

DRAFT

SUMMARY

Digest: The Act lets agencies work with others to inspect boats for harmful animals and plants. (Flesch Readability Score: 67.5).

Authorizes the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture to enter into an intergovernmental agreement with a local government or a local service district to perform aquatic invasive species inspections at check stations.

A BILL FOR AN ACT

Relating to aquatic invasive species; creating new provisions; and amending
ORS 830.585, 830.587, 830.591, 830.998 and 830.999.

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

SECTION 1. (1) As used in this section, “local government” and “local service district” have the meanings given those terms in ORS 174.116.

(2) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may enter into an intergovernmental agreement with a local government or local service district for the purpose of assisting the agency with:

(a) Operating check stations and inspecting recreational or commercial watercraft for the presence of aquatic invasive species; and

(b) Decontaminating, or ordering the decontamination of, any recreational or commercial watercraft that the local government or local service district inspects at a check station operated under authority of this section.

(3) Check stations operated under this section must comply with the

1 **requirements that govern check stations under ORS 830.589.**

2 **(4) An agreement under this section shall specify the functions or**
3 **activities to be performed by a local government or local service dis-**
4 **trict. The agreement shall provide for monitoring and review of per-**
5 **formance of services under the agreement.**

6 **(5) Failure to cooperate with the ordered decontamination process**
7 **is subject to penalties under ORS 830.998.**

8 **SECTION 2.** ORS 830.585 is amended to read:

9 830.585. (1) The Aquatic Invasive Species Prevention Fund is established
10 in the State Treasury, separate and distinct from the General Fund. Interest
11 earned by the Aquatic Invasive Species Prevention Fund shall be credited to
12 the fund. Moneys in the fund are continuously appropriated to the State
13 Marine Board.

14 (2)(a) The fund consists of:

15 (A) Moneys deposited into the fund under ORS 830.575;

16 (B) Moneys transferred to the fund from the federal government, other
17 state agencies or local governments;

18 (C) Any other moneys appropriated to the fund by the Legislative As-
19 sembly; and

20 (D) Moneys deposited into the fund under paragraph (b) of this sub-
21 section.

22 (b) The board may receive gifts, grants or contributions from any source,
23 whether public or private. Moneys received under this paragraph shall be
24 deposited into the fund.

25 (3) The board may use the moneys in the fund:

26 (a) To pay the administrative costs of the aquatic invasive species pre-
27 vention permit program;

28 (b) To award grants and enter into grant agreements to prevent and con-
29 trol aquatic invasive species; and

30 (c) For any other purpose of the board as described in ORS 830.565 to
31 830.575, 830.589 and 830.594 **and section 1 of this 2025 Act.**

1 **SECTION 3.** ORS 830.587 is amended to read:

2 830.587. As used in ORS 830.589, 830.591, 830.594, 830.998 and 830.999 **and**
3 **section 1 of this 2025 Act.**

4 (1) “Aquatic invasive species” means any aquatic species of wildlife or
5 any freshwater or marine invertebrate the State Fish and Wildlife Commis-
6 sion identifies as a prohibited species by rule, or any aquatic noxious weeds
7 as specified by the State Department of Agriculture by rule.

8 (2) “Recreational or commercial watercraft” means any boat, any equip-
9 ment used to transport a boat and any auxiliary equipment for a boat, in-
10 cluding but not limited to attached or detached outboard motors.

11 **SECTION 4.** ORS 830.591 is amended to read:

12 830.591. (1) When a peace officer stops a person transporting a recre-
13 ational or commercial watercraft for failing to stop at an aquatic invasive
14 species check station as required under ORS 830.589 **or section 1 of this**
15 **2025 Act**, the peace officer may request that the person immediately drive
16 to the nearest aquatic invasive species check station and have the watercraft
17 inspected and, if needed, decontaminated, provided that:

18 (a) The peace officer has probable cause that the person violated ORS
19 830.589 **or section 1 of this 2025 Act** by failing to stop at an aquatic
20 invasive species check station; and

21 (b) An aquatic invasive species check station is open within five miles
22 of the location of the stop.

23 (2) When it is necessary for the person to reverse direction in order to
24 proceed to the nearest aquatic invasive species check station, the peace of-
25 ficer may assist the driver of the vehicle so that the turning movement can
26 be made safely.

27 (3) Failure to comply with a peace officer’s request to proceed to the
28 nearest aquatic invasive species check station under subsection (1) of this
29 section is subject to criminal penalties under ORS 830.990.

30 **SECTION 5.** ORS 830.998 is amended to read:

31 830.998. (1) A person who is transporting a recreational or commercial

watercraft and fails to stop and submit to an inspection or complete the ordered decontamination 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 **or a local government or local service district** as provided under ORS 830.589 **or section 1 of this 2025 Act** commits a Class D violation.

(2) Notwithstanding ORS 153.042, a peace officer may issue a citation under subsection (1) of this section when the conduct alleged to constitute a violation has not taken place in the presence of the peace officer, if the peace 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 6. ORS 830.999 is amended to read:

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

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

(a) A person who transports aquatic invasive species in ballast water, as defined in ORS 783.625.

(b) A person who complies with all instructions for the proper decontamination of the recreational or commercial watercraft given by an employee authorized under ORS 830.589 [(1)] **or section 1 of this 2025 Act** to inspect recreational or commercial watercraft.

(c) A person who transports aquatic invasive species to the State Department of Fish and Wildlife or the State Department of Agriculture, or to another destination designated by the State Fish and Wildlife Commission by rule, in a manner designated by the commission for purposes of identify-

1 ing or reporting an aquatic invasive species.

2 (3) The civil penalties authorized in this section shall be imposed as pro-
3 vided in ORS 183.745. Any civil penalty recovered under this section shall
4 be deposited in the State Wildlife Fund. The commission by rule shall adopt
5 the formula the State Fish and Wildlife Director shall use in determining the
6 amount of civil penalties under this section.

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