

Enrolled
House Bill 4049

Sponsored by Representative KRIEGER, Senator KRUSE, Representative MCKEOWN; Representative BOONE, Senators JOHNSON, ROBLAN, WHITSETT (Presession filed.)

CHAPTER

AN ACT

Relating to vessel ocean Dungeness crab permits; creating new provisions; amending ORS 508.485, 508.490, 508.755 and 508.936; and declaring an emergency.

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

SECTION 1. ORS 508.485 is amended to read:

508.485. (1) Except for vessel licenses described in ORS 508.285 and 508.470 and vessel permits described in ORS 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883, [and] 508.889 to 508.910 **and 508.926**, the State Fish and Wildlife Commission may, in its discretion, revoke for the remainder of the license or permit year any license or permit issued to a person under the authority of the commission, or the State Fish and Wildlife Director, pursuant to the commercial fishing laws, and in its discretion may refuse the issuance of any license or permit issued under the authority of the commission, or director, pursuant to the commercial fishing laws, during any period not to exceed one year from the date of the license or permit revocation order:

(a) Upon conviction within this state of any person of violation of any of the commercial fishing laws or rules;

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

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

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

(2)(a) Except for vessel licenses [and permits] described in ORS 508.285[,] **and 508.470[,] and vessel permits described in ORS 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883, [and] 508.889 to 508.910 and 508.926**, a court may order the commission to revoke any licenses or permits issued to a person under the authority of the commission, or the director, pursuant to the commercial fishing laws. Such revocations may not exceed a period of two years from the date of the license or permit revocation order. Revocation of licenses and permits is in addition to and not in lieu of other penalties provided by law.

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

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

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

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

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

(d) Nothing in this subsection requires a court to take additional action, after the conclusion of the sentencing hearing, to secure the licenses or permits if the defendant does not have the license or permit in the defendant's possession at the time of sentencing.

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

SECTION 2. The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of a vessel permit required by ORS 508.926 in the manner provided in ORS 508.485 (1) and 508.490.

SECTION 3. ORS 508.490 is amended to read:

508.490. Except for vessel licenses described in ORS 508.260, 508.285 and 508.470 and vessel permits described in ORS 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883, [and] 508.889 to 508.910 **and 508.926**, the State Fish and Wildlife Commission may, in its discretion, refuse the issuance of any license or permit issued under the authority of the commission, or the State Fish and Wildlife Director, pursuant to the commercial fishing laws, during any period not to exceed two years from the date of the license or permit revocation order:

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

(2) Upon receiving notice from the agency that regulates commercial fishing in the State of Washington of the conviction of any person in that state of an offense that was a violation of Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and that if committed in this state would be grounds for refusal to issue a license or permit pursuant to subsection (1) of this section.

SECTION 4. ORS 508.755 is amended to read:

508.755. (1) There is established within the State Department of Fish and Wildlife the Commercial Fishery Permit Board. The board shall consist of members appointed by the State Fish and Wildlife Commission as follows:

(a) Three members shall be chosen to represent the Columbia River gillnet salmon fishing industry.

(b) Three members shall be chosen to represent the ocean troll salmon fishing industry.

(c) Three members shall be chosen to represent the ocean pink shrimp fishing industry.

(d) Three members shall be chosen to represent the Yaquina Bay roe-herring fishing industry.

(e) Three members shall be chosen to represent the sea urchin commercial fishery.

(f) Three members shall be chosen to represent the ocean Dungeness crab fishing industry.

(g) Three members shall be chosen to represent the black rockfish and blue rockfish fishing industry and the nearshore fish fishing industry.

(h) Three members shall be chosen to represent developmental fisheries as described in ORS 506.450 to 506.465.

(i) Three members shall be chosen to represent each restricted participation system or restricted vessel permit system established by rule of the commission under ORS 506.462.

(j) Two members shall be chosen to represent the public.

(2) A member of the board shall receive no compensation for services as a member. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member shall be reimbursed for travel and other expenses incurred in the performance of official duties.

(3) The board shall select such officers, for such terms and with such duties and powers, as the board considers necessary for the performance of those offices.

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

(5) The board shall meet at such times and places as may be determined by the chairperson or by a majority of the members of the board.

(6) Notwithstanding any other provision of law:

(a) Members of the board representing the Columbia River gillnet salmon fishing industry shall participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775 to 508.796.

(b) Members of the board representing the ocean troll salmon fishing industry shall participate in actions of the board only on matters arising under ORS 508.801 to 508.825.

(c) Members of the board representing the ocean pink shrimp fishing industry shall participate in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to 508.910.

(d) Members of the board representing the Yaquina Bay roe-herring fishing industry shall participate in actions of the board only on matters arising under ORS 508.765.

(e) Members of the board representing the sea urchin commercial fishery shall participate in actions of the board only on matters arising under ORS 508.760.

(f) Members of the board representing the ocean Dungeness crab fishing industry shall participate in actions of the board only on matters arising under ORS 508.921 **and section 2 of this 2014 Act.**

(g) Members of the board representing the black rockfish and blue rockfish fishing industry and the nearshore fish fishing industry shall participate in actions of the board only on matters arising under ORS 508.947, 508.957 or 508.960.

(h) Members of the board representing developmental fisheries shall participate in actions of the board only on matters arising under ORS 506.450 to 506.465.

(i) Members of the board representing a restricted participation system or a restricted vessel permit system established by rule of the commission under ORS 506.462 shall participate in actions of the board only on matters related to that system.

SECTION 5. ORS 508.936 is amended to read:

508.936. (1) The system established under ORS 508.921 shall include provisions to make the vessel ocean Dungeness crab permit required by ORS 508.926 transferable:

(a) To another vessel; or

(b) To the purchaser of the vessel when the vessel is sold.

(2) **Except as provided in subsection (3) of this section,** the vessel to which a permit is transferred may not be:

(a) More than 10 feet longer than the vessel from which the permit is transferred; or

(b) More than 99 feet in length.

(3) **A permit that is transferred to a vessel that is more than 10 feet shorter than the vessel for which the permit was held on January 1, 2013, may subsequently be transferred to a vessel of a length equal to or less than the length of the vessel for which the permit was held on January 1, 2013.**

[(3)] (4) Notwithstanding [subsection (2)] **subsections (2) and (3)** of this section, a permit issued to a vessel:

(a) Under ORS 508.931 (1)(e) shall be transferred only to a vessel that is 26 feet or less in length.

(b) May not be transferred to a vessel that is more than 10 feet longer than the vessel for which the permit was held on January 1, 2006. However, the Commercial Fishery Permit Board may waive the length restriction in this paragraph if the board finds that strict adherence to the length re-

striction would create undue hardship, as that term is defined by rule by the State Fish and Wildlife Commission, for the individual seeking transfer of the permit.

[(4)] (5) Transfer of a permit under this section is subject to the approval of the State Department of Fish and Wildlife according to such rules as the State Fish and Wildlife Commission may adopt. Any transfer of a permit from a vessel without the written consent of each person holding a security interest in the vessel is void.

[(5)] (6) For purposes of this section, the length of a vessel shall be determined by the manufacturer's specification of overall length, United States Coast Guard documentation stating overall length or a survey of overall length by a certified marine surveyor, as the State Fish and Wildlife Commission by rule shall establish.

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

SECTION 6. The amendments to ORS 508.485 by section 1 of this 2014 Act apply to offenses committed on or after the effective date of this 2014 Act.

SECTION 7. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by House February 6, 2014

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 19, 2014

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2014

Approved:

.....M.,....., 2014

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

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Kate Brown, Secretary of State