

Enrolled
House Bill 3541

Sponsored by JOINT COMMITTEE ON EMERGENCY PREPAREDNESS AND OCEAN POLICY

CHAPTER

AN ACT

Relating to ocean troll salmon fishery; amending ORS 508.819 and 508.822.

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

SECTION 1. ORS 508.819 is amended to read:

508.819. (1)(a) Except as provided in subsections (2) and (3) of this section, if the number of permits renewed under ORS 508.807 falls below [1,200] **1,000**, the State Department of Fish and Wildlife shall issue permits by a lottery system for vessels that do not meet the requirements of ORS 508.807. However, the number of permits issued pursuant to any such lottery system may not increase the number of permits issued to a total number greater than [1,200] **1,000**.

(b) In issuing permits under the lottery system, the department shall issue permits for vessels based on the following categories:

- (A) Vessels less than or equal to 30 feet;**
- (B) Vessels greater than 30 feet and less than or equal to 42 feet; or**
- (C) Vessels greater than 42 feet.**

(c) When a vessel in one category does not renew its permit, only another vessel in the same category, or a vessel in a category for vessels of a smaller size, may qualify for the permit.

(d) When the department holds a lottery under this section, the following fees shall be charged for each vessel permit that the department issues as a result of the lottery:

- (A) For vessels less than or equal to 30 feet, \$250.**
- (B) For vessels greater than 30 feet and less than or equal to 42 feet, \$500.**
- (C) For vessels greater than 42 feet, \$750.**

(2) The State Fish and Wildlife Commission may, in its discretion, suspend the lottery for up to two years. Suspension shall be based on the commission's assessment of the condition of the resource and shall account for the recommendations of the Troll Salmon Permit Review Board.

(3) The department shall consider a permit transferred to, purchased by or otherwise held by the federal government as a permit renewed under ORS 508.807. A permit transferred to, purchased by or otherwise held by the federal government is a permit under the limit of [1,200] **1,000** permits established by this section.

SECTION 2. ORS 508.822 is amended to read:

508.822. (1) The vessel permit required by ORS 508.801 is transferable:

- (a) To a replacement vessel of the permit holder.
- (b) To the purchaser of the vessel when the vessel is sold.

(c) Upon request of a permit holder, transfer of a permit to a replacement vessel owned by an individual other than the permit holder if authorized by the State Department of Fish and Wildlife.

However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(2) Permits may be transferred between vessels where both vessels fall within any one of the following categories:

- (a) Vessels less than **or equal to** 30 feet;
- (b) Vessels greater than 30 feet and less than or equal to 42 feet; or
- (c) Vessels greater than 42 feet.

(3) A permit may be transferred from a vessel that is in one of the categories defined in subsection (2) of this section to a vessel that is in a different category provided that no vessel permit may be transferred to a vessel more than five feet longer than the vessel from which the permit is being transferred.

(4)(a) Notwithstanding subsection (3) of this section and except for transfer to another vessel owned by the current permit holder, a vessel permit may be transferred to a vessel over 30 feet in length only if, in the calendar year prior to transfer, the vessel from which the permit is being transferred was used in the ocean troll salmon fishery in Oregon, Alaska, Washington or California to take 100 pounds of salmon. The department, by rule, may require proof of vessel ownership prior to the transfer of a permit away from any vessel. This section shall not be effective in the calendar year following a year in which the number of permits issued pursuant to ORS 508.801 is less than [1,200] **1,000**.

(b) A vessel permit may not be transferred more than once in any 12-month period. However, the Commercial Fishery Permit Board may waive the waiting period for additional transfer if the board finds that strict adherence to the waiting period would create undue hardship for the individual seeking transfer of the permit.

(5) Persons requesting the transfer of a permit pursuant to subsection (1)(c) of this section shall provide to the department copies of documents or state registration for each vessel as proof of the length and ownership.

Passed by House May 16, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 24, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State