

House Bill 2190

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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**.

Creates Oregon Ocean Work Group for purpose of adopting Nearshore Strategic Plan. Creates Oregon Ocean Science Trust for purpose of funding activities related to plan. Establishes Oregon Ocean Science Fund and continuously appropriates moneys in fund to trust for specified purposes.

Requires Ocean Policy Advisory Council to develop marine data management network.

Prescribes duties for specified scientific and technical advisory committee and gives committee authority to select members.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the management of ocean resources; creating new provisions; amending ORS 196.451;
3 appropriating money; and declaring an emergency.

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

5 **SECTION 1. As used in sections 1 to 7 of this 2011 Act, "community" means a group of**
6 **individuals who are citizens of this state and who share a common interest in managing or**
7 **conserving this state's nearshore resources.**

8 **SECTION 2. (1) The Oregon Ocean Work Group is established, consisting of the following**
9 **seven members:**

10 (a) **The State Fish and Wildlife Director or a designee;**

11 (b) **The Director of the Department of Land Conservation and Development or a designee;**

12 (c) **The Director of the Department of State Lands or a designee;**

13 (d) **A member of the Ocean Policy Advisory Council, to be appointed by the chairperson**
14 **of the council;**

15 (e) **A member of the scientific and technical advisory committee established in ORS**
16 **196.451, to be appointed by the chairperson of the Ocean Policy Advisory Council;**

17 (f) **A person who represents the commercial fishing industry, to be appointed by the**
18 **Governor; and**

19 (g) **A person who represents conservation and environmental organizations, to be ap-**
20 **pointed by the Governor.**

21 (2) **The term of office of each appointed member of the work group is four years, but a**
22 **member serves at the pleasure of the appointing authority. Before the expiration of the term**
23 **of a member, the appointing authority shall appoint a successor whose term begins on Jan-**
24 **uary 1 next following. A member is eligible for reappointment. If there is a vacancy for any**
25 **cause, the appointing authority shall make an appointment to become immediately effective**
26 **for the unexpired term.**

27 (3) **Appointments made under subsection (1) of this section are subject to confirmation**
28 **by the Senate in the manner prescribed in ORS 171.562 and 171.565.**

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 (4) The work group shall:

2 (a) Adopt, evaluate and biennially update the Nearshore Strategic Plan, as described in
3 section 3 of this 2011 Act;

4 (b) Manage data related to this state's nearshore resources;

5 (c) Coordinate with the scientific and technical advisory committee established in ORS
6 196.451 to ensure that the Nearshore Strategic Plan is supported by the best available sci-
7 ence; and

8 (d) Coordinate statewide efforts in:

9 (A) Researching this state's nearshore resources;

10 (B) Monitoring this state's nearshore resources; and

11 (C) Educating the public about and involving the public in the management of this state's
12 nearshore resources.

13 (5) A majority of the voting members of the work group constitutes a quorum for the
14 transaction of business.

15 (6) The work group shall elect one of its members to serve as chairperson. The work
16 group shall determine the term of office of the chairperson and establish the duties and
17 powers of the chairperson.

18 (7) The work group shall meet at least once every three months at a place, day and hour
19 determined by the work group. The work group also may meet at other times and places
20 specified by the call of the chairperson or of a majority of the members of the work group.

21 (8) The work group may adopt rules necessary for the operation of the work group.

22 (9) The State Department of Fish and Wildlife, the Department of Land Conservation and
23 Development and the Department of State Lands shall coordinate to provide staff support
24 to the work group.

25 (10) Members of the work group are entitled to compensation and expenses in the manner
26 and amounts provided for in ORS 292.495. Compensation and claims for actual and necessary
27 travel or other expenses shall be paid out of funds made available by the Oregon Ocean Sci-
28 ence Trust under section 6 of this 2011 Act. If funds for actual and necessary travel or other
29 expenses are not made available by the trust, members of the work group may file a claim
30 for the reimbursement of those expenses with the Oregon Department of Administrative
31 Services pursuant to ORS 292.210 to 292.250.

32 (11) All agencies of state government, as defined in ORS 174.111, are directed to assist
33 the work group in the performance of its duties and, to the extent permitted by laws relating
34 to confidentiality, to furnish such information and advice as the members of the work group
35 consider necessary to perform their duties.

36 **SECTION 3.** (1) In accordance with ORS chapter 183, the Oregon Ocean Work Group es-
37 tablished under section 2 of this 2011 Act shall:

38 (a) Adopt a Nearshore Strategic Plan for the management of this state's nearshore re-
39 sources; and

40 (b) Biennially evaluate and update the Nearshore Strategic Plan.

41 (2) The Nearshore Strategic Plan must:

42 (a) Establish processes for managing data related to this state's nearshore resources;

43 (b) Establish processes by which state agencies that play a role in managing this state's
44 nearshore resources may coordinate their respective duties, functions and powers;

45 (c) Prescribe research and monitoring priorities;

1 (d) Include strategies for educating this state's citizens about nearshore resources;

2 (e) Include strategies for including this state's communities in the researching and
3 monitoring of this state's nearshore resources; and

4 (f) Provide guidance for the acquisition and allocation of funds to research, monitor and
5 manage this state's nearshore resources, including guidance for the awarding of grants to
6 communities for community-based research projects, monitoring activities and educational
7 programs.

8 (3) In accordance with ORS 192.245, the work group shall submit a report that summa-
9 rizes the Nearshore Strategic Plan to the interim legislative committees related to natural
10 resources on or before September 1 of each even-numbered year.

11 (4)(a) In accordance with ORS chapter 183, the State Fish and Wildlife Director, the Di-
12 rector of the Department of State Lands and the Land Conservation and Development Com-
13 mission may adopt rules to incorporate the Nearshore Strategic Plan.

14 (b) In accordance with ORS chapters 195, 196 and 197, the Land Conservation and Devel-
15 opment Commission may adopt or amend goals, as defined in ORS 197.015, to incorporate the
16 Nearshore Strategic Plan.

17 **SECTION 4.** (1) Before adopting or updating the Nearshore Strategic Plan under section
18 3 of this 2011 Act, the Oregon Ocean Work Group shall invite input from communities to
19 ensure that the communities:

20 (a) Have a meaningful role in developing the Nearshore Strategic Plan;

21 (b) May participate in researching and monitoring this state's nearshore resources;

22 (c) May participate in educating this state's citizens about nearshore resources;

23 (d) Are supported by state agencies and state universities in researching and monitoring
24 this state's nearshore resources and educating this state's citizens about nearshore re-
25 sources; and

26 (e) Are capable of applying for grants under section 6 of this 2011 Act.

27 (2) The work group may invite community input under this section by any means that
28 the work group deems sufficient to:

29 (a) Provide transparency in adopting and updating the Nearshore Strategic Plan;

30 (b) Foster community involvement; and

31 (c) Ensure that communities have an opportunity to be involved in all phases of the
32 planning process.

33 **SECTION 5.** (1) The Oregon Ocean Science Trust is established, consisting of five mem-
34 bers appointed by the Governor.

35 (2) The term of office of each member is four years, but a member serves at the pleasure
36 of the Governor. Before the expiration of the term of a member, the Governor shall appoint
37 a successor whose term begins on January 1 next following. A member is eligible for reap-
38 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to
39 become immediately effective for the unexpired term.

40 (3) The appointment of the trust is subject to confirmation by the Senate in the manner
41 prescribed in ORS 171.562 and 171.565.

42 (4) The members of the trust must be residents of this state who are experienced in
43 fundraising and knowledgeable about accounting and fiduciary management.

44 (5) A majority of the members of the trust constitutes a quorum for the transaction of
45 business.

1 (6) The trust shall select one of its members to be the Executive Director of the trust,
 2 for such terms and with the duties and powers that the trust determines are necessary for
 3 the performance of the office.

4 (7) The trust shall meet at least once every three months at a place, day and hour de-
 5 termined by the trust. The trust also may meet at other times and places specified by the
 6 call of the Executive Director or of a majority of the members of the trust.

7 (8) The trust may adopt rules necessary for the operation of the trust.

8 (9) The State Department of Fish and Wildlife, the Department of Land Conservation and
 9 Development and the Department of State Lands shall coordinate to provide staff support
 10 to the trust.

11 (10) Members of the trust are entitled to compensation and expenses in the manner and
 12 amounts provided for in ORS 292.495. Compensation and claims for actual and necessary
 13 travel or other expenses shall be paid out of funds that the trust holds pursuant to section
 14 6 of this 2011 Act. If the trust determines that funds for actual and necessary travel or other
 15 expenses are not available under section 6 of this 2011 Act, members of the trust may file a
 16 claim for the reimbursement of those expenses with the Oregon Department of Administra-
 17 tive Services pursuant to ORS 292.210 to 292.250.

18 **SECTION 6.** (1) As used in this section:

19 (a) “Peer-review process” means an accepted method of evaluating the research or ideas
 20 of a person by experts who work in a field of study related to the research or idea; and

21 (b) “Scientific and technical advisory committee” means the committee established under
 22 ORS 196.451.

23 (2) The Oregon Ocean Science Trust established under section 5 of this 2011 Act shall:

24 (a) Pursue and receive funds from public and private sources;

25 (b) Hold and disburse funds for purposes related to implementing and carrying out the
 26 Nearshore Strategic Plan;

27 (c) Disburse funds, as the trust determines are available, to the Oregon Ocean Work
 28 Group and the scientific and technical advisory committee for the purpose of enabling the
 29 work group and the committee to perform their respective duties under sections 1 to 7 and
 30 14 of this 2011 Act;

31 (d) Develop a competitive process by which communities may apply for grants for
 32 community-based research projects, monitoring activities and educational programs;

33 (e) In conjunction with the scientific and technical advisory committee, adopt standards
 34 for grant proposals to ensure the scientific integrity of the proposals;

35 (f) Use a peer-review process to evaluate applications for grants;

36 (g) Develop a process to ensure that recipients of grants are using grant moneys for
 37 purposes authorized by the Nearshore Strategic Plan and in accordance with the standards
 38 adopted in paragraph (e) of this subsection;

39 (h) Disburse an appropriate amount of funds to any state agency that the Nearshore
 40 Strategic Plan requires to perform a specific duty;

41 (i) Develop a process by which communities and state agencies must report to the trust
 42 on the use of moneys disbursed under this section; and

43 (j) In conjunction with the scientific and technical advisory committee, evaluate the use
 44 of funds disbursed under this section to ensure the scientific integrity of the uses.

45 (3) To implement the peer-review process described in subsection (2)(f) of this section,

1 the trust may refer applications for grants to the scientific and technical advisory committee
2 or any other formal body of experts that is qualified to evaluate the applications.

3 **SECTION 7.** The Oregon Ocean Science Fund is established in the State Treasury, sepa-
4 rate and distinct from the General Fund. All moneys received by the Oregon Ocean Science
5 Trust pursuant to section 6 of this 2011 Act shall be deposited in the fund. Interest earned
6 by the fund shall be credited to the fund. All moneys in the fund are continuously appropri-
7 ated to the trust for the purpose of carrying out sections 1 to 7 of this 2011 Act.

8 **SECTION 8.** The Oregon Ocean Work Group shall adopt the Nearshore Strategic Plan
9 pursuant to section 3 of this 2011 Act no later than July 1, 2012.

10 **SECTION 9.** Notwithstanding the term of office specified by section 5 of this 2011 Act,
11 of the members first appointed to the Oregon Ocean Science Trust:

12 (1) One shall serve for a term ending January 1, 2013.

13 (2) Two shall serve for a term ending January 1, 2014.

14 (3) Two shall serve for a term ending January 1, 2015.

15 **SECTION 10.** Section 11 of this 2011 Act is added to and made a part of ORS 196.438 to
16 196.448.

17 **SECTION 11.** (1) As used in this section:

18 (a) "Data" includes information obtained from geographic information systems, satellites,
19 radar, current meters, wave buoys, reports and research.

20 (b) "Marine data" means data related to this state's ocean or nearshore resources.

21 (c) "Marine data set" means a collection of data related to this state's ocean or
22 nearshore resources.

23 (2) In addition to the duties prescribed by ORS 196.443, the Ocean Policy Advisory Council
24 shall develop a marine data management network as part of the Oregon Ocean Resources
25 Management Program. The marine data management network must:

26 (a) Assign appropriate stewards to keep and maintain distinct marine data sets;

27 (b) Specify metadata standards that are consistent with federal metadata standards un-
28 der which state agencies and private entities must store marine data;

29 (c) Maintain a catalogue to track the development of new marine data sets and the ob-
30 solescence of existing marine data sets; and

31 (d) Include processes that facilitate the sharing of marine data between stewards of dis-
32 tinct marine data sets and other interested parties.

33 **SECTION 12.** ORS 196.451 is amended to read:

34 196.451. (1) *[To aid and advise the Ocean Policy Advisory Council in the performance of its func-*
35 *tions, the council]* **For the purposes specified in section 14 of this 2011 Act, the Ocean Policy**
36 **Advisory Council** shall establish a permanent scientific and technical advisory committee chaired
37 by the director of the Sea Grant College program or other similarly qualified member of the *[Ocean*
38 *Policy Advisory Council and may establish additional committees as needed]* **council.**

39 (2) **The committee shall consist of members:**

40 (a) **Appointed by the council; or**

41 (b) **Selected according to the procedures described in subsection (3) of this section.**

42 (3) **If the committee determines that it is not equipped to perform its research duties,**
43 **the committee may select individuals for committee membership according to the following**
44 **procedures:**

45 (a) **The committee first must determine that a new discipline needs to be represented by**

1 the committee.

2 (b) After determining that a new discipline needs to be represented, the committee must
3 solicit the names of candidates from the public.

4 (c) The committee must evaluate the expertise of the candidates, nominate candidates
5 for committee membership and solicit feedback from the public on those nominations. In
6 evaluating and nominating candidates under this paragraph, the committee must consider
7 the candidate's expertise and availability and any potential or actual conflict of interest.

8 (d) After receiving feedback from the public, the committee may select a new member
9 from among the candidates.

10 (4) In accordance with ORS chapter 183, the council shall adopt rules for the adminis-
11 tration of subsection (3) of this section.

12 [(2)] (5) The council may establish additional advisory committees as needed. Members
13 of any advisory committee established under this section [*Members of the advisory committees*]
14 are not entitled to compensation, but in the discretion of the council may be reimbursed from funds
15 available to council for actual and necessary travel and other expenses incurred by them in the
16 performance of their official duties, subject to ORS 292.495.

17 **SECTION 13.** Section 14 of this 2011 Act is added to and made a part of ORS 196.405 to
18 196.515.

19 **SECTION 14.** The scientific and technical advisory committee established under ORS
20 196.451 shall:

21 (1) Aid the Oregon Ocean Work Group in preparing and evaluating the Nearshore Stra-
22 tegic Plan adopted under section 3 of this 2011 Act.

23 (2) Prepare and transmit to the work group a report that describes the specific research
24 and monitoring needs required to achieve the goals enumerated in the Nearshore Strategic
25 Plan. In the report, the committee shall estimate the cost of implementing each scientific
26 research and monitoring need. The committee shall prepare and transmit a report for each
27 updated version of the Nearshore Strategic Plan.

28 (3) Advise the work group, the Ocean Policy Advisory Council, the Governor and any
29 state agency that the Nearshore Strategic Plan requires to perform a specific duty about
30 matters related to this state's ocean or nearshore resources. To perform this duty, the
31 committee may:

- 32 (a) Convene subcommittees;
- 33 (b) Sponsor symposia or presentations;
- 34 (c) Write technical reports; or
- 35 (d) Conduct research.

36 (4) Advise, subject to the availability of funds and time, any public or private entity that
37 requests information about matters related to this state's ocean or nearshore resources.

38 (5) Advise the Oregon Ocean Science Trust on the development of standards and proce-
39 dures to ensure the scientific integrity of the use of funds disbursed and grant proposals
40 applied for and awarded under section 6 of this 2011 Act.

41 **SECTION 15.** This 2011 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
43 on its passage.