

Representative Steve Waldrip proposes the following substitute bill:

BOAT FEES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: David P. Hinkins

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;
- ▶ requires the Division of Wildlife Resources to study the feasibility of a program for automated monitoring and record keeping of the decontamination or entry of vessels into the waters of this state;
- ▶ requires the Division of Wildlife Resources to report on the study and implement a pilot program;
- ▶ 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



26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **23-27-102**, as enacted by Laws of Utah 2008, Chapter 284

34 **73-18-22**, as last amended by Laws of Utah 2015, Chapter 36

35 ENACTS:

36 **23-27-304**, Utah Code Annotated 1953

37 **23-27-305**, Utah Code Annotated 1953

38 REPEALS:

39 **73-18-26**, as enacted by Laws of Utah 2015, Chapter 36



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

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

43 **23-27-102. Definitions.**

44 As used in this chapter:

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

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

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

50 (3) "Decontaminate" means to:

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

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

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

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

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

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

59 (a) water; or

60 (b) a Dreissena mussel.

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

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

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

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

68 ~~[(11)]~~ (12) "Water body" means natural or impounded surface water, including a
69 stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

70 ~~[(12)]~~ (13) (a) "Water supply system" means a system that treats, conveys, or
71 distributes water for irrigation, industrial, waste water treatment, or culinary use.

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

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

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

75 **23-27-304. Aquatic invasive species fee.**

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

78 (b) The division shall administer and collect the fee described in Subsection (1)(a), and
79 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in
80 Section [23-27-305](#).

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

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

85 (ii) the vessel would otherwise be subject to registration requirements under Section
86 [73-18-7](#) if the vessel were owned by a resident of this state.

87 (b) The provisions of Subsection (2)(a) do not apply if the vessel is owned and

88 operated by a state or federal government agency and the vessel is used within the course and
89 scope of the duties of the agency.

90 (c) The division shall administer and collect the fee described in Subsection (2)(a), and
91 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in
92 Section [23-27-305](#).

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

97 (4) (a) The division shall study options and feasibility of implementing an automated
98 system capable of scanning, photographing, and providing real-time information regarding a
99 conveyance's or equipment's:

100 (i) last entry into a body of water; and

101 (ii) last decontamination.

102 (b) The study described in Subsection (4)(a) shall evaluate the system's capability of:

103 (i) operation with or without the use or supervision of personnel;

104 (ii) operation 24 hours per day;

105 (iii) capturing a state assigned number on a vessel or conveyance as described in

106 Section [73-18-6](#);

107 (iv) preserving photographic evidence of:

108 (A) a conveyance's state assigned bow number;

109 (B) a conveyance's or equipment's entry into a body of water, including the global
110 positioning system location of where the conveyance is photographed; and

111 (C) decontamination of the conveyance or equipment;

112 (v) identifying a conveyance or equipment not owned by a resident that is entering a
113 body of water in this state; and

114 (vi) collecting the fee described in Subsection (1) or (2).

115 (c) The division shall present a report of the study and findings described in
116 Subsections (4)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim
117 Committee before November 30, 2020.

118 (d) Based on the findings of the study described in this Subsection (4), the division

119 shall implement a pilot program to provide the services described in this Subsection (4) on or
120 before May 1, 2021.

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

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

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

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

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

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

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

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

131 **23-27-305. Aquatic Invasive Species Interdiction Account.**

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

134 (2) The restricted account shall consist of:

135 (a) resident and nonresident aquatic invasive species fees collected under Section
136 23-27-304; and

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

139 (3) Upon appropriation, the division shall use the fees collected under Section
140 23-27-305 and deposited in the Aquatic Invasive Species Account to fund aquatic invasive
141 species prevention and containment efforts.

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

143 **73-18-22. Boating Account created -- Contents -- Use of money.**

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

146 (2) The restricted account shall consist of~~[-(a)]~~, except as provided under Sections
147 73-18-24 and 73-18-25, all registration fees and related money collected by the division or an
148 authorized agent, less the costs of collecting motorboat and sailboat registration fees by an
149 authorized agent~~[-and]~~.

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

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

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

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

157 (b) boater education; and

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

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

162 Section 5. **Repealer.**

163 This bill repeals:

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

165 Section 6. **Effective date.**

166 This bill takes effect on July 1, 2020.