

1 S.221

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; aquatic nuisance control; regulation

6 Statement of purpose of bill as introduced: This bill proposes to transfer
7 regulatory jurisdiction over the State aquatic nuisance control program from
8 the Department of Environmental Conservation to the Department of Fish and
9 Wildlife.

10 An act relating to transferring regulation of aquatic nuisance control to the
11 Department of Fish and Wildlife

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

13 Sec. 1. TRANSFER OF JURSDICTION OF AQUATIC NUISANCE

14 CONTROL PROGRAM

15 (a) The authority to implement and administer the requirements for aquatic
16 nuisance control under 10 V.S.A. chapter 50 shall be transferred from the
17 Department of Environmental Conservation to the Department of Fish and
18 Wildlife. Beginning on July 1, 2020, the Department of Fish and Wildlife
19 shall administer and implement all requirements of 10 V.S.A. chapter 50,
20 including issuance of aquatic nuisance control permits under 10 V.S.A. § 1455,

1 issuance of and approval of coverage under aquatic nuisance rapid response
2 general permits under 10 V.S.A. § 1456, and administration of the grant-in-aid
3 program under 10 V.S.A. § 1458.

4 (b) Rules of the Agency of Natural Resources adopted under 10 V.S.A.
5 § 1460 to implement the requirements of 10 V.S.A. chapter 50, as those rules
6 existed immediately prior to the effective date of this act, shall be deemed rules
7 of the Department of Fish and Wildlife, and the Commissioner of Fish and
8 Wildlife may amend those rules in accordance with 3 V.S.A. chapter 25.

9 (c)(1) The requirements of 10 V.S.A. chapter 50 and rules adopted under
10 the chapter shall continue to be enforced under 10 V.S.A. chapters 201 and 211
11 and 4 V.S.A. § 1102, provided that the Commissioner of Fish and Wildlife and
12 the Department of Fish and Wildlife shall fulfill those duties previously
13 fulfilled by the Commissioner of Environmental Conservation and the
14 Department of Environmental Conservation for the purposes of enforcement of
15 10 V.S.A. chapter 50.

16 (2) Acts or decisions of the Commissioner of Fish and Wildlife under
17 10 V.S.A. chapter 50 shall be appealable under 10 V.S.A. chapter 220 as acts
18 or decisions of the Secretary of Natural Resources.

19 (d) All existing positions, currently filled or unfilled, under the Agency of
20 Natural Resources' budget for implementation and administration of the
21 aquatic nuisance control requirements of 10 V.S.A. chapter 50 shall be

1 transferred from the Department of Environmental Conservation to the
2 Department of Fish and Wildlife.

3 (e) Beginning on July 1, 2020 and notwithstanding 3 V.S.A. § 2805, permit
4 fees required under 3 V.S.A. § 2822 for issuance of aquatic nuisance control
5 permits issued under 10 V.S.A. chapter 50 shall be collected by the
6 Commissioner of Fish and Wildlife and used for implementation and
7 administration of the aquatic nuisance control program.

8 Sec. 2. 23 V.S.A. § 3319(b)(3) is amended to read:

9 (3) 17 percent to the Department of ~~Environmental Conservation~~ Fish
10 and Wildlife for the purpose of aquatic nuisance control pursuant to 10 V.S.A.
11 chapter 50.

12 Sec. 3. CONFORMING REVISIONS

13 When preparing the Vermont Statutes Annotated for publication, the Office
14 of Legislative Council shall make the following revisions throughout
15 10 V.S.A. chapter 50 (aquatic nuisance control) and the Vermont Statutes
16 Annotated as needed for consistency with Sec. 1 of this act, provided the
17 revisions have no other effect on the meaning of the affected statutes:

18 (1) in 10 V.S.A. chapter 50, by replacing, where appropriate:

19 (A) “Secretary of Natural Resources” with “Commissioner of Fish
20 and Wildlife”;

21 (B) “Secretary” with “Commissioner”;

1 (C) “Agency of Natural Resources” with “Department of Fish and
2 Wildlife”; and

3 (D) “Agency” with “Department”;

4 (2) in 10 V.S.A. § 4145, by replacing “Commissioner of Environmental
5 Conservation” with “Commissioner of Fish and Wildlife”; and

6 (3) revisions that are substantially similar to those described in
7 subdivisions (1) and (2) of this section.

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on July 1, 2020.