

# A-Engrossed Senate Bill 42

Ordered by the Senate February 27  
Including Senate Amendments dated February 27

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Department of Fish and Wildlife)

## 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.

Eliminates sunset for funding dedicated to State Department of Fish and Wildlife fish restoration and enhancement program. Eliminates sunset on dedicating portion of certain angling license fee moneys for expenditure under program. Eliminates sunset on fee surcharges for certain trolling and gillnet permits imposed for expenditure under program. Eliminates sunset on additional fee for landing of certain fish species imposed for expenditure under program.

Changes criteria for appointment of Restoration and Enhancement Board members. Changes meeting requirement for board.

Eliminates sunset on Columbia River Fisheries Enhancement Fund. *[Eliminates sunset on]* **Extends** State Fish and Wildlife Commission authority to charge for endorsements to certain Columbia River Basin fishing licenses and deposit endorsement moneys to fund. *[Makes]* **Extends** youth license and pioneer license exemptions from endorsement charges *[permanent]*.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to fish resource programs; creating new provisions; amending ORS 496.283, 496.286 and  
3 496.289 and sections 4, 6 and 8, chapter 512, Oregon Laws 1989, section 11, chapter 672, Oregon  
4 Laws 2013, and section 22, chapter 779, Oregon Laws 2015; repealing section 8, chapter 672,  
5 Oregon Laws 2013; and prescribing an effective date.

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

## FISH RESTORATION AND ENHANCEMENT

7  
8  
9  
10 **SECTION 1.** ORS 496.283 is amended to read:

11 496.283. (1) Notwithstanding ORS 506.306, all moneys received by the State Fish and Wildlife  
12 Commission pursuant to sections 4, 6 and 8, chapter 512, Oregon Laws 1989, shall be deposited in  
13 a separate subaccount in the State Wildlife Fund. Except as provided in subsection (2) of this sec-  
14 tion, moneys in the subaccount may be expended only for *[the department's]* **State Department of**  
15 **Fish and Wildlife** fish restoration and enhancement programs for the benefit of the fish resources  
16 of this state.

17 (2) Fees collected from salmon ranching permits authorized under ORS 508.700 to 508.745 *[will]*  
18 **may** not be commingled with public fishery funds collected and deposited in the subaccount referred  
19 to in this section. Notwithstanding any other provision of law, *[these funds will be used]* **the de-**  
20 **partment shall use moneys from salmon ranching permits authorized under ORS 508.700 to**  
21 **508.745** to monitor the effect and impact of private salmon ranching on the fishery resources of

**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 Oregon.

2 (3) The department:

3 (a) *[shall]* **May** not divert *[present]* budgeted funds to other projects as funds pursuant to  
4 sections 4, 6 and 8, chapter 512, Oregon Laws 1989, become available.

5 (b) *[and shall not embark on new programs not]* **May use the subaccount moneys only for**  
6 **programs** vital to the restoration of Oregon fisheries as required by Oregon Revised Statutes and  
7 administrative rules. *[The department shall]*

8 (c) **May** not assess *[its]* **department** personnel costs in the administration of *[chapter 512,*  
9 *Oregon Laws 1989,]* **activities benefiting fish restoration and enhancement programs** against  
10 the subaccount referred to in this section without the prior approval of the Restoration and En-  
11 hancement Board.

12 **SECTION 2.** ORS 496.286 is amended to read:

13 496.286. (1) There is established within the State Department of Fish and Wildlife the Restora-  
14 tion and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife  
15 Commission.

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

19 (3) Three members of the board shall be appointed to represent the commercial *[troll and gillnet*  
20 *fisheries and the fish processing]* **salmon** industry. In making appointments pursuant to this sub-  
21 section, the commission shall consider recommendations from the State Fish and Wildlife Director.

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

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

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

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

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

33 (9) **Subject to ORS 496.289 (2),** the board shall meet at such times and at such places as may  
34 be determined by the chair or by the majority of the members of the board.

35 **SECTION 3.** ORS 496.289 is amended to read:

36 496.289. *[(1) The Restoration and Enhancement Board shall meet, adopt and recommend to the*  
37 *State Fish and Wildlife Commission, within 120 days after July 1, 1989, and at not more than 120-day*  
38 *intervals thereafter, fish restoration and enhancement programs.]*

39 (1) **As used in this section:**

40 (a) **“Enhancement” includes, but is not limited to, the following activities:**

41 (A) **Angler access.**

42 (B) **New fishways and screens.**

43 (C) **Habitat.**

44 (D) **New hatchery equipment and technology.**

45 (E) **Public education.**

1       **(F) Aquatic inventories.**

2       **(b) "Restoration" includes, but is not limited to, the following activities:**

3       **(A) Modification of existing fishways and existing screens.**

4       **(B) Hatchery restoration.**

5       **(C) Liberation equipment.**

6       **(2) The Restoration and Enhancement Board shall meet at least four times each**  
7 **biennium.**

8       **(3) The board shall adopt recommendations regarding fish restoration and enhancement**  
9 **programs and present the recommendations to the State Fish and Wildlife Commission.**

10       [(2)] **(4)** The commission shall review [*such*] **fish restoration and enhancement** programs and  
11 may approve or disapprove [*any or all*] program recommendations **made** by the board. Funds may  
12 be expended from the subaccount referred to in ORS 496.283 for projects that have been approved  
13 by the commission.

14       [(3)] **(5)** The State Department of Fish and Wildlife and the board jointly shall submit to each  
15 odd-numbered year regular session of the Legislative Assembly a report on expenditure of funds for  
16 the fish restoration and enhancement program and on the status of various projects.

17       [(4)] **(6)** In recommending fish restoration and enhancement programs, the board shall:

18       (a) Recommend a mix of projects that provide a balance between restoration and enhancement  
19 benefits.

20       (b) Recommend projects that are to be implemented by the salmon and trout enhancement pro-  
21 gram and nonprofit organizations engaged in approved restoration and enhancement activities.

22       (c) Encourage projects that result in obtaining matching funds from other sources.

23       [(5)] **(7)** All moneys made available for the fish restoration and enhancement program from funds  
24 received under sections 4, 6 and 8, chapter 512, Oregon Laws 1989, and from gifts and grants made  
25 to carry out the fish restoration and enhancement program may be expended only if recommended  
26 by the board and approved by the commission. Such amounts may be expended:

27       (a) On programs benefiting the commercial fishing industry in the same proportion as revenues  
28 received from surcharges under sections 6 and 8, chapter 512, Oregon Laws 1989, bear to the total  
29 amount of surcharge revenues.

30       (b) On programs benefiting recreational angling in the same proportion as revenues received  
31 from the dedication under section 4, chapter 512, Oregon Laws 1989, bear to the total amount of  
32 dedicated revenues.

33       [(6)] **(8)** The board may accept, from whatever source, gifts or grants for the purposes of fish  
34 restoration and enhancement. All moneys so accepted shall be deposited in the subaccount referred  
35 to in ORS 496.283. Unless otherwise required by the terms of a gift or grant, gifts or grants shall  
36 be expended as provided in subsection [(5)] **(7)** of this section.

37       [(7) *As used in this section:*]

38       [(a) *"Enhancement" includes, but is not limited to, the following activities:*]

39       [(A) *Angler access.*]

40       [(B) *New fishways and screens.*]

41       [(C) *Habitat.*]

42       [(D) *New hatchery equipment and technology.*]

43       [(E) *Public education.*]

44       [(F) *Aquatic inventories.*]

45       [(b) *"Restoration" includes, but is not limited to, the following activities:*]

1 [(A) *Modification of existing fishways and existing screens.*]

2 [(B) *Hatchery restoration.*]

3 [(C) *Liberation equipment.*]

4 **SECTION 4.** Section 4, chapter 512, Oregon Laws 1989, as amended by section 1, chapter 184,  
5 Oregon Laws 1991, section 3, chapter 619, Oregon Laws 1993, section 9, chapter 8, Oregon Laws  
6 1997, section 11, chapter 1006, Oregon Laws 1999, section 1, chapter 643, Oregon Laws 2003, section  
7 1, chapter 765, Oregon Laws 2009, and section 16, chapter 779, Oregon Laws 2015, is amended to  
8 read:

9 **Sec. 4.** Notwithstanding any other provision of the wildlife laws [*and during the period begin-*  
10 *ning January 1, 1998, and ending December 31, 2019*], of the moneys received from the sale of the  
11 following licenses, the following amounts shall be deposited as provided for in ORS 496.283:

12 (1) Resident annual combination license issued under ORS 497.132, \$4.

13 (2) Resident annual angling license issued under ORS 497.121 (1)(a), \$4.

14 (3) Angling license to angle for one day issued under ORS 497.121 (1)(d), \$2.

15 (4) Angling and shellfish license to angle and take shellfish for one day issued under ORS  
16 497.121 (1)(e), \$2.

17 (5) Angling license to angle for two days issued under ORS 497.121 (1)(f), \$2.

18 (6) Angling license to angle for three days issued under ORS 497.121 (1)(g), \$2.

19 (7) Nonresident annual angling license issued under ORS 497.121 (1)(b), \$10.

20 (8) Nonresident angling license to angle for seven consecutive days issued under ORS 497.121  
21 (1)(c), \$5.

22 **SECTION 5.** Section 6, chapter 512, Oregon Laws 1989, as amended by section 2, chapter 184,  
23 Oregon Laws 1991, section 10, chapter 8, Oregon Laws 1997, section 2, chapter 643, Oregon Laws  
24 2003, and section 3, chapter 765, Oregon Laws 2009, is amended to read:

25 **Sec. 6.** In addition to the fees otherwise prescribed by law, the issuer of each of the following  
26 permits shall charge and collect **the following surcharges** each time the permit is issued[ *during*  
27 *the period beginning January 1, 1998, and ending December 31, 2019, the following surcharges*]:

28 (1) Ocean Troll Salmon Fishery permit issued under ORS 508.816, \$65.

29 (2) Columbia River Gillnet Fishery permit issued under ORS 508.790, \$74.

30 **SECTION 6.** Section 8, chapter 512, Oregon Laws 1989, as amended by section 3, chapter 184,  
31 Oregon Laws 1991, section 11, chapter 8, Oregon Laws 1997, section 3, chapter 643, Oregon Laws  
32 2003, section 4, chapter 765, Oregon Laws 2009, and section 5, chapter 734, Oregon Laws 2015, is  
33 amended to read:

34 **Sec. 8.** In addition to the ad valorem fee prescribed by law, [*during the period beginning January*  
35 *1, 1998, and ending December 31, 2019,*] there shall be paid for each fish species referred to in ORS  
36 508.505 (1)(a), an additional fee of four cents per pound. The ad valorem fee referred to in this  
37 section is subject to ORS 508.505 to 508.540.

38  
39 **COLUMBIA RIVER FISHERIES ENHANCEMENT FUND**

40  
41 **SECTION 7. Section 8, chapter 672, Oregon Laws 2013, is repealed.**

42 **SECTION 8.** Section 11, chapter 672, Oregon Laws 2013, is amended to read:

43 **Sec. 11.** The amendments to ORS 496.146 by section 10 [*of this 2013 Act*], **chapter 672, Oregon**  
44 **Laws 2013**, become operative on January 2, [2022] **2024**.

45 **SECTION 9.** Section 22, chapter 779, Oregon Laws 2015, is amended to read:

1       **Sec. 22.** For the period beginning January 1, 2016, and ending December 31, [2021] **2023**, the  
2 youth license under [section 21 of this 2015 Act] **ORS 497.127** and the pioneer combination license  
3 under ORS 497.132 [shall] include authorization for the purchaser to engage in angling activities for  
4 which an endorsement to fish for salmon, steelhead or sturgeon in the Columbia Basin under ORS  
5 496.146 is required.

6  
7   **CAPTIONS**

8  
9       **SECTION 10.** The unit captions used in this 2019 Act are provided only for the conven-  
10 ience of the reader and do not become part of the statutory law of this state or express any  
11 legislative intent in the enactment of this 2019 Act.

12  
13   **EFFECTIVE DATE**

14  
15       **SECTION 11.** This 2019 Act takes effect on the 91st day after the date on which the 2019  
16 regular session of the Eightieth Legislative Assembly adjourns sine die.

17  
\_\_\_\_\_