



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.

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

Section 1. Aquatic invasive species prevention pass. (1) To be eligible to fish in Montana or to apply for a fishing license or a combination license that includes a fishing license a person must first obtain an aquatic invasive species prevention pass as provided in this section. The pass must be purchased once each license year.

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

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

Section 2. Invasive species fee for hydroelectric facilities. (1) In recognition of the threat that invasive species pose to Montana's hydroelectric power structures and systems, a hydroelectric facility shall pay a quarterly invasive species fee of \$795.76 per megawatt of the facility's nameplate capacity authorized by the federal energy regulatory commission.

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

(3) If the fee is not paid on or before the due date, a penalty and interest must be assessed as provided

in 15-1-216. The department may waive the penalty pursuant to 15-1-216.

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

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

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

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

(8) 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 3. Invasive species fee for hydroelectric-dependent utilities. (1) Between July 1, 2017, and June 30, 2019, a load-serving utility that receives more than 50% of its annual electricity supply from hydroelectric generation supplied by a federal power marketing administration and that does not own a hydroelectric facility assessed an invasive species fee pursuant to [section 2] shall pay a quarterly invasive species fee determined by the department pursuant to subsection (2).

(2) By September 30, 2017, the department shall calculate the quarterly fee for each load-serving utility by multiplying the utility's 2015 kilowatt-hour sales by the factor calculated pursuant to subsection (3), dividing the product by four, and rounding that product to the nearest whole dollar.

(3) The department shall determine the factor used in subsection (2) by multiplying the fee assessed in [section 2(1)] by four, multiplying that product by the total nameplate capacity of a utility regulated pursuant to Title 69, chapter 8, and then dividing that product by 6,080,144,265.

(4) A utility 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.

(5) 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.

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

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

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

"17-1-106. Agency recovery of indirect costs -- exemption. (1) Except as provided in 80-7-1004 and subsections (3) and (4) of this section, an agency receiving nongeneral funds shall, in accordance with all applicable regulations, guidelines, or grant rules governing those funds, negotiate indirect cost reimbursement amounts and methodologies so that the agency may recover indirect costs.

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

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

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

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

first and direct program costs must be claimed last.

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

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

Section 5. Section 69-3-308, MCA, is amended to read:

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

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

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

(B) retroactive tax adjustments; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For those invasive species under the jurisdiction of more than one department, the departments with jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

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

(a) public awareness and education;

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

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

(d) emergency response.

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

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

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

parks retains oversight authority over the operation of a check station pursuant to this subsection.

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

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

(b) The department of fish, wildlife, and parks shall report to the legislative finance committee at least biannually on expenditures made in the implementation of this part."

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

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

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

Section 10. Section 80-7-1016, MCA, is amended to read:

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

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

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

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

(5) Deposits to the principal of the trust fund may include but are not limited to grants, gifts, transfers,

bequests, or donations from any source.

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

Section 11. Section 80-7-1017, MCA, is amended to read:

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

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

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

(4) Money deposited in the account may be used for costs incurred by the department of natural resources and conservation to administer the provisions of ~~80-7-1016 through~~ 80-7-1018. Except for startup costs incurred in the first year of the program, the administrative costs in any fiscal year, including but not limited to personal services and operations, may not exceed 10% of the total amount of grants and contracts awarded pursuant to 80-7-1018 in the previous fiscal year."

Section 12. Section 80-7-1018, MCA, is amended to read:

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

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

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

(4) In making grant and contract awards under this section, the department of natural resources and

conservation shall give preference to local governments, collaborative stakeholders, and community groups that it determines can most effectively implement programs on the ground.

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

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

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

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

(9) The department of natural resources and conservation may adopt rules to administer the provisions of ~~80-7-1016 through 80-7-1018~~ this section."

Section 13. Section 87-2-514, MCA, is amended to read:

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

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

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

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

(a) a Class B nonresident fishing license;

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

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

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

(3) The nonresident relative of a resident shall also purchase a nonresident wildlife conservation license

as prescribed in 87-2-202, ~~and a nonresident base hunting license as prescribed in 87-2-116 if the nonresident relative of a resident purchases a hunting license, and a nonresident aquatic invasive species prevention pass if the nonresident purchases a fishing license.~~

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

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

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

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

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

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

Section 14. Section 87-2-711, MCA, is amended to read:

"87-2-711. Class AAA--combination sports license. (1) Except as otherwise provided in this chapter, 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 the season for which the license is issued is entitled to:

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

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

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

Section 15. Section 87-2-816, MCA, is amended to read:

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

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

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

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

Section 16. Section 87-2-817, MCA, is amended to read:

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

(2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the state, upon request and upon presentation of the documentation described in subsection (2)(b), must be issued

a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not include a Class A-6 black bear tag, upon payment of the resident base hunting license fee in 87-2-116 and the purchase of the resident aquatic invasive species prevention pass pursuant to [section 1], in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.

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

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

(d) The department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account for costs associated with the free licenses granted pursuant to this subsection (2) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue.

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

Section 17. Section 87-2-903, MCA, is amended to read:

"87-2-903. (Temporary) Compensation, fees, and duties of agents -- penalty for late submission of license money. (1) License agents, except salaried employees of the department, must receive for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined under

subsection (9) and by rules adopted pursuant to subsection (10).

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

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

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

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

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

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

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

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

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

87-2-903. (Effective July 1, 2019) Compensation, fees, and duties of agents -- penalty for late submission of license money. (1) License agents, except salaried employees of the department, must receive for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined

under subsection (9) and by rules adopted pursuant to subsection (10).

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

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

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

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

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

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

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

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

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

Section 18. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

(2) [Sections 2 and 3] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 2 and 3].

Section 19. Effective dates. (1) Except as provided in subsection (2), [this act] is effective May 15, 2017.

(2) [Section 7] is effective March 1, 2020.

Section 20. Applicability. [Sections 2 and 3] apply to quarterly periods beginning July 1, 2017.

Section 21. Termination. (1) [Sections 1, 6, 13, 14, 15, 16, and 17] terminate February 29, 2020.

(2) [Sections 4 and 7(6)] terminate June 30, 2027.

(3) [Sections 2 and 3] and the references to [sections 2 and 3] in [section 6] terminate June 30, 2019.

- END -

I hereby certify that the within bill,
SB 0363, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 363
INTRODUCED BY C. VINCENT

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.