

# House Bill 4049

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

## 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**.

Exempts vessel ocean Dungeness crab permits from being subject to revocation or refusal of issuance by State Fish and Wildlife Commission or by court order under certain circumstances. Authorizes Commercial Fishery Permit Board to revoke or refuse subsequent issuance of vessel permit under certain circumstances.

Modifies restrictions on transfer of vessel permits.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to vessel ocean Dungeness crab permits; creating new provisions; amending ORS 508.485,  
3 508.490, 508.755 and 508.936; 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 described in ORS 508.285 and 508.470 and vessel permits  
7 described in ORS 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883, [*and*] 508.889 to 508.910 **and**  
8 **508.926**, the State Fish and Wildlife Commission may, in its discretion, revoke for the remainder of  
9 the license or permit year any license or permit issued to a person under the authority of the com-  
10 mission, or the State Fish and Wildlife Director, pursuant to the commercial fishing laws, and in its  
11 discretion may refuse the issuance of any license or permit issued under the authority of the com-  
12 mission, or director, pursuant to the commercial fishing laws, during any period not to exceed one  
13 year from the date of the license or permit revocation order:

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

16 (b) Upon receiving notice from the agency that regulates commercial fishing in the State of  
17 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 paragraph (a) of this  
20 subsection;

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

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

26 (2)(a) Except for vessel licenses [*and permits*] described in ORS 508.285[,] **and** 508.470[,] **and**  
27 **vessel permits described in ORS** 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883, [*and*]  
28 508.889 to 508.910 **and 508.926**, a court may order the commission to revoke any licenses or permits

**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 issued to a person under the authority of the commission, or the director, pursuant to the commer-  
 2 cial fishing laws. Such revocations may not exceed a period of two years from the date of the license  
 3 or permit revocation order. Revocation of licenses and permits is in addition to and not in lieu of  
 4 other penalties provided by law.

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

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

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

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

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

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

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

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

28 **SECTION 3.** ORS 508.490 is amended to read:

29 508.490. Except for vessel licenses described in ORS 508.260, 508.285 and 508.470 and vessel  
 30 permits described in ORS 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883, [and] 508.889 to  
 31 508.910 **and 508.926**, the State Fish and Wildlife Commission may, in its discretion, refuse the issu-  
 32 ance of any license or permit issued under the authority of the commission, or the State Fish and  
 33 Wildlife Director, pursuant to the commercial fishing laws, during any period not to exceed two  
 34 years from the date of the license or permit revocation order:

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

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

42 **SECTION 4.** ORS 508.755 is amended to read:

43 508.755. (1) There is established within the State Department of Fish and Wildlife the Commer-  
 44 cial Fishery Permit Board. The board shall consist of members appointed by the State Fish and  
 45 Wildlife Commission as follows:

1 (a) Three members shall be chosen to represent the Columbia River gillnet salmon fishing in-  
2 dustry.

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

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

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

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

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

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

10 (h) Three members shall be chosen to represent developmental fisheries as described in ORS  
11 506.450 to 506.465.

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

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

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

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

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

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

24 (6) Notwithstanding any other provision of law:

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

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

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

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

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

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

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

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

44 (i) Members of the board representing a restricted participation system or a restricted vessel  
45 permit system established by rule of the commission under ORS 506.462 shall participate in actions

1 of the board only on matters related to that system.

2 **SECTION 5.** ORS 508.936 is amended to read:

3 508.936. (1) The system established under ORS 508.921 shall include provisions to make the  
4 vessel ocean Dungeness crab permit required by ORS 508.926 transferable:

5 (a) To another vessel; or

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

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

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

10 (b) More than 99 feet in length.

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

15 [(3)] (4) Notwithstanding [subsection (2)] **subsections (2) and (3)** of this section, a permit issued  
16 to a vessel:

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

18 (b) May not be transferred to a vessel that is more than 10 feet longer than the vessel for which  
19 the permit was held on January 1, 2006. However, the Commercial Fishery Permit Board may waive  
20 the length restriction in this paragraph if the board finds that strict adherence to the length re-  
21 striction would create undue hardship, as that term is defined by rule by the State Fish and Wildlife  
22 Commission, for the individual seeking transfer of the permit.

23 [(4)] (5) Transfer of a permit under this section is subject to the approval of the State Depart-  
24 ment of Fish and Wildlife according to such rules as the State Fish and Wildlife Commission may  
25 adopt. Any transfer of a permit from a vessel without the written consent of each person holding a  
26 security interest in the vessel is void.

27 [(5)] (6) For purposes of this section, the length of a vessel shall be determined by the  
28 manufacturer's specification of overall length, United States Coast Guard documentation stating  
29 overall length or a survey of overall length by a certified marine surveyor, as the State Fish and  
30 Wildlife Commission by rule shall establish.

31 [(6)] (7) A fee of \$100 shall be charged for each transfer of a vessel permit under this section.

32 **SECTION 6. The amendments to ORS 508.485 by section 1 of this 2014 Act apply to of-**  
33 **fenses committed on or after the effective date of this 2014 Act.**

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

37