

HOUSE BILL NO. 40

INTRODUCED BY W. CURDY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXCEPTION TO MANDATORY DECONTAMINATION FOR VESSELS WITH BALLAST OR BLADDERS; AMENDING SECTION 80-7-1030, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 80-7-1030, MCA, is amended to read:

"80-7-1030. 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~~ 45 days or meets other criteria determined by the department of fish, wildlife, and parks to render decontamination unnecessary. 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 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 prevent launch for a drying period determined by the department of fish, wildlife, and parks. The vessel may not be unlocked and allowed to launch until the drying time is complete. No one other than authorized department staff may remove the lock during the drying time. If a vessel requires a drying period, then the vessel must pass an inspection prior to launching in Montana waters in order to be considered decontaminated.

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

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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