

SB0112S01 compared with SB0112

~~text~~ shows text that was in SB0112 but was deleted in SB0112S01.

inserted text shows text that was not in SB0112 but was inserted into SB0112S01.

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Senator Scott D. Sandall proposes the following substitute bill:

AQUATIC INVASIVE SPECIES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses aquatic invasive species issues.

Highlighted Provisions:

This bill:

- ▶ requires the payment of a fee and display of an aquatic invasive species decal before launching or operating a vessel;
- ▶ addresses the display of an aquatic invasive species decal obtained by payment of a fee;
- ▶ addresses the imposition of resident and nonresident fees, including ~~the~~:
 - clarifying that a resident aquatic invasive species fee is separate from a registration fee; and
 - addressing collections by the Division of Motor Vehicles;

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- ▶ requires certain vessel owners to complete an education course;
- ▶ repeals outdated language and certain language related to the resident aquatic invasive species fee; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-27-201, as last amended by Laws of Utah 2014, Chapter 274

23-27-304, as enacted by Laws of Utah 2020, Chapter 195

23-27-305, as enacted by Laws of Utah 2020, Chapter 195

ENACTS:

73-18-25.3, Utah Code Annotated 1953

REPEALS:

73-18-26, as last amended by Laws of Utah 2020, Chapter 195

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

Section 1. Section **23-27-201** is amended to read:

23-27-201. Invasive species prohibited -- Administrative inspection authorized --

Decal.

(1) Except as authorized in this title or a board rule or order, a person may not:

(a) possess, import, export, ship, or transport a Dreissena mussel;

(b) release, place, plant, or cause to be released, placed, or planted a Dreissena mussel in a water body, facility, or water supply system; [or]

(c) transport a conveyance or equipment that has been in an infested water within the previous 30 days without decontaminating the conveyance or equipment[.]; or

(d) launch or operate a vessel on the waters of the state without first:

(i) paying an aquatic invasive species fee required by Subsection 23-27-304(1) or (2);

and

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(ii) displaying an aquatic invasive species decal in accordance with Subsection (6).

(2) A person who violates Subsection (1):

(a) is strictly liable;

(b) is guilty of an infraction; and

(c) shall reimburse the state for all costs associated with detaining, quarantining, and decontaminating the conveyance or equipment.

(3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class A misdemeanor.

(4) A person may not proceed past or travel through an inspection station or administrative checkpoint, as described in Section 23-27-301, while transporting a conveyance during an inspection station's or administrative checkpoint's hours of operations without presenting the conveyance for inspection.

(5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

(6) (a) (i) The division shall provide a resident person who pays the aquatic invasive species fee required by Subsection 23-27-304(1)(a) an aquatic invasive species decal to be displayed on the vessel for which the aquatic invasive species fee is paid.

(ii) The division shall provide a nonresident person who pays the aquatic invasive species fee required by Subsection 23-27-304(2)(a) an aquatic invasive species decal to be displayed on the vessel for which the aquatic invasive species fee is paid.

(b) A person shall display the aquatic invasive species decal obtained under this Subsection (6) on the bow of the vessel's port side six inches aft of the vessel's registration decal.

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

23-27-304. Aquatic invasive species fee.

(1) (a) Except as described in Subsection (3), there is imposed an annual resident aquatic invasive species fee of \$20 on a vessel required to be registered under Section 73-18-7.

(b) The division shall:

(i) collect the aquatic invasive species fee imposed under Subsection (1)(a):

(A) in cooperation with the Division of Outdoor Recreation and in conjunction with the registration process described in Section 73-18-7; or

(B) through a division process if the vessel owner elects to not pay the aquatic invasive

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species fee in conjunction with the registration process;

(ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305; and

(iii) administer the aquatic invasive species fee in accordance with this section.

(c) The aquatic invasive species fee imposed under this Subsection (1) is in addition to and is separate from a registration fee described in Section 73-18-7.

(2) (a) Except as provided in Subsection [(1)(b)] (3), there is imposed an annual nonresident aquatic invasive species fee of [\$20] \$25 on each vessel [in order] to launch or operate a 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 division shall:~~

~~— (i) collect and administer an aquatic invasive species fee described in Subsection (2)(a) in accordance with this section; and~~

~~— (ii) deposit the aquatic invasive species fee collected under this Subsection (2) into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305.~~

~~— }[(b) The provisions of Subsection (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 (1)(a); and the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305.]~~

(b) The division shall:

(i) collect and administer an aquatic invasive species fee described in Subsection (2)(a) in accordance with this section; and

(ii) deposit the aquatic invasive species fee collected under this Subsection (2) into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305.

[(2)] (3) Subsections (1) and (2) 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.

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~~(4) Before launching or operating a vessel on the waters of this state^[5]:~~

~~(a) (i) a resident shall pay the aquatic invasive species fee as described in Subsection (1); and~~

~~(ii) a nonresident shall pay the aquatic invasive species fee as described in Subsection [(1);] (2); and~~

~~(b) the resident or nonresident vessel owner shall successfully complete an aquatic invasive species education course offered by the division.~~

~~[(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 (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 body of water in this state; and]~~

~~[(vi) collecting the fee described in Subsection (1).]~~

~~[(c) The division shall present a report of the study and findings described in Subsections (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 (3), the division shall implement a pilot program to provide the services described in this Subsection (3) on or before May 1, 2021.]~~

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~~[(4)]~~ (5) ~~[The]~~ Notwithstanding the fee amount described in Subsections (1) and (2), the board may increase resident and nonresident aquatic invasive species fees assessed under ~~[Subsection (1)]~~ this section, so long as:

(a) the aquatic invasive species fee for nonresidents described in Subsection ~~[(1)]~~ (2) is no less than the resident aquatic invasive species fee described in ~~[Section 73-18-26]~~ Subsection (1); and

(b) the aquatic invasive species fee is confirmed in the legislative fee schedule.

~~[(5)]~~ (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 3. Section **23-27-305** is amended 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]~~ Aquatic Invasive Species Interdiction Account shall consist of:

(a) nonresident aquatic invasive species fees collected under ~~[Section 23-27-304]~~ Subsection 23-27-304(2);

(b) resident aquatic invasive species fees collected under ~~[Section 73-18-26]~~ Subsection 23-27-304(1); and

(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 aquatic invasive species fees collected under ~~[Sections 23-27-305 and 73-18-26]~~ Subsections 23-27-304(1) and (2) and deposited in the Aquatic Invasive Species Account to fund aquatic invasive species prevention and containment efforts.

Section 4. Section 73-18-25.3 is enacted to read:

73-18-25.3. Collection of the aquatic invasive species fee.

(1) A person who applies for a vessel registration or registration renewal under Section

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73-18-7 may pay the aquatic invasive species fee required under Section 23-27-304 at the time of registration or registration renewal. If the Division of Motor Vehicles collects the registration fee and a person elects to pay the aquatic invasive species fee at the same time, the payment of the aquatic invasive species fee under this section shall be:

(a) collected by the Division of Motor Vehicles;

(b) treated as a separate fee and not part of the registration fee; and

(c) deposited into the Aquatic Invasive Species Interdiction Account created in Section 23-27-305, less actual administrative costs associated with collecting and transferring the aquatic invasive species fee by the Division of Motor Vehicles.

(2) Notwithstanding Section 41-1a-116, the Division of Motor Vehicles shall report to the Division of Wildlife Resources identifying information regarding a person who pays the aquatic invasive species fee so that the Division of Water Resources may provide a decal to that person in accordance with Subsection 23-27-201(6).

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

This bill repeals:

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