

Enrolled
House Bill 3399

Sponsored by Representative JENSON; Representatives GARRARD, J SMITH

CHAPTER

AN ACT

Relating to aquatic invasive species; amending ORS 570.855 and 570.990; and declaring an emergency.

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

SECTION 1. ORS 570.855 is amended to read:

570.855. (1) The State Department of Fish and Wildlife, the State Marine Board *[and]* or the State Department of Agriculture *[are authorized to]* **may require a person transporting a recreational or commercial watercraft to stop at a check station to inspect the watercraft for the presence of aquatic invasive species. The purpose of the administrative search authorized under this section is to prevent and limit the spread of aquatic invasive species within Oregon.***[:]*

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

[(b)] **(2) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may decontaminate, or recommend decontamination of, any recreational or commercial watercraft that *[is inspected]* the agency inspects at a check station operated under authority of this section.**

[(2)] **(3) All check stations operated under authority of this section must be plainly marked by signs that comply with all state and federal laws and must be staffed by at least one uniformed employee of the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture trained in inspection and decontamination of recreational or commercial watercraft.**

(4) An agency that operates a check station under this section shall require all persons transporting recreational or commercial watercraft to stop at the check station, and the agency shall inspect every recreational or commercial watercraft that goes through the check station.

(5) Notwithstanding ORS 496.992, a person transporting a recreational or commercial watercraft who stops at a check station for inspection and who cooperates in the decontamination process is not subject to criminal sanctions for possessing or transporting aquatic invasive species.

(6) The State Department of Fish and Wildlife, the State Marine Board and the State Department of Agriculture may adopt rules to carry out the provisions of this section.

SECTION 2. ORS 570.990 is amended to read:

570.990. (1) Violation of a provision of ORS 570.010 to 570.050, 570.105 to 570.190, 570.320 to 570.360 or 570.410 is a Class A violation.

(2) A person who is transporting a recreational or commercial watercraft and fails to stop and submit to an inspection at an aquatic invasive species check station operated by the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture as provided under ORS 570.855 commits a Class D violation.

(3) Notwithstanding ORS 153.042, an enforcement officer may issue a citation under subsection (2) of this section when the conduct alleged to constitute a violation has not taken place in the presence of the enforcement officer, if the enforcement officer has reasonable grounds to believe that the conduct constitutes a violation on the basis of information received from an employee of an agency authorized to operate an aquatic invasive species check station who observed the violation.

SECTION 3. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House June 9, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 16, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State