

House Bill 3019

Sponsored by Representative EVANS

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**.

Authorizes State Department of Fish and Wildlife to designate areas in this state as habitat critical for biodiversity.

Provides that entry of oil or hazardous material into habitat critical for biodiversity due to spill or release of oil or hazardous material during unpermitted transportation is reckless endangerment of habitat critical for biodiversity.

Provides that reckless endangerment of habitat critical for biodiversity is punishable by maximum of five years' imprisonment, \$125,000 fine, or both. Authorizes department to impose civil penalty not to exceed \$1 million for violation.

A BILL FOR AN ACT

1
2 Relating to habitat protection.

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

4 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of the wildlife**
5 **laws.**

6 **SECTION 2. (1) The State Department of Fish and Wildlife may designate by rule areas**
7 **of this state as habitat critical for biodiversity. In determining whether to designate an area**
8 **as habitat critical for biodiversity, the department shall consider the biodiversity conserva-**
9 **tion significance of the area based on:**

10 (a) **The existence of habitat of significant importance to critically endangered or endan-**
11 **gered species;**

12 (b) **Whether the area is part of a restricted range for a species or home to endemic**
13 **species;**

14 (c) **Whether globally significant concentrations of migratory or congregatory species are**
15 **seasonally present in the area;**

16 (d) **Whether the area is home to highly threatened or unique ecosystems; and**

17 (e) **Whether the area is associated with key evolutionary processes for fish and wildlife.**

18 (2) **The department shall convene an advisory committee to advise the department in**
19 **adopting rules pursuant to this section.**

20 **SECTION 3. (1) As used in this section:**

21 (a) **"Habitat critical for biodiversity" means an area identified as habitat critical for**
22 **biodiversity by the State Department of Fish and Wildlife by rule pursuant to section 2 of**
23 **this 2019 Act.**

24 (b) **"Hazardous material" has the meaning given that term in ORS 466.605.**

25 (c) **"Oil" has the meaning given that term in ORS 468B.300.**

26 (d) **"Spill or release" means the discharge, deposit, injection, dumping, spilling, emitting,**
27 **releasing, leaking or placing of any oil or hazardous material into the air or into or on any**
28 **land or waters of 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.

1 (e) **“Unpermitted transportation” means the transportation of oil or hazardous material**
2 **in this state without all permits and authorizations required by state and federal law, or in**
3 **violation of any permit or authorization required by state or federal law.**

4 (2) **It shall be unlawful for oil or hazardous material to enter habitat critical for**
5 **biodiversity due to a spill or release that occurs during the unpermitted transportation of**
6 **oil or hazardous material, regardless of the cause of the entry or the fault of the person**
7 **having control over the oil or hazardous material, or regardless of whether the entry is the**
8 **result of intentional or negligent conduct, accident or other cause. A violation of this section**
9 **constitutes reckless endangerment of habitat critical for biodiversity.**

10 (3) **Reckless endangerment of habitat critical for biodiversity is a Class C felony.**

11 (4) **The State Department of Fish and Wildlife may impose a civil penalty not to exceed**
12 **\$1 million for violation of this section.**

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