

Enrolled
House Bill 2223

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Department of Fish and Wildlife)

CHAPTER

AN ACT

Relating to State Department of Fish and Wildlife fees; creating new provisions; amending ORS 497.022, 497.032, 497.102, 497.112, 497.121, 497.124, 497.132, 497.142, 497.151, 497.153, 497.156, 497.258, 506.462, 508.106, 508.116, 508.235, 508.285, 508.495, 508.505, 508.550, 508.700, 508.760, 508.762, 508.765, 508.790, 508.793, 508.796, 508.816, 508.822, 508.825, 508.858, 508.864, 508.867, 508.901, 508.907, 508.910, 508.936, 508.941, 508.949, 508.957 and 508.960 and section 2, chapter 460, Oregon Laws 1995, and section 1, chapter 461, Oregon Laws 2003; and appropriating money.

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

FEES RELATED TO WILDLIFE

SECTION 1. Section 1, chapter 461, Oregon Laws 2003, as amended by section 1, chapter 8, Oregon Laws 2007, is amended to read:

Sec. 1. Notwithstanding any other provision of the wildlife laws, the State Department of Fish and Wildlife shall create and implement a Southwest Oregon Landowner Preference Pilot Program during the period beginning July 1, 2004, and ending June 30, 2014, that:

(1) Addresses damage caused by elk on privately owned lands in Jackson, Josephine, Coos, Curry and Douglas Counties.

(2) Provides landowner preference tags only for areas where elk are currently causing damage, where there has been a history of elk damage coupled with actions to alleviate elk damage or where the department has designated the area as an elk deemphasis area.

(3) Limits the use of tags to taking antlerless elk.

(4) Limits the use of tags to taking elk on property owned, leased or rented by the landowner complaining of elk damage or on property owned, leased or rented by a business entity that includes the landowner as a principal partner or shareholder.

(5) Allows exchange of unused general season elk tags or controlled hunt elk tags for landowner preference tags.

(6) Does not impose a limit on the number of total tags available for each property, except that no more than five tags may be valid at any one time on a particular property.

(7) Does not impose a minimum acreage requirement for landowner participation.

(8) Allows landowners to register for participation in the program at any time prior to the issuance of tags.

(9) Establishes a \$30 fee for landowners to register for participation in the program.

(10) Establishes a \$15 fee for landowners to modify the landowner's tag distribution.

[9] (11) Authorizes department biologists to sell and exchange tags.

[10] (12) Authorizes department biologists to establish the period of validity for tags through negotiation with landowners.

[11] (13) Requires landowners to record the number of elk taken and, within 10 days after the end of a designated hunt period, to report to the local department biologist the number of elk taken.

SECTION 2. Section 2, chapter 460, Oregon Laws 1995, as amended by section 1, chapter 227, Oregon Laws 2001, is amended to read:

Sec. 2. Notwithstanding any other provision of the wildlife laws, during the period beginning January 1, 1996, and ending January 2, [2010] **2025**, the following provisions apply with regard to the issuance and use of landowner preference tags referred to in ORS 496.146 (4):

(1) Landowner preference tags shall be issued for the hunting of deer, elk or antelope.

(2) Landowner preference tags may be used only for hunting on the landowner's property.

(3) Landowner preference tags for the hunting of deer or elk may be transferred to any person of the landowner's choosing and shall be used for the taking of antlerless animals except as authorized by subsection (6) of this section.

(4) Landowner preference tags for the hunting of antelope are not transferable and may not be used for the taking of buck antelope.

(5) Each landowner preference tag for the hunting of deer or elk may be used to take two antlerless animals before, during or after the hunting season for which the tags are valid for the purpose of alleviating damage that is presently occurring to the landowner's property, in accordance with such rules as the State Fish and Wildlife Commission may adopt.

(6) Landowner preference tags for the hunting of deer or elk that are transferred to a person of the landowner's choosing who is not a member of the landowner's immediate family may be used to take an antlered animal only as follows:

(a) If the landowner receives one preference tag, that tag may not be so used.

(b) If the landowner receives two, three or four preference tags, one of those tags may be so used.

(c) If the landowner receives five, six or seven preference tags, two of those tags may be so used.

(d) If the landowner receives eight, nine or 10 preference tags, three of those tags may be so used.

(7) Landowners must pay a \$30 fee to register for participation in the program.

(8) Establishes a \$15 fee for landowners to modify the landowner's tag distribution.

SECTION 2a. If House Bill 2219 becomes law, section 2 of this 2009 Act (amending section 2, chapter 460, Oregon Laws 1995) is repealed and section 2, chapter 460, Oregon Laws 1995, as amended by section 1, chapter 227, Oregon Laws 2001, and section 1, chapter ___, Oregon Laws 2009 (Enrolled House Bill 2219), is amended to read:

Sec. 2. Notwithstanding any other provision of the wildlife laws, during the period beginning January 1, 1996, and ending January 2, 2014, the following provisions apply with regard to the issuance and use of landowner preference tags referred to in ORS 496.146 (4):

(1) Landowner preference tags shall be issued for the hunting of deer, elk or antelope.

(2) Landowner preference tags may be used only for hunting on the landowner's property.

(3) Landowner preference tags for the hunting of deer or elk may be transferred to any person of the landowner's choosing and shall be used for the taking of antlerless animals except as authorized by subsection (6) of this section.

(4) Landowner preference tags for the hunting of antelope are not transferable and may not be used for the taking of buck antelope.

(5) Each landowner preference tag for the hunting of deer or elk may be used to take two antlerless animals before, during or after the hunting season for which the tags are valid for the purpose of alleviating damage that is presently occurring to the landowner's property, in accordance with such rules as the State Fish and Wildlife Commission may adopt.

(6) Landowner preference tags for the hunting of deer or elk that are transferred to a person of the landowner's choosing who is not a member of the landowner's immediate family may be used to take an antlered animal only as follows:

- (a) If the landowner receives one preference tag, that tag may not be so used.
- (b) If the landowner receives two, three or four preference tags, one of those tags may be so used.
- (c) If the landowner receives five, six or seven preference tags, two of those tags may be so used.
- (d) If the landowner receives eight, nine or 10 preference tags, three of those tags may be so used.

(7) Landowners must pay a \$30 fee to register for participation in the program.

(8) Establishes a \$15 fee for landowners to modify the landowner's tag distribution.

SECTION 3. ORS 497.022 is amended to read:

497.022. (1) The State Fish and Wildlife Commission may appoint agents to issue any of the licenses, tags or permits the commission is authorized by law to issue. The commission shall prescribe the procedure for the issuance of such licenses, tags and permits. Agents of the commission shall issue licenses, tags and permits in accordance with the prescribed procedure and shall charge and collect the fees prescribed by law therefor.

(2) In addition to the fees prescribed by law for the issuance of a license, tag or permit, the issuing agent shall charge and collect \$5 for each resident annual sportsperson's license issued pursuant to ORS 497.132 (2)(a) and [~~\$1.50~~] **\$2** each for any other license, tag or permit. If the agent is a county clerk, the agent shall deposit such additional fees in the general fund of the county for which the agent is the clerk. If the agent is an employee of the State Department of Fish and Wildlife, the moneys shall be deposited in the State Wildlife Fund. Agents other than county clerks or department employees who issue licenses without the use of a state computerized licensing system may retain such additional fees for their license tag or permit issuance services. Agents other than county clerks or department employees who issue licenses, tags or permits using a state computerized licensing system may retain such portion of the additional fees, but not less than \$2.50 for each resident annual sportsperson's license issued pursuant to ORS 497.132 (2)(a) or [~~75 cents~~] **\$1** for any other license, tag or permit, as may be specified by contract between the department and the agent for license, tag or permit issuance service performed by the agent.

(3) If the commission finds that an agent appointed pursuant to this section has violated any of the provisions of law or the procedures prescribed by the commission for the issuance of licenses, tags or permits or the collection and disposition of fees therefrom, the commission may revoke the authority of the agent to issue licenses, tags and permits, or may suspend such authority for such time as the commission considers appropriate.

SECTION 4. ORS 497.032 is amended to read:

497.032. If a license, tag or permit issued by the State Fish and Wildlife Commission is lost, destroyed or stolen, the holder thereof may submit to the commission a certificate stating that the license, tag or permit has been lost, stolen or destroyed, together with a fee of [~~\$5~~] **\$15** for each such license, tag or permit. **If the fee paid for the license, tag or permit that was lost, destroyed or stolen was less than \$15, the same fee shall be charged for the duplicate license, tag or permit.** Upon receipt of the certificate and appropriate fees, the commission shall issue to the person a duplicate license, tag or permit that may be used in lieu of the lost, destroyed or stolen licenses, tags or permits.

SECTION 5. ORS 497.102 is amended to read:

497.102. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to persons desiring to hunt wildlife the following licenses and permits and shall charge therefor the following fees:

- (a) Resident annual hunting license to hunt wildlife, [~~\$19~~] **\$23.50**.
- (b) Nonresident annual hunting license to hunt wildlife, [~~\$73~~] **\$134.50**.

[(c) Resident annual juvenile hunting license for persons 14 through 17 years of age to hunt wildlife except those species for which a game mammal tag or permit is required by the wildlife laws or by any rule promulgated pursuant thereto, \$2.]

(c) Resident annual juvenile hunting license for persons 12 through 17 years of age to hunt wildlife, \$11.50.

(d) Nonresident annual juvenile hunting license for persons 12 through 17 years of age to hunt wildlife, \$17.50.

[(d)] (e) Resident pioneer hunting license to hunt wildlife for persons 65 years of age or older who have resided in the state for not less than 50 years prior to the date of application, free.

[(e)] (f) Resident annual senior citizen hunting license to hunt wildlife for persons 70 years of age or older who have resided in the state for not less than five years prior to the date of application, one-half the fee imposed under paragraph (a) of this subsection for a resident annual hunting license to hunt wildlife.

[(f)] (g) Resident disabled war veteran hunting license to hunt wildlife for a person who files with the commission written proof that the last official certification of record by the United States Department of Veterans Affairs or any branch of the Armed Forces of the United States shows the person to be at least 25 percent disabled, free.

[(g)] (h) Annual resident private hunting preserve permit to hunt privately owned hunting preserve game birds, [\$3] \$4.

[(h)] (i) Annual nonresident private hunting preserve permit to hunt privately owned hunting preserve game birds, [\$9] \$10.

[(i)] (j) Nonresident hunting license to hunt migratory waterfowl and upland birds for three consecutive days, [\$20] \$24.50.

(2) The hunting preserve permits referred to in subsection *[(1)(g) and (h)]* **(1)(h) and (i)** of this section are in lieu of the hunting licenses required by the wildlife laws.

SECTION 6. ORS 497.112 is amended to read:

497.112. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to persons desiring to hunt wildlife the following general tags and shall charge therefor the following fees:

(a) Resident annual elk tag to hunt elk, [\$33] **\$40.50.**

(b) Nonresident annual elk tag to hunt elk, [\$360] **\$498.50.**

(c) Special annual elk tag for holders of pioneer or disabled veteran hunting licenses to hunt elk, one-half the fee imposed under paragraph (a) of this subsection for a resident annual elk tag to hunt elk.

(d) Resident annual deer tag to hunt deer, [\$18] **\$22.50.**

(e) Nonresident annual deer tag to hunt deer, [\$263] **\$373.50.**

(f) Resident annual black bear tag to hunt black bear, [\$10] **\$12.50.**

(g) Nonresident annual black bear tag to hunt black bear, [\$150] **\$180.50.**

(h) Resident annual mountain sheep tag to hunt mountain sheep, [\$100] **\$120.50.**

(i) Nonresident annual mountain sheep tag to hunt mountain sheep, [\$1,082] **\$1,298.50.**

(j) Resident annual mountain goat tag to hunt mountain goat, [\$100] **\$120.50.**

(k) Nonresident annual mountain goat tag to hunt mountain goat, [\$1,082] **\$1,298.50.**

(L) Resident annual cougar tag to hunt cougar, [\$10] **\$12.50.**

(m) Nonresident annual cougar tag to hunt cougar, [\$150] **\$12.50.**

(n) Resident annual antelope tag to hunt antelope, [\$35] **\$42.50.**

(o) Nonresident annual antelope tag to hunt antelope, [\$276] **\$331.50.**

(p) Resident annual turkey tag to hunt turkeys, [\$16.50] **\$20.50.**

(q) Resident annual juvenile turkey tag to hunt turkeys, \$8.50.

(r) Nonresident annual juvenile turkey tag to hunt turkeys, \$8.50.

[(q)] (s) Nonresident annual turkey tag to hunt turkeys, [\$62.50] \$75.50.

[(r)] (t) Outfitter and guide annual deer tag to hunt deer, [\$450] \$495.25.

[(s)] (u) Outfitter and guide annual elk tag to hunt elk, [\$665] \$731.75.

(2)(a) Notwithstanding ORS 496.146 (10), the commission is authorized to issue each year one special tag that is auctioned to the highest bidder in a manner prescribed by the commission for each of the following:

- (A) Mountain sheep;
- (B) Antelope; and
- (C) Mountain goat.

(b) In addition to the tags referred to in paragraph (a) of this subsection, the commission is authorized to issue each year one special tag that is raffled in a manner prescribed by the commission for each of the following:

- (A) Mountain sheep;
- (B) Antelope; and
- (C) Mountain goat.

(c) Moneys received under this subsection for:

(A) Mountain sheep tags shall be placed in the Mountain Sheep Subaccount established in ORS 496.303;

(B) Antelope tags shall be placed in the Antelope Subaccount established in ORS 496.303; and

(C) Mountain goat tags shall be placed in the Mountain Goat Subaccount established in ORS 496.303.

(d) Notwithstanding ORS 496.146 (10), the commission, upon the recommendation of the Access and Habitat Board to fulfill the board's charge of providing incentives to increase public access and habitat improvements to private land, is authorized to issue each year up to 10 elk and 10 deer tags to hunt deer or elk. The tags shall be auctioned or raffled to the highest bidder in a manner prescribed by the commission. The Access and Habitat Board, in recommending any tags, shall include a proposal as to the land on which each tag can be used and a percentage of funds received from the tags that may revert to the landowner if the tag is limited to private land. However, the percentage cannot be more than 50 percent and the programs must, by written agreement, provide for public access and habitat improvements.

(3) The tags referred to in subsection (1) of this section are in addition to and not in lieu of the hunting licenses required by law.

(4) The commission may, at the time of issue only, indorse upon the tags referred to in subsection (1) of this section an appropriate designation indicating whether it is for a game animal to be taken with bow and arrow or with firearms, at the choice of the applicant. The commission may prescribe by rule that the holder of such a tag is not authorized to take the game animal by any other means than the tag so indorsed.

(5) Except as provided in subsection (6) of this section, a person is not eligible to obtain, in a lifetime, more than one controlled hunt tag issued by the commission to hunt mountain sheep and one controlled hunt tag issued by the commission to hunt mountain goat.

(6) A person is eligible to obtain mountain sheep tags, antelope tags or mountain goat tags described in subsection (2)(a) and (b) of this section, regardless of whether the person has previously taken a mountain sheep, antelope or mountain goat or previously obtained a mountain sheep tag, antelope tag or mountain goat tag issued pursuant to subsection (1) or (2)(a) or (b) of this section.

(7) The number of nonresident mountain goat tags and nonresident mountain sheep tags shall be decided by the commission, but:

(a) The number of nonresident mountain goat tags may not be less than five percent nor more than 10 percent of all mountain goat tags issued.

(b) The number of nonresident mountain sheep tags may not be less than five percent nor more than 10 percent of all mountain sheep tags issued.

(8) The number of tags issued by drawing under subsection (1)(g), (m) and (o) of this section shall be decided by the commission, but for each class of tag so issued, the number may not be more than three percent of all tags of that class issued for hunting in a particular area except one nonresident tag may be issued for each hunt when the number of authorized tags is less than 35. The number of tags issued under subsection (1)(g) of this section for the general hunting season may be decided

by the commission, but the number may not be more than three percent of all tags issued the previous year for hunting in a particular area.

(9) The number of tags issued by drawing under subsection (1)(b) and (e) of this section shall be decided by the commission, but for each class of tag so issued, the number may not be more than five percent of all tags of that class issued for hunting in a particular area except one nonresident tag may be issued for each hunt when the number of authorized tags is fewer than 35. The commission shall set the percentage by rule each year after holding a public hearing.

(10) If a controlled hunt for game mammals is undersubscribed during the primary controlled hunt drawing, the commission may issue the unallocated tags to licensed hunters at up to four times the standard tag fee on a first-come, first-served basis. This controlled hunt tag program shall be in addition to and not replace any existing controlled hunt tag program.

SECTION 7. ORS 497.121 is amended to read:

497.121. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to persons desiring to angle for fish or take shellfish the following licenses and tags and shall charge therefor the following fees:

- (a) Resident annual angling license, [~~\$21~~] **\$26.**
- (b) Nonresident annual angling license, [~~\$54.75~~] **\$93.25.**
- (c) Nonresident angling license to angle for seven consecutive days, [~~\$39.50~~] **\$51.75.**
- (d) Angling license to angle for one day, [~~\$9.25~~] **\$11.75.**
- (e) Resident annual juvenile angling license for persons 14 through 17 years of age, \$4.
- (f) Nonresident annual juvenile angling license for persons 14 through 17 years of age, \$17.25.**

[(f)] (g) Resident annual shellfish license, \$5.

[(g)] (h) Nonresident annual shellfish license, [~~\$15~~] **\$18.50.**

[(h)] (i) Nonresident three-day shellfish license, [~~\$7.50~~] **\$9.50.**

(j) Two rod angling license valid in lakes and reservoirs for anglers who also hold a valid annual angling license, \$15.

[(i)] (k) Resident pioneer angling license for persons 65 years of age or older who have resided in the state for not less than 50 years prior to the date of application, free.

[(j)] (L) Resident annual senior citizen angling license for persons 70 years of age or older who have resided in the state for not less than five years prior to the date of application, one-half the fee imposed under paragraph (a) of this subsection for a resident annual angling license.

[(k)] (m) Resident disabled war veteran angling license for a person who files with the commission written proof that the last official certification of record by the United States Department of Veterans Affairs or by any branch of the Armed Forces of the United States shows the person to be at least 25 percent disabled, free.

[(L)] (n) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut, [~~\$20~~] **\$24.50.**

[(m)] (o) Annual tag for persons under 18 years of age to angle for salmon, steelhead trout, sturgeon and halibut, [~~\$5~~] **\$6.50.**

[(n)] (p) Renewable tag to angle for hatchery salmon and steelhead, [~~\$10.50~~] **\$14.50.**

(2) Any person who holds a valid permanent angling license for persons who are blind or a permanent angling license for persons in a wheelchair issued by the commission before January 1, 2000, need not obtain a resident annual angling license under this section.

(3) The annual tags to angle for salmon, steelhead trout, sturgeon and halibut referred to in subsection [(1)(L), (m) and (n)] **(1)(n), (o) and (p)** of this section are in addition to and not in lieu of the angling licenses required by the wildlife laws. However, an annual tag to angle for salmon, steelhead trout, sturgeon and halibut is not required of a person who holds a valid angling license referred to in subsection (1)(c) or (d) of this section.

SECTION 8. ORS 497.124 is amended to read:

497.124. In addition to the fees otherwise prescribed by law, the issuer of each of the following licenses shall charge and collect each time the license is issued a surcharge of [~~25~~] **75** cents for each of the following licenses:

- (1) Resident combination license issued under ORS 497.132.
- (2) Resident annual angling license issued under ORS 497.121 (1)(a).
- (3) Resident annual juvenile angling license issued under ORS 497.121 (1)(e).
- (4) Angling license to angle for one day issued under ORS 497.121 (1)(d).
- (5) Nonresident annual angling license issued under ORS 497.121 (1)(b).
- (6) Nonresident angling license to angle for seven consecutive days issued under ORS 497.121 (1)(c).

(7) Nonresident annual juvenile angling license issued under ORS 497.121 (1)(f).

SECTION 9. ORS 497.132 is amended to read:

497.132. (1) In lieu of issuing to resident persons separate licenses for angling and hunting, the State Fish and Wildlife Commission is authorized to issue resident annual combination angling and hunting licenses, and charge therefor a fee of [~~\$38~~] **\$47**.

(2)(a) In lieu of issuing to resident persons separate licenses and tags for various hunting and angling activities, the commission is authorized to issue resident annual sportsperson's licenses and shall charge therefor a fee of [~~\$125~~] **\$159.75**. The purchaser of each such license is authorized to engage in those hunting and angling activities for which the following licenses and tags are required:

- (A) Combination license;
- (B) Black bear tag;
- (C) Cougar tag;
- (D) General season elk tag;
- (E) General season deer tag;
- (F) Upland bird stamp;
- (G) Oregon migratory waterfowl stamp;
- (H) Turkey tag; [*and*]
- (I) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut[.]; **and**
- (J) Resident annual shellfish license.**

(b) The holder of each sportsperson's license who wishes to engage in hunting or angling activities for which permits are required that are limited by quota must participate in the process for allocation of the permits in the same manner as all other permit applicants. However, if the holder of a sportsperson's license is unsuccessful in obtaining a permit limited by quota for a particular activity, the holder will be issued a tag valid for any general season for that species.

(c) Notwithstanding any other provision of the wildlife laws, of the moneys received from the sale of sportsperson's licenses:

(A) Two dollars from each such license shall be credited to the subaccount referred to in ORS 496.242.

(B) Two dollars from each such license shall be credited to the subaccount referred to in ORS 496.283.

(C) [~~Twenty-five~~] **Seventy-five** cents from each such license shall be credited to the Fish Screening Subaccount established under ORS 496.303.

(D) Twenty-five cents from each such license shall be credited to the Fish Passage Fund established under section 14 of this 2009 Act.

(3)(a) In lieu of issuing to resident persons under 18 years of age separate licenses and tags for angling and hunting, the commission is authorized to issue resident annual sportsperson's licenses for persons under 18 years of age and shall charge therefor a fee of \$50. The purchaser of each such license is authorized to engage in those hunting and angling activities for which the following licenses and tags are required:

- (A) Resident annual juvenile hunting license for persons 12 through 17 years of age;**
- (B) Resident annual juvenile angling license for persons 14 through 17 years of age;**
- (C) Black bear tag;**
- (D) Cougar tag;**
- (E) General season elk tag;**

- (F) General season deer tag;
- (G) Upland bird stamp;
- (H) Oregon migratory waterfowl stamp;
- (I) Juvenile turkey tag;
- (J) Annual tag for persons under 18 years of age to angle for salmon, steelhead trout, sturgeon and halibut; and

(K) Resident annual shellfish license.

(b) The holder of each resident annual sportsperson's license for persons under 18 years of age who wishes to engage in hunting or angling activities for which permits are required that are limited by quota must participate in the process for allocation of the permits in the same manner as all other permit applicants. However, if the holder of a resident annual sportsperson's license for persons under 18 years of age is unsuccessful in obtaining a permit limited by quota for a particular activity, the holder will be issued a tag valid for any general season for that species.

(c) Notwithstanding any other provision of the wildlife laws, of the moneys received from the sale of resident annual sportsperson's licenses for persons under 18 years of age:

(A) One dollar from each such license shall be credited to the subaccount referred to in ORS 496.242.

(B) One dollar from each such license shall be credited to the subaccount referred to in ORS 496.283.

(C) Seventy-five cents from each such license shall be credited to the Fish Screening Subaccount established under ORS 496.303.

(D) Twenty-five cents from each such license shall be credited to the Fish Passage Fund established under section 14 of this 2009 Act.

SECTION 10. ORS 497.142 is amended to read:

497.142. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to persons desiring to take fur-bearing mammals the following licenses and tags and shall charge therefor the following fees:

(a) Resident annual license to trap or hunt fur-bearing mammals, [~~\$30~~] **\$45.**

(b) Juvenile annual license to trap or hunt fur-bearing mammals, \$15.

(c) Resident annual license to hunt fur-bearing mammals, [~~\$11~~] **\$20.**

(d) Nonresident annual fur-takers license to trap or hunt fur-bearing mammals, [~~\$175~~] **\$350.**

(e) Furbearer annual tags to take fur-bearing mammals, such amount for each tag as the commission may prescribe, but not more than [~~\$10~~] **\$20.**

(2) The tags referred to in subsection (1)(e) of this section are in addition to and not in lieu of the licenses referred to in subsection (1)(c) and (d) of this section.

SECTION 11. ORS 497.151 is amended to read:

497.151. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to resident persons desiring to hunt migratory waterfowl an annual migratory waterfowl stamp and shall charge therefor a fee of [~~\$7.50~~] **\$9.50.**

(2) The stamp referred to in subsection (1) of this section is in addition to and not in lieu of the hunting licenses required by ORS 497.102.

(3) Notwithstanding subsection (1) of this section, a migratory waterfowl stamp is not required of a person younger than 14 years of age.

(4) ORS 497.016 to 497.026 and 497.036 apply to the stamp referred to in subsection (1) of this section.

(5) Nothing in this section is intended to prevent nonresident persons from purchasing resident migratory waterfowl stamps for stamp collecting or other purposes. However, possession of a resident migratory waterfowl stamp does not authorize a nonresident to hunt migratory waterfowl.

SECTION 12. ORS 497.153 is amended to read:

497.153. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to resident persons desiring to hunt upland birds an annual upland bird stamp and shall charge therefor a fee of [~~\$5~~] **\$6.50**.

(2) The stamp referred to in subsection (1) of this section is in addition to and not in lieu of the hunting licenses required by ORS 497.102.

(3) Notwithstanding subsection (1) of this section, an upland bird stamp is not required of a person younger than 14 years of age.

(4) ORS 497.016 to 497.026 and 497.036 apply to the stamp referred to in subsection (1) of this section.

(5) Nothing in this section is intended to prevent nonresident persons from purchasing resident upland bird stamps for stamp collecting or other purposes. However, possession of a resident upland bird stamp does not authorize a nonresident to hunt upland birds.

SECTION 13. ORS 497.156 is amended to read:

497.156. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to nonresident persons desiring to hunt either migratory waterfowl or upland birds an annual bird-waterfowl stamp and shall charge therefor a fee of [~~\$30~~] **\$36.50**.

(2) The stamp referred to in subsection (1) of this section is in addition to and not in lieu of the hunting licenses required by ORS 497.102.

(3) Notwithstanding subsection (1) of this section, a bird-waterfowl stamp is not required of:

(a) A person younger than 14 years of age; or

(b) A nonresident hunter on a private hunting preserve who holds an annual private hunting preserve permit issued under ORS 497.102.

(4) ORS 497.016 to 497.026 and 497.036 apply to the stamp referred to in subsection (1) of this section.

SECTION 14. **The Fish Passage Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Fish Passage Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Department of Fish and Wildlife for purposes related to fish passage.**

SECTION 15. ORS 497.258 is amended to read:

497.258. The State Department of Fish and Wildlife is authorized to issue, upon application, to persons desiring to engage in the following occupations the following licenses and shall charge therefor the following fees:

(1) Resident annual fur dealer license, [~~\$10~~] **\$50**.

(2) Resident annual taxidermist license, [~~\$5~~] **\$50**.

(3) Resident annual wildlife propagation license, [~~\$5~~] **\$25**.

(4) Resident annual fish propagation license, [~~\$25~~] **\$125**.

(5) Resident annual private hunting preserve license, [~~\$100~~] **\$200**.

SECTION 16. **Section 17 of this 2009 Act is added to and made a part of ORS chapter 497.**

SECTION 17. (1) **In addition to the fees otherwise prescribed by law, the issuer of each of the following licenses shall charge and collect each time the license is issued a surcharge of 25 cents for each of the following licenses:**

(a) **Resident annual combination angling and hunting license issued under ORS 497.132.**

(b) **Resident annual angling license issued under ORS 497.121 (1)(a).**

(c) **Resident annual juvenile angling license issued under ORS 497.121 (1)(e).**

(d) **Angling license to angle for one day issued under ORS 497.121 (1)(d).**

(e) **Nonresident annual angling license issued under ORS 497.121 (1)(b).**

(f) **Nonresident angling license to angle for seven consecutive days issued under ORS 497.121 (1)(c).**

(g) **Nonresident annual juvenile angling license issued under ORS 497.121 (1)(f).**

(2) **Surcharges collected under this section shall be credited to the Fish Passage Fund established under section 14 of this 2009 Act.**

FEES RELATED TO COMMERCIAL FISHING

SECTION 18. ORS 506.462 is amended to read:

506.462. (1) A person whose application for a developmental fisheries permit or a restricted permit established under subsection (6) of this section, or for the renewal or transfer of a developmental fisheries permit or restricted permit, is denied may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any review by the State Department of Fish and Wildlife or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of [~~\$75~~] **\$125**. The fee shall apply toward any applicable permit fees resulting from an order of the board in favor of the requesting applicant.

(2) The board shall review a denial as a contested case under ORS chapter 183. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.482.

(3) The board may waive requirements for renewal of a developmental fisheries permit or a restricted permit established under subsection (6) of this section if the board finds that an individual applicant fails to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(4) The board may delegate to the department the board's authority to waive requirements for renewal of developmental fisheries permits or restricted permits established under subsection (6) of this section.

(5) The board may adopt such rules as it determines necessary to carry out its duties, functions and powers under this section.

(6) Once the commission determines that a commercial harvest of a developmental fishery can be sustained, it may remove that fishery from the developmental fisheries list, and may, by rule, establish a restricted participation system or a restricted vessel permit system for that fishery. These restricted permit systems may include, but are not limited to, provisions relating to the following matters:

(a) Establishment of criteria for initial entry into the restricted permit system and criteria for annual qualification for continued participation in the system; and

(b) Establishment of terms and conditions for transferring participation rights.

SECTION 19. ORS 508.106 is amended to read:

508.106. (1) Upon receiving a written application therefor, accompanied by a fee of [~~\$3~~] **\$30**, the State Fish and Wildlife Commission may issue to any person a permit to take carp or other nongame fish.

(2) The kind or kinds of fish, the method to be used and the name and location of the body of water from which the fish are to be taken, shall be specified in the permit.

(3) After having obtained a permit as provided for in subsection (1) of this section, and subject to any rules of the commission, any person may take carp or nongame fish from any of the waters of this state described in the permit.

(4) It is unlawful to:

(a) Retain any fish other than described in the permit in connection with the use of any permit issued under subsection (1) of this section, and any other fish taken shall at once be set free; or

(b) Take any fish for commercial purposes by a permit issued under subsection (1) of this section without first having obtained a license under ORS 508.035.

SECTION 20. ORS 508.116 is amended to read:

508.116. (1) The State Fish and Wildlife Director may issue to any person a permit to take animals living intertidally on the bottom. **The annual fee for a permit issued under this section is \$40.**

(2) It is unlawful to take animals living intertidally on the bottom for commercial purposes by a permit issued under subsection (1) of this section without first having obtained a license under ORS 508.035.

SECTION 21. ORS 508.235 is amended to read:

508.235. (1) A commercial fishing license must be obtained by each individual who, for commercial purposes:

(a) Takes or assists in the taking of any food fish from the waters or land of this state;

(b) Operates or assists in the operation of any boat or fishing gear for the taking of food fish in the waters of this state; or

(c) Lands food fish from the waters of the Pacific Ocean at any point in this state.

(2) A commercial fishing license must be in the possession of the licensee, when engaged in the taking or landing of commercial fish, and is required in addition to any other license under this chapter.

(3) Notwithstanding any other provision of this section or ORS 508.035, upon application of the holder of a boat license, the State Fish and Wildlife Commission shall issue to the applicant in the name of the boat, one commercial fishing license for each individual who assists the holder of the boat license in the taking of fish for commercial purposes. Notwithstanding ORS 508.465, licenses issued pursuant to this subsection are transferable to all individuals who assist in the taking of fish for commercial purposes on the boat for which the licenses are issued. Notwithstanding ORS 508.285, the fee for the license issued pursuant to this subsection [*is \$85 for each individual.*] **in the name of a boat:**

(a) **With a resident boat license is \$125 for each individual.**

(b) **With a nonresident boat license is \$350 for each individual.**

SECTION 22. ORS 508.285 is amended to read:

508.285. (1) The fee for each license required by this chapter is as follows:

(a) Albacore tuna landing license, [~~\$20~~] **for boats that do not hold a valid commercial fishing license from another state, \$125.**

(b) **Albacore tuna landing license for boats that hold a valid commercial fishing license from another state, \$20.**

[(b)] (c) Resident boat license, [~~\$200~~] **\$325.**

[(c)] (d) Nonresident boat license, \$760.

[(d)] (e) Resident commercial fishing license, [~~\$50~~] **\$80.**

[(e)] (f) Nonresident commercial fishing license, \$290.

[(f)] (g) Commercial fishing license for resident persons 18 years of age or younger, [~~\$25~~] **\$30.**

[(g)] (h) Commercial bait fishing license, [~~\$60~~] **\$100.**

[(h)] (i) Fish buyer license, [~~\$150~~] **\$250.**

[(i)] (j) Fish bait dealer license, [~~\$60~~] **\$100.**

[(j)] (k) Food fish canner license, [~~\$350~~] **\$450.**

[(k)] (L) Shellfish canner license, [~~\$350~~] **\$450.**

[(L)] (m) Single delivery license, [~~\$100~~] **\$125.**

[(m)] (n) Wholesale fish dealer license, [~~\$350~~] **\$450.**

(2) As used in this section, "resident" means an actual bona fide resident of this state for at least one year prior to application for a license.

SECTION 23. ORS 508.495 is amended to read:

508.495. Upon the receipt of a fee of [~~\$2~~] **\$16.50** and the filing of an affidavit that a license issued under authority of ORS 508.406 has been lost or destroyed, the State Fish and Wildlife Director or the authorized agent of the director shall issue a certificate that such license has been issued and has been lost or destroyed. Except as provided in ORS 508.260, the certificate may be used in lieu of the lost or destroyed license.

SECTION 24. ORS 508.505 is amended to read:

508.505. (1) Additional fees shall be collected by the State Fish and Wildlife Director in the amount prescribed by this section, except as provided in ORS 508.510. Every person operating within

the state as a canner, buyer, bait dealer or wholesaler of any food fish or shellfish shall pay, in addition to all other licenses or fees provided by law, a fee equal to the value of the food fish at the point of landing multiplied by the following rates:

(a) All salmon and steelhead, 3.15 percent.

(b) All black rockfish, blue rockfish and nearshore fish, five percent.

(c) All other food fish and shellfish, **2.25 percent**. [*1.09 percent for the period beginning January 1, 1992, and ending December 31, 1992. Thereafter the State Fish and Wildlife Commission may increase the rate to not more than 1.25 percent to the extent that the commission determines upon review that revenues received are inadequate to maintain the legislatively adopted program level. The commission shall report its revenue review and any proposed rate increase to the Emergency Board prior to the time the rate increase is implemented.*]

(d) All tuna, 1.09 percent.

(2) Only live, fresh or frozen in the round or dressed food fish or shellfish are subject to the fees provided in this section. "Dressed" includes but is not limited to beheaded, gutted, filleted, loined or shucked. However, frozen food fish or frozen shellfish received in a wrapped package to which a legible label is stamped or printed showing the name, address, brand or trade name of the original processor or wholesale distributor under which the package is marketed and the kind of frozen food fish or frozen shellfish contained therein, for distribution and ultimate sale in the original package are not subject to the fees provided in this section.

SECTION 25. ORS 508.550 is amended to read:

508.550. Notwithstanding any other provision of this chapter, a person who holds a valid Oregon commercial fishing license may sell any species of food fish taken in lawful commercial fishing activity directly from the license holder's boat, subject to the following conditions:

(1) The person must first obtain from the State Fish and Wildlife Commission an annual limited fish seller permit for such sales, the fee for which is [~~\$20~~] **\$40**. The commission by rule may limit the number of permits available for any species of food fish.

(2) Prior to making any sale pursuant to this section, the person must notify the commission, in such manner as the commission prescribes, of the estimated number of food fish on board the boat and of the location where the sale is to take place.

(3) Within seven days of making any sale pursuant to this section, the person shall submit to the commission a report thereof, in such form as the commission may prescribe. The person must pay the fees required as prescribed in ORS 508.505 to 508.540, or in such other manner as the commission by rule may prescribe.

(4) The person may sell food fish from any port and dock location in this state.

(5) If a person fails to comply with subsection (3) of this section, the commission may revoke and thereafter refuse to issue another limited fish seller permit.

SECTION 26. ORS 508.700 is amended to read:

508.700. (1) The State Fish and Wildlife Commission may issue a permit, subject to such restrictions and regulations as the commission deems desirable, to any person to construct and operate a hatchery for:

(a) Chinook salmon, also known as *Oncorhynchus tshawytscha*; or

(b) Chum salmon, also known as *Oncorhynchus keta* or dog salmon; or

(c) Silver salmon, also known as *Oncorhynchus kisutch* or coho salmon; or

(d) Pink salmon, also known as *Oncorhynchus gorbuscha* or humpback salmon.

(2) The application for a permit to construct and operate a chum salmon, chinook salmon, silver salmon, or pink salmon hatchery shall include an application fee of [~~\$100~~] **\$3,000**.

SECTION 27. ORS 508.760 is amended to read:

508.760. (1) Notwithstanding any other provision of the commercial fishing laws, in order to provide a sea urchin (*Strongylocentrotus franciscanus*, *S. purpuratus* and *S. droebachiensis*) commercial fishery with optimum profits to those engaged in the fishery and to prevent a concentration of fishing effort that would deplete the resource, the State Fish and Wildlife Commission, by rule,

shall establish a system for limiting participation in the sea urchin commercial fishery. Any such system may include, but is not limited to, provisions on the following matters:

(a) Establishment of criteria for initial entry into fishery participation and for annual qualification for participation thereafter.

(b) Establishment of terms and conditions for transferring participation rights.

(2)(a) The annual fee to participate in the sea urchin fishery is [\$75.]:

(A) \$100 for resident applicants.

(B) \$290 for nonresident applicants.

(b) A fee of \$100 shall be charged for each transfer of participation rights under this section.

SECTION 28. ORS 508.762 is amended to read:

508.762. (1) A person whose application for renewal or transfer of a permit established pursuant to ORS 508.760 is denied may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the State Department of Fish and Wildlife or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of [\$75] **\$125**. Such fee shall apply toward the permit fee of an applicant seeking review who is successful in obtaining a permit.

(2) The board shall review a denial of an application for renewal or request to transfer a permit according to the applicable provisions of ORS chapter 183. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.500.

(3) According to the applicable provisions of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers.

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

SECTION 29. ORS 508.765 is amended to read:

508.765. (1) Notwithstanding any other provision of the commercial fishing laws, in order to provide a roe-herring commercial fishery with optimum profits to those engaged in the fishery and to prevent a concentration of fishing effort that would deplete the resource, the State Fish and Wildlife Commission, by rule, shall establish a system for limiting participation in the roe-herring commercial fishing. Any such system may include, but is not limited to, provisions on the following matters:

(a) Establishment of criteria for initial entry into fishery participation and for annual qualification for participation thereafter.

(b) Establishment of terms and conditions for transferring participation rights.

(2)(a) The annual fee to participate in the roe-herring fishery is [\$75.]:

(A) \$125 for resident applicants.

(B) \$290 for nonresident applicants.

(b) A fee of \$100 shall be charged for each transfer of participation rights under this section.

(3)(a) A denial by the commission of an application for renewal of any permit or transfer of any permit established under this section shall be subject to review by the Commercial Fishery Permit Board upon written request of the applicant. The review provided under this subsection shall be in lieu of any such review by the commission or the State Department of Fish and Wildlife.

(b) Request for review under this subsection shall be on such forms and contain such information as the board shall determine. Requests for review shall be accompanied by a [\$75] **\$125** fee, which fee shall apply toward any applicable permit fees resulting from an order of the board in favor of the requesting applicant.

(4) Orders issued by the board are not subject to review by the commission but may be appealed as provided in ORS chapter 183.

(5) According to the provisions of ORS chapter 183, the board shall adopt such rules as it determines necessary to carry out its duties, functions and powers.

SECTION 30. ORS 508.790 is amended to read:

508.790. (1) The annual fee for the vessel permit required by ORS 508.775 is [~~\$1.~~]:

(a) **\$26 for resident applicants.**

(b) **\$216 for nonresident applicants.**

(2) Applications shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe.

SECTION 31. ORS 508.793 is amended to read:

508.793. (1) The vessel permit required by ORS 508.775 is transferable:

(a) To a replacement vessel of the permit holder.

(b) To the purchaser of the vessel when the vessel is sold.

(2) Notwithstanding subsection (1) of this section, upon request of a permit holder, the State Department of Fish and Wildlife may authorize transfer of a permit to a replacement vessel owned by an individual other than the permit holder. However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(3) **A fee of \$100 shall be charged for each transfer of a vessel permit under this section.**

SECTION 32. ORS 508.796 is amended to read:

508.796. (1) An individual whose application for renewal of the permit required by ORS 508.775 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of [~~\$75~~] **\$125**. Such fees shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.500. The board may waive requirements for renewal of permits if the board finds:

(a) That the individual for personal or economic reasons chose to actively commercially fish in some other fishery during the Columbia River gillnet salmon seasons; or

(b) That the individual failed to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

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

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

(5) Notwithstanding any other provision of law, without the prior approval of the Commercial Fishery Permit Board, a Columbia River gillnet salmon vessel permit acquired as a result of a waiver pursuant to subsection (2) of this section may not be transferred to another vessel until the vessel for which the permit was issued has been used in the Columbia River gillnet salmon fishery for two or more calendar years.

SECTION 33. ORS 508.816 is amended to read:

508.816. (1) The annual fee for the vessel permit required by ORS 508.801 is [~~\$10.~~]:

(a) **\$35 for resident applicants.**

(b) **\$225 for nonresident applicants.**

(2) Applications shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe.

SECTION 34. ORS 508.822 is amended to read:

508.822. (1) The vessel permit required by ORS 508.801 is transferable:

(a) To a replacement vessel of the permit holder.

(b) To the purchaser of the vessel when the vessel is sold.

(c) Upon request of a permit holder, transfer of a permit to a replacement vessel owned by an individual other than the permit holder if authorized by the State Department of Fish and Wildlife.

However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(2) Permits may be transferred between vessels where both vessels fall within any one of the following categories:

- (a) Vessels less than or equal to 30 feet;
- (b) Vessels greater than 30 feet and less than or equal to 42 feet; or
- (c) Vessels greater than 42 feet.

(3) A permit may be transferred from a vessel that is in one of the categories defined in subsection (2) of this section to a vessel that is in a different category provided that no vessel permit may be transferred to a vessel more than five feet longer than the vessel from which the permit is being transferred.

(4)(a) Notwithstanding subsection (3) of this section and except for transfer to another vessel owned by the current permit holder, a vessel permit may be transferred to a vessel over 30 feet in length only if, in the calendar year prior to transfer, the vessel from which the permit is being transferred was used in the ocean troll salmon fishery in Oregon, Alaska, Washington or California to take 100 pounds of salmon. The department, by rule, may require proof of vessel ownership prior to the transfer of a permit away from any vessel. This section shall not be effective in the calendar year following a year in which the number of permits issued pursuant to ORS 508.801 is less than 1,000.

(b) A vessel permit may not be transferred more than once in any 12-month period. However, the Commercial Fishery Permit Board may waive the waiting period for additional transfer if the board finds that strict adherence to the waiting period would create undue hardship for the individual seeking transfer of the permit.

(5) Persons requesting the transfer of a permit pursuant to subsection (1)(c) of this section shall provide to the department copies of documents or state registration for each vessel as proof of the length and ownership.

(6) A fee of \$100 shall be charged for each transfer of a vessel permit under this section.

SECTION 35. ORS 508.825 is amended to read:

508.825. (1) An individual whose application for renewal or transfer of the permit required by ORS 508.801 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of [~~\$75~~] **\$125**. Such fee shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal or transfer of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal or transfer of permits if the board finds that the individual fails to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

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

(4) The board may delegate to the department its authority to waive requirements for renewal or transfer of permits.

SECTION 36. ORS 508.858 is amended to read:

508.858. The annual fee for the vessel permit required by ORS 508.840 is [~~\$75~~]:

(1) \$125 for resident applicants.

(2) \$290 for nonresident applicants.

SECTION 37. ORS 508.864 is amended to read:

508.864. (1) Notwithstanding any other provision of law, an ocean scallop vessel permit issued pursuant to ORS 508.840 to 508.867 may not be transferred to another vessel:

[(1)] (a) Until the vessel for which the permit was issued has been used in the ocean scallop fishery for three or more calendar years to land at least 5,000 pounds of food fish annually.

[(2)] (b) More than once in any 12-month period. However, the Commercial Fishery Permit Board may waive the waiting period if the board finds that strict adherence to the waiting period would create undue hardship for the individual seeking transfer of the permit.

[(3)] (c) That is more than five feet longer than the vessel from which the permit is transferred.

(2) A fee of \$100 shall be charged for each transfer of a vessel permit under this section.

SECTION 38. ORS 508.867 is amended to read:

508.867. (1) Notwithstanding ORS 508.755 (6)(b) and (c), an individual whose application for renewal of the permit required by ORS 508.840 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of [\$75] **\$125**. Such fee shall apply toward the permit fee of successful applicants.

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

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

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

SECTION 39. ORS 508.901 is amended to read:

508.901. (1) The annual fee for the vessel permit required by ORS 508.880 is [\$75.]:

(a) \$125 for resident applicants.

(b) \$290 for nonresident applicants.

(2) Applications shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe.

SECTION 40. ORS 508.907 is amended to read:

508.907. (1) The vessel permit required by ORS 508.880 is transferable:

(a) To a replacement vessel of the permit holder. A replacement is any vessel that is purchased for any reason to replace a vessel previously owned by and licensed to the permit holder;

(b) To the purchaser of the vessel when the vessel is sold; or

(c) To a replacement vessel owned by an individual other than the permit holder. However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(2) A permit may be transferred to a vessel of greater length only if that vessel is within 5 feet in overall length of the vessel from which the permit is being transferred. This provision does not apply if the permit is being transferred from one vessel owned by an individual to another vessel not exceeding 80 feet in length that is owned by the same individual.

(3) A permit may not be transferred to another vessel more than once in a 12-month period. However, the Commercial Fishery Permit Board may waive the waiting period if the board finds that strict adherence to the waiting period would create undue hardship for the individual seeking transfer of the permit.

(4) A fee of \$100 shall be charged for each transfer of a vessel permit under this section.

SECTION 41. ORS 508.910 is amended to read:

508.910. (1) An individual whose application for renewal of the permit required by ORS 508.880 is denied by the State Department of Fish and Wildlife may make written request to the Commercial

Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of [~~\$75~~] **\$125**. Such fee shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal of permits if the board finds that the individual fails to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

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

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

SECTION 42. ORS 508.936 is amended to read:

508.936. (1) The system established under ORS 508.921 shall include provisions to make the vessel ocean Dungeness crab permit required by ORS 508.926 transferable:

(a) To another vessel; or

(b) To the purchaser of the vessel when the vessel is sold.

(2) The vessel to which a permit is transferred may not be:

(a) More than 10 feet longer than the vessel from which the permit is transferred; or

(b) More than 99 feet in length.

(3) Notwithstanding subsection (2) of this section, a permit issued to a vessel:

(a) Under ORS 508.931 (1)(e) shall be transferred only to a vessel that is 26 feet or less in length.

(b) May not be transferred to a vessel that is more than 10 feet longer than the vessel for which the permit was held on January 1, 2006. However, the Commercial Fishery Permit Board may waive the length restriction in this paragraph if the board finds that strict adherence to the length restriction would create undue hardship, as that term is defined by rule by the State Fish and Wildlife Commission, for the individual seeking transfer of the permit.

(4) Transfer of a permit under this section is subject to the approval of the State Department of Fish and Wildlife according to such rules as the State Fish and Wildlife Commission may adopt. Any transfer of a permit from a vessel without the written consent of each person holding a security interest in the vessel is void.

(5) For purposes of this section, the length of a vessel shall be determined by the manufacturer's specification of overall length, United States Coast Guard documentation stating overall length or a survey of overall length by a certified marine surveyor, as the State Fish and Wildlife Commission by rule shall establish.

(6) A fee of \$100 shall be charged for each transfer of a vessel permit under this section.

SECTION 43. ORS 508.941 is amended to read:

508.941. (1) The system established under ORS 508.921 shall include any other provisions for participation that the State Fish and Wildlife Commission considers appropriate.

(2) Any determination by the commission regarding the eligibility of a vessel to participate in the ocean Dungeness crab commercial fishery or to transfer participation rights is subject to review by the Commercial Fishery Permit Board, in accordance with ORS chapter 183. The board may waive the eligibility requirements contained in ORS 508.931 if the board finds that the individual fails to meet the requirements as the result of illness, fire, sinking, accident or other circumstances beyond the individual's control. In making a determination of eligibility under this section, the board shall consider the applicant's history of participation in the Oregon ocean Dungeness crab fishery. If a vessel for which application is made is owned by a person who has served in the Armed Forces of the United States and the person establishes that a service-related disability prevented the person from lawfully landing crab in two seasons during the prescribed time period, there is a rebuttable

presumption in favor of issuing an illness waiver for one of the two seasons of lawfully landing crab in Oregon required under ORS 508.931 so as to require the landing of crab in only one season during the prescribed time period. The rebuttable presumption created by this subsection may be overcome only by clear and convincing evidence that the service-related disability of the person did not prevent the person from lawfully landing crab in two seasons during the prescribed time period. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540.

(3) A commercial fishing vessel that holds a valid Washington or California permit to fish for ocean Dungeness crab shall be eligible to participate in the Oregon ocean Dungeness crab fishery provided there is reciprocal statutory authority in Washington or California that provides for equal access for vessels holding Oregon ocean Dungeness crab permits to Washington or California coastal waters and Washington waters of the Columbia River. If such reciprocal statutory authority exists, a vessel licensed by Washington or California is eligible to participate in accordance with rules that establish reciprocal border agreements that recognize traditional fishing patterns.

(4) The annual fee to participate in the ocean Dungeness crab fishery is [*\$75, except that the fee for 1995 is waived.*]:

(a) **\$125 for resident applicants.**

(b) **\$290 for nonresident applicants.**

SECTION 44. ORS 508.949 is amended to read:

508.949. (1) The annual fee for a black rockfish and blue rockfish vessel permit or a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement issued under ORS 508.947 is [*\$75*] **\$100.**

(2) Applications for a permit shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe.

(3) All fees collected under this section and ORS 508.505 (1)(b) and 508.947 shall be placed into the Black Rockfish, Blue Rockfish and Nearshore Species Research Account established in ORS 508.951.

SECTION 45. ORS 508.957 is amended to read:

508.957. (1) A black rockfish and blue rockfish vessel permit with a nearshore fish endorsement issued under ORS 508.947 may be transferred to another vessel if:

(a) The permit has been renewed a minimum of five times; and

(b) The vessel operating under the permit has made, in the previous calendar year, a minimum of five landings that contained at least 15 pounds of black rockfish, blue rockfish or nearshore fish.

(2) Notwithstanding subsection (1) of this section, a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement:

(a) May be transferred one time per calendar year to a replacement vessel that is owned by the same person that owns the vessel to which the permit was originally issued.

(b) That is issued to a vessel owned by a sole proprietor may be transferred upon the death of the sole proprietor.

(3) A black rockfish and blue rockfish vessel permit with a nearshore fish endorsement may not be transferred to a vessel that is more than five feet longer than the vessel to which the permit was originally issued.

(4) A black rockfish and blue rockfish vessel permit issued under ORS 508.947:

(a) May be transferred to another vessel except as provided in paragraph (b) of this subsection.

(b) May not be transferred to a vessel that is more than five feet longer than the vessel to which the permit was originally issued.

(5) A fee of \$100 shall be charged for each transfer of a vessel permit under this section.

SECTION 46. ORS 508.960 is amended to read:

508.960. (1) A person whose application for issuance, renewal or transfer of a permit under ORS 508.947 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The re-

quest shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of [~~\$75~~] **\$125**, which shall apply toward the permit fee if the application is approved.

(2) In accordance with the applicable provisions of ORS chapter 183, the board shall review denials of applications for issuance, transfer or renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal or transfer of permits if the board finds that the person fails to meet the requirements as the result of illness, accident or other circumstances beyond the person's control.

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

MISCELLANEOUS

SECTION 47. The unit captions used in this 2009 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2009 Act.

SECTION 48. Sections 14 and 17 of this 2009 Act and the amendments to ORS 497.022, 497.032, 497.102, 497.112, 497.121, 497.124, 497.132, 497.142, 497.151, 497.153, 497.156, 497.258, 506.462, 508.106, 508.116, 508.235, 508.285, 508.495, 508.505, 508.550, 508.700, 508.760, 508.762, 508.765, 508.790, 508.793, 508.796, 508.816, 508.822, 508.825, 508.858, 508.864, 508.867, 508.901, 508.907, 508.910, 508.936, 508.941, 508.949, 508.957 and 508.960 and section 2, chapter 460, Oregon Laws 1995, and section 1, chapter 461, Oregon Laws 2003, by sections 1 to 13, 15 and 18 to 46 of this 2009 Act apply to registrations made, and licenses, permits, tags and transfers applied for, and catch fees paid, on or after the effective date of this 2009 Act.

SECTION 49. If House Bill 2219 becomes law, section 48 of this 2009 Act is amended to read:

Sec. 48. Sections 14 and 17 of this 2009 Act and the amendments to ORS 497.022, 497.032, 497.102, 497.112, 497.121, 497.124, 497.132, 497.142, 497.151, 497.153, 497.156, 497.258, 506.462, 508.106, 508.116, 508.235, 508.285, 508.495, 508.505, 508.550, 508.700, 508.760, 508.762, 508.765, 508.790, 508.793, 508.796, 508.816, 508.822, 508.825, 508.858, 508.864, 508.867, 508.901, 508.907, 508.910, 508.936, 508.941, 508.949, 508.957 and 508.960 and section 2, chapter 460, Oregon Laws 1995, and section 1, chapter 461, Oregon Laws 2003, by sections 1, **2a** to 13, 15 and 18 to 46 of this 2009 Act apply to registrations made, and licenses, permits, tags and transfers applied for, and catch fees paid, on or after the effective date of this 2009 Act.

Passed by House June 12, 2009

Repassed by House June 29, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 27, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State