

A-Engrossed House Bill 2220

Ordered by the House April 27
Including House Amendments dated April 27

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Department of Fish and Wildlife)

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.

[Authorizes Department of State Police, State Department of Fish and Wildlife and State Marine Board to require persons transporting recreational or commercial watercraft to stop at check station for inspection of watercraft for presence of aquatic invasive species.]

[Creates crime of unlawful avoidance of aquatic invasive species check stations. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.]

[Creates crime of unlawful use of aquatic invasive species. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both. Provides enhanced penalty for repeated violations.]

Authorizes State Department of Fish and Wildlife, State Marine Board and State Department of Agriculture to operate check stations for purpose of inspecting recreational or commercial watercraft for presence of aquatic invasive species. Authorizes departments and board to decontaminate watercraft.

Directs State Department of Fish and Wildlife to report biennially to Legislative Assembly on efforts to prevent aquatic invasive species from entering state.

Imposes civil penalties for knowingly transporting aquatic invasive species on or in watercraft. Creates exceptions.

A BILL FOR AN ACT

1
2 Relating to aquatic invasive species.

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

4 **SECTION 1. As used in sections 2 to 4 of this 2009 Act:**

5 (1) "Aquatic invasive species" means any aquatic species of wildlife or any freshwater or
6 marine invertebrate, as specified by the State Fish and Wildlife Commission by rule, or any
7 aquatic noxious weeds as specified by the State Department of Agriculture by rule.

8 (2) "Recreational or commercial watercraft" means any boat, any equipment used to
9 transport a boat and any auxiliary equipment for a boat, including but not limited to at-
10 tached or detached outboard motors.

11 **SECTION 2. (1) The State Department of Fish and Wildlife, the State Marine Board and
12 the State Department of Agriculture are authorized to:**

13 (a) **Operate check stations for the purpose of inspecting recreational or commercial
14 watercraft for the presence of aquatic invasive species.**

15 (b) **Decontaminate, or recommend decontamination of, any recreational or commercial
16 watercraft that is inspected at a check station operated under authority of this section.**

17 (2) **All check stations operated under authority of this section must be plainly marked
18 by signs that comply with all state and federal laws and must be staffed by at least one
19 uniformed employee of the State Department of Fish and Wildlife, the State Marine Board
20 or the State Department of Agriculture trained in inspection and decontamination of recre-**

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 ational or commercial watercraft.

2 **SECTION 3.** (1) The State Department of Fish and Wildlife, after consultation with the
3 State Marine Board, the State Department of Agriculture and the Department of State Po-
4 lice, shall report biennially to the Legislative Assembly on efforts to prevent aquatic invasive
5 species from entering this state and may include in the report suggested legislation neces-
6 sary to more effectively prevent aquatic invasive species from entering this state.

7 (2) Reports to the Legislative Assembly required under this section must be made in ac-
8 cordance with ORS 192.245.

9 **SECTION 4.** (1) A person is subject to a civil penalty in an amount to be determined by
10 the State Fish and Wildlife Director of not more than \$6,250 if the person knowingly trans-
11 ports aquatic invasive species on or in a recreational or commercial watercraft. A second
12 or subsequent violation of this subsection within a five-year period shall result in a civil
13 penalty in an amount not less than \$5,000 and not more than \$15,000.

14 (2) Subsection (1) of this section does not apply to:

15 (a) A person who transports aquatic invasive species in ballast water.

16 (b) A person who complies with all instructions for the proper decontamination of the
17 recreational or commercial watercraft given by an employee authorized under section 2 (1)
18 of this 2009 Act to inspect recreational or commercial watercraft.

19 (c) A person who transports aquatic invasive species to the State Department of Fish and
20 Wildlife or the State Department of Agriculture, or to another destination designated by the
21 State Fish and Wildlife Commission by rule, in a manner designated by the commission for
22 purposes of identifying or reporting an aquatic invasive species.

23 (3) The civil penalties authorized in this section shall be imposed as provided in ORS
24 183.745. Any civil penalty recovered under this section shall be deposited in the State Wildlife
25 Fund. The commission by rule shall adopt the formula the State Fish and Wildlife Director
26 shall use in determining the amount of civil penalties under this section.

27 **SECTION 5.** The State Department of Fish and Wildlife shall submit the first report re-
28 quired under section 3 of this 2009 Act by March 1, 2011.

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