

Senate Bill 198

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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**.

Provides that in certain cases court may order State Fish and Wildlife Commission to revoke licenses or permits issued under commercial fishing laws.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to commercial fishing; creating new provisions; amending ORS 508.485, 508.490, 508.787,
3 508.813, 508.855 and 508.898; and declaring an emergency.

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

5 **SECTION 1.** ORS 508.485 is amended to read:

6 508.485. (1) Except for vessel licenses [*prescribed*] **described in ORS 508.285 and 508.470 and**
7 **vessel permits described** in ORS [*508.285, 508.470,*] 508.775 to 508.796, 508.801 to 508.825, 508.880,
8 508.883 and 508.889 to 508.910, the State Fish and Wildlife Commission may, in its discretion, revoke
9 for the remainder of the license **or permit** year any license **or permit** issued to a person under the
10 authority of the commission, or the State Fish and Wildlife Director, **pursuant to the commercial**
11 **fishing laws**, and in its discretion may refuse the issuance of any license **or permit** issued under
12 the authority of the commission, or director, **pursuant to the commercial fishing laws**, during
13 any period not to exceed one year from the date of the license **or permit** revocation order:

14 [(1)] (a) Upon conviction within this state of any person of violation of any of the commercial
15 fishing laws or rules;

16 [(2)] (b) Upon receiving notice from the agency that regulates commercial fishing in the State
17 of Washington of the conviction of any person in that state of an offense that was a violation of
18 Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and that
19 if committed in this state would be grounds for license revocation pursuant to [*subsection (1) of this*
20 *section*] **paragraph (a) of this subsection;**

21 [(3)] (c) Upon conviction within this state of any person for violation of ORS 498.022, or any rule
22 [*promulgated*] **adopted** pursuant thereto, involving game fish, through the use of a license issued
23 pursuant to the commercial fishing laws; or

24 [(4)] (d) Upon conviction within this state of a person for violation of ORS 164.043 to 164.065
25 when the subject of the theft is commercial fishing crab rings or crab pots, or the crabs taken
26 therefrom.

27 (2)(a) **Except for vessel licenses and permits described in ORS 508.285, 508.470, 508.775 to**
28 **508.796, 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, a court may order the com-**
29 **mission to revoke any licenses or permits issued to a person under the authority of the**
30 **commission, or the director, pursuant to the commercial fishing laws. Such revocations may**

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 not exceed a period of two years from the date of the license or permit revocation order.
 2 Revocation of licenses and permits is in addition to and not in lieu of other penalties provided
 3 by law.

4 (b) The license and permit revocation provisions of paragraph (a) of this subsection apply
 5 to the following persons:

6 (A) Any person who is convicted of a violation of the commercial fishing laws, or any rule
 7 adopted pursuant thereto, or who otherwise fails to comply with the requirements of a cita-
 8 tion in connection with any such offense;

9 (B) Any person who is convicted of a violation of ORS 498.022, or any rule adopted pur-
 10 suant thereto, involving game fish, through the use of a license issued pursuant to the
 11 commercial fishing laws; or

12 (C) Any person who is convicted of a violation of ORS 164.043 to 164.065 when the subject
 13 of the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom.

14 (c) When a court orders the revocation of a license or permit under the provisions of this
 15 subsection, the court shall take up any such licenses and permits and forward them, together
 16 with a copy of the revocation order, to the commission. Upon receipt thereof, the commis-
 17 sion shall cause revocation of the appropriate licenses and permits in accordance with the
 18 court order.

19 (3) Any person whose license revocation involves the buying, selling or dealing of food
 20 fish is prohibited from engaging in such activity under any license issued by the commission
 21 during the period the court orders the revocation.

22 **SECTION 2.** ORS 508.787 is amended to read:

23 508.787. The **Commercial Fishery Permit** Board may revoke and refuse subsequent issuance
 24 of a permit required by ORS 508.775 in the manner provided in ORS 508.485 (1) and 508.490.

25 **SECTION 3.** ORS 508.813 is amended to read:

26 508.813. The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of
 27 a permit required by ORS 508.801 in the manner provided in ORS 508.485 (1) and 508.490.

28 **SECTION 4.** ORS 508.855 is amended to read:

29 508.855. The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of
 30 a permit required by ORS 508.840 in the manner provided in ORS 508.485 (1) and 508.490.

31 **SECTION 5.** ORS 508.898 is amended to read:

32 508.898. The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of
 33 a permit required by ORS 508.880 in the manner provided in ORS 508.485 (1) and 508.490.

34 **SECTION 6.** ORS 508.490 is amended to read:

35 508.490. Except for vessel licenses [*prescribed*] **described** in ORS 508.260, **508.285 and 508.470**
 36 and vessel permits [*prescribed*] **described** in ORS [*508.285, 508.470,*] 508.775 to 508.796, 508.801 to
 37 508.825, 508.880, 508.883 and 508.889 to 508.910, the State Fish and Wildlife Commission may, in its
 38 discretion, refuse the issuance of any license **or permit** issued under the authority of the commis-
 39 sion, or the State Fish and Wildlife Director, **pursuant to the commercial fishing laws**, during
 40 any period not to exceed two years from the date of the license **or permit** revocation order:

41 (1) Upon conviction within this state of any person of violation of any of the commercial fishing
 42 laws or rules after the person has once been convicted and penalized under ORS 508.485; or

43 (2) Upon receiving notice from the agency that regulates commercial fishing in the State of
 44 Washington of the conviction of any person in that state of an offense that was a violation of
 45 Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and that

1 if committed in this state would be grounds for refusal to issue a license **or permit** pursuant to
2 subsection (1) of this section.

3 **SECTION 7.** The amendments to ORS 508.485 by section 1 of this 2013 Act apply to of-
4 fenses committed on or after the effective date of this 2013 Act.

5 **SECTION 8.** This 2013 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
7 on its passage.

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