

House Bill 2170

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Agriculture, Land Use, Natural Resources, and Water for Representatives Ken Helm, Mark Owens)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

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

1
2 Relating to aquatic invasive species; creating new provisions; and amending ORS 830.585, 830.587,
3 830.591, 830.998 and 830.999.

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

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

7 **(2) The State Department of Fish and Wildlife, the State Marine Board or the State De-**
8 **partment of Agriculture may enter into an intergovernmental agreement with a local gov-**
9 **ernment or local service district for the purpose of assisting the agency with:**

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

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

15 **(3) Check stations operated under this section must comply with the requirements that**
16 **govern check stations under ORS 830.589.**

17 **(4) An agreement under this section shall specify the functions or activities to be per-**
18 **formed by a local government or local service district. The agreement shall provide for**
19 **monitoring and review of performance of services under the agreement.**

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

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

23 830.585. (1) The Aquatic Invasive Species Prevention Fund is established in the State Treasury,
24 separate and distinct from the General Fund. Interest earned by the Aquatic Invasive Species Pre-
25 vention Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the
26 State Marine Board.

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

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

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

3 (C) Any other moneys appropriated to the fund by the Legislative Assembly; and

4 (D) Moneys deposited into the fund under paragraph (b) of this subsection.

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

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

8 (a) To pay the administrative costs of the aquatic invasive species prevention permit program;

9 (b) To award grants and enter into grant agreements to prevent and control aquatic invasive
10 species; and

11 (c) For any other purpose of the board as described in ORS 830.565 to 830.575, 830.589 and
12 830.594 **and section 1 of this 2025 Act.**

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

14 830.587. As used in ORS 830.589, 830.591, 830.594, 830.998 and 830.999 **and section 1 of this 2025**
15 **Act.**

16 (1) "Aquatic invasive species" means any aquatic species of wildlife or any freshwater or marine
17 invertebrate the State Fish and Wildlife Commission identifies as a prohibited species by rule, or
18 any aquatic noxious weeds as specified by the State Department of Agriculture by rule.

19 (2) "Recreational or commercial watercraft" means any boat, any equipment used to transport
20 a boat and any auxiliary equipment for a boat, including but not limited to attached or detached
21 outboard motors.

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

23 830.591. (1) When a peace officer stops a person transporting a recreational or commercial
24 watercraft for failing to stop at an aquatic invasive species check station as required under ORS
25 830.589 **or section 1 of this 2025 Act**, the peace officer may request that the person immediately
26 drive to the nearest aquatic invasive species check station and have the watercraft inspected and,
27 if needed, decontaminated, provided that:

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

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

32 (2) When it is necessary for the person to reverse direction in order to proceed to the nearest
33 aquatic invasive species check station, the peace officer may assist the driver of the vehicle so that
34 the turning movement can be made safely.

35 (3) Failure to comply with a peace officer's request to proceed to the nearest aquatic invasive
36 species check station under subsection (1) of this section is subject to criminal penalties under ORS
37 830.990.

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

39 830.998. (1) A person who is transporting a recreational or commercial watercraft and fails to
40 stop and submit to an inspection or complete the ordered decontamination at an aquatic invasive
41 species check station operated by the State Department of Fish and Wildlife, the State Marine Board
42 or the State Department of Agriculture **or a local government or local service district** as pro-
43 vided under ORS 830.589 **or section 1 of this 2025 Act** commits a Class D violation.

44 (2) Notwithstanding ORS 153.042, a peace officer may issue a citation under subsection (1) of
45 this section when the conduct alleged to constitute a violation has not taken place in the presence

1 of the peace officer, if the peace officer has reasonable grounds to believe that the conduct consti-
2 tutes a violation on the basis of information received from an employee of an agency authorized to
3 operate an aquatic invasive species check station who observed the violation.

4 **SECTION 6.** ORS 830.999 is amended to read:

5 830.999. (1) A person is subject to a civil penalty in an amount to be determined by the State
6 Fish and Wildlife Director of not more than \$6,250 if the person knowingly transports aquatic
7 invasive species on or in a recreational or commercial watercraft. A second or subsequent violation
8 of this subsection within a five-year period shall result in a civil penalty in an amount not less than
9 \$5,000 and not more than \$15,000.

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

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

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

15 (c) A person who transports aquatic invasive species to the State Department of Fish and
16 Wildlife or the State Department of Agriculture, or to another destination designated by the State
17 Fish and Wildlife Commission by rule, in a manner designated by the commission for purposes of
18 identifying or reporting an aquatic invasive species.

19 (3) The civil penalties authorized in this section shall be imposed as provided in ORS 183.745.
20 Any civil penalty recovered under this section shall be deposited in the State Wildlife Fund. The
21 commission by rule shall adopt the formula the State Fish and Wildlife Director shall use in deter-
22 mining the amount of civil penalties under this section.

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