

Enrolled
House Bill 3441

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, OLSEN, PROZANSKI, STARR, THOMSEN, WHITSETT

CHAPTER

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.

(f) One member shall represent coastal ports.

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

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

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

(j) One member shall represent Oregon Indian tribes, to be appointed by the director after consultation with the Commission on Indian Services.

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

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

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

(B) One member to represent Oregon State University.

(b) Invite a representative of agencies of the federal government related to fish management to serve as a nonvoting member of the board.

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

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

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

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

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

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

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

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

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

(2) Develop, after consultation with the Director of the Oregon Hatchery Research Center, Oregon State University and the State Department of Fish and Wildlife, the proposed operating budget for the center.

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

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

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

(6) On or before February 1 of each calendar year, report to the Legislative Assembly in the manner required by ORS 192.245, and to the State Fish and Wildlife Director and the State Fish and Wildlife Commission, regarding the findings of research projects carried out by the Oregon Hatchery Research Center and any recommendations regarding current

hatchery management practices based on the research projects. The Director of the Oregon Hatchery Research Center shall post the report on the center's website for public access.

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

(2) A majority of the voting members of the board constitutes a quorum for the transaction of business.

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

OREGON HATCHERY RESEARCH CENTER

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

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

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

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

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

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

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

(f) Provide educational opportunities for the public and for students in grades 1 through 12.

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

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

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

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

MISCELLANEOUS

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

and the State Department of Fish and Wildlife related to the Oregon Hatchery Research Center.

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

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

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

EMERGENCY CLAUSE

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

Passed by House April 18, 2013

Received by Governor:

Repassed by House July 1, 2013

.....M.,....., 2013

Approved:

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate June 29, 2013

Filed in Office of Secretary of State:

.....M.,....., 2013

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State