

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 143

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO INVASIVE SPECIES; AMENDING CHAPTER 3, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-311, IDAHO CODE, TO PROVIDE THAT CERTAIN VESSELS SHALL PAY SPECIFIED FEES, TO PROVIDE FOR PROTECTION AGAINST INVASIVE SPECIES PERMITS AND STICKERS, TO PROVIDE FOR EFFECTIVE DATES OF PERMITS AND STICKERS, TO PROVIDE THAT FAILURE TO DISPLAY STICKERS IN DESIGNATED MANNERS SHALL BE UNLAWFUL, TO PROVIDE AN EXEMPTION RELATING TO DISPLAY REQUIREMENTS, TO PROVIDE A PROCEDURE FOR SUCH EXEMPTION, TO SPECIFY FEE PROVISIONS, TO DEFINE A TERM, TO PROVIDE FOR APPLICABILITY, TO PROVIDE A PROCEDURE RELATING TO PERMITS AND STICKERS USED IN THE TESTING AND DEMONSTRATION OF VESSELS, TO PROVIDE FOR VIOLATIONS AND PENALTIES AND TO PROVIDE FOR ENFORCEMENT; REPEALING SECTION 67-7008A, IDAHO CODE, RELATING TO THE COLLECTION AND DEPOSIT OF FEES FOR INVASIVE SPECIES STICKERS; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 3, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-311, Idaho Code, and to read as follows:

36-311. ISSUANCE OF PROTECTION AGAINST INVASIVE SPECIES PERMITS AND STICKERS -- DEPOSIT INTO INVASIVE SPECIES FUND. (1) In addition to any other moneys or fees collected pursuant to any provision of chapter 70, title 67, Idaho Code, certain vessels shall pay an additional fee each calendar year as follows:

(a) Five dollars and fifty cents (\$5.50) per nonmotorized resident or nonresident vessel prior to launch into the public waters of the state.

(b) Twenty dollars and fifty cents (\$20.50) per vessel documented through the United States coast guard or registered outside the state of Idaho prior to launch into the public waters of the state.

(c) Licensed outfitters and guides, as defined in section 36-2102, Idaho Code, with nonmotorized fleets exceeding five (5) vessels shall be afforded a prorated group rate using the number of vessels within the fleet at the time of purchase of protection against invasive species permits of thirty dollars and fifty cents (\$30.50) for six (6) to ten (10) vessels; fifty-five dollars and fifty cents (\$55.50) for eleven (11) to twenty (20) vessels; and one hundred dollars and fifty cents (\$100.50) for twenty-one (21) or more vessels up to a maximum of one hundred (100) vessels. The fee for any additional vessels shall be one dollar (\$1.00) per vessel. The licensed outfitter group rates shall also be available for groups exempt from licensing pursuant to section 36-2103, Idaho Code.

(2) Upon payment of the fee as provided in this section, the payor shall be issued a protection against invasive species permit and an associated

1 sticker. Protection against invasive species permits and the associated
2 stickers shall be considered in full force and effect through December 31 of
3 the year of issue.

4 (a) It shall be unlawful for any person to operate or for the owner to
5 permit the operation upon the public waters of the state of Idaho a ves-
6 sel that does not display a current protection against invasive species
7 sticker as follows:

8 (i) For nonmotorized canoes, kayaks and other small rigid ves-
9 sels, the sticker should be affixed near the bow above the water-
10 line on the left side or on top of the vessel if there is little or
11 no waterline distinction. For nonmotorized inflatable vessels,
12 the sticker can be modified to allow attachment in a plastic pouch
13 or other similar mechanism or be laminated into a hang tag.

14 (ii) For motorized vessels described in subsection (1) (b) of this
15 section, the sticker should be affixed next to the current year
16 registration validation sticker on the left side of the vessel.

17 (b) The provisions of subsection (2) (a) of this section shall not ap-
18 ply to nonmotorized fleets exceeding five (5) vessels with protection
19 against invasive species permits purchased by licensed outfitters and
20 guides, as defined in section 36-2102, Idaho Code. Protection against
21 invasive species permits for nonmotorized vessels purchased by li-
22 censed outfitters and guides for nonmotorized fleets exceeding five
23 (5) vessels shall be accompanied by an affidavit that shall be signed by
24 the outfitter or guide. The signed affidavit shall verify the number
25 of vessels within the covered fleet and that the appropriate number of
26 protection against invasive species permits has been purchased. The
27 protection against invasive species permits and affidavit shall be kept
28 on file at the outfitter or guide's physical address and shall be made
29 available for inspection upon request by law enforcement.

30 (c) For vessels operating in the Snake River where it forms the bound-
31 ary line between the state of Idaho and the state of Washington or the
32 state of Oregon, in Palisades Reservoir or in Bear Lake, the provisions
33 of subsection (2) (a) of this section shall not apply to persons operat-
34 ing vessels with a valid permit or sticker for invasive species preven-
35 tion issued by the state with whom the waterbody is shared.

36 (3) Fees for protection against invasive species permits and associ-
37 ated stickers for vessels pursuant to this section shall be collected by the
38 department or authorized vendor for the department.

39 (a) Vendors issuing permits and associated stickers pursuant to this
40 section shall retain an additional vendor issuance fee pursuant to sec-
41 tion 36-306, Idaho Code. Outfitters and guides shall pay a single ven-
42 dor issuance fee per each prorated group rate purchase.

43 (b) The department shall retain up to twenty percent (20%) of the permit
44 fees, exclusive of the vendor issuance fee, for administering issuance
45 of protection against invasive species permits and associated stick-
46 ers.

47 (c) All remaining fees collected pursuant to this section, exclusive
48 of vendor fees, shall be transferred by the department to the invasive
49 species fund established in section 22-1911, Idaho Code.

1 (4) For the purpose of this section, "vessel" is as defined in section
2 67-7003(22), Idaho Code. All nonmotorized vessels are subject to the provi-
3 sions of this section, with the exception of inflatable vessels less than ten
4 (10) feet in length.

5 (5) If a protection against invasive species permit or the associated
6 sticker issued pursuant to this section is lost, stolen or destroyed, a new
7 permit with the associated sticker shall be purchased.

8 (6) A person engaged in the manufacture or sale of nonmotorized ves-
9 sels may obtain a permit and the associated sticker to be used in the test-
10 ing or demonstration only of vessels by temporary placement of the protec-
11 tion against invasive species permit and the associated sticker on the ves-
12 sel tested or demonstrated.

13 (7) (a) Any person who violates any of the provisions of this section
14 shall be guilty of an infraction and shall be punished as provided in ac-
15 cordance with the provisions of the Idaho infraction rules.

16 (b) The provisions of this section shall be enforced by the law enforce-
17 ment personnel of the department, the Idaho state police, the sheriffs
18 and their deputies of the various counties in the state, and peace offi-
19 cers of each city. The provisions of this section relating to licensed
20 outfitters shall also be enforced by the law enforcement personnel of
21 the Idaho outfitters and guides licensing board.

22 SECTION 2. That Section [67-7008A](#), Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 3. This act shall be in full force and effect on and after Decem-
25 ber 1, 2013.