

HB0255S04 compared with HB0255S03

~~deleted text~~ shows text that was in HB0255S03 but was deleted in HB0255S04.

inserted text shows text that was not in HB0255S03 but was inserted into HB0255S04.

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Senator David P. Hinkins 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;

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- ▶ 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;
- ▶ requires a person to remove all plugs and similar devices and to drain water systems on a conveyance before transporting the conveyance on a highway in the state;
- ▶ permits the division to temporarily stop, detain, and inspect a conveyance that the division reasonably believes has not complied with the draining requirements; 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

23-27-301, as last amended by Laws of Utah 2014, Chapter 274

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

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

ENACTS:

23-27-304, Utah Code Annotated 1953

23-27-305, Utah Code Annotated 1953

23-27-306, Utah Code Annotated 1953

~~{REPEALS:~~

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

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.

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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, 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 2. Section **23-27-301** is amended to read:

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23-27-301. Division's power to prevent invasive species infestation.

To eradicate and prevent the infestation of a Dreissena mussel, the division may:

- (1) (a) establish inspection stations located at or along:
 - (i) highways, as defined in Section 72-1-102;
 - (ii) ports of entry, if the Department of Transportation authorizes the division to use the port of entry; and
 - (iii) publicly accessible:
 - (A) boat ramps; and
 - (B) conveyance launch sites; and
 - (b) temporarily stop, detain, and inspect a conveyance or equipment that:
 - (i) the division reasonably believes is in violation of Section 23-27-201;
 - (ii) the division reasonably believes is in violation of Section 23-27-306;
 - ~~(iii)~~ (iii) is stopped at an inspection station; or
 - ~~(iii)~~ (iv) is stopped at an administrative checkpoint;
- (2) conduct an administrative checkpoint in accordance with Section 77-23-104;
- (3) detain and quarantine a conveyance or equipment as provided in Section 23-27-302;
- (4) order a person to decontaminate a conveyance or equipment; and
- (5) inspect the following that may contain a Dreissena mussel:
 - (a) a water body;
 - (b) a facility; and
 - (c) a water supply system.

Section 3. Section **23-27-304** is enacted to read:

23-27-304. Aquatic invasive species fee.

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

~~— (b) The division shall administer and collect the fee described in Subsection (1)(a), and the fee shall be deposited 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 ~~‡~~an annual nonresident aquatic invasive species fee of \$20 on each vessel in order to launch or operate a

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vessel in waters of this state if:

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

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

(b) The provisions of Subsection (~~f2~~1)(a) do not apply if the vessel is owned and operated by a state or federal government agency and the vessel is used within the course and scope of the duties of the agency.

(c) The division shall administer and collect the fee described in Subsection (~~f2~~1)(a), and the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305.

(~~f3~~2) Before launching a vessel on the waters of this state, a ~~f~~resident or nonresident shall pay the aquatic invasive species fee as described in Subsection (1 ~~f~~ or 2), and the vessel owner shall successfully complete an aquatic invasive species education course offered by the division.

(~~f4~~3) (a) The division shall study options and feasibility of implementing an automated system capable of scanning, photographing, and providing real-time information regarding a conveyance's or equipment's:

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

(ii) last decontamination.

(b) The study described in Subsection (~~f4~~3)(a) shall evaluate the system's capability of:

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

(ii) operation 24 hours per day;

(iii) capturing a state assigned number on a vessel or conveyance as described in Section 73-18-6;

(iv) preserving photographic evidence of:

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

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

(C) decontamination of the conveyance or equipment;

(v) identifying a conveyance or equipment not owned by a resident that is entering a

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body of water in this state; and

(vi) collecting the fee described in Subsection (1) ~~for (2)~~.

(c) The division shall present a report of the study and findings described in Subsections ~~(4)3~~(a) and (b) to the Natural Resources, Agriculture, and Environment Interim Committee before November 30, 2020.

(d) Based on the findings of the study described in this Subsection ~~(4)3~~, the division shall implement a pilot program to provide the services described in this Subsection ~~(4)3~~ on or before May 1, 2021.

~~(5)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)~~Section 73-18-26; and

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

(6) 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 4. 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;

(b) resident aquatic invasive species fees collected under Section 73-18-26; and

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

(3) Upon appropriation, the division shall use the fees collected under ~~Section~~Sections 23-27-305 and 73-18-26 and deposited in the Aquatic Invasive Species Account to fund aquatic invasive species prevention and containment efforts.

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Section 5. Section **23-27-306** is enacted to read:

23-27-306. Removal of drain plug or similar device during transport.

(1) Before transporting a conveyance on a highway, as defined in Section 72-1-102, in the state, a person shall:

(a) remove the plugs and similar devices that prevent drainage of raw water systems on the conveyance; and

(b) to the extent feasible, drain all water from live wells, bilges, ballast tanks, or similar compartments on the conveyance.

(2) A person who fails to comply with Subsection (1) is guilty of a class C misdemeanor.

Section 6. 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 7. Section ~~{Repealer.}~~ 73-18-26

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~~This bill repeals~~ is amended to read:

~~{Section }73-18-26{,}. {Aquatic}~~ Resident aquatic invasive species fee -- Amount --

Deposit.

(1) In addition to the registration fee imposed under Section 73-18-7, there is imposed an annual resident aquatic invasive species [mitigation] fee of \$10 on a motorboat or sailboat required to be registered under Section 73-18-7.

(2) The fee imposed under Subsection (1) shall be deposited [in the Boating Account created in Section 73-18-22 for the purpose of aquatic invasive species interdiction.] into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305.

Section 8. **Effective date.**

This bill takes effect on July 1, 2020.