

House Bill 3323

Sponsored by Representative KRIEGER; Representatives ESQUIVEL, JENSON, MAURER, WHISNANT

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**.

Directs State Fish and Wildlife Commission to establish Oregon Limited Entry Fishing Guide Program. Specifies fees for permits issued under program.

Creates violation for guide fishing under certain conditions. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Establishes Oregon Fishing Guide Review Board and specifies duties of board.

Establishes Oregon Limited Entry Fishing Guide Management Fund. Continuously appropriates moneys in fund to State Fish and Wildlife Commission for purposes of Oregon Limited Entry Fishing Guide Program.

Requires State Fish and Wildlife Commission to report to Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Oregon Limited Entry Fishing Guide Program; appropriating money; and declaring an
3 emergency.

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

5 **SECTION 1. (1) The State Fish and Wildlife Commission shall establish the Oregon Lim-**
6 **ited Entry Fishing Guide Program.**

7 **(2) In order to qualify for the Oregon Limited Entry Fishing Guide Program, an individual**
8 **must have been registered as an outfitter and guide under ORS 704.020 or have been issued**
9 **an ocean charter vessel license under ORS 830.440 during calendar year 2007 or 2008. To**
10 **qualify for the program, an individual may provide:**

11 **(a) The certificate of registration as an outfitter and guide issued pursuant to ORS**
12 **704.020 or the ocean charter vessel license issued pursuant to ORS 830.440;**

13 **(b) A copy of United States Internal Revenue Service documentation that proves that the**
14 **individual worked as an outfitter and guide or with an ocean charter vessel license; or**

15 **(c) An affidavit from the individual's employer verifying such employment.**

16 **(3)(a) An Oregon limited entry fishing guide permit is required for any individual to en-**
17 **gage in the business of taking clients to angle for salmon, steelhead or sturgeon in the wa-**
18 **ters of this state, as that term is defined in ORS 506.006, eastward of the line of demarcation**
19 **of the United States Coast Guard.**

20 **(b) A nonresident guide may not fish in Oregon with any person except an immediate**
21 **family member, as that term is defined in ORS 496.146, unless the individual has been issued**
22 **a nonresident Oregon limited entry fishing guide permit and the appropriate regional**
23 **endorsement specified in this section. Violation of this paragraph is a Class A misdemeanor.**

24 **(4)(a) The State Fish and Wildlife Commission is authorized to issue, upon application,**
25 **to persons desiring to participate in the Oregon Limited Entry Fishing Guide Program the**
26 **following permits and charge the following fees:**

27 **(A) Resident Oregon limited entry fishing guide permit, \$250.**

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) Resident Oregon limited entry fishing guide permit annual renewal fee, \$50.

2 (C) Resident regional endorsement initial fee, \$250 per region.

3 (D) Resident regional endorsement annual renewal fee, \$125 per region.

4 (E) Nonresident Oregon limited entry fishing guide permit, \$700.

5 (F) Nonresident Oregon limited entry fishing guide permit annual renewal fee, \$350.

6 (G) Nonresident regional endorsement initial fee, \$500 per region.

7 (H) Nonresident regional endorsement annual renewal fee, \$250 per region.

8 (b) The commission may not renew a permit unless an individual submits the log books
9 described in section 4 of this 2009 Act for the previous calendar year.

10 (5) All fees collected under this section must be deposited in the Oregon Limited Entry
11 Fishing Guide Management Fund established by section 7 of this 2009 Act.

12 (6)(a) The commission shall establish the following regions for purposes of regional
13 endorsements:

14 (A) The South Coastal Region, which includes coastal streams south of the Umpqua River
15 and the entire Rogue River basin and Umpqua River basin.

16 (B) The Middle Coast and Upper Willamette Region, which includes coastal streams north
17 of the Umpqua River except for the Umpqua drainage basin south of the Nestucca River and
18 the Willamette River Basin above Willamette Falls.

19 (C) The Lower Columbia River Region, which includes the Columbia River Basin up to
20 Bonneville Dam and the Willamette River up to Willamette Falls and coastal streams north
21 of and including the Nestucca River.

22 (D) The Eastern Oregon Region, which includes the Columbia River Basin above
23 Bonneville Dam and all streams east of the summit of the Cascade Mountains.

24 (b) If an individual applies for regional endorsements from more than two regions, the
25 individual must present documentation proving that the individual worked as an outfitter and
26 guide or with an ocean charter vessel license during calendar year 2007 or 2008 in each region
27 for which the individual applies.

28 **SECTION 2.** (1) The State Fish and Wildlife Commission may issue the following numbers
29 of permits:

30 (a) Resident Oregon limited entry fishing guide permits, 450.

31 (b) Nonresident Oregon limited entry fishing guide permits, 100.

32 (2) If the number of permits issued by the commission falls below the numbers author-
33 ized by subsection (1) of this section, the commission shall establish a lottery system for the
34 issuance of the unissued permits. The commission shall give preference to veterans of the
35 Armed Forces of the United States, as that term is defined in ORS 497.006, and the immedi-
36 ate family members, as that term is defined in ORS 496.146, of the veterans.

37 **SECTION 3.** (1) Oregon limited entry fishing guide permits and regional endorsements
38 may not be transferred until on or after January 1, 2016, or until the total numbers of per-
39 mits that may be issued under section 2 of this 2009 Act are issued by the State Fish and
40 Wildlife Commission. A resident Oregon limited entry fishing guide permit may only be
41 transferred to a resident of Oregon, and a nonresident Oregon limited entry fishing guide
42 permit may only be transferred to a nonresident.

43 (2) Notwithstanding subsection (1) of this section:

44 (a) The State Fish and Wildlife Commission may grant hardship exceptions based upon
45 the recommendation of the Oregon Fishing Guide Review Board.

1 (b) The spouse of a deceased individual who held an Oregon limited entry fishing guide
2 permit and one or more regional endorsements may transfer the permit and endorsements
3 for up to two years after the date of death of the individual.

4 **SECTION 4.** (1) The State Fish and Wildlife Commission shall establish the Oregon
5 Fishing Guide Review Board, composed of seven members to be appointed as follows:

6 (a) One member from each of the four regional endorsement areas specified in section 1
7 of this 2009 Act;

8 (b) One member from the Board of Directors of Oregon Guides and Packers Association;

9 (c) One member from the Board of Directors of McKenzie River Guides Association; and

10 (d) One member from the Board of Directors of Northwest Guides and Anglers Associ-
11 ation.

12 (2) The term of office for each member is four years, and each member is eligible for
13 reappointment to one additional term. The length of the initial term may be fixed at either
14 two or four years by the commission in order to accomplish staggered expiration dates of the
15 terms to be filled.

16 (3) The review board shall perform the following duties:

17 (a) Recommend rules to the commission related to log books for holders of Oregon lim-
18 ited entry fishing guide permits; and

19 (b) Recommend rules to the commission related to implementation of the Oregon Limited
20 Entry Fishing Guide Program.

21 (4) The review board shall operate pursuant to rules adopted by the commission.

22 **SECTION 5.** The State Fish and Wildlife Commission may adopt rules as necessary to
23 implement sections 1 to 7 of this 2009 Act.

24 **SECTION 6.** No later than June 1 of each calendar year following the State Fish and
25 Wildlife Commission's review of log books completed in the previous calendar year by holders
26 of permits issued pursuant to section 1 of this 2009 Act, the commission shall submit a re-
27 port summarizing the log books to the Legislative Assembly in the manner provided by ORS
28 192.245.

29 **SECTION 7.** The Oregon Limited Entry Fishing Guide Management Fund is established
30 in the State Treasury, separate and distinct from the General Fund. Interest earned by the
31 Oregon Limited Entry Fishing Guide Management Fund shall be credited to the fund. Mon-
32 eys in the fund are continuously appropriated to the State Fish and Wildlife Commission for
33 the purposes specified in sections 1 to 7 of this 2009 Act. Amounts deposited in this account
34 from regional endorsement fees imposed pursuant to section 1 of this 2009 Act may be used
35 only for purposes related to the salmon and trout enhancement program described in ORS
36 496.440, 496.445 and 496.450.

37 **SECTION 8.** Except as provided in section 9 of this 2009 Act, sections 1 to 7 of this 2009
38 Act become operative on January 1, 2010.

39 **SECTION 9.** The State Fish and Wildlife Commission may adopt rules before the opera-
40 tive date specified in section 8 of this 2009 Act or take any action before that date that is
41 necessary to carry out the provisions of sections 1 to 7 of this 2009 Act.

42 **SECTION 10.** This 2009 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
44 on its passage.