

# A-Engrossed House Bill 2170

Ordered by the House March 21  
Including House Amendments dated March 21

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. 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 **tribal government**, 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,  
3 830.589, 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:**

6 (a) **“Local government” and “local service district” have the meanings given those terms**  
7 **in ORS 174.116.**

8 (b) **“Tribal government” means a federally recognized sovereign tribal government whose**  
9 **borders lie within this state.**

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

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

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

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

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

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

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

2        830.585. (1) The Aquatic Invasive Species Prevention Fund is established in the State Treasury,  
3 separate and distinct from the General Fund. Interest earned by the Aquatic Invasive Species Pre-  
4 vention Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the  
5 State Marine Board.

6        (2)(a) The fund consists of:

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

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

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

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

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

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

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

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

18       (c) For any other purpose of the board as described in ORS 830.565 to 830.575, 830.589 and  
19 830.594 **and section 1 of this 2025 Act.**

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

21       830.587. As used in ORS 830.589, 830.591, 830.594, 830.998 and 830.999 **and section 1 of this 2025**  
22 **Act:**

23       (1) “Aquatic invasive species” means any aquatic species of wildlife or any freshwater or marine  
24 invertebrate the State Fish and Wildlife Commission identifies as a prohibited species by rule, or  
25 any aquatic noxious weeds as specified by the State Department of Agriculture by rule.

26       (2) “Recreational or commercial watercraft” means any boat, any equipment used to transport  
27 a boat and any auxiliary equipment for a boat, including but not limited to attached or detached  
28 outboard motors.

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

30       830.591. (1) When a peace officer stops a person transporting a recreational or commercial  
31 watercraft for failing to stop at an aquatic invasive species check station as required under ORS  
32 830.589 **or section 1 of this 2025 Act**, the peace officer may request that the person immediately  
33 drive to the nearest aquatic invasive species check station and have the watercraft inspected and,  
34 if needed, decontaminated, provided that:

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

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

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

42       (3) Failure to comply with a peace officer’s request to proceed to the nearest aquatic invasive  
43 species check station under subsection (1) of this section is subject to criminal penalties under ORS  
44 830.990.

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

1 830.998. (1) A person who is transporting a recreational or commercial watercraft and fails to  
2 stop and submit to an inspection or complete the ordered decontamination at an aquatic invasive  
3 species check station operated by the State Department of Fish and Wildlife, the State Marine Board  
4 or the State Department of Agriculture **or a tribal government, local government or local ser-**  
5 **vice district** as provided under ORS 830.589 **or section 1 of this 2025 Act** commits a Class D vio-  
6 lation.

7 (2) Notwithstanding ORS 153.042, a peace officer may issue a citation under subsection (1) of  
8 this section when the conduct alleged to constitute a violation has not taken place in the presence  
9 of the peace officer, if the peace officer has reasonable grounds to believe that the conduct consti-  
10 tutes a violation on the basis of information received from an employee of an agency, **tribal gov-**  
11 **ernment, local government or local service district** authorized to operate an aquatic invasive  
12 species check station who observed the violation.

13 (3) **As used in this section, “tribal government” has the meaning given that term in**  
14 **section 1 of this 2025 Act.**

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

16 830.999. (1) A person is subject to a civil penalty in an amount to be determined by the State  
17 Fish and Wildlife Director of not more than \$6,250 if the person knowingly transports aquatic  
18 invasive species on or in a recreational or commercial watercraft. A second or subsequent violation  
19 of this subsection within a five-year period shall result in a civil penalty in an amount not less than  
20 \$5,000 and not more than \$15,000.

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

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

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

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

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

34 **SECTION 7.** ORS 830.589 is amended to read:

35 830.589. (1) The State Department of Fish and Wildlife, the State Marine Board or the State  
36 Department of Agriculture may require a person transporting a recreational or commercial  
37 watercraft to stop at a check station to inspect the watercraft for the presence of aquatic invasive  
38 species. The purpose of the administrative search authorized under this section is to prevent and  
39 limit the spread of aquatic invasive species within Oregon.

40 (2)(a) The State Department of Fish and Wildlife, the State Marine Board or the State Depart-  
41 ment of Agriculture may decontaminate, or order the decontamination of, any recreational or com-  
42 mercial watercraft that the agency inspects at a check station operated under authority of this  
43 section. If the State Department of Fish and Wildlife, the State Marine Board or the State Depart-  
44 ment of Agriculture orders decontamination, the person transporting the watercraft shall cooperate  
45 with the agency to complete the decontamination.

1 (b) Failure to cooperate with the ordered decontamination process is subject to penalties under  
2 ORS 830.998.

3 *[(3) All check stations operated under authority of this section must be plainly marked by signs that*  
4 *comply with all state and federal laws and must be staffed by at least one uniformed employee of the*  
5 *State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture*  
6 *trained in inspection and decontamination of recreational or commercial watercraft.]*

7 **(3) All check stations operated under authority of this section must be:**

8 **(a) Plainly marked by signs that comply with all state and federal laws; and**

9 **(b) Staffed by at least one uniformed employee, trained in inspection and decontamination**  
10 **of recreational or commercial watercraft, of:**

11 **(A) The State Department of Fish and Wildlife;**

12 **(B) The State Marine Board;**

13 **(C) The State Department of Agriculture; or**

14 **(D) A tribal government, local government or local service district as provided under**  
15 **section 1 of this 2025 Act.**

16 (4) An agency that operates a check station under this section shall require all persons trans-  
17 porting recreational or commercial watercraft to stop at the check station, and the agency shall  
18 inspect every recreational or commercial watercraft that goes through the check station.

19 (5) Notwithstanding ORS 496.992, a person transporting a recreational or commercial watercraft  
20 who stops at a check station for inspection and who cooperates in the decontamination process is  
21 not subject to criminal sanctions for possessing or transporting aquatic invasive species.

22 (6) The State Department of Fish and Wildlife, the State Marine Board and the State Depart-  
23 ment of Agriculture may adopt rules to carry out the provisions of this section.

24 **(7) As used in this section:**

25 **(a) “Local government” and “local service district” have the meanings given those terms**  
26 **in ORS 174.116.**

27 **(b) “Tribal government” has the meaning given that term in section 1 of this 2025 Act.**

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