

House Bill 2499

Sponsored by Representative SMITH D, Senator ROBLAN (at the request of former Representative Wayne Krieger)
(Presession 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**.

Establishes process for vessel permit seller to petition for preliminary injunction allowing seller to continue to fish under vessel permit during pendency of proceeding concerning claim that buyer failed to fulfill terms of vessel permit sale.

Authorizes State Fish and Wildlife Commission to adopt rules to allow for relief necessary to comply with preliminary injunctions.

A BILL FOR AN ACT

1
2 Relating to limited entry fishery permits.

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

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of the commercial**
5 **fishing laws.**

6 **SECTION 2. (1) In a circuit court proceeding concerning a claim by a seller of a vessel**
7 **permit transferable under ORS 508.760, 508.793, 508.864, 508.907, 508.936 or 508.957 that the**
8 **buyer of the vessel permit has failed to fulfill one or more terms of the sale, the seller may**
9 **petition the circuit court for a preliminary injunction requiring the State Department of Fish**
10 **and Wildlife and the Commercial Fishery Permit Board to take such actions as are necessary**
11 **to allow the seller to continue to operate a vessel in the appropriate fishery during the**
12 **pendency of the proceeding. An order granting a preliminary injunction under this section**
13 **must include a finding that allowing the seller to continue to operate a vessel in the appro-**
14 **priate fishery during the pendency of the proceeding will not cause excessive harvest pres-**
15 **sure on the fishery resource.**

16 **(2) Notwithstanding any other provision of law, the State Fish and Wildlife Commission**
17 **may adopt rules necessary to allow for the issuance of temporary vessel permits or other**
18 **relief necessary to comply with a preliminary injunction issued pursuant to a petition filed**
19 **under subsection (1) of this section.**
20

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.