

# Senate Bill 830

Sponsored by Senators GIROD, MONROE, BATES; Senators BAERTSCHIGER JR, BOQUIST, BURDICK, HANSELL

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Repeals provisions related to taking food fish by fixed fishing gear or seines.

Directs State Department of Fish and Wildlife to establish and implement Columbia River fisheries transition program. Establishes Columbia River Fisheries Transition Fund. Continuously appropriates moneys in fund to State Fish and Wildlife Commission for purposes of program.

Establishes Columbia River Fisheries Enhancement Fund. Continuously appropriates moneys in fund to commission to implement certain measures.

Authorizes commission to establish annual Columbia Basin salmon, steelhead and sturgeon recreational fishing endorsement.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to fishing; creating new provisions; amending ORS 496.146, 506.045 and 509.230; repealing ORS 509.216; appropriating money; and declaring an emergency.

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

## FISHING GEAR

**SECTION 1. ORS 509.216 is repealed.**

**SECTION 2.** ORS 506.045 is amended to read:

506.045. There are excluded from the operation of ORS 506.129, 506.136, 507.030, 508.025, 508.285[,] **and** 509.025 (1), [*and 509.216,*] any Warm Springs, Umatilla, Yakima, Wasco, Tenino, Wyum and other Columbia River Indians affiliated with these tribes and entitled to enjoy fishing rights, who have not severed their tribal relations, in so far as it would conflict with any rights or privileges granted to such Indians under the terms of the treaties made by the United States with the Warm Springs Indians on June 25, 1855, and with the Umatilla and Yakima Indians on June 9, 1855.

**SECTION 3.** ORS 509.230 is amended to read:

509.230. (1) Subject to the conditions provided in this section[, *ORS 509.216*] and ORS chapter 513, it is unlawful to have in possession any food fish taken in the waters of the Pacific Ocean outside the territorial jurisdiction of this state by means of any fishing gear except as provided by law or rule of the State Fish and Wildlife Commission, for:

(a) The purpose of commercially packing, canning or preserving the fish.

(b) The manufacture of fish meal, fish oil or other fish products or by-products.

(c) Sale as fresh fish for general consumption.

(d) Bait.

(2) It is also unlawful to take any salmon for commercial purposes in any of the waters of the Pacific Ocean within the jurisdiction of this state or over which this state has concurrent jurisdiction by means of any fishing gear other than by "troll."

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

## COLUMBIA RIVER FISHERIES TRANSITION SUPPORT

**SECTION 4.** (1) The State Department of Fish and Wildlife shall establish and implement a Columbia River fisheries transition program, using moneys in the Columbia River Fisheries Transition Fund established under section 5 of this 2013 Act, to provide grants to assist counties to implement county programs under which:

(a) Compensation is provided to individuals who hold vessel permits issued pursuant to ORS 508.775 to 508.796 and who provide documentation of economic harm resulting from restrictions related to Columbia River fish management and reform adopted by rule of the State Fish and Wildlife Commission; and

(b) Financial assistance is provided to individuals who hold vessel permits issued pursuant to ORS 508.775 to 508.796 and who demonstrate a history of recent landings under a permit issued pursuant to ORS 508.775 to 508.796, to help offset the cost to those individuals of fishing equipment required as a result of the loss of fishing opportunities caused by restrictions related to Columbia River fish management and reform adopted by rule of the commission.

(2) Subject to available funding in the Columbia River Fisheries Transition Fund, a county qualifies for a grant under the Columbia River fisheries transition program if the county:

(a) Establishes a county program to:

(A) Compensate individuals who hold vessel permits issued pursuant to ORS 508.775 to 508.796 and who provide documentation of economic harm resulting from restrictions related to Columbia River fish management and reform adopted by rule of the commission.

(B) Provide financial assistance to individuals who hold vessel permits issued pursuant to ORS 508.775 to 508.796 and who demonstrate a history of recent landings under a permit issued pursuant to ORS 508.775 to 508.796, to help offset the cost to those individuals of fishing equipment required as a result of the loss of fishing opportunities caused by restrictions related to Columbia River fish management and reform adopted by rule of the commission.

(b) Establishes a county advisory committee to oversee the county program, consisting of at least one member who is a county commissioner, two members who hold vessel permits issued pursuant to ORS 508.775 to 508.796 or who have expertise related to commercial fisheries and two members who are not employed in the commercial fishing industry and who represent the public interest in the equitable administration of public funds.

(c) Allows all individuals who hold vessel permits issued pursuant to ORS 508.775 to 508.796 to participate in the county program.

(3) As used in this section, "economic harm" means the reduction, unrelated to environmental and market variability or personal circumstances, in the annual income of an individual who holds a vessel permit issued pursuant to ORS 508.775 to 508.796 from fishing under the permit that is due to Columbia River fish management and reform adopted by rule of the commission.

**SECTION 5.** (1) The Columbia River Fisheries Transition Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Columbia River Fisheries Transition Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Fish and Wildlife Commission to carry out the provisions

1 of section 4 of this 2013 Act.

2 (2) The commission may accept grants, donations, contributions or gifts from any source  
3 for deposit in the Columbia River Fisheries Transition Fund.

4 (3) The Columbia River Fisheries Transition Fund shall consist of:

5 (a) Moneys accepted by the commission pursuant to subsection (2) of this section.

6 (b) General Fund moneys appropriated to the Columbia River Fisheries Transition Fund  
7 by the Legislative Assembly.

8 **SECTION 6.** (1) Sections 4 and 5 of this 2013 Act are repealed on January 2, 2019.

9 (2) The Columbia River Fisheries Transition Fund established under section 5 of this 2013  
10 Act is abolished January 2, 2019.

11 (3) Any unexpended moneys remaining in the Columbia River Fisheries Transition Fund  
12 on January 2, 2019, shall be transferred to the General Fund.

13  
14 **FISHERY ENHANCEMENT ON THE COLUMBIA RIVER**

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16 **SECTION 7.** (1) The Columbia River Fisheries Enhancement Fund is established in the  
17 State Treasury, separate and distinct from the General Fund. Interest earned by the  
18 Columbia River Fisheries Enhancement Fund shall be credited to the fund. Moneys in the  
19 fund are continuously appropriated to the State Fish and Wildlife Commission to implement  
20 measures that enhance fisheries, optimize the economic benefits of fisheries and advance  
21 native fish conservation related to Columbia River fish management and reform adopted by  
22 rule of the commission.

23 (2) The commission may accept grants, donations, contributions or gifts from any source  
24 for deposit in the Columbia River Fisheries Enhancement Fund.

25 (3) The Columbia River Fisheries Enhancement Fund shall consist of:

26 (a) Moneys accepted by the commission pursuant to subsection (2) of this section.

27 (b) Fees collected by the commission under ORS 496.146 (23).

28 **SECTION 8.** (1) Section 7 of this 2013 Act is repealed on January 2, 2022.

29 (2) The Columbia River Fisheries Enhancement Fund established under section 7 of this  
30 2013 Act is abolished January 2, 2022.

31 (3) Any unexpended moneys remaining in the Columbia River Fisheries Enhancement  
32 Fund on January 2, 2022, shall be transferred to the State Wildlife Fund.

33 **SECTION 9.** ORS 496.146 is amended to read:

34 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife  
35 Commission:

36 (1) May accept, from whatever source, appropriations, gifts or grants of money or other property  
37 for the purposes of wildlife management, and use such money or property for wildlife management  
38 purposes.

39 (2) May sell or exchange property owned by the state and used for wildlife management pur-  
40 poses when the commission determines that such sale or exchange would be advantageous to the  
41 state wildlife policy and management programs.

42 (3) May acquire, introduce, propagate and stock wildlife species in such manner as the com-  
43 mission determines will carry out the state wildlife policy and management programs.

44 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,  
45 hunting and trapping and may prescribe such tagging and sealing procedures as the commission

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

16 (5) May by rule prescribe procedures requiring the holder of any license, tag or permit issued  
17 pursuant to the wildlife laws to keep records and make reports concerning the time, manner and  
18 place of taking wildlife, the quantities taken and such other information as the commission deter-  
19 mines necessary for proper enforcement of the wildlife laws or to obtain information for use in  
20 wildlife management.

21 (6) May establish special hunting and angling areas or seasons in which only persons less than  
22 18 years of age or over 65 years of age are permitted to hunt or angle.

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

25 (8) May acquire by purchase, lease, agreement, gift, exercise of eminent domain or otherwise  
26 real property and all interests therein and establish, operate and maintain thereon public hunting  
27 areas.

28 (9) May establish and develop wildlife refuge and management areas and prescribe rules gov-  
29 erning the use of such areas and the use of wildlife refuge and management areas established and  
30 developed pursuant to any other provision of law.

31 (10) May by rule prescribe fees for licenses, tags, permits and applications issued or required  
32 pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses of  
33 lands owned or managed by the commission, unless such fees or user charges are otherwise pre-  
34 scribed by law. Except for licenses issued pursuant to subsection (14) of this section, no fee or user  
35 charge prescribed by the commission pursuant to this subsection shall exceed \$100.

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

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

40 (13) May offer and pay rewards for the arrest and conviction of any person who has violated  
41 any of the wildlife laws. No such reward shall exceed \$100 for any one arrest and conviction.

42 (14) May by rule prescribe fees for falconry licenses issued pursuant to the wildlife laws, unless  
43 such fees are otherwise prescribed by law. Fees prescribed by the commission pursuant to this sub-  
44 section shall be based on actual or projected costs of administering falconry regulations and shall  
45 not exceed \$250.

1 (15) May establish special fishing and hunting seasons and bag limits applicable only to persons  
2 with disabilities.

3 (16) May adopt optimum populations for deer and elk consistent with ORS 496.012. These popu-  
4 lation levels shall be reviewed at least once every five years.

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

10 (18) May sell advertising in State Department of Fish and Wildlife publications, including annual  
11 hunting and angling regulation publications.

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

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

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

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

28 **(23) May by rule establish an annual Columbia Basin salmon, steelhead and sturgeon**  
29 **recreational fishing endorsement for a fee not to exceed \$9.50. The endorsement is required**  
30 **to fish for salmon, steelhead or sturgeon in the Columbia Basin and is in addition to and not**  
31 **in lieu of angling licenses and tags required under the wildlife laws. However, an annual**  
32 **Columbia Basin salmon, steelhead and sturgeon recreational fishing endorsement may not**  
33 **be required of a person who holds a valid angling license referred to in ORS 497.121 (1)(c) or**  
34 **(d). Amounts collected as fees under this subsection must be deposited in the Columbia River**  
35 **Fisheries Enhancement Fund established under section 7 of this 2013 Act.**

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

37 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife  
38 Commission:

39 (1) May accept, from whatever source, appropriations, gifts or grants of money or other property  
40 for the purposes of wildlife management, and use such money or property for wildlife management  
41 purposes.

42 (2) May sell or exchange property owned by the state and used for wildlife management pur-  
43 poses when the commission determines that such sale or exchange would be advantageous to the  
44 state wildlife policy and management programs.

45 (3) May acquire, introduce, propagate and stock wildlife species in such manner as the com-

1 mission determines will carry out the state wildlife policy and management programs.

2 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,  
3 hunting and trapping and may prescribe such tagging and sealing procedures as the commission  
4 determines necessary to carry out the provisions of the wildlife laws or to obtain information for  
5 use in wildlife management. Permits issued pursuant to this subsection may include special hunting  
6 permits for a person and immediate family members of the person to hunt on land owned by that  
7 person in areas where permits for deer or elk are limited by quota. As used in this subsection,  
8 "immediate family members" means husband, wife, father, mother, brothers, sisters, sons, daughters,  
9 stepchildren and grandchildren. A landowner who is qualified to receive landowner preference tags  
10 from the commission may request two additional tags for providing public access and two additional  
11 tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with  
12 supporting evidence that the access is significant and the habitat programs benefit wildlife. The  
13 board may recommend that the commission grant the request. When a landowner is qualified under  
14 landowner preference rules adopted by the commission and receives a controlled hunt tag for that  
15 unit or a landowner preference tag for the landowner's property and does not use the tag during the  
16 regular season, the landowner may use that tag to take an antlerless animal, when approved by the  
17 State Department of Fish and Wildlife, to alleviate damage that is presently occurring to the  
18 landowner's property.

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

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

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

28 (8) May acquire by purchase, lease, agreement, gift, exercise of eminent domain or otherwise  
29 real property and all interests therein and establish, operate and maintain thereon public hunting  
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31 (9) May establish and develop wildlife refuge and management areas and prescribe rules gov-  
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34 (10) May by rule prescribe fees for licenses, tags, permits and applications issued or required  
35 pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses of  
36 lands owned or managed by the commission, unless such fees or user charges are otherwise pre-  
37 scribed by law. Except for licenses issued pursuant to subsection (14) of this section, no fee or user  
38 charge prescribed by the commission pursuant to this subsection shall exceed \$100.

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

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

43 (13) May offer and pay rewards for the arrest and conviction of any person who has violated  
44 any of the wildlife laws. No such reward shall exceed \$100 for any one arrest and conviction.

45 (14) May by rule prescribe fees for falconry licenses issued pursuant to the wildlife laws, unless

1 such fees are otherwise prescribed by law. Fees prescribed by the commission pursuant to this sub-  
2 section shall be based on actual or projected costs of administering falconry regulations and shall  
3 not exceed \$250.

4 (15) May establish special fishing and hunting seasons and bag limits applicable only to persons  
5 with disabilities.

6 (16) May adopt optimum populations for deer and elk consistent with ORS 496.012. These popu-  
7 lation levels shall be reviewed at least once every five years.

8 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled  
9 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those  
10 drawings in subsequent years. In establishing the preference system, the commission shall consider  
11 giving additional preference points to persons who have been issued a resident pioneer hunting li-  
12 cense pursuant to ORS 497.102.

13 (18) May sell advertising in State Department of Fish and Wildlife publications, including annual  
14 hunting and angling regulation publications.

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

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

22 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-  
23 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the  
24 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-  
25 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS  
26 496.300.

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

31 *[(23) May by rule establish an annual Columbia Basin salmon, steelhead and sturgeon recreational*  
32 *fishing endorsement for a fee not to exceed \$9.50. The endorsement is required to fish for salmon,*  
33 *steelhead or sturgeon in the Columbia Basin and is in addition to and not in lieu of angling licenses*  
34 *and tags required under the wildlife laws. However, an annual Columbia Basin salmon, steelhead and*  
35 *sturgeon recreational fishing endorsement may not be required of a person who holds a valid angling*  
36 *license referred to in ORS 497.121 (1)(c) or (d). Amounts collected as fees under this subsection must*  
37 *be deposited in the Columbia River Fisheries Enhancement Fund established under section 7 of this*  
38 *2013 Act.]*

39 **SECTION 11. The amendments to ORS 496.146 by section 10 of this 2013 Act become op-**  
40 **erative on January 2, 2022.**

#### 41 MISCELLANEOUS

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44 **SECTION 12. The unit captions used in this 2013 Act are provided only for the conven-**  
45 **ience of the reader and do not become part of the statutory law of this state or express any**

1 **legislative intent in the enactment of this 2013 Act.**

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**EMERGENCY**

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5 **SECTION 13. This 2013 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
7 **on its passage.**

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