

**HB 2321 A -A5, -A6 STAFF MEASURE SUMMARY**

**Senate Committee On Environment and Natural Resources**

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**Prepared By:** Beth Patrino, LPRO Analyst

**Meeting Dates:** 5/15, 5/24

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**WHAT THE MEASURE DOES:**

Requires boat owner or operator to remove or open all drain plugs, bailers, valves or other devices used to control draining of water before transporting boat within state. 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. Allows aquatic invasive species prevention permit (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. Establishes 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 five miles of stop. Punishes failure to comply with peace officer's directions by maximum of 30 days' imprisonment, \$1,250 fine, or both.

*Minimal fiscal impact, no revenue impact*

*House Vote: Passed. Ayes, 54; Nays, 3--Evans, Post, Reschke; Excused, 1--McKeown; Excused for Business of the House, 2--Lininger, Sollman*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-A5 Revises exemptions to requirement to remove or open all devices used to control draining of waters from a boat after leaving the waters of the state. Exempts marine sanitary systems, person holding fish transport permit, and person participating in fishing tournament authorized by Department of Fish and Wildlife until after weighing the fish.

Removes exemption from requirement to obtain aquatic invasive species prevention permit for nonmotorized boats less than 10 feet in length. Exempts persons 13 years of age and younger from requirement to obtain aquatic invasive species prevention permit to operate a nonmotorized boat.

-A6 Revises exemptions to requirement to remove or open all devices used to control draining of waters from a boat after leaving the waters of the state. Changes length of boat subject to requirement to obtain an aquatic invasive species prevention permit from non motorized boats that is 10 feet or more in length to nonmotorized boats that is 8 feet or more in length.

**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

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to transport boats with plugs and valves open to facilitate drainage to minimize standing water that can support mussel survival. House Bill 2321A would require boaters to remove or open all drain plugs, bailers, valves or other devices used to control draining of water before transporting boat within state.

Current statute does not authorize a peace officer to require a vehicle transporting a boat that bypassed an open inspection station to return to the station for inspection. House Bill 2321A would require a person transporting a boat to return to a bypassed inspection station if stopped by a peace officer provided the station is open and within five miles of the location of the stop.