

1 H.51

2 Introduced by Representatives Dolan of Waitsfield, Austin of Colchester,
3 Bongartz of Manchester, Ode of Burlington, and Sims of
4 Craftsbury

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; water resources; aquatic nuisance
8 control; Aquatic Nuisance Prevention Pass

9 Statement of purpose of bill as introduced: This bill would require the
10 Commissioner of Fish and Wildlife to issue the Aquatic Nuisance Prevention
11 Pass that owners or operators of motorboats and nonmotorized vessels would
12 be required to annually obtain and affix to all motorboats and nonmotorized
13 vessels operating in the waters of the State. Fees on the sale of Aquatic
14 Nuisance Prevention Passes would be deposited into a special fund to be used
15 for aquatic nuisance control in the State.

16 An act relating to establishing the Aquatic Nuisance Prevention Pass for use
17 of State waters

18 It is hereby enacted by the General Assembly of the State of Vermont:

19 Sec. 1. 10 V.S.A. § 1452 is amended to read:

20 § 1452. DEFINITIONS

1 As used in this chapter:

2 (1) “Agency” means the Agency of Natural Resources.

3 (2) “Aquatic nuisance” means undesirable or excessive ~~substances or~~
4 ~~populations~~ biological organisms that interfere with the recreational potential
5 or aquatic habitat of a body of water, including rooted aquatic plants and
6 animal and algal populations. ~~Aquatic nuisances include zebra mussels~~
7 ~~(Dreissena polymorpha), quagga mussels (Dreissena bugensis), Asian clam~~
8 ~~(Corbicula fluminea), fishhook waterflea (Cercopagis pengoi), rusty crayfish~~
9 ~~(Orconectes rusticus), spiny waterflea (Bythotrephes longimanus), or other~~
10 ~~species identified by the Secretary by rule.~~

11 (3) “Aquatic plant” means a plant that naturally grows in water,
12 saturated soils, or seasonally saturated soils, including algae and submerged,
13 floating-leafed, floating, or emergent plants.

14 * * *

15 (11) “Waters” means all rivers, streams, creeks, brooks, reservoirs,
16 ponds, lakes, and springs and all bodies of surface waters, artificial or natural,
17 that are contained within, flow through, or border upon the State or any portion
18 of it.

19 * * *

1 (22) “Vessel” means every description of watercraft used or capable of
2 being used as a means of transportation on water, including personal
3 watercraft.

4 (23) “Motorboat” has the same meaning as in 23 V.S.A. § 3302.

5 (24) “Nonmotorized vessel” means every description of nonmotorized
6 watercraft, including sailboats, rowboats, paddleboats, paddleboards, rafts,
7 canoes, kayaks, or inflatable rafts and kayaks, used or capable of being used as
8 a means of transportation on unfrozen water. “Nonmotorized vessel” does not
9 mean a single air mattress, single inner tube, or other water toy used for
10 flotation.

11 Sec. 2. 10 V.S.A. §§ 1462 and 1463 are added to read:

12 § 1462. AQUATIC NUISANCE PREVENTION PASS; DECAL

13 (a) Aquatic Nuisance Prevention Pass; required for operation.

14 (1) The Commissioner of Fish and Wildlife shall establish the Aquatic
15 Nuisance Prevention Pass that shall entitle the owner or operator of a
16 motorboat or nonmotorized vessel to operate on a water of the State.

17 (2) The Commissioner of Fish and Wildlife shall issue the Aquatic
18 Nuisance Prevention Pass annually and shall design the Pass as a decal to be
19 attached to each of the following vessels operating in the State:

20 (A) a motorboat required to be registered by this State under 23
21 V.S.A. § 3305;

1 (B) a motorboat of less than 10 horsepower used as a tender to a
2 motorboat required to be registered by this State under 23 V.S.A. § 3305;

3 (C) a motorboat that is exempt from Vermont numbering provisions
4 under 23 V.S.A. § 3307 that the owner expects will only be operated in the
5 waters of the State during the applicable calendar year;

6 (D) a motorboat that has been registered in another state under a
7 federally approved numbering system or that has a valid document issued by
8 the U.S. Coast Guard, U.S. Customs and Border Protection, or any other
9 federal agency;

10 (E) a motorboat that is exempt from Vermont numbering provisions
11 under 23 V.S.A. § 3307 that the owner expects will be operated in the waters
12 of another state at least once during the applicable calendar year; and

13 (F) a nonmotorized vessel.

14 (3) The Aquatic Nuisance Prevention Pass decal shall be displayed:

15 (A) on the port side of a motorboat three inches ahead of the
16 validation sticker or registration number;

17 (B) on the port side of the bow above the waterline of a
18 nonmotorized vessel that has a bow; or

19 (C) on an easily retrievable and visible attachment to a nonmotorized
20 vessel that does not have a bow.

1 (4) Notwithstanding subdivisions (1) and (2) of this subsection,
2 motorboats or nonmotorized vessels operating in interstate waters shared with
3 another state or province shall be exempt from the requirement of subdivision
4 (2) of this subsection if the motorboat or nonmotorized vessel displays an
5 equivalent aquatic invasive species decal issued by the other state or province.
6 The provisions of this subdivision shall not be valid unless the other state or
7 province enacts legislation that is substantially the same as the Aquatic
8 Nuisance Prevention Pass requirements in this section and gives reciprocal
9 exemptions to motorboats displaying the Vermont Aquatic Nuisance
10 Prevention Pass.

11 (b) Fee. Issuance and expiration. The Commissioner of Fish and Wildlife
12 shall charge the following fees for the Aquatic Nuisance Prevention Pass:

13 (1) Vermont residents: \$20.00;

14 (2) nonresidents of Vermont: \$40.00; and

15 (3) Vermont businesses or associations with 10 or more nonmotorized
16 vessels: \$200.00 for up to 20 nonmotorized vessels.

17 (c) Expiration. The Aquatic Nuisance Prevention Pass shall, without
18 regard to transfer of ownership of the motorboat or nonmotorized vessel,
19 expire on December 31 in the year for which it is issued.

20 (d) Signage. The Commissioner of Fish and Wildlife shall ensure that
21 signage regarding aquatic nuisances and the required Aquatic Nuisance

1 Prevention Pass is prominently posted at public access points to waters of the
2 State and entrances and exits to limited access highways as that term is defined
3 in 19 V.S.A. § 1(25).

4 § 1463. AQUATIC NUISANCE PREVENTION; SPECIAL FUND

5 (a) There is created a special fund known as the Aquatic Nuisance
6 Prevention Special Fund to be administered by the Secretary of Natural
7 Resources. The Fund shall consist of:

8 (1) fees collected by the Commissioner of Fish and Wildlife from the
9 sale of Aquatic Nuisance Prevention Passes under section 1462 of this title;

10 (2) funds that may be appropriated by the General Assembly; and

11 (3) other gifts, donations, or funds received from any source, public or
12 private, dedicated for deposit into the Fund.

13 (b) The Secretary shall use monies deposited in the Fund for aquatic
14 nuisance control under this chapter, including:

15 (1) to award grants to municipalities under the grant-in-aid program
16 established under section 1458 of this title;

17 (2) to fund aquatic nuisance inspection stations and the training program
18 for station staff under section 1461 of this title;

19 (3) to fund installation or replacement of signage at fishing and boating
20 access areas to warn of aquatic nuisance infections in waters or to advise users
21 of waters to inspect or wash their motorboats and nonmotorized vessels; and

1 (4) use of up to 10 percent of the annual revenue in the Fund for
2 administrative costs of implementing the requirements of this chapter.

3 (c) Notwithstanding the requirements of 32 V.S.A. § 588(3) and (4),
4 interest earned by the Fund and the balance of the Fund at the end of the fiscal
5 year shall be carried forward in the Fund and shall not revert to the General
6 Fund.

7 Sec. 3. WARNINGS IN 2024

8 In 2024, law enforcement officers shall not issue civil violations for failure
9 to display the Aquatic Nuisance Prevention Pass as required under 10 V.S.A.
10 § 1462. Instead, law enforcement officers shall issue warnings for failure to
11 display the Aquatic Nuisance Prevention Pass and provide copies of the
12 aquatic invasive species information required under 23 V.S.A. § 3305(k) to the
13 operator of any motorboat or nonmotorized vessel that is observed in the
14 waters of this State without displaying the Aquatic Nuisance Prevention Pass.

15 Sec. 4. 23 V.S.A. § 3305(k) is amended to read:

16 (k) The Commissioner shall enclose with every permanent and temporary
17 motorboat registration and registration renewal certificate issued pursuant to
18 this chapter a statement, based on current aquatic nuisance threats and spread
19 prevention methods, regarding the danger of aquatic nuisances, how aquatic
20 nuisance species are spread, ~~and~~ how spread of aquatic nuisance species may
21 be controlled, and the requirement that the owner or operator of a motorboat or

1 nonmotorized vessel is required annually by 10 V.S.A. § 1462 to obtain the
2 Aquatic Nuisance Prevention Pass.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on January 1, 2024.