

## HB0255S01 compared with HB0255

{deleted text} shows text that was in HB0255 but was deleted in HB0255S01.

inserted text shows text that was not in HB0255 but was inserted into HB0255S01.

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Representative Steve Waldrip proposes the following substitute bill:

### BOAT FEES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Waldrip**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ creates the aquatic invasive species mitigation fee, requiring resident and nonresident {boaters}owners of certain vessels to pay a fee in order to operate a boat on waters in Utah;
- ▶ requires {boaters}owners of certain vessels to complete an education course;
- ▶ moves the statutory language requiring resident {boaters}vessel owners to pay a fee for aquatic invasive species mitigation;
- ▶ creates the Aquatic Invasive Species Interdiction Account;

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- ▶ 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.

### Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

23-27-304, Utah Code Annotated 1953

23-27-305, Utah Code Annotated 1953

REPEALS:

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

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

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

#### **23-27-102. Definitions.**

As used in this chapter:

- (1) "Board" means the Wildlife Board.
- (2) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may carry or contain a Dreissena mussel.
- (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, a live well, or a bilge area.
- (3) "Decontaminate" means to:
  - (a) drain and dry all non-treated water; and
  - (b) chemically or thermally treat in accordance with rule.
- (4) "Director" means the director of the division.
- (5) "Division" means the Division of Wildlife Resources.
- (6) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage,

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including a zebra mussel, a quagga mussel, and Conrad's false mussel.

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

- (a) water; or
- (b) a Dreissena mussel.

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

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

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

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

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

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

- (b) "Water supply system" includes a pump, canal, ditch, or pipeline.
- (c) "Water supply system" does not include a water body.

Section ~~[(1)]~~ 2. Section **23-27-304** is enacted to read:

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

(1) (a) ~~{In addition to the registration fee imposed under Section 73-18-7, there}~~ There is imposed a resident aquatic invasive species ~~{mitigation}~~ fee of \$10 on each ~~{conveyance}~~ vessel required to be registered under Section 73-18-7.

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

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

- (i) the ~~{conveyance}~~ vessel is owned by a nonresident; and
- (ii) the ~~{conveyance}~~ vessel would otherwise be subject to ~~{boater}~~ registration

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requirements under Section 73-18-7 if the ~~conveyance~~ vessel were owned by a resident of this state.

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

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

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

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

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

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

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

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

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

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

Section ~~2~~3. Section **23-27-305** is enacted to read:

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

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

(2) The restricted account shall consist of:

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

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

(3) ~~The~~ Upon appropriation, the division shall use the fees collected under Section

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23-27-305 and deposited in the Aquatic Invasive Species Account to fund aquatic invasive species prevention and containment efforts.

~~{ (4) Revenues deposited into the restricted account are considered nonlapsing.~~

~~(5) The Division of Finance shall transfer all aquatic invasive species fees remaining in the Boating Account as of June 30, 2020 to the Aquatic Invasive Species Interdiction Account effective July 1, 2020.~~

† Section ~~{3}~~4. Section **73-18-22** is amended to read:

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

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

(2) The restricted account shall consist of~~[-(a)]~~, except as provided under Sections 73-18-24 and 73-18-25, all registration fees and related money collected by the division or an authorized agent, less the costs of collecting motorboat and sailboat registration fees by an authorized agent~~[-and]~~.

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

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

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

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

(b) boater education; and

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

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

### Section ~~{4}~~5. **Repealer.**

This bill repeals:

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

### Section ~~{5}~~6. **Effective date.**

This bill takes effect on July 1, 2020.

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