

Senate Bill 241

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for State Department of Fish and Wildlife)

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**.

Expands membership of Commercial Fishery Permit Board to include representatives of developmental fisheries and representatives of certain restricted permit systems established by rule of State Fish and Wildlife Commission. Allows persons denied developmental fisheries permit or restricted permit, or denied renewal or transfer of developmental fisheries permit or restricted permit, to request review by board.

A BILL FOR AN ACT

1
2 Relating to commercial fisheries; creating new provisions; and amending ORS 508.755.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 506.450 to**
5 **506.465.**

6 **SECTION 2. (1) A person whose application for a developmental fisheries permit or a**
7 **restricted permit established under subsection (6) of this section, or for the renewal or**
8 **transfer of a developmental fisheries permit or restricted permit, is denied by the State Fish**
9 **and Wildlife Commission may make written request to the Commercial Fishery Permit Board**
10 **for review of the denial. The review provided in this subsection is in lieu of any review by**
11 **the State Department of Fish and Wildlife or the State Fish and Wildlife Commission. The**
12 **request shall be in such form and shall contain such information as the board considers ap-**
13 **propriate. The request shall be accompanied by a nonrefundable fee of \$75. The fee shall apply**
14 **toward any applicable permit fees resulting from an order of the board in favor of the re-**
15 **questing applicant.**

16 **(2) The board shall review a denial as a contested case under ORS chapter 183. Orders**
17 **issued by the board are not subject to review by the commission, but may be appealed as**
18 **provided in ORS 183.482.**

19 **(3) The board may waive requirements for renewal of a developmental fisheries permit**
20 **or a restricted permit established under subsection (6) of this section if the board finds that**
21 **an individual applicant fails to meet the requirements as the result of illness, accident or**
22 **other circumstances beyond the individual's control.**

23 **(4) The board may delegate to the department the board's authority to waive require-**
24 **ments for renewal of developmental fisheries permits or restricted permits established under**
25 **subsection (6) of this section.**

26 **(5) The board may adopt such rules as it determines necessary to carry out its duties,**
27 **functions and powers under this section.**

28 **(6) Once the commission determines that a commercial harvest of a developmental**

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 fishery can be sustained, it may remove that fishery from the developmental fisheries list,
 2 and may, by rule, establish a restricted participation system or a restricted vessel permit
 3 system for that fishery. These restricted permit systems may include, but are not limited
 4 to, provisions relating to the following matters:

5 (a) Establishment of criteria for initial entry into the restricted permit system and cri-
 6 teria for annual qualification for continued participation in the system; and

7 (b) Establishment of terms and conditions for transferring participation rights.

8 **SECTION 3.** ORS 508.755 is amended to read:

9 508.755. (1) There is established within the State Department of Fish and Wildlife the Commer-
 10 cial Fishery Permit Board. The board shall consist of members appointed by the State Fish and
 11 Wildlife Commission as follows:

12 (a) Three members shall be chosen to represent the Columbia River gillnet salmon fishing in-
 13 dustry.

14 (b) Three members shall be chosen to represent the ocean troll salmon fishing industry.

15 (c) Three members shall be chosen to represent the ocean pink shrimp fishing industry.

16 (d) Three members shall be chosen to represent the Yaquina Bay roe-herring fishing industry.

17 (e) Three members shall be chosen to represent the sea urchin commercial fishery.

18 (f) Three members shall be chosen to represent the ocean Dungeness crab fishing industry.

19 (g) Three members shall be chosen to represent the black rockfish and blue rockfish fishing in-
 20 dustry and the nearshore fish fishing industry.

21 (h) **Three members shall be chosen to represent developmental fisheries as described in**
 22 **ORS 506.450 to 506.465.**

23 (i) **Three members shall be chosen to represent each restricted participation system or**
 24 **restricted vessel permit system established by rule of the commission under section 2 of this**
 25 **2007 Act.**

26 [(h)] (j) Two members shall be chosen to represent the public.

27 (2) A member of the board shall receive no compensation for services as a member. However,
 28 subject to any applicable law regulating travel and other expenses of state officers and employees,
 29 a member shall be reimbursed for travel and other expenses incurred in the performance of official
 30 duties.

31 (3) The board shall select such officers, for such terms and with such duties and powers, as the
 32 board considers necessary for the performance of those offices.

33 (4) A majority of the members of the board constitutes a quorum for the transaction of business.

34 (5) The board shall meet at such times and places as may be determined by the chairperson or
 35 by a majority of the members of the board.

36 (6) Notwithstanding any other provision of law:

37 (a) Members of the board representing the Columbia River gillnet salmon fishing industry shall
 38 participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775
 39 to 508.796.

40 (b) Members of the board representing the ocean troll salmon fishing industry shall participate
 41 in actions of the board only on matters arising under ORS 508.801 to 508.825.

42 (c) Members of the board representing the ocean pink shrimp fishing industry shall participate
 43 in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to 508.910.

44 (d) Members of the board representing the Yaquina Bay roe-herring fishing industry shall par-
 45 ticipate in actions of the board only on matters arising under ORS 508.765.

1 (e) Members of the board representing the sea urchin commercial fishery shall participate in
2 actions of the board only on matters arising under ORS 508.760.

3 (f) Members of the board representing the ocean Dungeness crab fishing industry shall partic-
4 ipate in actions of the board only on matters arising under ORS 508.921.

5 (g) Members of the board representing the black rockfish and blue rockfish fishing industry and
6 the nearshore fish fishing industry shall participate in actions of the board only on matters arising
7 under ORS 508.947, 508.957 or 508.960.

8 **(h) Members of the board representing developmental fisheries shall participate in**
9 **actions of the board only on matters arising under ORS 506.450 to 506.465.**

10 **(i) Members of the board representing a restricted participation system or a restricted**
11 **vessel permit system established by rule of the commission under section 2 of this 2007 Act**
12 **shall participate in actions of the board only on matters related to that system.**

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