

## Enrolled Senate Bill 42

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CHAPTER .....

AN ACT

Relating to fish resource programs; amending ORS 496.283, 496.286 and 496.289 and sections 4, 6 and 8, chapter 512, Oregon Laws 1989; and prescribing an effective date.

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

**SECTION 1.** ORS 496.283 is amended to read:

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

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

(3) The department:

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

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

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

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

496.286. (1) There is established within the State Department of Fish and Wildlife the Restoration and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife Commission.

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

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

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

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

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

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

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

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

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

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

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

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

(A) **Angler access.**

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

(C) **Habitat.**

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

(E) **Public education.**

(F) **Aquatic inventories.**

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

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

(B) **Hatchery restoration.**

(C) **Liberation equipment.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(A) *Angler access.*]

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

[(C) *Habitat.*]

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

[(E) *Public education.*]

[(F) *Aquatic inventories.*]

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

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

[(B) *Hatchery restoration.*]

[(C) *Liberation equipment.*]

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

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

- (1) Resident annual combination license issued under ORS 497.132, \$4.
- (2) Resident annual angling license issued under ORS 497.121 (1)(a), \$4.
- (3) Angling license to angle for one day issued under ORS 497.121 (1)(d), \$2.
- (4) Angling and shellfish license to angle and take shellfish for one day issued under ORS 497.121 (1)(e), \$2.
- (5) Angling license to angle for two days issued under ORS 497.121 (1)(f), \$2.
- (6) Angling license to angle for three days issued under ORS 497.121 (1)(g), \$2.
- (7) Nonresident annual angling license issued under ORS 497.121 (1)(b), \$10.
- (8) Nonresident angling license to angle for seven consecutive days issued under ORS 497.121 (1)(c), \$5.

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

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

- (1) Ocean Troll Salmon Fishery permit issued under ORS 508.816, \$65.
- (2) Columbia River Gillnet Fishery permit issued under ORS 508.790, \$74.

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

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

**SECTION 7. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.**

**Passed by Senate June 3, 2019**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 10, 2019**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2019

**Approved:**

.....M.,....., 2019

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Kate Brown, Governor

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

.....M.,....., 2019

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Bev Clarno, Secretary of State