

Enrolled Senate Bill 81

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CHAPTER

AN ACT

Relating to ballast water; creating new provisions; amending ORS 783.625; and appropriating money.

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

SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 783.625 to 783.640.

SECTION 2. (1) The Department of Environmental Quality shall collect a fee of \$70 for each trip by vessels regulated under ORS 783.625 to 783.640.

(2) All fees collected by the department under this section shall be paid into the Ballast Water Fund established under section 5 of this 2011 Act.

(3) The Environmental Quality Commission may adopt by rule procedures for the payment of the fees specified in this section.

SECTION 3. ORS 783.625 is amended to read:

783.625. As used in ORS 783.625 to 783.640, unless the context requires otherwise:

- (1) "Ballast water" means any water used to manipulate the trim and stability of a vessel.
- (2) "Cargo vessel" means a ship in commerce that is equipped with ballast tanks, other than a tank vessel or a vessel used solely for commercial fish harvesting, of 300 gross tons or more.
- (3) "Coastal exchange" means exchanging the ballast water taken onboard at a North American coastal port at a distance of at least 50 nautical miles from land and at a depth of at least 200 meters.
- (4) "Department" means the Department of Environmental Quality.
- (5) "Oil" means oil, gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge, oil refuse and any other petroleum related product.
- (6) "Open sea exchange" means a replacement of ballast water that occurs in an area no less than 200 nautical miles from any shore.
- (7) "Passenger vessel" means a ship of 300 gross tons or more carrying passengers for compensation.
- (8) "Sediment" means any matter that settles out of ballast water.
- (9) "Ship" means any boat, ship, vessel, barge or other floating craft of any kind.
- (10) "Tank vessel" means a ship that is constructed or adapted to carry oil in bulk as cargo or cargo residue other than:
 - (a) A vessel carrying oil in drums, barrels or other packages;
 - (b) A vessel carrying oil as fuel or stores for that vessel; or

(c) An oil spill response barge or vessel.

(11) "Trip" means travel to an appointed destination and return travel to the point of origin within the waters of this state.

~~[(11)]~~ **(12) "Vessel" means a tank vessel, cargo vessel or passenger vessel.**

~~[(12)]~~ **(13) "Voyage" means any transit by a vessel destined for any Oregon port.**

~~[(13)]~~ **(14) "Waters of this state" means natural waterways including all tidal and nontidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and nonnavigable, including that portion of the Pacific Ocean that is in the boundaries of Oregon.**

SECTION 4. Sections 5 and 6 of this 2011 Act are added to and made a part of ORS 783.625 to 783.640.

SECTION 5. (1) The Ballast Water Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Ballast Water Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Environmental Quality to:

(a) Monitor vessels regulated under ORS 783.625 to 783.640;

(b) Screen ballast water management information reported to the department under ORS 783.640;

(c) Inspect vessels and collect samples of ballast water pursuant to ORS 783.640;

(d) Conduct ballast water management policy development and coordination;

(e) Coordinate with other state agencies, agencies of other states and federal agencies on issues related to ballast water management;

(f) Respond to emergencies regarding aquatic invasive species that may have resulted from the discharge of ballast water; and

(g) Provide outreach and consultation expertise to maritime industry stakeholders regarding:

(A) Best practices related to ballast water management.

(B) Standards and procedures adopted by rule by the Environmental Quality Commission under ORS 783.635.

(2) The fund established by subsection (1) of this section shall consist of:

(a) Fees collected pursuant to section 2 of this 2011 Act.

(b) Late charges collected pursuant to section 6 of this 2011 Act.

SECTION 6. (1) The Department of Environmental Quality shall assess a late charge of \$25 against the owner or operator of a vessel if the department has not received the fee specified in section 2 of this 2011 Act by the due date specified by the department.

(2) The department shall assess an additional late charge of \$25 if the owner or operator of a vessel has not paid the fee specified in section 2 of this 2011 Act within 45 days after the due date specified by the department.

(3) The department may waive the late charges specified in this section upon a showing of good cause by the owner or operator of a vessel.

(4) All late charges collected by the department under this section shall be paid into the Ballast Water Fund established under section 5 of this 2011 Act.

Passed by Senate May 19, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 1, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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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