorboat or a vessel.~~
- 18 ~~—— (9) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a~~  
 19 ~~motorboat or vessel.~~
- 20 ~~—— (10) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat~~  
 21 ~~or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an~~  
 22 ~~interest in another person, reserved or created by an agreement securing payment or performance of an~~  
 23 ~~obligation.~~
- 24 ~~—— (b) The term does not include a lessee under a lease not intended as security.~~
- 25 ~~—— (11) "Passenger" means each person carried on board a vessel other than:~~
- 26 ~~—— (a) the owner or the owner's representative;~~
- 27 ~~—— (b) the operator;~~
- 28 ~~—— (c) bona fide members of the crew engaged in the business of the vessel who have not contributed any~~  
 29 ~~consideration for their carriage and who are paid for their services; or~~
- 30 ~~—— (d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not~~

1 contributed any consideration, directly or indirectly, for the guest's carriage.

2 ~~———— (12) "Person" means an individual, partnership, firm, corporation, association, or other entity.~~

3 ~~———— (13) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering~~  
 4 ~~a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,~~  
 5 ~~standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.~~

6 ~~———— (14) "Registration decal" means an adhesive sticker produced by the department of justice and issued~~  
 7 ~~by the department of justice, an authorized agent as defined in 61-1-101, or a county treasurer to the owner of~~  
 8 ~~a motorboat, sailboat, or personal watercraft as proof of payment of fees imposed on the motorboat, sailboat, or~~  
 9 ~~personal watercraft for the registration period indicated on the decal as recorded by the department of justice~~  
 10 ~~under 61-3-101.~~

11 ~~———— (15) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.~~

12 ~~———— (b) The term does not include a canoe or kayak propelled by wind.~~

13 ~~———— (16) "Security interest" means an interest that is reserved or created by an agreement that secures~~  
 14 ~~payment or performance of an obligation and is valid against third parties generally.~~

15 ~~———— (17) "Uniform state waterway marking system" means one of two categories:~~

16 ~~———— (a) a system of aids to navigation to supplement the federal system of marking in state waters;~~

17 ~~———— (b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information~~  
 18 ~~and directions.~~

19 ~~———— (18) "Validation decal" means an adhesive sticker produced by the department and issued by the~~  
 20 ~~department or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft verifying the~~  
 21 ~~identifying number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the~~  
 22 ~~owner to meet requirements of the federal standard numbering system.~~

23 ~~———— (19)(18) "Vessel" means every description of watercraft, unless otherwise defined by the department,~~  
 24 ~~other than a seaplane on the water, used or capable of being used as a means of transportation on water.~~

25 ~~———— (20)(19) "Waters of this state" means any waters within the territorial limits of this state."~~

26

27 ~~———— **Section 8.** Section 23-2-511, MCA, is amended to read:~~

28 ~~———— **"23-2-511. Operation of unnumbered motorboats or sailboats prohibited -- display of registration**~~  
 29 ~~**and validation decals.** (1) A motorboat on the waters of this state that is propelled by a motor or an engine of~~  
 30 ~~any description or a sailboat on the waters of this state must be properly numbered and display valid registration~~



1 and validation decals. A person may not operate or give permission for the operation of any motorboat or sailboat  
 2 on the waters of this state unless the motorboat or sailboat is numbered and displays valid registration and  
 3 validation decals in accordance with this part and applicable federal law or with a federally approved numbering  
 4 system of another state and unless:

5 ~~\_\_\_\_\_ (a) the certificate of number assigned to the motorboat or sailboat is in effect;~~

6 ~~\_\_\_\_\_ (b) the identifying number set forth in the certificate of number and the valid license decals are displayed  
 7 on the motorboat or sailboat; and~~

8 ~~\_\_\_\_\_ (c) a temporary permit has been obtained from the county in which a motorboat is being operated if that  
 9 county requires a temporary permit for out-of-state motorboats, as provided in 7-16-2121.~~

10 ~~\_\_\_\_\_ (2) Upon transfer of ownership of a motorboat or sailboat, the transferred motorboat or sailboat may be  
 11 operated on the waters of this state for 40 consecutive calendar days immediately following the transfer of  
 12 ownership without displaying the registration and validation decals decals required by subsection (1) and the  
 13 validation decals required by [section 2] if when the motorboat or sailboat is operated during those 40 consecutive  
 14 calendar days, a temporary registration permit has been issued under 61-3-224 and is shown to a warden or  
 15 other officer upon request."~~

16

17 ~~\_\_\_\_\_ **Section 9.** Section 23-2-512, MCA, is amended to read:~~

18 ~~\_\_\_\_\_ **"23-2-512. Identifying number.** (1) The owner of each motorboat, sailboat, or personal watercraft  
 19 requiring numbering by this state shall file an application for number in the office of the county treasurer in the  
 20 county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the  
 21 department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal  
 22 watercraft and be accompanied by the fee prescribed in 61-3-321(10). Any alteration, change, or false statement  
 23 contained in the application renders the certificate of number void. Upon receipt of the application in approved  
 24 form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the  
 25 department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the  
 26 name and address of the owner. Validation decals verifying the identifying number for each motorboat, sailboat,  
 27 or personal watercraft also must be issued along with the certificate of number and must be obtained pursuant  
 28 to [section 2] and displayed on the motorboat, sailboat, or personal watercraft pursuant to subsection (7).~~

29 ~~\_\_\_\_\_ (2) The fine for failing to display the validation decals may not be more than the cost incurred by the  
 30 justice's court.~~

1 ~~———— (3) The department may give only verbal or written warnings until December 31, 2007, for failing to~~  
2 ~~display validation decals in an attempt to educate the boating public.~~

3 ~~———— (4)(2) If the ownership of a motorboat, sailboat, or personal watercraft changes, a new application form~~  
4 ~~with the certification fee must be filed within 40 days with the county treasurer and a new certificate of number~~  
5 ~~assigned in the same manner as provided for in an original assignment of number. New validation decals~~  
6 ~~also must be issued simultaneously obtained pursuant to [section 2] and displayed pursuant to subsection (7).~~

7 ~~———— (5)(3) If an agency of the United States government has in force a comprehensive system of identification~~  
8 ~~numbering for motorboats in the United States, the numbering system employed pursuant to this part by the~~  
9 ~~department of justice must be in conformity.~~

10 ~~———— (6)(4) A certificate of number and validation decals issued under this part are is effective unless~~  
11 ~~terminated or discontinued in accordance with the provisions of this part. All motorboats, sailboats, or personal~~  
12 ~~watercraft already numbered must exhibit validation decals by December 31, 2005. All validation decals expire~~  
13 ~~on February 28, 2008. Validation decals must be obtained by the expiration date at any regional office of the~~  
14 ~~department or through the department website and are in effect for another 3-year period ending February 28,~~  
15 ~~2011. The requirement of renewal validation decals must continue in subsequent 3-year periods, and renewal~~  
16 ~~validation decals must be identified by color in accordance with the federal numbering system. Except as provided~~  
17 ~~in 23-2-511(2) and subsection (4) of this section, the operation of a motorboat, sailboat, or personal watercraft~~  
18 ~~is prohibited without current validation decals.~~

19 ~~———— (7) Validation decals must be approximately 3 square inches. The validation decals must be serially~~  
20 ~~numbered in accordance with the federal numbering system and must be displayed on each side of the vessel.~~

21 ~~———— (8)(5) If ownership is transferred, the purchaser shall notify the county treasurer within 40 days of the~~  
22 ~~acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a~~  
23 ~~motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or~~  
24 ~~abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or~~  
25 ~~abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery~~  
26 ~~from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat,~~  
27 ~~or personal watercraft does not terminate the certificate of number.~~

28 ~~———— (9)(6) A holder of a certificate of number shall notify the county treasurer within a reasonable time if the~~  
29 ~~holder's address no longer conforms to the address appearing on the certificate and shall furnish the county~~  
30 ~~treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate~~

1 bearing the former address and its replacement with a certificate bearing the new address or the alteration of an  
 2 outstanding certificate to show the new address of the holder.

3 ~~———— (10)(7) (a) The identifying number assigned must be painted on or attached to each outboard side of the~~  
 4 ~~forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location~~  
 5 ~~on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The identifying number~~  
 6 ~~assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches~~  
 7 ~~tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as~~  
 8 ~~to be clearly visible and legible. The identifying number may not be placed on the obscured underside of the~~  
 9 ~~flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than~~  
 10 ~~those used in connection with the identifying number issued may not be placed in the proximity of the identifying~~  
 11 ~~number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat,~~  
 12 ~~or personal watercraft by its identifying number may not be carried in a manner that interferes with the~~  
 13 ~~motorboat's, sailboat's, or personal watercraft's identification. A number other than the identifying number~~  
 14 ~~assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted,~~  
 15 ~~attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal~~  
 16 ~~watercraft. A registration decal issued under this part must be placed next to the identifying number located on~~  
 17 ~~the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location~~  
 18 ~~on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft. The A validation decal~~  
 19 ~~obtained pursuant to [section 2] must be placed immediately aft of the registration decal on the left side and~~  
 20 ~~immediately aft of the identifying number on the right side of a motorboat, sailboat, or personal watercraft.~~

21 ~~———— (b) The certificate of number must be pocket size and available to federal, state, or local law enforcement~~  
 22 ~~officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the~~  
 23 ~~motorboat, sailboat, or personal watercraft is on waters of this state.~~

24 ~~———— (c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat,~~  
 25 ~~or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal~~  
 26 ~~watercraft in place of the certificate of number.~~

27 ~~———— (11)(8) An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the~~  
 28 ~~department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the~~  
 29 ~~owner's name if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or~~  
 30 ~~within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of~~

1 the United States:

2 \_\_\_\_\_ (12) The department shall reimburse the department of justice for any programming costs necessary to  
3 implement the provisions of this section that are incurred in fiscal year 2005."

4

5 \_\_\_\_\_ **SECTION 10. SECTION 69-3-308, MCA, IS AMENDED TO READ:**

6 \_\_\_\_\_ **"69-3-308. Disclosure of taxes and fees paid by customers of public utility -- automatic rate**  
7 **adjustment and tracking for taxes and fees.** (1) A public utility may separately disclose in a customer's bill the  
8 amount of state and local taxes and fees assessed against the public utility that the customer is paying.

9 \_\_\_\_\_ (2) (a) (i) The Except as provided in [section 3], the commission shall allow a public utility to file rate  
10 schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and  
11 fees, except state income tax, paid by the public utility. The resulting rate schedule changes must include:

12 \_\_\_\_\_ (A) adjustments for the net change in federal and state income tax liability caused by the deductibility  
13 of state and local taxes and fees;

14 \_\_\_\_\_ (B) retroactive tax adjustments; and

15 \_\_\_\_\_ (C) adjustments related to the resolution of property taxes paid under protest.

16 \_\_\_\_\_ (ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases  
17 and decreases:

18 \_\_\_\_\_ (b) The amended rates must automatically go into effect on January 1 following the date of change in  
19 taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c):

20 \_\_\_\_\_ (c) The amended rate schedule must be filed with the commission on or before the effective date of the  
21 change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission  
22 may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public utility to address  
23 any errors or omissions including, if necessary, any refunds due customers:

24 \_\_\_\_\_ (d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval on  
25 the part of the commission.

26 \_\_\_\_\_ (e) A public utility may challenge an order issued by the commission under subsection (2)(c) in  
27 accordance with the provisions of 69-3-401 through 69-3-405."

28

29 \_\_\_\_\_ **SECTION 5. SECTION 69-3-308, MCA, IS AMENDED TO READ:**

30 \_\_\_\_\_ **"69-3-308. Disclosure of taxes and fees paid by customers of public utility -- automatic rate**

1 **adjustment and tracking for taxes and fees.** (1) A public utility may separately disclose in a customer's bill the  
2 amount of state and local taxes and fees assessed against the public utility that the customer is paying.

3 (2) (a) (i) ~~The~~ Except as provided in [section 2], the commission shall allow a public utility to file rate  
4 schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and  
5 fees, except state income tax, paid by the public utility. The resulting rate schedule changes must include:

6 (A) adjustments for the net change in federal and state income tax liability caused by the deductibility  
7 of state and local taxes and fees;

8 (B) retroactive tax adjustments; and

9 (C) adjustments related to the resolution of property taxes paid under protest.

10 (ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases  
11 and decreases.

12 (b) The amended rates must automatically go into effect on January 1 following the date of change in  
13 taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c).

14 (c) The amended rate schedule must be filed with the commission on or before the effective date of the  
15 change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission  
16 may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public utility to address  
17 any errors or omissions including, if necessary, any refunds due customers.

18 (d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval on  
19 the part of the commission.

20 (e) A public utility may challenge an order issued by the commission under subsection (2)(c) in  
21 accordance with the provisions of 69-3-401 through 69-3-405."

22

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

24 **"80-7-1004. Invasive species account.** (1) There is an invasive species account in the state special  
25 revenue fund. The account is administered by the department of fish, wildlife, and parks.

26 (2) Money transferred ~~from the general fund or received from any other lawful source, including but not~~  
27 limited to fees collected pursuant to [section 1], [section 2], AND [section 3], and [section 4], AND [SECTION 5]; AND  
28 [SECTION 4], gifts, grants, donations, securities, or other assets, public or private, may be deposited in the account.

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

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

3 ~~(5) Any interest and earnings on the account must be retained in the account.~~

4 (5) AT THE END OF EACH FISCAL YEAR, UNRESERVED FUNDS IN THE ACCOUNT, INCLUDING ANY INTEREST AND  
5 EARNINGS, MUST BE TRANSFERRED TO THE INVASIVE SPECIES TRUST FUND ESTABLISHED IN 80-7-1016.

6 (6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species  
7 account."

8

9 **SECTION 7. SECTION 80-7-1004, MCA, IS AMENDED TO READ:**

10 **"80-7-1004. Invasive species account.** (1) There is an invasive species account in the state special  
11 revenue fund. The account is administered by the department of fish, wildlife, and parks.

12 (2) Money transferred ~~from the general fund or received~~ from any other lawful source, including but not  
13 limited to ~~fees collected pursuant to [section 4]~~, gifts, grants, donations, securities, or other assets, public or  
14 private, may be deposited in the account.

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

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

19 ~~(5) Any interest and earnings on the account must be retained in the account.~~

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

22 (6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species  
23 account."

24

25 **Section 8.** Section 80-7-1006, MCA, is amended to read:

26 **"80-7-1006. Departmental responsibilities -- reporting.** (1) The departments shall prepare a list of  
27 invasive species and identify those departments and other public agencies with jurisdiction over each species  
28 on the list. The jurisdiction of each department for the prevention and control of invasive species is according to  
29 the department's powers and duties as established by law.

30 (2) For those invasive species under the jurisdiction of more than one department, the departments with

1 jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

2 (3) Working in collaboration with each other, the departments, individually or collectively, shall develop  
3 and adopt an invasive species strategic plan or plans to accomplish the purposes of this part. The plan or plans  
4 shall identify and prioritize threats and determine appropriate actions, in the following order of priority, related to:

5 (a) public awareness and education;

6 (b) prevention and detection of invasive species, including the use of invasive species management  
7 areas authorized under 80-7-1008 and the statewide invasive species management area established in  
8 80-7-1015;

9 (c) management, control, and restoration of infested areas; and

10 (d) emergency response.

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

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

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

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

22 (8) (A) The departments shall report to the environmental quality council at least biannually regarding  
23 activities undertaken and expenses incurred in the implementation of this part.

24 (B) THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL REPORT TO THE LEGISLATIVE FINANCE COMMITTEE  
25 AT LEAST BIANNUALLY ON EXPENDITURES MADE IN THE IMPLEMENTATION OF THIS PART."

26

27 **Section 9.** Section 80-7-1010, MCA, is amended to read:

28 **"80-7-1010. Invasive species management area -- regulation.** (1) The owner, operator, or person in  
29 possession of any vessel or equipment authorized for use in an invasive species management area shall comply  
30 with any regulations imposed pursuant to 80-7-1008(3)(b) and provide proof of compliance upon request of a

1 department or its designee.

2 (2) After use in a body of water within an invasive species management area, all vessels, equipment,  
3 bait containers, livewells, bilges, and other boating-related equipment, excluding marine sanitary systems, must  
4 be drained in a way that does not impact any state waters before being transported on land or a public highway,  
5 as defined in 61-1-101, except where allowed by the department of fish, wildlife, and parks."  
6

7 **SECTION 10. SECTION 80-7-1016, MCA, IS AMENDED TO READ:**

8 **"80-7-1016. Invasive species trust fund.** (1) There is an invasive species trust fund. The board of  
9 investments shall invest the money of the fund, and the investment income must be deposited in the fund.

10 (2) The principal of the invasive species trust fund shall forever remain inviolate in an amount of ~~\$40~~  
11 \$100 million unless appropriated by a vote of three-fourths of the members of each house of the legislature.

12 (3) Except as provided in 80-7-1013 and ~~subsections subsection (2) and (4)~~ subsection (2) of this section, money  
13 deposited in the invasive species trust fund may not be appropriated until the principal reaches ~~\$40~~ \$100 million.

14 (4) On July 1 of each fiscal year, the principal of the invasive species trust fund in excess of ~~\$40~~ \$100  
15 million and the interest and income generated from the trust fund, excluding unrealized gains and losses, must  
16 be deposited in the invasive species ~~grant~~ account established in ~~80-7-1017~~ 80-7-1004.

17 (5) Deposits to the principal of the trust fund may include but are not limited to grants, gifts, transfers,  
18 bequests, or donations from any source.

19 ~~(6) If the invasive species trust fund is terminated, the money in the fund must be divided between all~~  
20 ~~counties according to rules adopted by the department of natural resources and conservation for that purpose."~~  
21

22 **SECTION 11. SECTION 80-7-1017, MCA, IS AMENDED TO READ:**

23 **"80-7-1017. Invasive species grant account.** (1) There is an invasive species grant account in the state  
24 special revenue fund established in 17-2-102. Subject to appropriation by the legislature, money deposited in the  
25 account must be used pursuant to 80-7-1018 and this section.

26 (2) Deposits to the account may include but are not limited to grants, gifts, transfers, bequests,  
27 donations, and appropriations from any source, ~~and deposits made pursuant to 80-7-1016.~~

28 (3) Interest and income earned on the account and any unspent or unencumbered money in the account  
29 at the end of a fiscal year must remain in the account.

30 (4) Money deposited in the account may be used for costs incurred by the department of natural



1 resources and conservation to administer the provisions of ~~80-7-1016~~ through 80-7-1018. Except for startup costs  
 2 incurred in the first year of the program, the administrative costs in any fiscal year, including but not limited to  
 3 personal services and operations, may not exceed 10% of the total amount of grants and contracts awarded  
 4 pursuant to 80-7-1018 in the previous fiscal year."

5

6 **SECTION 12. SECTION 80-7-1018, MCA, IS AMENDED TO READ:**

7 **"80-7-1018. Invasive species grant program -- criteria -- rulemaking.** (1) Money deposited in the  
 8 invasive species grant account established in 80-7-1017 may be expended by the department of natural  
 9 resources and conservation through grants to or contracts with communities or local, state, tribal, or other entities  
 10 for invasive species management.

11 (2) For the purposes of this section, the term "invasive species management" includes public education  
 12 and planning, development, implementation, or continuation of a program or project to prevent, research, detect,  
 13 control, or, where possible, eradicate invasive species.

14 (3) A grant or contract may be awarded under this section for demonstration of and research and public  
 15 education on new and innovative invasive species management.

16 (4) In making grant and contract awards under this section, the department of natural resources and  
 17 conservation shall give preference to local governments, collaborative stakeholders, and community groups that  
 18 it determines can most effectively implement programs on the ground.

19 (5) If the governor appoints an advisory council on invasive species, the department of natural resources  
 20 and conservation shall consider recommendations by the advisory council for awards made under this section.

21 (6) The department of natural resources and conservation is not eligible to receive grants and contracts  
 22 under this section.

23 (7) The department of natural resources and conservation may accept federal funds for use pursuant  
 24 to this section.

25 (8) Any funds awarded under this section, regardless of when they were awarded, that are not fully  
 26 expended upon termination of a contract or an extension of a contract, not to exceed 1 year, must revert to the  
 27 department of natural resources and conservation and be deposited in the invasive species grant account  
 28 established in 80-7-1017. The department of natural resources and conservation shall use any reverted funds  
 29 to make future awards pursuant to this section.

30 (9) The department of natural resources and conservation may adopt rules to administer the provisions

1 of ~~80-7-1016 through 80-7-1018~~ this section."

2

3 **SECTION 13. SECTION 87-2-514, MCA, IS AMENDED TO READ:**

4 **"87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced**  
5 **cost -- definitions.** (1) For the purposes of this section, the following definitions apply:

6 (a) "Nonresident relative of a resident" means a person born in Montana who is the natural or adoptive  
7 child, sibling, or parent of a resident but is not a resident.

8 (b) "Resident" means a resident as defined in 87-2-102.

9 (2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the  
10 qualifications of subsection (5) may purchase the following at one-half the cost:

11 (a) a Class B nonresident fishing license;

12 (b) a Class B-1 nonresident upland game bird license;

13 (c) a Class B-10 nonresident big game combination license; and

14 (d) a Class B-11 nonresident deer combination license.

15 (3) The nonresident relative of a resident shall also purchase a nonresident wildlife conservation license  
16 as prescribed in 87-2-202, ~~and a nonresident base hunting license as prescribed in 87-2-116 if the nonresident~~  
17 ~~relative of a resident purchases a hunting license, and a nonresident aquatic invasive species prevention pass~~  
18 if the nonresident purchases a fishing license.

19 (4) Class B-10 and Class B-11 licenses sold pursuant to subsection (2) are not included in the limit on  
20 the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.

21 (5) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply at  
22 any department regional office or at the department's state office in Helena and present proof of the following:

23 (a) a birth certificate verifying the applicant's birth in Montana or documentation that the applicant was  
24 born to parents who were residents at the time of birth;

25 (b) evidence that the person previously held a Montana resident hunting or fishing license or has passed  
26 a hunter safety course in Montana pursuant to 87-2-105; and

27 (c) proof that the applicant is a nonresident relative of a resident.

28 (6) Of the fee paid for a hunting license purchased pursuant to subsection (2), 28.5% must be deposited  
29 in the account established in 87-1-290."

30

1           **SECTION 14. SECTION 87-2-711, MCA, IS AMENDED TO READ:**

2           **"87-2-711. Class AAA--combination sports license.** (1) Except as otherwise provided in this chapter,  
3 a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during  
4 the season for which the license is issued is entitled to:

5           (a) a combination sports license that permits a holder who is 12 years of age or older to exercise all  
6 rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed  
7 in 87-2-202 upon payment of the sum of \$70 or, if the resident is a service member eligible for a combination  
8 sports license pursuant to 87-2-817(2), upon payment of the resident base hunting license fee provided for in  
9 87-2-116 and purchase of the resident aquatic invasive species prevention pass pursuant to [section 1]; or

10           (b) a combination sports license that permits a holder who is 12 years of age or older to exercise all  
11 rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 tag upon payment  
12 of the sum of \$85.

13           (2) The department may furnish each holder of a combination sports license an appropriate decal."  
14

15           **SECTION 15. SECTION 87-2-816, MCA, IS AMENDED TO READ:**

16           **"87-2-816. Licenses for legion of valor members -- purple heart awardees.** (1) A resident, as defined  
17 in 87-2-102, or a nonresident who is a legion of valor member is entitled to fish with a wildlife conservation license  
18 issued by the department.

19           (2) A resident, as defined in 87-2-102, awarded a purple heart for service in the armed forces of the  
20 United States is entitled to fish and hunt game birds, not including wild turkeys, with the purchase of a wildlife  
21 conservation license ~~issued by the department~~ pursuant to 87-2-202 and a resident aquatic invasive species  
22 prevention pass pursuant to [section 1].

23           (3) A nonresident awarded a purple heart for service in the armed forces of the United States is entitled  
24 to fish and hunt game birds, not including wild turkeys, with the purchase of a wildlife conservation license ~~issued~~  
25 ~~by the department~~ pursuant to 87-2-202 and a nonresident aquatic invasive species prevention pass pursuant  
26 to [section 1] during expeditions arranged for the nonresident by a nonprofit organization that uses fishing and  
27 hunting as part of the rehabilitation of disabled veterans.

28           (4) The department's general license account must be reimbursed by a quarterly transfer of funds from  
29 the general fund to the general license account for license costs associated with the fishing and game bird  
30 hunting privileges granted pursuant to subsections (2) and (3) during the preceding calendar quarter.

1 Reimbursement costs must be designated as license revenue."  
2

3 **SECTION 16. SECTION 87-2-817, MCA, IS AMENDED TO READ:**

4 **"87-2-817. Licenses for service members.** (1) A veteran or a disabled member of the armed forces  
5 who meets the qualifications in 87-2-803(9) as a result of a combat-connected injury may apply at a fish, wildlife,  
6 and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7 deer A tag, a Class B-8  
7 deer B tag, and a special antelope license made available under 87-2-506(3) for one-half of the license fee.  
8 Licenses issued to veterans or disabled members of the armed forces under this part do not count against the  
9 number of special antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.

10 (2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as  
11 provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency  
12 operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the  
13 state, upon request and upon presentation of the documentation described in subsection (2)(b), must be issued  
14 a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not  
15 include a Class A-6 black bear tag, upon payment of the resident base hunting license fee in 87-2-116 and the  
16 purchase of the resident aquatic invasive species prevention pass pursuant to [section 1], in the license year that  
17 the member returns from military service or in the year following the member's return, based on the member's  
18 election, and in any of the 4 years after the member's election.

19 (b) To be eligible for the free resident wildlife conservation license or free Class AAA resident  
20 combination sports license provided for in subsection (2)(a), an applicant shall, in addition to the written  
21 application and proof of residency required in 87-2-202(1), provide to any regional department office or to the  
22 department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's  
23 release or discharge from active duty. The applicant is responsible for providing documentation showing that the  
24 applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

25 (c) A Montana resident who meets the service qualifications of subsection (2)(a) and provides the  
26 documentation required in subsection (2)(b) is entitled to a free Class A resident fishing license in the license year  
27 that the member returns from military service or in the year following the member's return, based on the member's  
28 election, and in any of the 4 years after the member's election.

29 (d) The department's general license account must be reimbursed by a quarterly transfer of funds from  
30 the general fund to the general license account for costs associated with the free licenses granted pursuant to

1 this subsection (2) during the preceding calendar quarter. Reimbursement costs must be designated as license  
2 revenue.

3 (3) A member of the armed forces who forfeited a license or permit issued through a drawing as a result  
4 of deployment outside of the continental United States in support of a contingency operation as provided in 10  
5 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year  
6 of the member's return from deployment or in the first year that the license or permit is made available after the  
7 member's return."

8

9 **SECTION 17. SECTION 87-2-903, MCA, IS AMENDED TO READ:**

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

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

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

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

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

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

26 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,  
27 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not  
28 include donations collected pursuant to 87-1-293 or the sale of aquatic invasive species prevention passes  
29 pursuant to [section 1].

30 (8) If a license agent fails to submit to the department all money received from the declared sale of

1 licenses and aquatic invasive species prevention passes and from donations received pursuant to 87-1-293, less  
2 the appropriate commission and convenience fee, by the deadline established by the department, an interest  
3 charge equal to the rate charged under 15-1-216 may be assessed. Acceptance of late payments with interest  
4 does not preclude the department from summarily revoking the appointment of a license agent under 87-2-904.

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

7 (10) The department may adopt rules necessary to implement this section. (Terminates June 30,  
8 2019--sec. 7, Ch. 83, L. 2013.)

9 **87-2-903. (Effective July 1, 2019) Compensation, fees, and duties of agents -- penalty for late**  
10 **submission of license money.** (1) License agents, except salaried employees of the department, must receive  
11 for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined  
12 under subsection (9) and by rules adopted pursuant to subsection (10).

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

16 (3) Each license agent shall submit to the department the money received from the sale of licenses and  
17 aquatic invasive species prevention passes, less the appropriate commission and convenience fee.

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

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

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

24 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,  
25 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not  
26 include the sale of aquatic invasive species prevention passes pursuant to [section 1].

27 (8) If a license agent fails to submit to the department all money received from the declared sale of  
28 licenses and aquatic invasive species prevention passes, less the appropriate commission and convenience fee,  
29 by the deadline established by the department, an interest charge equal to the rate charged under 15-1-216 may  
30 be assessed. Acceptance of late payments with interest does not preclude the department from summarily

1 revoking the appointment of a license agent under 87-2-904.

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

4 (10) The department may adopt rules necessary to implement this section."  
5

6 ~~NEW SECTION. Section 14. Codification instruction. (1) [Sections 1 and 2] are intended to be~~  
7 ~~codified as an integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply~~  
8 ~~to [sections 1 and 2].~~

9 ~~(2) [Section 3] is [SECTIONS 3 AND 4] ARE intended to be codified as an integral part of Title 15, chapter~~  
10 ~~51, and the provisions of Title 15, chapter 51, apply to [section 3] [SECTIONS 3 AND 4].~~

11 ~~(3) [Section 4 5] is intended to be codified as an integral part of Title 15, chapter 16, part 2, and the~~  
12 ~~provisions of Title 15, chapter 16, part 2, apply to [section 4 5].~~

13 ~~(4) [SECTION 6] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 80, CHAPTER 7, PART 10, AND THE~~  
14 ~~PROVISIONS OF TITLE 80, CHAPTER 7, PART 10, APPLY TO [SECTION 6].~~

15  
16 ~~NEW SECTION. Section 15. Effective date DATES. (1) [This act] EXCEPT AS PROVIDED IN SUBSECTION~~  
17 ~~(2), [THIS ACT] is effective May 15, 2017.~~

18 ~~(2) [SECTION 12] IS EFFECTIVE JULY 1, 2019.~~

19  
20 ~~NEW SECTION. Section 16. Applicability. (1) [Section 3] applies [SECTIONS 3 AND 4] APPLY to quarterly~~  
21 ~~periods beginning July 1, 2017.~~

22 ~~(2) [Section 4] [SECTION 5] applies to tax years beginning after December 31, 2017.~~

23  
24 ~~NEW SECTION. Section 17. Termination. (1) [SECTIONS 3, 4, 10, AND 11] TERMINATE JUNE 30, 2019.~~

25 ~~(2)(1) [SECTION 4] AND THE REFERENCE TO [SECTION 4] IN 80-7-1004 TERMINATE JUNE 30, 2019.~~

26 ~~(2)(3) [Sections 5 and 9(6) 6 AND 11(6) 7 AND 12(6)] terminate June 30, 2027.~~

27  
28 NEW SECTION. SECTION 18. CODIFICATION INSTRUCTION. (1) [SECTION 1] IS INTENDED TO BE CODIFIED AS  
29 AN INTEGRAL PART OF TITLE 87, CHAPTER 2, PART 1, AND THE PROVISIONS OF TITLE 87, CHAPTER 2, PART 1, APPLY TO  
30 [SECTION 1].

