

C-Engrossed
House Bill 3441

Ordered by the Senate June 27
Including House Amendments dated April 16 and Senate Amendments
dated June 3 and June 27

Sponsored by Representative KRIEGER, Senator ROBLAN, Representative WITT; Representatives BARKER, BARTON, BENTZ, BERGER, BOONE, CAMERON, CLEM, CONGER, ESQUIVEL, FREEMAN, GARRETT, GILLIAM, GOMBERG, HANNA, HICKS, HOLVEY, HOYLE, HUFFMAN, JENSON, JOHNSON, KENNEMER, MATTHEWS, MCKEOWN, MCLANE, OLSON, PARRISH, RICHARDSON, SMITH, SPRENGER, THOMPSON, UNGER, WEIDNER, WHISNANT, WHITSETT, WILLIAMSON, Senators BAERTSCHIGER JR, BOQUIST, BURDICK, GEORGE, GIROD, HANSELL, JOHNSON, KRUSE, PROZANSKI, STARR, THOMSEN, WHITSETT

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.

Establishes Oregon Hatchery Research Center [*Advisory Committee*] **Board. Specifies duties of board.**
Specifies activities of Oregon Hatchery Research Center.
Requires State Department of Fish and Wildlife to renegotiate certain agreement.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the hatchery research center near Alsea; and declaring an emergency.

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

OREGON HATCHERY RESEARCH CENTER BOARD

SECTION 1. Establishment of Oregon Hatchery Research Center Board. (1) There is established the Oregon Hatchery Research Center Board within the State Department of Fish and Wildlife. The board shall consist of 15 members, including 12 voting members appointed by the State Fish and Wildlife Director under subsection (2) of this section and three non-voting members specified in subsection (3) of this section. Members of the board must be residents of this state who are well informed on matters related to fish management policy and scientific research and who demonstrate an interest in research related to the propagation of fish in hatcheries.

(2) The 12 voting members appointed by the director shall be representative of each of the following interests:

(a) One member shall represent the Oregon Salmon Commission established under ORS 576.062.

(b) One member shall represent the Columbia River gillnet salmon fishery established under ORS 508.775 to 508.796.

(c) Two members shall represent wild fish advocacy organizations.

(d) Two members shall represent statewide sport angling organizations.

(e) One member shall represent the agricultural industry.

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 (f) One member shall represent coastal ports.

2 (g) One member shall represent the forest products industry.

3 (h) One member shall represent the independent scientific community and have scientific
4 background related to fish management and the propagation of fish in hatcheries.

5 (i) One member shall represent fish habitat restoration interests and have experience in
6 the management or implementation of habitat restoration projects.

7 (j) One member shall represent Oregon Indian tribes, to be appointed by the director af-
8 ter consultation with the Commission on Indian Services.

9 (3) In addition to the members appointed under subsection (2) of this section, the director
10 shall:

11 (a) Appoint the following two nonvoting members of the board who have a background
12 in fish management and the propagation of fish in hatcheries:

13 (A) One member to represent the State Department of Fish and Wildlife.

14 (B) One member to represent Oregon State University.

15 (b) Invite a representative of agencies of the federal government related to fish man-
16 agement to serve as a nonvoting member of the board.

17 (4) The term of office of each member is four years, but a member serves at the pleasure
18 of the director. Before the expiration of the term of a member, the director shall appoint a
19 successor whose term begins on July 1 next following. A member is eligible for reappoint-
20 ment. If there is a vacancy for any cause, the director shall make an appointment to become
21 immediately effective for the unexpired term.

22 (5) A member of the board is not entitled to compensation under ORS 292.495. At the
23 discretion of the board, board members may be reimbursed from funds available to the board
24 for actual and necessary travel and other expenses incurred by members of the board in the
25 performance of their official duties, subject to the limits described in ORS 292.495.

26 **SECTION 2. Initial terms of office.** (1) Notwithstanding the term of office specified in
27 section 1 of this 2013 Act, of the members first appointed to the Oregon Hatchery Research
28 Center Board pursuant to section 1 (2) of this 2013 Act:

29 (a) Four shall serve for a term ending July 1, 2015.

30 (b) Four shall serve for a term ending July 1, 2016.

31 (c) Four shall serve for a term ending July 1, 2017.

32 (2) The State Fish and Wildlife Director shall designate the positions of members first
33 appointed to the Oregon Hatchery Research Center Board who are subject to the terms of
34 office described in subsection (1) of this section.

35 **SECTION 3. Duties of Oregon Hatchery Research Center Board.** The Oregon Hatchery
36 Research Center Board shall report to the Director of the Oregon Hatchery Research Center
37 and shall:

38 (1) Establish strategic directions and operational objectives for the Oregon Hatchery
39 Research Center located on Fall Creek, near Alsea, consistent with ORS 496.275.

40 (2) Develop, after consultation with the Director of the Oregon Hatchery Research Cen-
41 ter, Oregon State University and the State Department of Fish and Wildlife, the proposed
42 operating budget for the center.

43 (3) Recommend research projects for the Oregon Hatchery Research Center and issue
44 requests for research proposals as needed to carry out the activities of the Oregon Hatchery
45 Research Center specified in section 5 of this 2013 Act.

1 (4) Review and prioritize all research proposals submitted to the Oregon Hatchery Re-
2 search Center before research takes place and prioritize the research according to whether
3 the research is consistent with the strategic directions and operational objectives specified
4 in subsection (1) of this section and with the activities of the Oregon Hatchery Research
5 Center specified in section 5 of this 2013 Act.

6 (5) Make recommendations, as needed, regarding how the research projects at the
7 Oregon Hatchery Research Center may be enhanced to meet the strategic directions and
8 operational objectives specified in subsection (1) of this section and the activities specified
9 in section 5 of this 2013 Act.

10 (6) On or before February 1 of each calendar year, report to the Legislative Assembly in
11 the manner required by ORS 192.245, and to the State Fish and Wildlife Director and the
12 State Fish and Wildlife Commission, regarding the findings of research projects carried out
13 by the Oregon Hatchery Research Center and any recommendations regarding current
14 hatchery management practices based on the research projects. The Director of the Oregon
15 Hatchery Research Center shall post the report on the center's website for public access.

16 **SECTION 4. Officers, quorum and meetings.** (1) The Oregon Hatchery Research Center
17 Board shall select one of its members as chairperson and another as vice chairperson, for
18 such terms and with duties and powers necessary for the performance of the functions of
19 such offices as the board determines.

20 (2) A majority of the voting members of the board constitutes a quorum for the trans-
21 action of business.

22 (3) The board shall meet at least once every three months at a place, day and hour de-
23 termined by the board. The board may also meet at other times and places specified by the
24 call of the chairperson or of a majority of the members of the board.

25
26 **OREGON HATCHERY RESEARCH CENTER**
27

28 **SECTION 5.** (1) The hatchery research center located on Fall Creek, near Alsea, is named
29 the Oregon Hatchery Research Center.

30 (2) Pursuant to the strategic directions and operation objectives established by the
31 Oregon Hatchery Research Center Board under section 3 of this 2013 Act, the center shall
32 carry out the following activities:

33 (a) Conduct research that assists in the implementation and advancement of native fish
34 population recovery as well as viable fisheries.

35 (b) Conduct research on methods to minimize the genetic and ecological risks to na-
36 turally produced native fish when hatchery produced fish are released in the waters of this
37 state for population recovery or consumptive fishery objectives.

38 (c) Conduct research to determine the genetic and ecological risk to naturally produced
39 native fish when wild native broodstock hatchery produced native fish are released into the
40 waters of this state.

41 (d) Conduct research to determine the effect of hatchery operations on naturally
42 produced native fish and the habitat of naturally produced native fish.

43 (e) Provide educational and research opportunities for undergraduate students, graduate
44 students and post-graduate students.

45 (f) Provide educational opportunities for the public and for students in grades 1 through

1 **12.**

2 (g) Consider any recommendations made by the Oregon Hatchery Research Center Board
3 pursuant to section 3 of this 2013 Act.

4 (3) The Director of the Oregon Hatchery Research Center shall post information about
5 the research specified in subsection (2) of this section on the center's website for public ac-
6 cess.

7 (4) As used in this section, "waters of this state" has the meaning given that term in
8 ORS 196.800.

9 **SECTION 6. Director.** The State Fish and Wildlife Director, after consultation with the
10 chairperson of a department related to fish and wildlife at Oregon State University and the
11 Oregon Hatchery Research Center Board established under section 1 of this 2013 Act, shall
12 appoint a Director of the Oregon Hatchery Research Center.

13
14 **MISCELLANEOUS**

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16 **SECTION 7.** (1) Subject to subsection (2) of this section, no later than January 1, 2014,
17 and in order to carry out the activities of the Oregon Hatchery Research Center specified in
18 section 5 of this 2013 Act, the State Department of Fish and Wildlife shall, after consultation
19 with the Oregon Hatchery Research Center Board established under section 1 of this 2013
20 Act, renegotiate any agreement entered into between the State Board of Higher Education
21 and the State Department of Fish and Wildlife related to the Oregon Hatchery Research
22 Center.

23 (2) Any agreement entered into between the State Board of Higher Education and the
24 State Department of Fish and Wildlife related to advisory committees for the Oregon
25 Hatchery Research Center is terminated on the effective date of this 2013 Act and any advi-
26 sory committees cease to exist.

27 **SECTION 8.** The State Fish and Wildlife Director shall make the appointments, and ex-
28 tend the invitation, specified in section 1 of this 2013 Act related to members of the Oregon
29 Hatchery Research Center Board no later than January 1, 2014.

30 **SECTION 9.** The unit and section captions used in this 2013 Act are provided only for the
31 convenience of the reader and do not become part of the statutory law of this state or ex-
32 press any legislative intent in the enactment of this 2013 Act.

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34 **EMERGENCY CLAUSE**

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36 **SECTION 10.** This 2013 Act being necessary for the immediate preservation of the public
37 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
38 on its passage.