

HOUSE BILL NO. 608

INTRODUCED BY J. READ, M. RYAN, D. SALOMON, J. WINDY BOY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING MANDATORY DECONTAMINATION OF CERTAIN VESSELS WITH BALLAST OR BLADDERS; ALLOWING FEES; ALLOWING CERTIFICATION OF PRIVATE ENTITIES, TRIBES, AND CONSERVATION DISTRICTS; PROVIDING RULEMAKING AUTHORITY; ~~AND~~ AMENDING SECTIONS 80-7-1006 AND 80-7-1015, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Mandatory decontamination for vessels with ballast or bladders --

legislative finding -- fees. (1) Except as provided in subsection (2) and in recognition that any interior portion of a vessel that may contain or retain water presents a significant risk of transporting and spreading invasive species, the legislature finds that as part of quarantine measures implemented in the statewide invasive species management area established pursuant to 80-7-1015, a vessel with ballast or bladders must be decontaminated upon entering the state or crossing the continental divide into the Columbia River basin if the vessel is to be launched on waters of this state.

(2) Decontamination of a vessel with ballast or bladders is not required when the operator is able to provide proof that the vessel has not been launched in any water body for the preceding 30 days. The department of fish, wildlife, and parks shall establish, in writing, the standards for proof.

(3) Decontamination shall be performed in accordance with rules adopted pursuant to 80-7-1007.

(4) The department of fish, wildlife, and parks may certify private entities, TRIBES, AND CONSERVATION DISTRICTS to conduct decontamination pursuant to this section. If it does so, the department shall establish certification procedures, including a decontamination training course and requirements for maintaining certification.

(5) A fee of \$50 ~~must~~ MAY be charged per vessel decontaminated by the department pursuant to this section. A private entity, TRIBE, OR CONSERVATION DISTRICT certified to decontaminate a vessel with ballast or bladders may charge a fee commensurate with the actual cost of the decontamination.

(6) A vessel with ballast or bladders that cannot be fully decontaminated must be locked to its trailer to

1 prevent launch for a drying period determined by the department of fish, wildlife, and parks. The vessel may not
2 be unlocked and allowed to launch until the drying time is complete. No one other than authorized department
3 staff may remove the lock during the drying time. If a vessel requires a drying period, then the vessel must pass
4 an inspection prior to launching in Montana waters in order to be considered decontaminated.

5 (7) A person in possession of a vessel with ballast or bladders shall carry proof of compliance with this
6 section and provide it for inspection upon request of a department or its designee.

7

8 **Section 2.** Section 80-7-1006, MCA, is amended to read:

9 **"80-7-1006. Departmental responsibilities -- reporting.** (1) The departments shall prepare a list of
10 invasive species and identify those departments and other public agencies with jurisdiction over each species
11 on the list. The jurisdiction of each department for the prevention and control of invasive species is according to
12 the department's powers and duties as established by law.

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

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

18 (a) public awareness and education;

19 (b) prevention and detection of invasive species, including the use of invasive species management
20 areas authorized under 80-7-1008 and the statewide invasive species management area established in
21 80-7-1015;

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

23 (d) emergency response.

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

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

29 (6) The department of fish, wildlife, and parks shall authorize a request by another entity to operate a
30 check station pursuant to this part if the entity agrees to the conditions of an agreement established by all parties,

1 any cooperative funding requirements, and rules adopted under this part. The department of fish, wildlife, and
2 parks retains oversight authority over the operation of a check station pursuant to this subsection.

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

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

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

9

10 **Section 3.** Section 80-7-1015, MCA, is amended to read:

11 **"80-7-1015. Statewide invasive species management area.** (1) There is established a statewide
12 invasive species management area for the purpose of preventing the introduction, importation, and infestation
13 of invasive species through the mandatory inspection of vessels and equipment entering the state and, except
14 as provided in [section 1], the mandatory decontamination of any vessel or equipment on or in which an invasive
15 species is detected.

16 (2) To the greatest extent possible, the department of transportation shall cooperate with the department
17 of fish, wildlife, and parks to utilize ports of entry or adjacent department of transportation facilities as locations
18 for check stations established pursuant to this section.

19 (3) As far as practical, signs indicating that the statewide invasive species management area is in place
20 must be posted in an effective manner along the boundaries of and within the state. The signs must include
21 information about the specific regulations that apply to the area. The signs must be paid for with funds from the
22 invasive species account established in 80-7-1004. The departments may coordinate with any other governmental
23 entity for the posting of signs.

24 (4) At a check station established pursuant to this section, the departments may examine vessels and
25 equipment for the presence of an invasive species and compliance with this section and rules adopted pursuant
26 to 80-7-1007. ~~Examination~~ Except as provided in [section 1], examination of any interior portion of a vessel or
27 equipment that may contain water, including bilges, livewells, and bait containers, for compliance may occur only
28 if inspection of interior portions is included as part of quarantine measures established pursuant to rules adopted
29 under 80-7-1007.

30 (5) The owner, operator, or person in possession of a vessel or equipment shall:

1 (a) comply with this section and rules imposed under 80-7-1007; and
 2 (b) stop at any check station established pursuant to this section unless a medical emergency makes
 3 stopping likely to result in death or serious bodily injury.

4 (6) ~~If Except as provided in [section 1], if~~ during an inspection of a vessel or equipment the presence of
 5 an invasive species is detected, that vessel or equipment may not leave the check station without authorization
 6 until it is cleaned and decontaminated in a manner established in accordance with rules adopted pursuant to
 7 80-7-1007. Every effort must be made to ensure decontamination of the vessel or equipment as expeditiously
 8 as possible.

9 (7) After use in a body of water within the statewide invasive species management area, all vessels,
 10 equipment, bait containers, livewells, bilges, and other boating-related equipment, excluding marine sanitary
 11 systems, must be drained in a way that does not impact any state waters before being transported on land or on
 12 a public highway, as defined in 61-1-101, except when allowed by the department of fish, wildlife, and parks."
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14 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
 15 integral part of Title 80, chapter 7, part 10, and the provisions of Title 80, chapter 7, part 10, apply to [section 1].
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17 NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.
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