

House Bill 2220

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 **as introduced**.

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.

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 5 UNLAWFUL AVOIDANCE OF 6 AQUATIC INVASIVE SPECIES CHECK STATIONS

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8 **SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of ORS chapter**
9 **496.**

10 **SECTION 2. As used in sections 3 to 5 of this 2009 Act:**

11 (1) "Aquatic invasive species" means any fish, shellfish, mollusk, crustacean or marine
12 or freshwater invertebrate as specified by the State Fish and Wildlife Commission by rule
13 or any aquatic noxious weeds as specified by the State Department of Agriculture by rule.

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

17 **SECTION 3. (1) The Department of State Police, the State Department of Fish and**
18 **Wildlife and the State Marine Board are authorized to:**

19 (a) Require persons transporting recreational or commercial watercraft to stop at check
20 stations for the purpose of inspecting the recreational or commercial watercraft for the
21 presence of aquatic invasive species; and

22 (b) Stop persons transporting recreational or commercial watercraft for the purpose of
23 inspecting the recreational or commercial watercraft for the presence of aquatic invasive
24 species.

25 (2) All check stations must be plainly marked by signs that comply with all state and
26 federal laws and staffed by at least one employee of the State Department of Fish and
27 Wildlife who wears a uniform of the department.

28 (3)(a) A person commits the crime of unlawfully avoiding an aquatic invasive species

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 check station if the person fails to:

2 (A) Obey check station signs;

3 (B) Stop and report at a check station if directed to do so by an employee of the De-
4 partment of State Police, the State Department of Fish and Wildlife or the State Marine
5 Board who has shown official identification to the person; or

6 (C) Comply with all instructions for the proper decontamination of a recreational or
7 commercial watercraft given by an employee authorized under subsection (1) of this section
8 to stop or inspect recreational or commercial watercraft.

9 (b) Unlawfully avoiding an aquatic invasive species check station is a Class A
10 misdemeanor.

11 (c) The provisions of ORS 496.680 and 496.992 do not apply to a violation under this sec-
12 tion.

13 **SECTION 4.** (1) The State Department of Fish and Wildlife, in consultation with the De-
14 partment of State Police and the State Marine Board, shall report biennially to the Legisla-
15 tive Assembly on efforts to prevent aquatic invasive species from entering this state and
16 may include in the report suggested legislation necessary to more effectively prevent aquatic
17 invasive species from entering this state.

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

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21 **UNLAWFUL USE OF AQUATIC INVASIVE SPECIES**

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23 **SECTION 5.** (1) A person commits the crime of unlawful use of an aquatic invasive spe-
24 cies if the person possesses, imports, purchases, sells, barter, exchanges, propagates,
25 transports or releases an aquatic invasive species within this state.

26 (2)(a) Unlawful use of an aquatic invasive species is a Class A misdemeanor.

27 (b) A subsequent violation of subsection (1) of this section within a five-year period is a
28 Class C felony.

29 (3) Subsections (1) and (2) of this section do not apply to:

30 (a) A person who transports or releases organisms in ballast water;

31 (b) A person who is stopped at an aquatic invasive species check station, who possesses
32 a recreational or commercial watercraft that is contaminated with an aquatic invasive spe-
33 cies and who complies with all instructions for the proper decontamination of the recre-
34 ational or commercial watercraft given by an employee authorized under section 3 (1) of this
35 2009 Act to stop or inspect recreational or commercial watercraft;

36 (c) A person who has voluntarily submitted a recreational or commercial watercraft for
37 inspection to the Department of State Police, the State Department of Fish and Wildlife or
38 the State Marine Board and who has received a document that verifies that the recreational
39 or commercial watercraft has not been contaminated since its last use;

40 (d) A person who transports aquatic invasive species to the State Department of Fish and
41 Wildlife, or to another destination designated by the State Fish and Wildlife Commission by
42 rule, in a manner designated by the State Fish and Wildlife Commission by rule for purposes
43 of identifying or reporting an aquatic invasive species;

44 (e) A person who possesses an aquatic invasive species if the person is in the process of
45 removing the aquatic invasive species from a recreational or commercial watercraft in a

1 manner specified by the State Fish and Wildlife Commission by rule;

2 (f) A person who, while angling, recreating or working, catches an aquatic invasive spe-
3 cies and then immediately returns the aquatic invasive species to the water from which it
4 came; or

5 (g) A person who possesses, propagates, transports or releases an aquatic invasive spe-
6 cies as allowed by the State Fish and Wildlife Commission by rule.

7 SECTION 6. The State Department of Fish and Wildlife shall submit the first report re-
8 quired under section 4 of this 2009 Act by March 1, 2011.

9 SECTION 7. The unit captions used in this 2009 Act are provided only for the convenience
10 of the reader and do not become part of the statutory law of this state or express any leg-
11 islative intent in the enactment of this 2009 Act.

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