

Representative Steve Waldrip proposes the following substitute bill:

BOAT FEES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires resident and nonresident vessel owners to pay an aquatic invasive species mitigation fee before operating a vessel on waters in Utah.

Highlighted Provisions:

This bill:

- ▶ creates the aquatic invasive species mitigation fee, requiring resident and nonresident owners of certain vessels to pay a fee in order to operate a boat on waters in Utah;
- ▶ requires owners of certain vessels to complete an education course;
- ▶ moves the statutory language requiring resident vessel owners to pay a fee for aquatic invasive species mitigation;
- ▶ creates the Aquatic Invasive Species Interdiction Account;
- ▶ grants rulemaking authority to the Wildlife Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **23-27-102**, as enacted by Laws of Utah 2008, Chapter 284

29 **73-18-22**, as last amended by Laws of Utah 2015, Chapter 36

30 ENACTS:

31 **23-27-304**, Utah Code Annotated 1953

32 **23-27-305**, Utah Code Annotated 1953

33 REPEALS:

34 **73-18-26**, as enacted by Laws of Utah 2015, Chapter 36



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **23-27-102** is amended to read:

38 **23-27-102. Definitions.**

39 As used in this chapter:

40 (1) "Board" means the Wildlife Board.

41 (2) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may
42 carry or contain a Dreissena mussel.

43 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal
44 watercraft, a container, a trailer, a live well, or a bilge area.

45 (3) "Decontaminate" means to:

46 (a) drain and dry all non-treated water; and

47 (b) chemically or thermally treat in accordance with rule.

48 (4) "Director" means the director of the division.

49 (5) "Division" means the Division of Wildlife Resources.

50 (6) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage,
51 including a zebra mussel, a quagga mussel, and Conrad's false mussel.

52 (7) "Equipment" means an article, tool, implement, or device capable of carrying or
53 containing:

54 (a) water; or

55 (b) a Dreissena mussel.

56 (8) "Executive director" means the executive director of the Department of Natural

57 Resources.

58 (9) "Facility" means a structure that is located within or adjacent to a water body.

59 (10) "Infested water" means a geographic region, water body, facility, or water supply
60 system within or outside the state that the board identifies in rule as carrying or containing a
61 Dreissena mussel.

62 (11) "Vessel" means the same as that term is defined in Section 73-18-2.

63 ~~[(11)]~~ (12) "Water body" means natural or impounded surface water, including a
64 stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

65 ~~[(12)]~~ (13) (a) "Water supply system" means a system that treats, conveys, or
66 distributes water for irrigation, industrial, waste water treatment, or culinary use.

67 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.

68 (c) "Water supply system" does not include a water body.

69 Section 2. Section **23-27-304** is enacted to read:

70 **23-27-304. Aquatic invasive species fee.**

71 (1) (a) There is imposed a resident aquatic invasive species fee of \$10 on each vessel
72 required to be registered under Section 73-18-7.

73 (b) The division shall administer and collect the fee described in Subsection (1)(a), and
74 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in
75 Section 23-27-305.

76 (2) (a) Except as provided in Subsection (2)(b), there is imposed a nonresident aquatic
77 invasive species fee of \$20 on each vessel in order to launch or operate a vessel in waters of
78 this state if:

79 (i) the vessel is owned by a nonresident; and

80 (ii) the vessel would otherwise be subject to registration requirements under Section
81 73-18-7 if the vessel were owned by a resident of this state.

82 (b) The provisions of Subsection (2)(a) do not apply if the vessel is owned and
83 operated by a state or federal government agency and the vessel is used within the course and
84 scope of the duties of the agency.

85 (c) The division shall administer and collect the fee described in Subsection (2)(a), and
86 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in
87 Section 23-27-305.

88 (3) Before launching a vessel on the waters of this state, a resident or nonresident shall
89 pay the aquatic invasive species fee as described in Subsection (1) or (2), and the vessel owner
90 shall successfully complete an aquatic invasive species education course offered by the
91 division.

92 (4) The board may increase fees assessed under Subsections (1) and (2), so long as:

93 (a) the fee for nonresidents described in Subsection (2) is no less than the resident fee
94 described in Subsection (1); and

95 (b) the fee is confirmed in the legislative fee schedule.

96 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
97 board may make rules establishing procedures for:

98 (a) proof of payment and other methods of verifying compliance with this section;

99 (b) special requirements applicable on interstate water bodies in this state; and

100 (c) other provisions necessary for the administration of the program.

101 Section 3. Section **23-27-305** is enacted to read:

102 **23-27-305. Aquatic Invasive Species Interdiction Account.**

103 (1) There is created within the General Fund a restricted account known as the Aquatic
104 Invasive Species Interdiction Account.

105 (2) The restricted account shall consist of:

106 (a) resident and nonresident aquatic invasive species fees collected under Section
107 23-27-304; and

108 (b) any other amount deposited in the restricted account from donations,
109 appropriations, contractual agreements, and accrued interest.

110 (3) Upon appropriation, the division shall use the fees collected under Section
111 23-27-305 and deposited in the Aquatic Invasive Species Account to fund aquatic invasive
112 species prevention and containment efforts.

113 Section 4. Section **73-18-22** is amended to read:

114 **73-18-22. Boating Account created -- Contents -- Use of money.**

115 (1) There is created within the General Fund a restricted account known as the Boating
116 Account.

117 (2) The restricted account shall consist of~~[(a)]~~, except as provided under Sections
118 73-18-24 and 73-18-25, all registration fees and related money collected by the division or an

119 authorized agent, less the costs of collecting motorboat and sailboat registration fees by an
120 authorized agent~~[-and]~~.

121 ~~[(b) aquatic invasive species mitigation fees collected under Section 73-18-26.]~~

122 (3) The amount retained by an authorized agent under Subsection (2)~~[(a)]~~ may not
123 exceed 20% of the fees charged in Section 73-18-7.

124 (4) ~~[Except as provided in Subsection (5), money]~~ Money in the Boating Account may
125 be used for:

126 (a) the construction, improvement, operation, and maintenance of publicly owned
127 boating facilities;

128 (b) boater education; and

129 (c) the payment of the costs and expenses of the division in administering and
130 enforcing this chapter.

131 ~~[(5) Fees collected under Section 73-18-26 and deposited into the Boating Account
132 shall be used for aquatic invasive species interdiction.]~~

133 Section 5. **Repealer.**

134 This bill repeals:

135 Section 73-18-26, **Aquatic invasive species fee -- Amount -- Deposit.**

136 Section 6. **Effective date.**

137 This bill takes effect on July 1, 2020.