

House Bill 2511

Sponsored by Representative CLEM (at the request of Joel Fischer) (Pre-session filed.)

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**.

Directs State Marine Board to provide education to public about aquatic invasive species.
Makes purchase of aquatic invasive species prevention permit voluntary, rather than mandatory.

A BILL FOR AN ACT

Relating to aquatic invasive species permits; creating new provisions; amending ORS 153.633, 153.645, 153.650, 153.660, 830.560, 830.580, 830.585 and 830.990; and repealing ORS 830.565.

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

SECTION 1. ORS 830.560 is amended to read:

830.560. (1) As used in this section:

(a) "Aquatic invasive species" means any aquatic life or marine life determined by the State Fish and Wildlife Commission by rule to be invasive or any aquatic noxious weed determined by the State Department of Agriculture to be invasive.

(b) "Launch" means any act that places a boat into a waterway for recreational boating, for flushing or testing an engine or for any other purpose.

(2) Except as provided in subsection (3) of this section, a person may not launch a boat into the waters of this state if:

(a) The boat has any visible aquatic species on its exterior hull or attached to any motor, propulsion system or component, anchor or other attached apparatus outside of the hull, or on the trailer or other device used to transport the boat; or

(b) The boat has any aquatic invasive species within its bilge, livewell, motorwell or other interior location.

(3) The State Fish and Wildlife Commission, in consultation with the State Department of Agriculture, by rule may allow the presence of certain aquatic species on or within a boat for activities including but not limited to hunting and photography.

(4) The State Marine Board shall *[provide information to the public about any rules adopted under subsection (3) of this section.]* **implement an aquatic invasive species public education program.**

The program shall include, but not be limited to, providing information about:

(a) Aquatic invasive species;

(b) The prohibition against launching a boat in the waters of this state with aquatic invasive species on or within the boat, as described in subsection (2) of this section;

(c) The exceptions permitted by rule allowing a person to launch a boat with certain aquatic species on or within the boat, as described in subsection (3) of this section; and

(d) The voluntary purchase of an aquatic invasive species prevention permit under ORS 830.570 to help fund efforts to prevent and control aquatic invasive species in this state.

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.

SECTION 2. ORS 830.565 is repealed.

SECTION 3. ORS 830.580 is amended to read:

830.580. (1) The State Marine Board shall adopt rules for the implementation and administration of ORS **830.570 and 830.575** [830.565 to 830.575, including but not limited to the exemption of certain boats from the requirements of ORS 830.565].

(2) Nothing in ORS [830.565 to] **830.570 and** 830.575 prevents the board from contracting any service provided under ORS [830.565 to] **830.570 and** 830.575 to any private person or entity or other unit of government.

SECTION 4. ORS 830.585 is amended to read:

830.585. The Aquatic Invasive Species Prevention Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Aquatic Invasive Species Prevention Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Marine Board for the purpose of administering the aquatic invasive species prevention permit program under ORS [830.565 to] **830.570 and** 830.575 and preventing and controlling aquatic invasive species.

SECTION 5. ORS 830.990 is amended to read:

830.990. [(1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person operating a manually propelled boat is \$30.]

[(b) Violation of ORS 830.565 by a person operating a motorboat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person operating a motorboat is \$50.]

[(2)] (1) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the purposes of those statutes, commits a Class D violation.

[(3)] (2) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a Class C violation.

[(4)] (3) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

[(5)] (4) A person who violates ORS 830.305 or 830.390, or rules adopted to carry out the purposes of those statutes, commits a Class A violation.

[(6)] (5) A person who violates ORS 830.383 or 830.909 commits a Class B misdemeanor.

[(7)] (6) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

[(8)] (7) A person who violates ORS 830.475 (2) commits a Class C felony.

[(9)] (8) A person who violates ORS 830.944 commits a Class A violation.

SECTION 6. ORS 153.633 is amended to read:

153.633. (1) In any criminal action in a circuit court in which a fine is imposed, the lesser of the following amounts is payable to the state before any other distribution of the fine is made:

(a) \$60; or

(b) The amount of the fine if the fine is less than \$60.

(2) In any criminal action in a justice or municipal court in which a fine is imposed, the lesser

1 of the following amounts is payable to the state before any other distribution of the fine is made:

- 2 (a) \$45; or
- 3 (b) The amount of the fine if the fine is less than \$45.

4 (3) A justice or municipal court shall forward the amount prescribed under subsection (2) of this
5 section to the Department of Revenue for deposit in the Criminal Fine Account.

6 (4) The provisions of subsection (2) of this section do not apply to fines imposed in justice and
7 municipal courts under ORS 811.590, 814.485, 814.486, 814.534, 814.536[,] **or** 814.600 [*or 830.990 (1)*].

8 **SECTION 7.** ORS 153.645 is amended to read:

9 153.645. (1) If a justice court enters a judgment of conviction for a traffic offense and the con-
10 viction resulted from a prosecution arising out of an arrest or complaint made by an officer of the
11 Oregon State Police or by any other enforcement officer employed by state government, as defined
12 in ORS 174.111:

13 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
14 the Department of Revenue for deposit in the Criminal Fine Account;

15 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
16 required by paragraph (a) of this subsection is payable to the county in which the justice court is
17 located; and

18 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
19 required by paragraph (a) of this subsection is payable to the state.

20 (2) If a justice court enters a judgment of conviction for a traffic offense and the conviction
21 resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff
22 or any other enforcement officer employed by the county:

23 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
24 the Department of Revenue for deposit in the Criminal Fine Account; and

25 (b) Subject to subsection (4) of this section, the remaining amount of the fine is payable to the
26 county in which the court is located.

27 (3) If a justice court enters a judgment of conviction for a traffic offense and the conviction
28 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer
29 employed by any other local government, as defined in ORS 174.116:

30 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
31 the Department of Revenue for deposit in the Criminal Fine Account;

32 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
33 required by paragraph (a) of this subsection is payable to the local government that employs the
34 enforcement officer; and

35 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
36 required by paragraph (a) of this subsection is payable to the county in which the court is located.

37 (4) If the full amount of the fine imposed by a justice court is collected, the last \$16 of the
38 amount collected shall be paid to the county treasurer for the county in which the court is located
39 and may be used only for the purposes specified in ORS 153.660. If the full amount of the fine im-
40 posed is not collected, the \$16 payment required by this subsection shall be reduced by one dollar
41 for every dollar of the fine that is not collected. The provisions of this subsection do not apply to
42 fines imposed for violations of ORS 811.590, 814.485, 814.486, 814.534, 814.536[,] **or** 814.600 [*or 830.990*
43 *(1)*].

44 **SECTION 8.** ORS 153.650 is amended to read:

45 153.650. (1) If a municipal court enters a judgment of conviction for a traffic offense and the

1 conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of
 2 the Oregon State Police or by any other enforcement officer employed by state government, as de-
 3 fined in ORS 174.111:

4 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
 5 the Department of Revenue for deposit in the Criminal Fine Account;

6 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
 7 required by paragraph (a) of this subsection is payable to the city in which the municipal court is
 8 located; and

9 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
 10 required by paragraph (a) of this subsection is payable to the state.

11 (2) If a municipal court enters a judgment of conviction for a traffic offense and the conviction
 12 resulted from a prosecution arising out of an arrest or complaint made by a city police officer or
 13 any other enforcement officer employed by the city:

14 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
 15 the Department of Revenue for deposit in the Criminal Fine Account; and

16 (b) Subject to subsection (4) of this section, the remaining amount of the fine is payable to the
 17 city in which the court is located.

18 (3) If a municipal court enters a judgment of conviction for a traffic offense and the conviction
 19 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer
 20 employed by any other local government, as defined in ORS 174.116:

21 (a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded to
 22 the Department of Revenue for deposit in the Criminal Fine Account;

23 (b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
 24 required by paragraph (a) of this subsection is payable to the local government that employs the
 25 enforcement officer; and

26 (c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment
 27 required by paragraph (a) of this subsection is payable to the city in which the court is located.

28 (4) If the full amount of the fine imposed by a municipal court is collected, the last \$16 of the
 29 amount collected shall be paid to the county treasurer for the county in which the court is located
 30 and may be used only for the purposes specified in ORS 153.660. If the full amount of the fine im-
 31 posed is not collected, the \$16 payment required by this subsection shall be reduced by one dollar
 32 for every dollar of the fine that is not collected. The provisions of this subsection do not apply to
 33 fines imposed for violations of ORS 811.590, 814.485, 814.486, 814.534, 814.536[,] **or** 814.600 [*or* 830.990
 34 (1)].

35 **SECTION 9.** ORS 153.660 is amended to read:

36 153.660. (1) If a justice or municipal court imposes a fine for any offense other than a traffic
 37 offense and the full amount of the fine imposed is collected, the last \$16 of the amount collected
 38 shall be paid to the county treasurer for the county in which the court is located and may be used
 39 only for the purposes specified in this section. If the full amount of the fine imposed is not collected,
 40 the \$16 payment required by this subsection shall be reduced by one dollar for every dollar of the
 41 fine that is not collected. The provisions of this subsection do not apply to fines imposed for vio-
 42 lations of ORS 811.590, 814.485, 814.486, 814.534, 814.536[,] **or** 814.600 [*or* 830.990 (1)].

43 (2) Sixty percent of the amounts paid to the county treasurer under this section and under ORS
 44 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the county treasury and may be
 45 used only for drug and alcohol programs and for the costs of planning, operating and maintaining

1 county juvenile and adult corrections programs and facilities.

2 (3) Forty percent of the amounts paid to the county treasurer under this section and under ORS
3 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the court facilities security account
4 established under ORS 1.182 for the county in which the court is located.

5 **SECTION 10. Notwithstanding the repeal of ORS 830.565 by section 2 of this 2015 Act, any**
6 **offense committed before January 1, 2016, shall continue to be governed by ORS 830.565 as**
7 **in effect immediately before January 1, 2016.**

8