

HB 2076 -1 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 4/25, 5/7

WHAT THE MEASURE DOES:

Requires person to remove or open device to drain water from a boat removed from state waters before transporting the boat within the state. Punishes failure to remove or open device with a maximum fine of \$250. Exempts marine sanitation devices, persons holding permit to transport live fish, persons involved in certain authorized fishing activities, and boats operated by peace officers or emergency responders. Authorizes Department of Fish and Wildlife, State Marine Board (Board), or Department of Agriculture to order the decontamination of any recreational or commercial watercraft that is inspected at a check station and requires boat operator to cooperate with ordered decontamination process. Punishes failure to cooperate with maximum fine of \$250. Authorizes peace officer to stop persons transporting commercial or recreational watercraft and order return to aquatic invasive species check station if the peace officer has probable cause and there is an open check station within five miles of the stop. Punishes failure to comply with peace officer request as a Class C misdemeanor with a maximum of 30 days imprisonment, \$1,250 fine, or both. Specifies that the Aquatic Invasive Species Prevention Fund may consist of invasive species permit fees, money from state and federal agencies or local governments, appropriated funds, gifts, grants, or contributions from any source. Establishes that this fund may be used for costs associated with the aquatic invasive species prevention permit program, to award grants, and for related purposes of Board. Establishes that bonded agents who issue temporary boat operating permits may charge a fee prescribed by the Board. Requires Board to revise the fee every three years based on the U.S. City Average Consumer Price Index for All Urban Consumers for All Items. Specifies "nonmotorized boat" include a sailboat that is at least 10 feet but less than 12 feet in length; "motorboat" includes a sailboat at least 12 feet in length.

No fiscal impact; no revenue impact

House vote: Ayes, 38; Nays, 17--Bonham, Boshart Davis, Drazan, Findley, Hayden, Leif, McLane, Nathanson, Noble, Post, Rayfield, Reschke, Stark, Wallan, Williamson, Wilson, Zika; Excused, 4--Barreto, Clem, Nearman, Smith G; Excused for Business of the House, 1--Speaker Kotek

ISSUES DISCUSSED:

- Cost of addressing aquatic invasive species
- Boats are brought to Oregon from all over the country
- Pulling the boat plug allows water to drain from boat; aquatic invasive species die in transit
- Passing a check station is currently a violation

EFFECT OF AMENDMENT:

-1 Changes consumer price index that must be used when Marine Board revises fee charged by agents for issuing temporary boating permits.

BACKGROUND:

In 2009, the Oregon legislature enacted House Bill 2583, the "Clean Launch Law," which requires that a person may not launch a boat into the waters of this state if the boat has aquatic invasive species on its exterior or within its bilge, livewell, motorwell, or other interior locations. Oregon law does not require boaters to drain standing water from a boat removed from waters of the state. Currently, law enforcement officers lack authority to require

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boaters to return for invasive species inspection but can issue a citation. According to the Oregon State Marine Board (Board), about 20 percent of people transporting a boat fail to comply with invasive species check station stops. In 2009, the Oregon legislature enacted House Bill 2220, which established the Aquatic Invasive Species Prevention Fund (Fund) and specified that funds are continuously appropriated to the Board for the purpose of administering the aquatic invasive species prevention permit program. Current law does not explicitly allow the Fund to receive grants, gifts, or other funds appropriated by the legislature.

House Bill 2076 would require boat operators to drain water from a boat before transporting it within the state, authorize peace officers to require someone who is transporting a boat to stop at an aquatic invasive species check station, and allow for additional sources of funding for the Aquatic Invasive Species Prevention Fund.