

**Enrolled**  
**House Bill 2784**

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

CHAPTER .....

AN ACT

Relating to shellfish; creating new provisions; amending ORS 622.220; and declaring an emergency.

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

**SECTION 1.** ORS 622.220 is amended to read:

622.220. (1) The commercial cultivation of oysters, clams and mussels is declared to be an agricultural activity subject to the regulatory authority of the State Department of Agriculture. **The department shall be the lead agency responsible for state administration of programs and policies relating to the commercial cultivation of oysters, clams and mussels.**

(2)(a) The State Fish and Wildlife Commission has jurisdiction over all native oysters, clams and mussels in the waters of this state, but not cultivated oysters, clams and mussels in plats. The commission shall prescribe such rules for the protection of native oysters, clams and mussels and for the taking of native oysters and oyster spat shells subject to the commission’s jurisdiction as in the judgment of the commission is for the best interests of the resource.

[(2)] (b) It is unlawful for any person to take native oysters, clams and mussels in violation of the rules adopted by the commission.

**SECTION 2.** **The Legislative Assembly finds and declares that it is the purpose of the pilot program established by section 3 of this 2017 Act to expand on the valuable work completed through the pilot project by the State Department of Agriculture authorized under section 7, chapter 814, Oregon Laws 2015, to increase the frequency of water quality monitoring and analysis related to the closure and opening of shellfish harvesting in Tillamook Bay.**

**SECTION 3.** (1) The State Department of Agriculture shall conduct a pilot project for increasing the frequency of water quality monitoring and analysis related to the closure and opening of shellfish harvesting on state lands classified as suitable for oyster, clam or mussel cultivation under ORS 622.240.

(2) In conducting the pilot project required by this section, the State Department of Agriculture shall consult with appropriate local and state agencies, representatives of the commercial shellfish industry and nongovernmental organizations, as necessary, to:

(a) Prioritize increasing water quality monitoring and analysis in areas where efforts for enhancing opportunities for the commercial cultivation of oysters, clams or mussels are in the highest demand; and

(b) Identify cost-effective methods, which may include the sharing of resources or information, for increasing the frequency of water quality monitoring and analysis related to the closure and opening of shellfish harvesting.

**SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Agriculture, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$50,000, which may be expended for carrying out activities related to the pilot project required by section 3 of this 2017 Act.

**SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect July 1, 2017.

**Passed by House July 5, 2017**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate July 7, 2017**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

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Dennis Richardson, Secretary of State