

HB 2321 -2, -3 STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

Prepared By: Misty Freeman, LPRO Analyst

Meeting Dates: 2/2, 4/18

WHAT THE MEASURE DOES:

Requires draining of all standing or captured water within boat before transporting boat away from water access site or riparian zone. Requires person transporting boat within state to remove or open all devices used to control the drainage of water. Establishes \$30 penalty for not draining nonmotorized boats and \$50 penalty for motorized boats. Provides exception for marine sanitary systems and boats operated by peace officers or emergency responders. Clarifies requirement to obtain aquatic invasive species prevention permit (Permit) to operate nonmotorized boat does not apply to persons under age of 14. Removes exception to Permit requirements for manually propelled boats under 10 feet in length. Allows Permit to be combined with other permits, certificates, licenses or registrations issued by Oregon State Marine Board (Board). Sets Permit fee at \$5 annually or \$10 biennially for all nonmotorized boats regardless of size. Requires permit moneys to be deposited into Aquatic Invasive Species Prevention Fund (Fund) established under ORS 830.585. Clarifies Fund must be used for administrative costs of aquatic invasive species prevention permit program; to award grants and enter into grant agreements to prevent and control aquatic invasive species; and any other purpose described in aquatic invasive species prevention statute (ORS 830.560-830.594). Requires watercraft operator to cooperate with decontamination recommendation issued by State Department of Fish and Wildlife, State Marine Board, or State Department of Agriculture. Authorizes peace officer to stop person transporting recreational or commercial watercraft and require them to drive to nearest aquatic invasive species check station if peace officer has reason to believe person failed to stop at check station, and there is open check station within 5 miles of stop. Punishes failure to comply with peace officer's directions by maximum of 30 days' imprisonment, \$1,250 fine, or both.

ISSUES DISCUSSED:

- Aquatic invasive species prevention program overview
- Drain and transport rules, check stations, officer inspection
- Exemptions for smaller and inflatable nonmotorized boats

EFFECT OF AMENDMENT:

-2 Clarifies requirement to remove or open all drain plugs, bailers, valves or other devices used to control draining of water before transporting boat within state. Requires persons age 16 or older to obtain aquatic invasive species prevention permit before operating nonmotorized boat nine feet or more in length.

-3 Clarifies requirement to remove or open all drain plugs, bailers, valves or other devices used to control draining of water before transporting boat within state. Exempts person operating nonmotorized boat under 10 feet in length from aquatic invasive species prevention permit requirements.

BACKGROUND:

The Aquatic Invasive Species Prevention Program was passed into law in 2009, and mandatory inspections at designated stations along Oregon's borders were added to the law in 2011. In 2014, the National Sea Grant Law Center published a report containing the recommendation to require draining of all standing or captured water and to transport boats with plugs and valves open to facilitate drainage to minimize standing water that can support mussel survival. House Bill 2321 would require boaters to drain standing water after a boat is removed from a waterbody and before the boat is transported away from the boat launch or retrieval area by opening all drain plugs,

HB 2321 -2, -3 STAFF MEASURE SUMMARY

valves and other devices used to control the draining of water, and would require boats to be transported within the state in this manner.

Current statute does not provide authority to require a vehicle transporting a boat that bypassed an open inspection station to return to the station for inspection. House Bill 2321 requires a person transporting a boat to return to an inspection station if stopped by a peace officer for bypassing a mandatory inspection station, providing the station is open and within five miles of the location of the stop.

Current law exempts boats less than 10 feet long from carrying the aquatic invasive species permit. House Bill 2321 clarifies that only persons 14 years or older are required to carry a permit when operating a nonmotorized boat. The Act also requires a person to cooperate with recommended decontamination process at check station; and removes the exemption for boats under 10 feet long from carrying the aquatic invasive species permit.