

SB 830
Relating to fishing

Senate Bill 830 authorizes the Oregon Department of Fish and Wildlife to establish an annual Columbia Basin salmonid and sturgeon recreational fishing endorsement to provide monies for the Columbia River Fisheries Enhancement Fund. This new Columbia Basin fishing endorsement fee is anticipated to raise \$2,002,000 of revenue in 2013-15. The bill also implements the Columbia River Fisheries Transition Program. The bill includes a \$2 million General Fund appropriation for implementation of this program. ODFW will use \$500,000 of this appropriation for grants to counties that establish their own programs to compensate commercial fishers that are economically harmed by the ban on gill net fishing.

The Capital Construction Subcommittee recommends Senate Bill 830 be amended and reported out do pass, as amended.

**77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY**

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: SB 830-A

Carrier – House: Rep. Kotek

Carrier – Senate: Sen. Girod

Action: Do Pass as Amended and be Printed A-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Art Ayre, Department of Administrative Services

Reviewed By: Paul Siebert, Legislative Fiscal Office

Meeting Date: July 6, 2013

Agency

Oregon Department of Fish and Wildlife

Biennium

2013-15

Budget Summary*

| | 2011-13 Legislatively Approved Budget ⁽¹⁾ | 2013-15 Current Service Level | 2013-15 Committee Recommendation | Committee Change from 2011-13 Leg. Approved | |
|--------------|---|----------------------------------|-------------------------------------|--|----------|
| | | | | \$ Change | % Change |
| General Fund | \$ 0 | \$ 0 | \$ 2,000,000 | \$ 2,000,000 | 100.0% |
| Other Funds | \$ 0 | \$ 0 | \$ 2,002,000 | \$ 2,002,000 | 100.0% |
| Total | \$ 0 | \$ 0 | \$ 4,002,000 | \$ 4,002,000 | 100.0% |

Position Summary

| | | | | |
|--------------------------------------|------|------|-------|-------|
| Authorized Positions | 0 | 0 | 26 | 26 |
| Full-time Equivalent (FTE) positions | 0.00 | 0.00 | 17.83 | 17.83 |

⁽¹⁾ Includes adjustments through December 2012

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The funding for this measure increases the Oregon Department of Fish and Wildlife General Fund support by \$2,000,000 and includes an Other Funds expenditure limitation of \$2,002,000. The Other Funds expenditure limitation allows the expenditure of funds generated through a new annual Columbia Basin salmon, steelhead and sturgeon recreational fishing endorsement.

Summary of Capital Construction Subcommittee Action

Senate Bill 830-A authorizes the Oregon Department of Fish and Wildlife (ODFW) to establish an annual Columbia Basin salmon, steelhead and sturgeon recreational fishing endorsement to provide monies for the Columbia River Fisheries Enhancement Fund. The new endorsement fee is repealed on January 2, 2022. The bill also repeals provisions related to taking food fish by fixed fishing gear or seines, as well as implements the Columbia River Fisheries Transition Program using moneys in the Columbia River Fisheries Transition Fund (CRFTF). ODFW will use \$500,000 of this appropriation for grants to counties that establish their own programs to compensate commercial fishers that are economically harmed by the ban on gill net fishing. The bill also requires ODFW to use adaptive management actions if objectives of the Commission’s gill net ban prove less effective than anticipated.

The Subcommittee approved \$2,000,000 General Fund, \$2,002,000 Other Funds expenditure limitation, and 26 limited duration positions (17.83 FTE) to carry out the provisions in Senate Bill 830-A.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

SB 830-A

Oregon Department of Fish and Wildlife
 Analyst - Art Ayre, 503-378-3108

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS | | FEDERAL FUNDS | | TOTAL ALL FUNDS | POS | FTE |
|--|---------------------|---------------|---------------------|-------------|---------------|-------------|---------------------|-----------|--------------|
| | | | LIMITED | NONLIMITED | LIMITED | NONLIMITED | | | |
| <u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u> | | | | | | | | | |
| SCR 010-06: Marine and Columbia River Fisheries | | | | | | | | | |
| Personal Services | \$ 1,050,000 | \$ 0 | \$ 926,836 | \$ 0 | \$ 0 | \$ 0 | \$ 1,976,836 | 26 | 17.83 |
| Services & Supplies | \$ 450,000 | \$ 0 | \$ 1,075,164 | \$ 0 | \$ 0 | \$ 0 | \$ 1,525,164 | | |
| Special Payments (to Counties) | \$ 500,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 500,000 | | |
| TOTAL ADJUSTMENTS | \$ 2,000,000 | \$ 0 | \$ 2,002,000 | \$ 0 | \$ 0 | \$ 0 | \$ 4,002,000 | 26 | 17.83 |
| SUBCOMMITTEE RECOMMENDATION * | \$ 2,000,000 | \$ 0 | \$ 2,002,000 | \$ 0 | \$ 0 | \$ 0 | \$ 4,002,000 | 26 | 17.83 |

| | | | | | | | | |
|---|------|------|------|------|------|------|------|------|
| % Change from 2011-13 Leg Approved Budget | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| % Change from 2013-15 Current Service Level | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |

*Excludes Capital Construction Expenditures

**PROPOSED AMENDMENTS TO
SENATE BILL 830**

1 On page 1 of the printed bill, line 3, after “money;” insert “limiting ex-
2 penditures;”.

3 After line 27, insert:
4

5 **“COLUMBIA RIVER FISH MANAGEMENT AND REFORM**
6

7 **“SECTION 3a. (1) The Legislative Assembly finds that it is the pol-
8 icy of the State of Oregon that rules as a whole related to Columbia
9 River fish management and reform that are adopted by the State Fish
10 and Wildlife Commission:**

11 **“(a) Optimize overall economic benefits to this state;**

12 **“(b) Enhance the economic viability of Oregon’s recreational and
13 commercial fisheries and the communities that rely on these fisheries;**

14 **“(c) Contribute to native fish conservation and recovery;**

15 **“(d) Promote orderly fishery management with the State of
16 Washington; and**

17 **“(e) Provide consistency with agreements made with Indian tribes
18 pursuant to state or federal court orders.**

19 **“(2) If economic, including commercial harvest, or conservation
20 objectives related to Columbia River fish management and reform
21 adopted by rule of the commission are not met, then by rule the
22 commission must provide for adaptive management actions that are**

1 designed to efficiently achieve the respective economic, including
2 commercial harvest, or conservation objectives, including but not
3 limited to:

4 “(a) Modifying or halting the schedule and degree of shifts in har-
5 vest and impact allocations specified in rules of the commission as
6 necessary to attain harvest objectives through improved harvest levels
7 in either off-channel or mainstem fisheries, within the context of na-
8 turally varying run sizes;

9 “(b) Advancing additional fishery opportunities, seasons or selective
10 fishing gear; or

11 “(c) Improving hatchery fish production or the timing, size or lo-
12 cation of hatchery fish releases.

13 “(3) As part of the rules related to Columbia River fish management
14 and reform, the commission shall establish a zone at the mouth of
15 Youngs Bay in which recreational fishing, including recreational fish-
16 ing taking place with guide boats, is prohibited in order to reduce the
17 interception of hatchery fish returning to the off-channel commercial
18 fishery in Youngs Bay. At least once every three years, the commis-
19 sion shall evaluate the impacts and effectiveness of this zone and
20 make adjustments, including the removal of the prohibition described
21 in this subsection, as necessary to meet the objectives described in
22 subsection (1) of this section.

23 “SECTION 3b. The State Fish and Wildlife Commission shall adopt
24 rules establishing the zone at the mouth of Youngs Bay pursuant to
25 section 3a (3) of this 2013 Act no later than February 1, 2014.”.

26 On page 2, line 14, delete “the loss of fishing opportunities” and insert
27 “fishing gear changes”.

28 In line 27, delete “the loss of fishing opportunities” and insert “fishing
29 gear changes”.

30 On page 3, line 12, delete “General Fund” and insert “Columbia River

1 Fisheries Enhancement Fund established under section 7 of this 2013 Act”.

2 On page 5, delete lines 28 through 45 and delete page 6.

3 On page 7, delete lines 1 through 38 and insert:

4 “(23) May by rule establish annual and daily Columbia Basin salmon,
5 steelhead and sturgeon recreational fishing endorsements with a fee not to
6 exceed \$9.75 per annual license and \$1 per day per daily license. An
7 endorsement is required to fish for salmon, steelhead or sturgeon in the
8 Columbia Basin and is in addition to and not in lieu of angling licenses and
9 tags required under the wildlife laws. Amounts collected as fees under this
10 subsection must be deposited in the Columbia River Fisheries Enhancement
11 Fund established under section 7 of this 2013 Act.

12 **“SECTION 10.** ORS 496.146, as amended by section 9 of this 2013 Act, is
13 amended to read:

14 “496.146. In addition to any other duties or powers provided by law, the
15 State Fish and Wildlife Commission:

16 “(1) May accept, from whatever source, appropriations, gifts or grants of
17 money or other property for the purposes of wildlife management, and use
18 such money or property for wildlife management purposes.

19 “(2) May sell or exchange property owned by the state and used for
20 wildlife management purposes when the commission determines that such
21 sale or exchange would be advantageous to the state wildlife policy and
22 management programs.

23 “(3) May acquire, introduce, propagate and stock wildlife species in such
24 manner as the commission determines will carry out the state wildlife policy
25 and management programs.

26 “(4) May by rule authorize the issuance of such licenses, tags and permits
27 for angling, taking, hunting and trapping and may prescribe such tagging
28 and sealing procedures as the commission determines necessary to carry out
29 the provisions of the wildlife laws or to obtain information for use in wildlife
30 management. Permits issued pursuant to this subsection may include special

1 hunting permits for a person and immediate family members of the person
2 to hunt on land owned by that person in areas where permits for deer or elk
3 are limited by quota. As used in this subsection, ‘immediate family
4 members’ means husband, wife, father, mother, brothers, sisters, sons,
5 daughters, stepchildren and grandchildren. A landowner who is qualified to
6 receive landowner preference tags from the commission may request two ad-
7 ditional tags for providing public access and two additional tags for wildlife
8 habitat programs. This request shall be made to the Access and Habitat
9 Board with supporting evidence that the access is significant and the habitat
10 programs benefit wildlife. The board may recommend that the commission
11 grant the request. When a landowner is qualified under landowner preference
12 rules adopted by the commission and receives a controlled hunt tag for that
13 unit or a landowner preference tag for the landowner’s property and does
14 not use the tag during the regular season, the landowner may use that tag
15 to take an antlerless animal, when approved by the State Department of Fish
16 and Wildlife, to alleviate damage that is presently occurring to the
17 landowner’s property.

18 “(5) May by rule prescribe procedures requiring the holder of any license,
19 tag or permit issued pursuant to the wildlife laws to keep records and make
20 reports concerning the time, manner and place of taking wildlife, the quan-
21 tities taken and such other information as the commission determines nec-
22 essary for proper enforcement of the wildlife laws or to obtain information
23 for use in wildlife management.

24 “(6) May establish special hunting and angling areas or seasons in which
25 only persons less than 18 years of age or over 65 years of age are permitted
26 to hunt or angle.

27 “(7) May acquire by purchase, lease, agreement or gift real property and
28 all appropriate interests therein for wildlife management and wildlife-
29 oriented recreation purposes.

30 “(8) May acquire by purchase, lease, agreement, gift, exercise of eminent

1 domain or otherwise real property and all interests therein and establish,
2 operate and maintain thereon public hunting areas.

3 “(9) May establish and develop wildlife refuge and management areas and
4 prescribe rules governing the use of such areas and the use of wildlife refuge
5 and management areas established and developed pursuant to any other
6 provision of law.

7 “(10) May by rule prescribe fees for licenses, tags, permits and applica-
8 tions issued or required pursuant to the wildlife laws, and user charges for
9 angling, hunting or other recreational uses of lands owned or managed by
10 the commission, unless such fees or user charges are otherwise prescribed
11 by law. Except for licenses issued pursuant to subsection (14) of this section,
12 no fee or user charge prescribed by the commission pursuant to this sub-
13 section shall exceed \$100.

14 “(11) May enter into contracts with any person or governmental agency
15 for the development and encouragement of wildlife research and management
16 programs and projects.

17 “(12) May perform such acts as may be necessary for the establishment
18 and implementation of cooperative wildlife management programs with
19 agencies of the federal government.

20 “(13) May offer and pay rewards for the arrest and conviction of any
21 person who has violated any of the wildlife laws. No such reward shall ex-
22 ceed \$100 for any one arrest and conviction.

23 “(14) May by rule prescribe fees for falconry licenses issued pursuant to
24 the wildlife laws, unless such fees are otherwise prescribed by law. Fees
25 prescribed by the commission pursuant to this subsection shall be based on
26 actual or projected costs of administering falconry regulations and shall not
27 exceed \$250.

28 “(15) May establish special fishing and hunting seasons and bag limits
29 applicable only to persons with disabilities.

30 “(16) May adopt optimum populations for deer and elk consistent with

1 ORS 496.012. These population levels shall be reviewed at least once every
2 five years.

3 “(17) Shall establish a preference system so that individuals who are un-
4 successful in controlled hunt permit drawings for deer and elk hunting have
5 reasonable assurance of success in those drawings in subsequent years. In
6 establishing the preference system, the commission shall consider giving ad-
7 ditional preference points to persons who have been issued a resident pioneer
8 hunting license pursuant to ORS 497.102.

9 “(18) May sell advertising in State Department of Fish and Wildlife pub-
10 lications, including annual hunting and angling regulation publications.

11 “(19) May, notwithstanding the fees required by ORS 497.112, provide free
12 hunting tags to an organization that sponsors hunting trips for terminally
13 ill children.

14 “(20) Shall, after consultation with the State Department of Agriculture,
15 adopt rules prohibiting the use of the World Wide Web, other Internet pro-
16 tocols or broadcast or closed circuit media to remotely control a weapon for
17 the purpose of hunting any game bird, wildlife, game mammal or other
18 mammal. The rules may exempt the State Department of Fish and Wildlife
19 or agents of the department from the prohibition.

20 “(21) May adopt rules establishing a schedule of civil penalties, not to
21 exceed \$6,500 per violation, for violations of provisions of the wildlife laws
22 or rules adopted by the commission under the wildlife laws. Civil penalties
23 established under this subsection must be imposed in the manner provided
24 by ORS 183.745 and must be deposited in the State Wildlife Fund established
25 under ORS 496.300.

26 “(22) May by rule impose a surcharge not to exceed \$25 for the renewal
27 of a hunting license on any person who fails to comply with mandatory
28 hunting reporting requirements. Amounts collected as surcharges under this
29 subsection must be deposited in the State Wildlife Fund established under
30 ORS 496.300.

1 “(23) *May by rule establish annual and daily Columbia Basin salmon,*
2 *steelhead and sturgeon recreational fishing endorsements with a fee not to ex-*
3 *ceed \$9.75 per annual license and \$1 per day per daily license. An endorsement*
4 *is required to fish for salmon, steelhead or sturgeon in the Columbia Basin*
5 *and is in addition to and not in lieu of angling licenses and tags required*
6 *under the wildlife laws. Amounts collected as fees under this subsection must*
7 *be deposited in the Columbia River Fisheries Enhancement Fund established*
8 *under section 7 of this 2013 Act.]”.*

9 After line 40, insert:

10

11 **“APPROPRIATION AND EXPENDITURE LIMITATION**

12

13 **“SECTION 12. There is appropriated to the State Department of**
14 **Fish and Wildlife, for the biennium beginning July 1, 2013, out of the**
15 **General Fund, the amount of \$2,000,000 for purposes of carrying out**
16 **the provisions of this 2013 Act.**

17 **“SECTION 13. Notwithstanding any other law limiting expenditures,**
18 **the amount of \$2,002,000 is established for the biennium beginning July**
19 **1, 2013, as the maximum limit for payment of expenses from fees,**
20 **moneys or other revenues, including Miscellaneous Receipts, but ex-**
21 **cluding lottery funds and federal funds, collected or received by the**
22 **State Department of Fish and Wildlife, for purposes of carrying out**
23 **the provisions of this 2013 Act.”.**

24 In line 44, delete “12” and insert “14”.

25 On page 8, line 5, delete “13” and insert “15”.

26