Chapter 507

1987 REPLACEMENT PART

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507.010 Oregon-Washington Columbia River fish compact. Congress, by virtue of the authority vested in it under section 10, Article I, United States Constitution, providing for compacts and agreements between states, having ratified the recommendations of the conference committees of the States of Oregon and Washington, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia River, over which said states have concurrent jurisdiction, and other waters within either state which would be affected by such concurrent interest, recommendations being as follows "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said states, subject to modification only by joint agreement by said states," and the recommendation having been approved by resolution adopting the report of the conference committee, there exists between the States of Oregon and Washington a definite compact and agreement, the purport of which is substantially as follows All laws and regulations now existing, or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said states, which would affect the concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states

507.020 Oregon-Washington concurrent jurisdiction waters. The waters over which the States of Oregon and Washington are deemed to have concurrent jurisdiction comprise the waters of the Columbia River and its tributaries, within the confines of the States of Oregon and Washington, where such waters are state boundaries

507.030 Modification of Oregon-Washington Columbia River fish compact; hearing. (1) The commission, on behalf of the State of Oregon, may enter into an agreement with the constituted authority of the State of Washington, to modify the existing agreement with respect to fishing in the waters of the Columbia River and its tributaries, within the confines of the States of Oregon and Washington, where such waters are state boundaries between the States of Oregon and Washington, as approved by the United States Congress on April 8, 1918

(2) The commission, in entering into any agreement with the constituted authority of the State of Washington, as provided in subsection (1) of this section, may hold a hearing jointly with such constituted authority of the State of Washington within the State of Washington However, any such joint meeting scheduled in either state shall be held not more than 25 miles from an area of the Columbia River where commercial fishing is permitted [Amended by 1959 c 321 §1, 1965 c 570 §150, 1971 c 187 §2, 1975 c 545 §14, 1987 c 244 §1]

507.040 Pacific Marine Fisheries Compact. A compact, in form as in this section fully set forth, shall be in effect when one or both of the States of California and Washington become parties thereto, and the consent of Congress has been granted as required by section 10, Article I, of the Constitution of the United States

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The contracting states do hereby agree as follows

ARTICLE I

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction

Nothing herein contained shall be construed so as to authorize the compacting states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly

ARTICLE II

This agreement shall become operative immediately as to those states executing it in the form that is in accordance with the laws of the executing states and the Congress has given its consent

ARTICLE III

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains This commission shall be invested with the powers and duties set forth herein.

The term of each commissioner of the Pacific Marine Fisheries Commission shall be four years A commissioner shall hold office until a successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of the predecessor Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as the representative or substitute, at any meeting of or hearing by or other proceeding of the commission

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives

ARTICLE IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous, in all of those areas of the Pacific Ocean over which the states signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the Governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the signatory states jointly or separately now have or may hereafter acquire jurisdiction The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the Governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking

ARTICLE V

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employes as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation Said commission shall adopt rules and regulations for the conduct of its business It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year

ARTICLE VI

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species

ARTICLE VII

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make

ARTICLE VIII

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries

ARTICLE IX

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the Governor thereof

ARTICLE X

The States agree to make available annual funds for the support of the Commission on the following basis

Eighty percent (80%) of the annual budget shall be shared equally by those member States having as a boundary the Pacific Ocean, and five percent (5%) of the annual budget shall be contributed by each other member State, the balance of the annual budget shall be shared by those member States, having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records

The annual contribution of each member State shall be figured to the nearest one hundred dollars

This amended article shall become effective upon its enactment by the States of Alaska, California, Idaho, Oregon and Washington and upon ratification by Congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States

ARTICLE XI

This compact shall continue in force and remain binding upon each state until renounced by it Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto

ARTICLE XII

The States of Alaska or Hawaii, or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs

This article shall become effective upon its enactment by the States of California, Oregon and Washington and upon ratification by Congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States

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[Amended by 1961 c 481 §1, 1969 c 129 §1]

507.050 Representation on Pacific Marine Fisheries Commission. The State Fish and Wildlife Director, one legislator appointed as provided in this section and one public member appointed by the Governor, shall act as the representative of the State of Oregon on the Pacific Marine Fisheries Commission in accordance with the provisions of and with the powers and duties in the compact set forth in ORS 507 040 The legislative member shall be appointed by the President of the Senate or the Speaker of the House of Representatives from among those legislators who, at the time of appointment, are serving on the Pacific States Legislative Fishery Task Force The legislative member shall serve for a term of four years For calendar year 1987, the Speaker of the House of Representatives shall appoint the legislative member, and thereafter the Speaker of the House of Representatives and the President of the Senate shall alternate in making the appointment of the legislative member [Amended by 1961 c 192 §1, 1975 c 253 §29, 1987 c 436 §1]