

Amendment to HB 1589-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT prohibiting the transport of aquatic plants and aquatic weeds.

4
5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Purpose; Clean Lakes Program. Amend RSA 487:15 to read as follows:

8 487:15 Purpose. The general court recognizes that rapidly escalating pressures of shorefront
9 development and recreational uses of public waters have placed increasing strains upon the state's
10 lake resources, thereby accelerating the eutrophication process in many of our public lakes through
11 nuisance growths of aquatic **macrophytes (aquatic plants)** [~~macrophyton~~] and phytoplankton
12 (algae) and thus posing a threat to water quality. ***The general court further recognizes that***
13 ***transporting boats from one water body to another increases the risk of inadvertent***
14 ***transport of aquatic nuisance species, some of which are invisible to the unaided eye. This***
15 ***risk can be reduced by inspecting and draining all boats and water-related equipment***
16 ***upon leaving state waters.*** The general court further recognizes the need to restore, preserve
17 and maintain the state's lakes and ponds in order that these significant environmental, aesthetic
18 and recreational assets will continue to benefit the social and economic well-being of the state's
19 citizens.

20 2 New Paragraph; New Definition; Aquatic Plants. Amend RSA 487:16 by inserting after
21 paragraph IV the following new paragraph:

22 V. "Aquatic plants" means plants that are adapted to live in freshwater aquatic
23 environments, also referred to as aquatic macrophytes.

24 3 Exotic Aquatic Weed Penalties. Amend RSA 487:16-b to read as follows:

25 487:16-b Exotic Aquatic Weed Penalties. It shall be unlawful to [~~knowingly, recklessly, or~~
26 ~~purposely~~] offer for sale, distribute, sell, import, purchase, propagate, ***transport***, or introduce
27 exotic aquatic weeds into New Hampshire waterbodies. Notwithstanding RSA 487:7, any person
28 engaging in such an activity shall be guilty of a violation.

29 4 New Sections; Aquatic Plants or Exotic Aquatic Weeds; Requirements for Draining Water
30 Conveyances. Amend RSA 487 by inserting after section 16-b the following new sections:

31 487:16-c Transport of Aquatic Plants or Exotic Aquatic Weeds On Outside of Boats, Vehicles,
32 and Equipment. No person shall transport any aquatic plants or plant parts or exotic aquatic weed

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or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft as defined in RSA 270:73, trailer, or other equipment.

487:16-d Draining of Water Conveyances.

I. When leaving waters of the state, a person shall drain their boat and other water-related equipment that holds water, including live wells and bilges.

II. Drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting boats and other water-related equipment, if the vessel is so equipped.

III. Commercial enterprises transporting boats for off-site storage, maintenance, or repairs, and emergency response vehicles and their related equipment are exempted from paragraphs I and II, however all such exempt commercial enterprises shall drain all water-related equipment holding water and live wells and bilges prior to transporting the equipment to another waterbody.

487:16-e Penalties. Notwithstanding RSA 487:7, any person who violates RSA 487:16-c through 487:16-d shall be guilty of a violation punishable by a fine of \$50 for a first offense and \$250 for any subsequent offense. The authority to enforce these sections shall extend to all peace officers in the state of New Hampshire.

5 Enforcement Powers Conferred. Amend RSA 270:12-a, I(e)-(f) to read as follows:

(e) Any crime or offense, excluding a violation of title XVIII or a violation of title XXI not involving a boat or watercraft, that occurs on an island or on the mainland contiguous to inland or coastal bodies of water in the absence of any law enforcement agency with jurisdiction immediately available when immediate action is required; ~~and~~

(f) Any crime or offense when requested to render assistance to another peace officer having jurisdiction in the area~~[-];~~ **and**

(g) The provisions of RSA 487:16-c and RSA 487:16-d, relative to the transport of aquatic plants or plant parts or exotic aquatic weeds or weed parts on the outside of boats, vehicles, and equipment, and the draining of water conveyances.

6 Effective Date. This act shall take effect January 1, 2017.

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AMENDED ANALYSIS

This bill prohibits the transport of aquatic plants and exotic aquatic weeds.