

Enrolled
House Bill 4050

Sponsored by Representatives KRIEGER, ROBLAN; Representatives GILLIAM, JENSON, WAND,
Senators ATKINSON, GIROD, VERGER (Presession filed.)

CHAPTER

AN ACT

Relating to the ocean troll salmon fishery; creating new provisions; amending ORS 508.804, 508.819 and 508.822; and declaring an emergency.

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

SECTION 1. ORS 508.804 is amended to read:

508.804. *[Except as provided in ORS 508.819,]* No new vessel permits shall be issued **in the ocean troll salmon fishery after the effective date of this 2012 Act.**

SECTION 2. 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 1,000, 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 1,000.]*

[(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 **State Department of Fish and Wildlife** 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 1,000 permits established by this section.]**

SECTION 3. 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 1,000.]*

(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.

(6) A fee of \$100 shall be charged for each transfer of a vessel permit under this section.

SECTION 4. The amendments to ORS 508.819 by section 2 of this 2012 Act do not affect:

(1) The validity of any permits issued by the State Department of Fish and Wildlife under the provisions of ORS 508.819 prior to the effective date of this 2012 Act; and

(2) The renewal on or after the effective date of this 2012 Act of a permit issued by the State Department of Fish and Wildlife under the provisions of ORS 508.819 prior to the effective date of this 2012 Act.

SECTION 5. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Passed by House February 14, 2012

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate February 23, 2012

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2012

Approved:

.....M,....., 2012

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2012

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Kate Brown, Secretary of State