

# Senate Bill 643

Sponsored by Senator AVAKIAN, Representatives JENSON, WITT, ROBLAN; Senators CARTER, COURTNEY, JOHNSON, KRUSE, METSGER, SCHRADER, VERGER, WHITSETT, Representatives BOONE, COWAN, HUNT, KRIEGER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Shipping Transport of Aquatic Invasive Species Task Force. Revises definition of "cargo vessel."

Sunsets on date of convening of next regular biennial legislative session.

## A BILL FOR AN ACT

Relating to shipping; creating new provisions; and amending ORS 783.625.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1)(a) There is created the Shipping Transport of Aquatic Invasive Species Task Force.**

**(b) The President of the Senate and the Speaker of the House of Representatives shall appoint two members from among members of the Legislative Assembly to serve in an advisory capacity to the task force.**

**(c) The Director of the Department of Environmental Quality may appoint members to the task force who represent the interests of this state and federal, State of Washington, maritime, environmental and academic interests.**

**(2) The purpose of the task force is to study and make recommendations:**

**(a) For combatting the introduction of aquatic nonindigenous species associated with shipping-related transport into the waters of this state; and**

**(b) On changes to the ballast water program established in ORS 783.625 to 783.640, including but not limited to the following considerations:**

**(A) Shipping industry compliance with ORS 783.625 to 783.640;**

**(B) Practicable and cost-effective ballast water treatment technologies;**

**(C) Appropriate standards for discharge of treated ballast water into waters of this state;**

**(D) The compatibility of ORS 783.625 to 783.640 with new laws enacted by the United States Congress, regulations promulgated by the United States Coast Guard and ballast water management programs established by the States of Alaska, California and Washington and the Province of British Columbia;**

**(E) Practicable and cost-effective techniques to combat the introduction of aquatic nonindigenous species associated with shipping-related transport into the waters of this state; and**

**(F) Appropriate regulations and standards to combat the introduction of aquatic nonindigenous species associated with shipping-related transport into the waters of this state.**

**(3) Portland State University may provide staff support or coordination assistance to the**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 task force, subject to available funding from gifts, grants or donations.

2 (4) All agencies of state government, as defined in ORS 174.111, are directed to assist the  
3 task force in the performance of its duties and, to the extent permitted by laws relating to  
4 confidentiality, to furnish such information and advice as the members of the task force  
5 consider necessary to perform their duties.

6 (5) A majority of the members of the task force constitutes a quorum for the transaction  
7 of business.

8 (6) Official action by the task force requires the approval of a majority of the members  
9 of the task force.

10 (7) The task force shall elect one of its members to serve as chairperson.

11 (8) The task force shall submit a report, including recommendations for legislation, to  
12 an interim committee related to natural resources no later than October 1, 2008.

13 (9) Notwithstanding ORS 171.072, members of the task force who are members of the  
14 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-  
15 teers on the task force. Other members of the task force are not entitled to compensation  
16 or reimbursement for expenses and serve as volunteers on the task force.

17 (10) As used in this section:

18 (a) "Aquatic nonindigenous species" means any species or other viable biological material  
19 that enters an ecosystem beyond its historic range.

20 (b) "Waters of this state" has the meaning given in ORS 783.625.

21 **SECTION 2.** ORS 783.625 is amended to read:

22 783.625. As used in ORS 783.625 to 783.640, unless the context requires otherwise:

23 (1) "Ballast water" means any water used to manipulate the trim and stability of a vessel.

24 (2) "Cargo vessel" means a [*self-propelled*] ship in commerce **that is equipped with ballast**  
25 **tanks**, other than a tank vessel or a vessel used solely for commercial fish harvesting, of 300 gross  
26 tons or more.

27 (3) "Coastal exchange" means exchanging the ballast water taken onboard at a North American  
28 coastal port at a distance of at least 50 nautical miles from land and at a depth of at least 200 me-  
29 ters.

30 (4) "Department" means the Department of Environmental Quality.

31 (5) "Oil" means oil, gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge, oil refuse  
32 and any other petroleum related product.

33 (6) "Open sea exchange" means a replacement of ballast water that occurs in an area no less  
34 than 200 nautical miles from any shore.

35 (7) "Passenger vessel" means a ship of 300 gross tons or more carrying passengers for compen-  
36 sation.

37 (8) "Sediment" means any matter that settles out of ballast water.

38 (9) "Ship" means any boat, ship, vessel, barge or other floating craft of any kind.

39 (10) "Tank vessel" means a ship that is constructed or adapted to carry oil in bulk as cargo or  
40 cargo residue other than:

41 (a) A vessel carrying oil in drums, barrels or other packages;

42 (b) A vessel carrying oil as fuel or stores for that vessel; or

43 (c) An oil spill response barge or vessel.

44 (11) "Vessel" means a tank vessel, cargo vessel or passenger vessel.

45 (12) "Voyage" means any transit by a vessel destined for any Oregon port.

1 (13) "Waters of this state" means natural waterways including all tidal and nontidal bays, in-  
2 termittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this  
3 state, navigable and nonnavigable, including that portion of the Pacific Ocean that is in the bound-  
4 aries of Oregon.

5 **SECTION 3. Section 1 of this 2007 Act is repealed on the date of the convening of the next**  
6 **regular biennial legislative session.**

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