

House Bill 2213

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor Theodore R. Kulongoski for State Department of Agriculture)

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**.

Places Invasive Species Council within State Department of Agriculture. Expands council membership. Gives council power to enter into contracts and other agreements. Gives council authority to adopt rules and take other actions. Appoints department as fiscal agent of council.

Deletes requirement that council appointment of coordinator be by written order filed with Secretary of State. Allows State Department of Agriculture to enter into interagency agreements with Department of Environmental Quality for sharing of council administrative expenses.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Invasive Species Council; creating new provisions; amending ORS 561.685, 561.687
3 and 561.691; and declaring an emergency.

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

5 **SECTION 1.** ORS 561.685 is amended to read:

6 561.685. (1) As used in this section, "invasive species" means nonnative organisms that cause
7 economic or environmental harm and are capable of spreading to new areas of the state. "Invasive
8 species" does not include humans, domestic livestock or nonharmful exotic organisms.

9 (2) The Invasive Species Council shall:

10 (a) Create and maintain appropriate Internet sites, toll-free telephone numbers or other means
11 of communication for statewide use in reporting sightings of invasive species.

12 (b) Encourage the reporting of invasive species sightings by publicizing means of communication
13 made available by the council under paragraph (a) of this subsection.

14 (c) Forward reports of invasive species sightings to appropriate agencies.

15 (d) Produce educational materials and press releases concerning invasive species.

16 (e) Conduct educational meetings and conferences.

17 (f) Develop a statewide plan for dealing with invasive species. The plan should include, but need
18 not be limited to, a review of state authority to prevent the introduction of invasive species and to
19 eradicate, contain or manage existing invasive species.

20 (g) Solicit proposals and review applications for grants or loans to further projects providing
21 education about invasive species.

22 (h) Provide grants or loans to agencies, organizations or individuals for eradicating new inva-
23 sions.

24 (3) The council may:

25 (a) Approve the expenditure of funds by the council, or any member thereof, for the production
26 of educational materials or the presentation of educational materials.

27 **(b) Enter into contracts and other agreements with persons, the federal government,**
28 **state governments and local governments or units of federal, state or local governments or**

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 **with Indian tribes, on matters pertaining to invasive species.**

2 (c) **Adopt rules or perform other acts the council considers reasonable for carrying out**
 3 **the powers, duties and functions of the council.**

4 **SECTION 2.** ORS 561.687 is amended to read:

5 561.687. (1) *[There is established the Invasive Species Council.]* **The Invasive Species Council**
 6 **is established within the State Department of Agriculture.** Except as provided in ORS 561.691
 7 (1), the council shall consist of *[13]* **15** members. The following persons are voting ex officio members
 8 of the council:

9 (a) The Director of Agriculture or a designated representative.

10 (b) The president of Portland State University or a designated representative.

11 (c) The State Fish and Wildlife Director or a designated representative.

12 (d) The administrative head of the Sea Grant College of Oregon State University or a designated
 13 representative.

14 (e) The State Forester or a designated representative.

15 **(f) The Director of the Department of Environmental Quality or a designated represen-**
 16 **tative.**

17 (2) The voting ex officio members of the council described in subsection (1) of this section shall
 18 collectively appoint *[eight]* **nine** members to the council.

19 (3) The term of office of each appointed member is two years, but an appointed member serves
 20 at the pleasure of the voting ex officio members of the council. Before the expiration of a term, the
 21 voting ex officio members of the council shall appoint a successor whose term begins on January 1
 22 next following. An appointed member may not serve more than two successive terms on the council.
 23 If there is a vacancy in an appointed member position for any cause, the voting ex officio members
 24 of the council shall make an appointment to become immediately effective for the unexpired term.

25 (4) In making appointments to the council, the voting ex officio members of the council shall
 26 endeavor to appoint persons representative of the geographic, cultural and economic diversity of
 27 this state. The voting ex officio members of the council may give consideration to nominations sub-
 28 mitted by federal and state agencies, local governments, universities, industry and other groups
 29 having an interest in invasive species.

30 (5) An appointed member of the council is not entitled to compensation under ORS 292.495. A
 31 member of the council is not entitled to reimbursement for expenses. At the discretion of the coun-
 32 cil, council members may be reimbursed from funds available to the council for actual and necessary
 33 travel and other expenses incurred by members of the council in the performance of their official
 34 duties, subject to the limits described in ORS 292.495.

35 **SECTION 3. Notwithstanding the term of office established in ORS 561.687 (3), the ex**
 36 **officio members of the Invasive Species Council may adjust the initial term of office of the**
 37 **person first appointed to the Invasive Species Council under the amendments to ORS 561.687**
 38 **by section 2 of this 2009 Act to ensure that a uniform number of council appointments will**
 39 **expire each year.**

40 **SECTION 4.** ORS 561.691 is amended to read:

41 561.691. (1) Subject to available funding, the Invasive Species Council may appoint a State
 42 Invasive Species Coordinator to serve at the pleasure of the voting members of the council. *[The*
 43 *appointment of the coordinator must be by written order, filed with the Secretary of State.]* If the
 44 council appoints a coordinator, the coordinator shall serve as a nonvoting ex officio member of the
 45 council.

1 (2) The State Department of Agriculture is responsible for ensuring payment of the administra-
2 tive expenses of the council. The State Department of Agriculture may enter into interagency
3 agreements under ORS 190.110 with the State Department of Fish and Wildlife, the State Forestry
4 Department, **the Department of Environmental Quality**, Portland State University and Oregon
5 State University for sharing the administrative expenses of the council.

6 (3) **The State Department of Agriculture shall act as the fiscal agent of the council for**
7 **purposes of:**

8 (a) **Budgeting, interagency agreements for sharing administrative expenses or other**
9 **mechanisms for paying the administrative and other expenses of the council;**

10 (b) **Drafting and processing contracts, other agreements, grant applications or other**
11 **documents;**

12 (c) **Receiving gifts, grants, donations or other moneys on behalf of the council and en-**
13 **sureing the appropriate crediting of those moneys to the Invasive Species Council Account**
14 **or the trust account described in ORS 561.695; and**

15 (d) **Taking all reasonable actions to ensure the council is in compliance with state fi-**
16 **nancial administration laws.**

17 **SECTION 5. This 2009 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
19 **on its passage.**

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