

Senate Bill 619

Sponsored by Senator GIROD

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.
- Establishes gillnet transition program and Gillnet Transition Fund to help offset harm to permit holders resulting from prohibition on gillnets and tangle nets for fishing.
- Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fishing; creating new provisions; amending ORS 183.700, 496.283, 496.286, 498.825,
3 506.045, 508.485, 508.490, 508.502, 508.755, 508.867, 509.240 and 509.245 and section 6, chapter 512,
4 Oregon Laws 1989; repealing ORS 508.460, 508.775, 508.778, 508.781, 508.784, 508.787, 508.790,
5 508.792, 508.793 and 508.796; and declaring an emergency.

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

7 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of the commercial**
8 **fishing laws.**

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

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

12 506.045. There are excluded from the operation of ORS 506.129, 506.136, 507.030, 508.025, 508.285
13 and 509.025 (1)[,] **and section 2 of this 2019 Act** any Warm Springs, Umatilla, Yakima, Wasco,
14 Tenino, Wyum and other Columbia River Indians affiliated with these tribes and entitled to enjoy
15 fishing rights, who have not severed their tribal relations, in so far as it would conflict with any
16 rights or privileges granted to such Indians under the terms of the treaties made by the United
17 States with the Warm Springs Indians on June 25, 1855, and with the Umatilla and Yakima Indians
18 on June 9, 1855.

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

21 **(2) On the effective date of this 2019 Act:**

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

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

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

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

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

28 **SECTION 5. The abolishment of the permitting process for the Columbia River gillnet**
29 **salmon fishery by section 4 of this 2019 Act and the repeal of statutes by section 7 of this**
30 **2019 Act do not affect any action, proceeding or prosecution involving or with respect to a**

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 permit issued before the effective date of this 2019 Act.

2 **SECTION 6.** The abolishment of the permitting process for the Columbia River gillnet
3 salmon fishery by section 4 of this 2019 Act and the repeal of statutes by section 7 of this
4 2019 Act do not relieve a person of a liability, duty or obligation with respect to a permit
5 issued pursuant to ORS 508.775 to 508.796 before the effective date of this 2019 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.** (1) The State Department of Fish and Wildlife shall establish and implement
9 a gillnet transition program, using moneys in the Gillnet Transition Fund established under
10 section 9 of this 2019 Act to provide grants to help counties implement programs under
11 which:

12 (a) Compensation is provided to an individual who held a vessel permit on or before the
13 effective date of this 2019 Act and who provides documentation of economic harm resulting
14 from the abolishment of the permitting process for the Columbia River gillnet salmon fishery
15 and the repeal of the statutes by section 7 of this 2019 Act; and

16 (b) Financial assistance is provided to an individual who held a vessel permit on or before
17 the effective date of this 2019 Act and who demonstrates a history of recent landings under
18 the permit, to help offset the cost to the individual of fishing equipment required as a result
19 of fishing gear changes caused by the abolishment of the permitting process for the Columbia
20 River gillnet salmon fishery and the repeal of statutes by section 7 of this 2019 Act.

21 (2) Subject to available funding in the Gillnet Transition Fund, a county qualifies for a
22 grant under the gillnet transition program if the county:

23 (a) Establishes a county program to accomplish the purposes set out in subsection (1)(a)
24 and (b) of this section;

25 (b) Establishes a county advisory committee to oversee the county program, consisting
26 of at least one member who is a county commissioner, two members who held vessel permits
27 or who have expertise related to commercial fisheries and two members who are not em-
28 ployed in the commercial fishing industry and who represent the public interest in the equi-
29 table administration of public funds; and

30 (c) Allows all individuals who held vessel permits to participate in the county program.

31 (3) As used in this section:

32 (a) "Economic harm" means the reduction, unrelated to environmental and market vari-
33 ability or personal circumstances, in the annual income of an individual who held a vessel
34 permit from fishing under the permit that is due to the abolishment of the permitting pro-
35 cess for the Columbia River gillnet salmon fishery and the repeal of statutes by section 7 of
36 this 2019 Act.

37 (b) "Vessel permit" means a vessel permit issued pursuant to ORS 508.775 to 508.796 that
38 was held by a person on or before the effective date of this 2019 Act.

39 **SECTION 9.** (1) The Gillnet Transition Fund is established in the State Treasury, sepa-
40 rate and distinct from the General Fund. Interest earned by the Gillnet Transition Fund
41 shall be credited to the fund. Moneys in the fund are continuously appropriated to the State
42 Department of Fish and Wildlife to carry out the provisions of section 8 of this 2019 Act.

43 (2) The department may accept grants, donations, contributions or gifts from any source
44 for deposit in the fund.

45 (3) The fund shall consist of:

1 (a) Moneys accepted by the department pursuant to subsection (2) of this section; and

2 (b) Moneys appropriated to the fund by the Legislative Assembly.

3 **SECTION 10.** (1) Sections 8 and 9 of this 2019 Act are repealed on January 2, 2025.

4 (2) The Gillnet Transition Fund established under section 9 of this 2019 Act is abolished
5 on January 2, 2025.

6 (3) Any moneys remaining in the Gillnet Transition Fund on January 2, 2025, that are
7 unexpended, unobligated and not subject to any conditions shall be transferred to the State
8 Wildlife Fund established in ORS 496.300.

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

10 496.286. (1) There is established within the State Department of Fish and Wildlife the Restora-
11 tion and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife
12 Commission.

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

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

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

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

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

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

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

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

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

34 498.825. (1) There is established the Oregon Hatchery Research Center Board within the State
35 Department of Fish and Wildlife. The board shall consist of [*15*] **14** members, including [*12*] **11** voting
36 members appointed by the State Fish and Wildlife Director under subsection (3) of this section and
37 three nonvoting members specified in subsection (4) of this section. Members of the board must be
38 residents of this state who are well informed on matters related to fish management policy and sci-
39 entific research and who demonstrate an interest in research related to the propagation of fish in
40 hatcheries.

41 (2) In making appointments under subsection (3) of this section, the director shall consult with
42 organizations that represent or that are engaged in the same interests as those interests that ap-
43 pointees to the board are required to represent, and shall take into consideration nominations or
44 recommendations of persons for appointment as members of the board that are received in the
45 course of the consultation required by this subsection.

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

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

4 [(b) One member shall represent the Columbia River gillnet salmon fishery established under ORS
5 508.775 to 508.796.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 **SECTION 13.** Section 6, chapter 512, Oregon Laws 1989, as amended by section 2, chapter 184,
34 Oregon Laws 1991, section 10, chapter 8, Oregon Laws 1997, section 2, chapter 643, Oregon Laws
35 2003, and section 3, chapter 765, Oregon Laws 2009, is amended to read:

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

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

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

42 **SECTION 14.** ORS 496.283 is amended to read:

43 496.283. (1) Notwithstanding ORS 506.306, all moneys received by the State Fish and Wildlife
44 Commission pursuant to sections 4, 6 and 8, chapter 512, Oregon Laws 1989, shall be deposited in
45 a separate subaccount in the State Wildlife Fund. Except as provided in subsection (2) of this sec-

1 tion, moneys in the subaccount may be expended only for the department's fish restoration and en-
2 hancement programs for the benefit of the fish resources of this state.

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

7 (3) The department shall not divert present budgeted funds to other projects as funds pursuant
8 to sections 4, 6 and 8, chapter 512, Oregon Laws 1989, become available [*and shall not embark on*
9 *new programs not vital to the restoration of Oregon fisheries as required by Oregon Revised Statutes*
10 *and administrative rules*]. The department shall not assess its personnel costs in the administration
11 of chapter 512, Oregon Laws 1989, against the subaccount referred to in this section without the
12 prior approval of the Restoration and Enhancement Board.

13 **SECTION 15.** ORS 508.502 is amended to read:

14 508.502. (1) In a circuit court proceeding concerning a claim by a seller of a vessel permit
15 transferable under ORS 508.760, [508.793,] 508.864, 508.907, 508.936 or 508.957 that the buyer of the
16 vessel permit has failed to fulfill one or more terms of the sale, the seller may petition the circuit
17 court for a preliminary injunction requiring the State Department of Fish and Wildlife and the
18 Commercial Fishery Permit Board to take such actions as are necessary to allow the seller to con-
19 tinue to operate a vessel in the appropriate fishery during the pendency of the proceeding. An order
20 granting a preliminary injunction under this section must include a finding that allowing the seller
21 to continue to operate a vessel in the appropriate fishery during the pendency of the proceeding
22 will not cause excessive harvest pressure on the fishery resource.

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

27 **SECTION 16.** ORS 508.755 is amended to read:

28 508.755. (1) There is established within the State Department of Fish and Wildlife the Commer-
29 cial Fishery Permit Board. The board shall consist of members appointed by the State Fish and
30 Wildlife Commission as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (6) Notwithstanding any other provision of law:

11 *[(a) Members of the board representing the Columbia River gillnet salmon fishing industry shall*
 12 *participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775 to*
 13 *508.796.]*

14 *[(b) (a) Members of the board representing the ocean troll salmon fishing industry shall partic-*
 15 *ipate in actions of the board only on matters arising under ORS 508.801 to 508.825.*

16 *[(c) (b) Members of the board representing the ocean pink shrimp fishing industry shall partic-*
 17 *ipate in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to*
 18 *508.910.*

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

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

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

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

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

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

33 **SECTION 17.** ORS 508.867 is amended to read:

34 508.867. (1) Notwithstanding ORS 508.755 *[(6)(b)]* **(6)(a)** and *[(c)]* **(b)**, an individual whose appli-
 35 cation for renewal of the permit required by ORS 508.840 is denied by the State Department of Fish
 36 and Wildlife may make written request to the Commercial Fishery Permit Board for review of the
 37 denial. The review provided in this subsection is in lieu of any such review by the department or
 38 the State Fish and Wildlife Commission. The request shall be in such form and shall contain such
 39 information as the board considers appropriate. The request shall be accompanied by a
 40 nonrefundable fee of \$125. Such fee shall apply toward the permit fee of successful applicants.

41 (2) In accordance with any applicable provision of ORS chapter 183, the board shall review de-
 42 nials of applications for renewal of permits. Orders issued by the board are not subject to review
 43 by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive
 44 requirements for renewal of permits if the board finds that the individual for personal or economic
 45 reasons chooses to actively fish the permit vessel in some other ocean fishery or if the board finds

1 that the individual fails to meet the requirements as the result of illness, accident or other circum-
 2 stances beyond the individual's control.

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

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

7 **SECTION 18.** ORS 183.700 is amended to read:

8 183.700. (1) As used in this section and ORS 183.702, "permit" means an individual and
 9 particularized license, permit, certificate, approval, registration or similar form of permission re-
 10 quired by law to pursue any activity specified in this section, for which an agency must weigh in-
 11 formation, make specific findings and make determinations on a case-by-case basis for each
 12 applicant.

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

15 (a) The Department of Environmental Quality under ORS 448.415, 454.655, 454.695, 454.790,
 16 454.800, 459.205, 465.315, 465.325, 466.140, 466.145, 466.706 to 466.882, 468A.040, 468A.310, 468B.035,
 17 468B.040, 468B.045, 468B.050 and 468B.095.

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

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

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

22 (e) The State Department of Fish and Wildlife pursuant to ORS 497.142, 497.218, 497.228, 497.238,
 23 497.248, 497.252, 497.298, 497.308, 498.019, 498.279, 508.106, 508.300, 508.760, [508.775], 508.801,
 24 508.840, 508.880, 508.926 and 509.140.

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

26 **SECTION 19.** ORS 508.485 is amended to read:

27 508.485. (1) Except for vessel licenses described in ORS 508.285 and 508.470 and vessel permits
 28 described in ORS [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883, 508.889 to 508.910 and
 29 508.926, the State Fish and Wildlife Commission may, in its discretion, revoke for the remainder of
 30 the license or permit year any license or permit issued to a person under the authority of the com-
 31 mission, or the State Fish and Wildlife Director, pursuant to the commercial fishing laws, and in its
 32 discretion may refuse the issuance of any license or permit issued under the authority of the com-
 33 mission, or director, pursuant to the commercial fishing laws, during any period not to exceed one
 34 year from the date of the license or permit revocation order:

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

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

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

45 (d) Upon conviction within this state of a person for violation of ORS 164.043 to 164.065 when

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

2 (2)(a) Except for vessel licenses described in ORS 508.285 and 508.470 and vessel permits de-
3 scribed in ORS [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883, 508.889 to 508.910 and
4 508.926, a court may order the commission to revoke any licenses or permits issued to a person
5 under the authority of the commission, or the director, pursuant to the commercial fishing laws.
6 Such revocations may not exceed a period of two years from the date of the license or permit re-
7 vocation order. Revocation of licenses and permits is in addition to and not in lieu of other penalties
8 provided by law.

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

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

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

17 (C) Any person who is convicted of a violation of ORS 164.043 to 164.065 when the subject of
18 the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom.

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

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

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

29 **SECTION 20.** ORS 508.490 is amended to read:

30 508.490. Except for vessel licenses described in ORS 508.260, 508.285 and 508.470 and vessel
31 permits described in ORS [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883, 508.889 to 508.910
32 and 508.926, the State Fish and Wildlife Commission may, in its discretion, refuse the issuance of
33 any license or permit issued under the authority of the commission, or the State Fish and Wildlife
34 Director, pursuant to the commercial fishing laws, during any period not to exceed two years from
35 the date of the license or permit revocation order:

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

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

43 **SECTION 21.** ORS 509.240 is amended to read:

44 509.240. It is lawful to operate or use a net consisting of a single nylon or cotton web of a mesh
45 not less than 14 inches, taut measure, hung or attached to not to exceed two lead lines combined

1 and used as a single line and a single cork line, in any of the waters of this state, during any season
2 or period closed to commercial fishing by law or by rule of the State Fish and Wildlife Commission,
3 for the purpose of clearing away or removing snags or similar obstructions from [*gillnet drifts and*
4 *other*] suitable or desirable fishing areas.

5 **SECTION 22.** ORS 509.245 is amended to read:

6 509.245. Any person desiring to operate a snagging net as provided in ORS 509.240 shall, before
7 operating or attempting to so operate such net, obtain from the State Fish and Wildlife Director a
8 snagging permit by forwarding a written request to the office of the State Fish and Wildlife Com-
9 mission specifically providing:

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

11 (2) The waters in which located;

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

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

16 **SECTION 23. This 2019 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
18 **on its passage.**