

# Senate Bill 1056

Sponsored by Senators GIROD, MONROE, MONNES ANDERSON

## 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**.

Prohibits use of gillnets and tangle nets for fishing.  
Excludes Indian fishing rights from prohibition.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to fishing; creating new provisions; amending ORS 183.700, 496.286, 498.825, 506.045,  
3 508.485, 508.490, 508.755, 508.867, 509.240 and 509.245 and section 6, chapter 512, Oregon Laws  
4 1989, and sections 4, 5 and 6, chapter 672, Oregon Laws 2013; repealing ORS 508.460, 508.775,  
5 508.778, 508.781, 508.784, 508.787, 508.790, 508.792, 508.793 and 508.796; and declaring an emer-  
6 gency.

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

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

10 **SECTION 2. It is unlawful to use or permit to be used, during any season, a gillnet or a**  
11 **tangle net for the purpose of fishing in the waters of this state.**

12 **SECTION 3. ORS 506.045 is amended to read:**

13 506.045. There are excluded from the operation of ORS 506.129, 506.136, 507.030, 508.025, 508.285  
14 and 509.025 (1)[,] **and section 2 of this 2017 Act** any Warm Springs, Umatilla, Yakima, Wasco,  
15 Tenino, Wyum and other Columbia River Indians affiliated with these tribes and entitled to enjoy  
16 fishing rights, who have not severed their tribal relations, in so far as it would conflict with any  
17 rights or privileges granted to such Indians under the terms of the treaties made by the United  
18 States with the Warm Springs Indians on June 25, 1855, and with the Umatilla and Yakima Indians  
19 on June 9, 1855.

20 **SECTION 4. (1) The permitting process described under ORS 508.775 to 508.796 for**  
21 **Columbia River gillnet salmon fishery vessels is abolished.**

22 **(2) On the effective date of this 2017 Act:**

23 **(a) The tenure of office ceases for members who represent gillnet fisheries on the fol-**  
24 **lowing boards:**

25 **(A) The Restoration and Enhancement Board established under ORS 496.286;**

26 **(B) The Oregon Hatchery Research Center Board established under ORS 498.825; and**

27 **(C) The Commercial Fishery Permit Board established under ORS 508.755.**

28 **(b) All permits issued under ORS 508.775 to 508.796 expire.**

29 **SECTION 5. The repeal of the permitting process under ORS 508.775 to 508.796 for**  
30 **Columbia River gillnet salmon fishery vessels by section 7 of this 2017 Act does not affect**  
31 **any action, proceeding or prosecution involving or with respect to a permit issued on or be-**

**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 fore the effective date of this 2017 Act.

2 **SECTION 6.** The repeal of the permitting process under ORS 508.775 to 508.796 for  
3 Columbia River gillnet salmon fishery vessels by section 7 of this 2017 Act does not relieve  
4 a person of a liability, duty or obligation with respect to a permit issued pursuant to ORS  
5 508.775 to 508.796 on or before the effective date of this 2017 Act.

6 **SECTION 7.** ORS 508.460, 508.775, 508.778, 508.781, 508.784, 508.787, 508.790, 508.792, 508.793  
7 and 508.796 are repealed.

8 **SECTION 8.** Section 4, chapter 672, Oregon Laws 2013, is amended to read:

9 **Sec. 4.** (1) The State Department of Fish and Wildlife shall establish and implement a Columbia  
10 River fisheries transition program, using moneys in the Columbia River Fisheries Transition Fund  
11 established under section 5 [of this 2013 Act], **chapter 672, Oregon Laws 2013**, to provide grants  
12 to assist counties to implement county programs under which:

13 (a) Compensation is provided to individuals who [hold] **held** vessel permits **on or before the**  
14 **effective date of this 2017 Act** [issued pursuant to ORS 508.775 to 508.796] and who provide doc-  
15 umentation of economic harm resulting from restrictions related to Columbia River fish management  
16 and reform adopted by rule of the State Fish and Wildlife Commission **and from the repeal of ORS**  
17 **508.775 to 508.796**; and

18 (b) Financial assistance is provided to individuals who [hold] **held** vessel permits **on or before**  
19 **the effective date of this 2017 Act** [issued pursuant to ORS 508.775 to 508.796] and who demon-  
20 strate a history of recent landings under a permit [issued pursuant to ORS 508.775 to 508.796], to  
21 help offset the cost to those individuals of fishing equipment required as a result of fishing gear  
22 changes caused by restrictions related to Columbia River fish management and reform adopted by  
23 rule of the commission **and by the repeal of ORS 508.775 to 508.796**.

24 (2) Subject to available funding in the Columbia River Fisheries Transition Fund, a county  
25 qualifies for a grant under the Columbia River fisheries transition program if the county:

26 (a) Establishes a county program to:

27 (A) Compensate individuals who [hold] **held** vessel permits [issued pursuant to ORS 508.775 to  
28 508.796] and who provide documentation of economic harm resulting from restrictions related to  
29 Columbia River fish management and reform adopted by rule of the commission **and from the re-  
30 peal of ORS 508.775 to 508.796**.

31 (B) Provide financial assistance to individuals who [hold] **held** vessel permits [issued pursuant  
32 to ORS 508.775 to 508.796] and who demonstrate a history of recent landings under a permit [issued  
33 pursuant to ORS 508.775 to 508.796], to help offset the cost to those individuals of fishing equipment  
34 required as a result of fishing gear changes caused by restrictions related to Columbia River fish  
35 management and reform adopted by rule of the commission **and by the repeal of ORS 508.775 to  
36 508.796**.

37 (b) Establishes a county advisory committee to oversee the county program, consisting of at  
38 least one member who is a county commissioner, two members who [hold] **held** vessel permits [is-  
39 sued pursuant to ORS 508.775 to 508.796] or who have expertise related to commercial fisheries and  
40 two members who are not employed in the commercial fishing industry and who represent the public  
41 interest in the equitable administration of public funds.

42 (c) Allows all individuals who [hold] **held** vessel permits [issued pursuant to ORS 508.775 to  
43 508.796] to participate in the county program.

44 (3) As used in this section[,]:

45 (a) "Economic harm" means the reduction, unrelated to environmental and market variability

1 or personal circumstances, in the annual income of an individual who *[holds]* **held** a vessel permit  
 2 *[issued pursuant to ORS 508.775 to 508.796]* from fishing under the permit that is due to Columbia  
 3 River fish management and reform adopted by rule of the commission **and the repeal of ORS**  
 4 **508.775 to 508.796.**

5 **(b) “Vessel permit” means a vessel permit issued pursuant to ORS 508.775 to 508.796 that**  
 6 **was held by a person on or before the effective date of this 2017 Act.**

7 **SECTION 9.** Section 5, chapter 672, Oregon Laws 2013, is amended to read:

8 **Sec. 5.** (1) The Columbia River Fisheries Transition Fund is established in the State Treasury,  
 9 separate and distinct from the General Fund. Interest earned by the Columbia River Fisheries  
 10 Transition Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to  
 11 the State Fish and Wildlife Commission to carry out the provisions of section 4, **chapter 672,**  
 12 **Oregon Laws 2013** *[of this 2013 Act]*.

13 (2) The commission may accept grants, donations, contributions or gifts from any source for  
 14 deposit in the Columbia River Fisheries Transition Fund.

15 (3) The Columbia River Fisheries Transition Fund shall consist of:

16 (a) Moneys accepted by the commission pursuant to subsection (2) of this section.

17 (b) General Fund moneys appropriated to the Columbia River Fisheries Transition Fund by the  
 18 Legislative Assembly.

19 **SECTION 10.** Section 6, chapter 672, Oregon Laws 2013, is amended to read:

20 **Sec. 6.** (1) Sections 4 and 5 *[of this 2013 Act]*, **chapter 672, Oregon Laws 2013,** are repealed  
 21 on January 2, 2019.

22 (2) The Columbia River Fisheries Transition Fund established under section 5 *[of this 2013*  
 23 *Act]*, **chapter 672, Oregon Laws 2013,** is abolished January 2, 2019.

24 (3) Any unexpended moneys remaining in the Columbia River Fisheries Transition Fund on  
 25 January 2, 2019, shall be transferred to the Columbia River Fisheries Enhancement Fund established  
 26 under section 7 *[of this 2013 Act]*, **chapter 672, Oregon Laws 2013.**

27 **SECTION 11.** ORS 496.286 is amended to read:

28 496.286. (1) There is established within the State Department of Fish and Wildlife the Restora-  
 29 tion and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife  
 30 Commission.

31 (2) Three members shall be appointed to represent the ocean and inland recreational fisheries.  
 32 In making appointments pursuant to this subsection, the commission shall consider recommendations  
 33 from the State Fish and Wildlife Director.

34 (3) Three members of the board shall be appointed to represent the commercial *[troll and gillnet*  
 35 *fisheries]* **ocean troll salmon fishery** and the fish processing industry. In making appointments  
 36 pursuant to this subsection, the commission shall consider recommendations from the State Fish and  
 37 Wildlife Director.

38 (4) One member of the board shall be appointed to represent the public.

39 (5) A member of the board shall receive no compensation for services as a member. However,  
 40 subject to any applicable law regulating travel and other expenses of state officers and employees,  
 41 a member shall be reimbursed for actual and necessary travel and other expenses incurred in the  
 42 performance of official duties from such moneys made available by sections 4, 6 and 8, chapter 512,  
 43 Oregon Laws 1989.

44 (6) The term of office of a member of the board is four years. A member of the board is eligible  
 45 for reappointment.

1 (7) An official action of the board may be taken only upon the affirmative vote of four members.

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

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

6 **SECTION 12.** ORS 498.825 is amended to read:

7 498.825. (1) There is established the Oregon Hatchery Research Center Board within the State  
8 Department of Fish and Wildlife. The board shall consist of [15] 14 members, including [12] 11 voting  
9 members appointed by the State Fish and Wildlife Director under subsection (2) of this section and  
10 three nonvoting members specified in subsection (3) of this section. Members of the board must be  
11 residents of this state who are well informed on matters related to fish management policy and sci-  
12 entific research and who demonstrate an interest in research related to the propagation of fish in  
13 hatcheries.

14 (2) The [12] 11 voting members appointed by the director shall be representative of each of the  
15 following interests:

16 (a) One member shall represent the Oregon Salmon Commission established under ORS 576.062.

17 [(b) One member shall represent the Columbia River gillnet salmon fishery established under ORS  
18 508.775 to 508.796.]

19 [(c)] (b) Two members shall represent wild fish advocacy organizations.

20 [(d)] (c) Two members shall represent statewide sport angling organizations.

21 [(e)] (d) One member shall represent the agricultural industry.

22 [(f)] (e) One member shall represent coastal ports.

23 [(g)] (f) One member shall represent the forest products industry.

24 [(h)] (g) One member shall represent the independent scientific community and have scientific  
25 background related to fish management and the propagation of fish in hatcheries.

26 [(i)] (h) One member shall represent fish habitat restoration interests and have experience in the  
27 management or implementation of habitat restoration projects.

28 [(j)] (i) One member shall represent Oregon Indian tribes, to be appointed by the director after  
29 consultation with the Commission on Indian Services.

30 (3) In addition to the members appointed under subsection (2) of this section, the director shall:

31 (a) Appoint the following two nonvoting members of the board who have a background in fish  
32 management and the propagation of fish in hatcheries:

33 (A) One member to represent the State Department of Fish and Wildlife.

34 (B) One member to represent Oregon State University.

35 (b) Invite a representative of agencies of the federal government related to fish management to  
36 serve as a nonvoting member of the board.

37 (4) The term of office of each member is four years, but a member serves at the pleasure of the  
38 director. Before the expiration of the term of a member, the director shall appoint a successor whose  
39 term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy  
40 for any cause, the director shall make an appointment to become immediately effective for the un-  
41 expired term.

42 (5) A member of the board is not entitled to compensation under ORS 292.495. At the discretion  
43 of the board, board members may be reimbursed from funds available to the board for actual and  
44 necessary travel and other expenses incurred by members of the board in the performance of their  
45 official duties, subject to the limits described in ORS 292.495.

1       **SECTION 13.** Section 6, chapter 512, Oregon Laws 1989, as amended by section 2, chapter 184,  
 2 Oregon Laws 1991, section 10, chapter 8, Oregon Laws 1997, section 2, chapter 643, Oregon Laws  
 3 2003, and section 3, chapter 765, Oregon Laws 2009, is amended to read:

4       **Sec. 6.** In addition to the fees otherwise prescribed by law, the issuer of [*each of the following*  
 5 *permits*] **an Ocean Troll Salmon Fishery permit issued under ORS 508.816** shall charge and col-  
 6 lect **\$65** each time the permit is issued, during the period beginning January 1, 1998, and ending  
 7 December 31, 2019.[, *the following surcharges:*]

8       [(1) *Ocean Troll Salmon Fishery permit issued under ORS 508.816, \$65.*]

9       [(2) *Columbia River Gillnet Fishery permit issued under ORS 508.790, \$74.*]

10       **SECTION 14.** ORS 508.755 is amended to read:

11       508.755. (1) There is established within the State Department of Fish and Wildlife the Commer-  
 12 cial Fishery Permit Board. The board shall consist of members appointed by the State Fish and  
 13 Wildlife Commission as follows:

14       [(a) *Three members shall be chosen to represent the Columbia River gillnet salmon fishing indus-*  
 15 *try.*]

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

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

18       [(d)] (c) Three members shall be chosen to represent the Yaquina Bay roe-herring fishing in-  
 19 dustry.

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

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

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

24       [(h)] (g) Three members shall be chosen to represent developmental fisheries as described in  
 25 ORS 506.450 to 506.465.

26       [(i)] (h) Three members shall be chosen to represent each restricted participation system or re-  
 27 stricted vessel permit system established by rule of the commission under ORS 506.462.

28       [(j)] (i) Two members shall be chosen to represent the public.

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

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

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

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

38       (6) Notwithstanding any other provision of law:

39       [(a) *Members of the board representing the Columbia River gillnet salmon fishing industry shall*  
 40 *participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775 to*  
 41 *508.796.*]

42       [(b)] (a) Members of the board representing the ocean troll salmon fishing industry shall partic-  
 43 cipate in actions of the board only on matters arising under ORS 508.801 to 508.825.

44       [(c)] (b) Members of the board representing the ocean pink shrimp fishing industry shall partic-  
 45 ipate in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to

1 508.910.

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

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

6 [(f)] (e) Members of the board representing the ocean Dungeness crab fishing industry shall  
7 participate in actions of the board only on matters arising under ORS 508.921 and 508.934.

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

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

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

16 **SECTION 15.** ORS 508.867 is amended to read:

17 508.867. (1) Notwithstanding ORS 508.755 (6)[(b)] (a) and [(c)] (b), an individual whose application  
18 for renewal of the permit required by ORS 508.840 is denied by the State Department of Fish and  
19 Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial.  
20 The review provided in this subsection is in lieu of any such review by the department or the State  
21 Fish and Wildlife Commission. The request shall be in such form and shall contain such information  
22 as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of  
23 \$125. Such fee shall apply toward the permit fee of successful applicants.

24 (2) In accordance with any applicable provision of ORS chapter 183, the board shall review de-  
25 nials of applications for renewal of permits. Orders issued by the board are not subject to review  
26 by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive  
27 requirements for renewal of permits if the board finds that the individual for personal or economic  
28 reasons chooses to actively fish the permit vessel in some other ocean fishery or if the board finds  
29 that the individual fails to meet the requirements as the result of illness, accident or other circum-  
30 stances beyond the individual's control.

31 (3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate  
32 such rules as it considers necessary to carry out its duties, functions and powers.

33 (4) The board may delegate to the department the authority to waive eligibility requirements for  
34 renewal of permits.

35 **SECTION 16.** ORS 183.700 is amended to read:

36 183.700. (1) As used in this section and ORS 183.702, "permit" means an individual and  
37 particularized license, permit, certificate, approval, registration or similar form of permission re-  
38 quired by law to pursue any activity specified in this section, for which an agency must weigh in-  
39 formation, make specific findings and make determinations on a case-by-case basis for each  
40 applicant.

41 (2) The requirements of this section and ORS 183.702 apply to *[the following]* permits granted  
42 by:

43 (a) The Department of Environmental Quality under ORS 448.415, 454.655, 454.695, 454.790,  
44 454.800, 459.205, 465.315, 465.325, 466.140, 466.145, 466.706 to 466.882, 468A.040, 468A.310, 468B.035,  
45 468B.040, 468B.045, 468B.050 and 468B.095.

1 (b) The Department of State Lands under ORS 196.800 to 196.900 and 390.805 to 390.925.

2 (c) The Water Resources Department under ORS chapters 537 and 540, except those permits is-  
 3 sued under ORS 537.747 to 537.765.

4 (d) The State Department of Agriculture pursuant to ORS 468B.200 to 468B.230 and 622.250.

5 (e) The State Department of Fish and Wildlife pursuant to ORS 497.142, 497.218, 497.228, 497.238,  
 6 497.248, 497.252, 497.298, 497.308, 498.019, 498.279, 508.106, 508.300, 508.760, [508.775,] 508.801,  
 7 508.840, 508.880, 508.926 and 509.140.

8 (f) The Department of Transportation pursuant to ORS 374.312.

9 **SECTION 17.** ORS 508.485 is amended to read:

10 508.485. (1) Except for vessel licenses described in ORS 508.285 and 508.470 and vessel permits  
 11 described in ORS [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883, 508.889 to 508.910 and  
 12 508.926, the State Fish and Wildlife Commission may, in its discretion, revoke for the remainder of  
 13 the license or permit year any license or permit issued to a person under the authority of the com-  
 14 mission, or the State Fish and Wildlife Director, pursuant to the commercial fishing laws, and in its  
 15 discretion may refuse the issuance of any license or permit issued under the authority of the com-  
 16 mission, or director, pursuant to the commercial fishing laws, during any period not to exceed one  
 17 year from the date of the license or permit revocation order:

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

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

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

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

30 (2)(a) Except for vessel licenses described in ORS 508.285 and 508.470 and vessel permits de-  
 31 scribed in ORS [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883, 508.889 to 508.910 and  
 32 508.926, a court may order the commission to revoke any licenses or permits issued to a person  
 33 under the authority of the commission, or the director, pursuant to the commercial fishing laws.  
 34 Such revocations may not exceed a period of two years from the date of the license or permit re-  
 35 vocation order. Revocation of licenses and permits is in addition to and not in lieu of other penalties  
 36 provided by law.

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

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

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

45 (C) Any person who is convicted of a violation of ORS 164.043 to 164.065 when the subject of

1 the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom.

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

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

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

12 **SECTION 18.** ORS 508.490 is amended to read:

13 508.490. Except for vessel licenses described in ORS 508.260, 508.285 and 508.470 and vessel  
14 permits described in ORS [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883, 508.889 to 508.910  
15 and 508.926, the State Fish and Wildlife Commission may, in its discretion, refuse the issuance of  
16 any license or permit issued under the authority of the commission, or the State Fish and Wildlife  
17 Director, pursuant to the commercial fishing laws, during any period not to exceed two years from  
18 the date of the license or permit revocation order:

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

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

26 **SECTION 19.** ORS 509.240 is amended to read:

27 509.240. It is lawful to operate or use a net consisting of a single nylon or cotton web of a mesh  
28 not less than 14 inches, taut measure, hung or attached to not to exceed two lead lines combined  
29 and used as a single line and a single cork line, in any of the waters of this state, during any season  
30 or period closed to commercial fishing by law or by rule of the State Fish and Wildlife Commission,  
31 for the purpose of clearing away or removing snags or similar obstructions from [*gillnet drifts and*  
32 *other*] suitable or desirable fishing areas.

33 **SECTION 20.** ORS 509.245 is amended to read:

34 509.245. Any person desiring to operate a snagging net as provided in ORS 509.240 shall, before  
35 operating or attempting to so operate such net, obtain from the State Fish and Wildlife Director a  
36 snagging permit by forwarding a written request to the office of the State Fish and Wildlife Com-  
37 mission specifically providing:

38 (1) The [*particular gillnet drift,*] fishing ground or other area to be cleared;

39 (2) The waters in which located;

40 (3) The mesh size of the snagging net to be used; and

41 (4) The dates on which or within which the proposed snagging operations will be carried on. In  
42 specifying any such dates, no one notice is valid for a period of more than 30 days from the date  
43 thereof.

44 **SECTION 21.** This 2017 Act being necessary for the immediate preservation of the public  
45 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect



1 **on its passage.**

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