

Senate Bill 737

Sponsored by Senator ROBLAN

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**.

Establishes Oregon Ocean Work Group for purpose of adopting Nearshore Strategic Plan. Establishes 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.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to ocean resources; appropriating money; and declaring an emergency.

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

LEGISLATIVE FINDINGS

SECTION 1. The Legislative Assembly finds that:

(1) **The ocean resources of Oregon are of environmental, economic, aesthetic, recreational and historical importance to the people of this state.**

(2) **In order to provide long-term ecological, economic and social benefits to future generations who will reside in this state, the ocean resources of this state should be conserved to the greatest extent practicable.**

(3) **An increasing number of complex challenges must be addressed in order to enhance and safeguard the ocean resources of this state.**

OREGON OCEAN WORK GROUP

SECTION 2. As used in sections 2 to 8 of this 2013 Act, "community" means a group of individuals who reside in this state and who share a common interest in managing or conserving this state's nearshore resources.

SECTION 3. (1) The Oregon Ocean Work Group is established, consisting of the following seven members:

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

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

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

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

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

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) A person who represents the commercial fishing industry, to be appointed by the
2 Governor; and

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

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

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

13 (4) The work group shall:

14 (a) Adopt, evaluate and biennially update the Nearshore Strategic Plan, as described in
15 section 4 of this 2013 Act;

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

17 (c) Coordinate with the scientific and technical advisory committee established in ORS
18 196.451 to ensure that the Nearshore Strategic Plan is supported by the best available sci-
19 ence; and

20 (d) Coordinate statewide efforts in:

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

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

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

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

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

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

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

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

37 (10) Members of the work group are entitled to compensation and expenses in the manner
38 and amounts provided for in ORS 292.495. Compensation and claims for actual and necessary
39 travel or other expenses shall be paid out of funds in the Oregon Ocean Science Fund es-
40 tablished under section 8 of this 2013 Act.

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

45 **SECTION 4.** (1) In accordance with ORS chapter 183, the Oregon Ocean Work Group es-

1 **tabulated under section 3 of this 2013 Act shall:**

2 **(a) Adopt a Nearshore Strategic Plan for the management of this state’s nearshore re-**
 3 **sources; and**

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

5 **(2) The Nearshore Strategic Plan must:**

6 **(a) Establish processes for managing data related to this state’s nearshore resources;**

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

9 **(c) Prescribe research and monitoring priorities;**

10 **(d) Include strategies for educational initiatives about nearshore resources;**

11 **(e) Include strategies for including this state’s communities in the researching and**
 12 **monitoring of this state’s nearshore resources; and**

13 **(f) Provide guidance for the acquisition and allocation of funds to research, monitor and**
 14 **manage this state’s nearshore resources, including guidance for awarding grants to com-**
 15 **munities for community-based research projects, monitoring activities and educational pro-**
 16 **grams.**

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

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

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

26 **SECTION 5. (1) Before adopting or updating the Nearshore Strategic Plan under section**
 27 **4 of this 2013 Act, the Oregon Ocean Work Group shall invite input from communities to**
 28 **ensure that the communities:**

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

30 **(b) May participate in researching and monitoring this state’s nearshore resources;**

31 **(c) May participate in educating individuals who reside in this state about nearshore re-**
 32 **sources;**

33 **(d) Are supported by state agencies and state universities in researching and monitoring**
 34 **this state’s nearshore resources and educating individuals who reside in this state about**
 35 **nearshore resources; and**

36 **(e) Are capable of applying for grants under section 7 of this 2013 Act.**

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

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

40 **(b) Foster community involvement; and**

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

43
 44 **OREGON OCEAN SCIENCE TRUST**
 45

1 **SECTION 6.** (1) The Oregon Ocean Science Trust is established, consisting of five mem-
2 bers appointed by the Governor.

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

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

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

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

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

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

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

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

24 (10) Members of the trust are entitled to compensation and expenses in the manner and
25 amounts provided for in ORS 292.495. Compensation and claims for actual and necessary
26 travel or other expenses shall be paid out of funds in the Oregon Ocean Science Fund es-
27 tablished under section 8 of this 2013 Act.

28 **SECTION 7.** (1) As used in this section:

29 (a) "Peer-review process" means an accepted method of evaluating the research or ideas
30 of a person by experts who work in a field of study related to the research or ideas; and

31 (b) "Scientific and technical advisory committee" means the committee established under
32 ORS 196.451.

33 (2) The Oregon Ocean Science Trust established under section 6 of this 2013 Act shall:

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

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

37 (c) Disburse funds, as the trust determines are available, to the Oregon Ocean Work
38 Group and the scientific and technical advisory committee for the purpose of enabling the
39 work group and the committee to perform their respective duties under sections 2 to 8 of
40 this 2013 Act and ORS 196.451;

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

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

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

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

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

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

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

10 (3) To implement the peer-review process described in subsection (2)(f) of this section,
11 the trust may refer applications for grants to the scientific and technical advisory committee
12 or any other formal body of experts that is qualified to evaluate the applications.

13
14 **OREGON OCEAN SCIENCE FUND**

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16 **SECTION 8.** The Oregon Ocean Science Fund is established in the State Treasury, sepa-
17 rate and distinct from the General Fund. All moneys received by the Oregon Ocean Science
18 Trust pursuant to section 7 of this 2013 Act shall be deposited in the Oregon Ocean Science
19 Fund. Interest earned by the fund shall be credited to the fund. All moneys in the fund are
20 continuously appropriated to the trust for the purpose of carrying out sections 2 to 8 of this
21 2013 Act.

22
23 **MARINE DATA**

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25 **SECTION 9.** Section 10 of this 2013 Act is added to and made a part of ORS 196.405 to
26 196.515.

27 **SECTION 10.** (1) As used in this section:

28 (a) “Data” includes information obtained from geographic information systems, satellites,
29 radar, current meters, wave buoys, reports and research.

30 (b) “Marine data” means data related to this state’s ocean or nearshore resources.

31 (c) “Marine data set” means a collection of data related to this state’s ocean or
32 nearshore resources.

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

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

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

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

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

43
44 **MISCELLANEOUS**

1 **SECTION 11.** The Oregon Ocean Work Group shall adopt the Nearshore Strategic Plan
 2 pursuant to section 4 of this 2013 Act no later than July 1, 2014.

3 **SECTION 12.** Notwithstanding the term of office specified by section 6 of this 2013 Act,
 4 of the members first appointed to the Oregon Ocean Science Trust:

5 (1) Two shall serve for a term ending December 31, 2014.

6 (2) Three shall serve for a term ending December 31, 2015.

7 **SECTION 13.** The unit captions used in this 2013 Act are provided only for the conven-
 8 ience of the reader and do not become part of the statutory law of this state or express any
 9 legislative intent in the enactment of this 2013 Act.

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11

EMERGENCY

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13 **SECTION 14.** This 2013 Act being necessary for the immediate preservation of the public
 14 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
 15 on its passage.

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