

B-Engrossed
House Bill 2020

Ordered by the House June 26
Including House Amendments dated April 30 and June 26

Sponsored by COMMITTEE ON RULES

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.

Establishes Invasive Species Control Account. Continuously appropriates moneys from account to Invasive Species Council for purpose of funding efforts to eradicate or control new infestations and infections of invasive species.

[Authorizes State Treasurer, upon request of Invasive Species Council, to issue lottery bonds. Provides for net proceeds of lottery bond sale to be deposited into Invasive Species Control Account. Limits account expenditures by council for 2009-2011 biennium.]

Transfers moneys from All-Terrain Vehicle Account to Invasive Species Control Account. Increases biennial expenditures for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Department of Agriculture for purposes related to eradicating invasive species.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to invasive species; creating new provisions; amending ORS 390.560; appropriating money;
3 limiting expenditures; and declaring an emergency.

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

5 **SECTION 1. The Legislative Assembly finds and declares that:**

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

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

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

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

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

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

22 **(7) Failure to eradicate or control new infestations and infections of invasive species will**

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 reduce the productivity of industries in this state and adversely affect marketing by those
2 industries, resulting in a loss of business and the loss of existing jobs; and

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

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

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

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

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

19 (a) Surveys to delimit areas infested or infected by invasive species;

20 (b) Inspections;

21 (c) Enforcement actions;

22 (d) Diagnosis of infestation and infection problems;

23 (e) Rapid response planning and coordination;

24 (f) Administration;

25 (g) Eradication or control of infestations and infections;

26 (h) Treatment and disposal of infested or infected materials;

27 (i) Cleaning and disinfecting of infested or infected premises or vessels; and

28 (j) Payment of indemnity to owners of infested or infected materials destroyed under an
29 eradication or control program.

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

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

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

45 **SECTION 5.** ORS 390.560 is amended to read:

1 390.560. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used
2 for the following purposes only:

3 (1) In each 12-month period, no less than 10 percent of the moneys described in ORS 390.555 that
4 are attributable to Class I all-terrain vehicles shall be transferred to the Department of Transpor-
5 tation for the development and maintenance of snowmobile facilities as provided in ORS 802.110;

6 (2) Planning, promoting and implementing a statewide all-terrain vehicle program, including the
7 acquisition, development and maintenance of all-terrain vehicle recreation areas;

8 (3) Education and safety training for all-terrain vehicle operators;

9 (4) Provision of first aid and police services in all-terrain vehicle recreation areas designated
10 by the appropriate authority;

11 (5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle
12 users and of advising people of possible usage areas for all-terrain vehicles;

13 (6) Paying the costs of coordinating between all-terrain vehicle user groups and the managers
14 of public lands;

15 (7) Paying the costs of providing consultation and guidance to all-terrain vehicle user programs;

16 (8) Paying the costs of administration of the all-terrain vehicle programs, including staff support
17 provided under ORS 390.565 as requested by the All-Terrain Vehicle Account Allocation Committee;
18 [*and*]

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

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

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

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