

Enrolled
House Bill 2020

Sponsored by COMMITTEE ON RULES

CHAPTER

AN ACT

Relating to invasive species; creating new provisions; amending ORS 390.560; appropriating money; limiting expenditures; and declaring an emergency.

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

SECTION 1. The Legislative Assembly finds and declares that:

(1) The land, waters and other natural resources of this state are severely affected by an increasing number of invasions by harmful nonnative species;

(2) Invasions by harmful nonnative species are damaging to the environment and cause economic hardship within this state;

(3) The Invasive Species Council is a leader for the conducting of a coordinated and comprehensive effort to prevent the entry of invasive species into this state and to eliminate, reduce and mitigate the effects of invasive species present in this state;

(4) The Invasive Species Council has a strong network of local, state, federal, tribal and private entities that actively and cooperatively combat the threat posed by harmful invasive species;

(5) Rapid response and eradication are the most effective, least costly and most feasible strategies for combating harmful invasive species and preventing expansion by those invasive species;

(6) Invasive species present a serious threat that adversely affects industries vital to the economy of this state, including but not limited to the agriculture, forestry, fishing and tourism industries;

(7) Failure to eradicate or control new infestations and infections of invasive species will reduce the productivity of industries in this state and adversely affect marketing by those industries, resulting in a loss of business and the loss of existing jobs; and

(8) The eradication or control of new infestations or infections of invasive species using funding provided through the Invasive Species Council will benefit the economy of this state by preventing the loss of existing jobs, by promoting and expanding business and by preventing the decline of business.

SECTION 2. (1) As used in this section, “invasive species” has the meaning given that term in ORS 561.685.

(2) The Invasive Species Control Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Invasive Species Control Account shall be credited to the account. Moneys in the account are continuously appropriated to the Invasive Species Council for the purpose of carrying out this section.

(3) The Invasive Species Council may expend moneys from the account to provide funding for efforts by agencies, organizations and individuals to eradicate or control new infestations and infections of invasive species. The council shall adopt criteria and procedures for the funding of efforts to eradicate or control new infestations and infections of invasive species.

(4) Invasive species eradication and control effort costs that may be funded from the account include, but are not limited to, costs associated with:

- (a) Surveys to delimit areas infested or infected by invasive species;
- (b) Inspections;
- (c) Enforcement actions;
- (d) Diagnosis of infestation and infection problems;
- (e) Rapid response planning and coordination;
- (f) Administration;
- (g) Eradication or control of infestations and infections;
- (h) Treatment and disposal of infested or infected materials;
- (i) Cleaning and disinfecting of infested or infected premises or vessels; and
- (j) Payment of indemnity to owners of infested or infected materials destroyed under an eradication or control program.

(5) In addition to any costs described under subsection (4) of this section, if the State Department of Agriculture pays an administrative expense of the council related to the provision of funding from the account, account moneys may be expended to reimburse that administrative expense in an amount equal to the lesser of the actual expense paid by the department or 10 percent of the funding that was provided from the account.

SECTION 3. Notwithstanding ORS 390.560, the amount of \$350,000 is transferred from the All-Terrain Vehicle Account of the State Parks and Recreation Department Fund to the Invasive Species Control Account.

SECTION 4. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter __, Oregon Laws 2009 (Enrolled Senate Bill 5502), for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Department of Agriculture, is increased by \$350,000 for the purpose of carrying out the provisions of section 2 of this 2009 Act.

SECTION 5. ORS 390.560 is amended to read:

390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used for the following purposes only:

- (1) In each 12-month period, no less than 10 percent of the moneys described in ORS 390.555 that are attributable to Class I all-terrain vehicles shall be transferred to the Department of Transportation for the development and maintenance of snowmobile facilities as provided in ORS 802.110;
- (2) Planning, promoting and implementing a statewide all-terrain vehicle program, including the acquisition, development and maintenance of all-terrain vehicle recreation areas;
- (3) Education and safety training for all-terrain vehicle operators;
- (4) Provision of first aid and police services in all-terrain vehicle recreation areas designated by the appropriate authority;
- (5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle users and of advising people of possible usage areas for all-terrain vehicles;
- (6) Paying the costs of coordinating between all-terrain vehicle user groups and the managers of public lands;
- (7) Paying the costs of providing consultation and guidance to all-terrain vehicle user programs;
- (8) Paying the costs of administration of the all-terrain vehicle programs, including staff support provided under ORS 390.565 as requested by the All-Terrain Vehicle Account Allocation Committee; [and]

(9) Paying the costs of law enforcement activities related to the operation of Class I and Class III all-terrain vehicles. The State Parks and Recreation Department shall determine the amount required for law enforcement activities and the intervals at which the moneys shall be distributed. The funds available shall be apportioned according to the terms of an intergovernmental agreement entered into between the State Parks and Recreation Department and a city, the Department of State Police or the sheriff of a county[.]; and

(10) Control and eradication of invasive species related to all-terrain vehicle recreation.

SECTION 6. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by House June 26, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 29, 2009

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President of Senate

Received by Governor:

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Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State