

A-Engrossed
House Bill 2361

Ordered by the House April 8
Including House Amendments dated April 8

Sponsored by Representative SMITH DB (Pre-session filed.)

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.

Requires State Fish and Wildlife Commission to establish and prescribe fees for multiyear resident and nonresident hunting licenses. Sets agent fee for issuance of each multiyear license at \$5.
Becomes operative January 1, 2022.

A BILL FOR AN ACT

1
2 Relating to hunting; creating new provisions; and amending ORS 496.146 and 497.022.

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

4 **SECTION 1.** ORS 496.146, as amended by section 3, chapter 100, Oregon Laws 2018, is amended
5 to read:

6 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife
7 Commission:

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

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

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

16 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,
17 hunting and trapping and may prescribe such tagging and sealing procedures as the commission
18 determines necessary to carry out the provisions of the wildlife laws or to obtain information for
19 use in wildlife management. Permits issued pursuant to this subsection may include special hunting
20 permits for a person and immediate family members of the person to hunt on land owned by that
21 person in areas where permits for deer or elk are limited by quota. As used in this subsection,
22 "immediate family members" means spouses in a marriage, parents, brothers, brothers-in-law, sisters,
23 sisters-in-law, sons, sons-in-law, daughters, daughters-in-law, stepchildren and grandchildren. A
24 landowner who is qualified to receive landowner preference tags from the commission may request
25 two additional tags for providing public access and two additional tags for wildlife habitat programs.
26 This request shall be made to the Access and Habitat Board with supporting evidence that the ac-
27 cess is significant and the habitat programs benefit wildlife. The board may recommend that the
28 commission grant the request. When a landowner is qualified under landowner preference rules

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

1 adopted by the commission and receives a controlled hunt tag for that unit or a landowner prefer-
2 ence tag for the landowner's property and does not use the tag during the regular season, the
3 landowner may use that tag to take an antlerless animal, when approved by the State Department
4 of Fish and Wildlife, to alleviate damage that is presently occurring to the landowner's property.

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

10 (6) May establish special hunting and angling areas or seasons in which only persons less than
11 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

20 (10) May by rule prescribe fees for licenses, tags, permits and applications issued or required
21 pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses of
22 lands owned or managed by the commission, unless such fees or user charges are otherwise pre-
23 scribed by law. No fee or user charge prescribed by the commission pursuant to this subsection shall
24 exceed \$250.

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

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

29 (13) May offer and pay rewards for the arrest and conviction of any person who has violated
30 any of the wildlife laws. No such reward shall exceed \$1,000 for any one arrest and conviction.

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

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

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

39 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled
40 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
41 drawings in subsequent years. In establishing the preference system, the commission shall consider
42 giving additional preference points to persons who have been issued a resident annual pioneer
43 combination license pursuant to ORS 497.132.

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

1 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
2 organization that sponsors hunting trips for terminally ill children. Except as provided under section
3 2, chapter 100, Oregon Laws 2018, the State Department of Fish and Wildlife may not issue more
4 than 15 tags annually under this subsection.

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

10 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
11 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
12 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
13 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
14 496.300.

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

19 (23) May by rule establish annual and daily Columbia Basin salmon, steelhead and sturgeon
20 recreational fishing endorsements with a fee not to exceed \$9.75 per annual license and \$1 per day
21 per daily license. An endorsement is required to fish for salmon, steelhead or sturgeon in portions
22 of the Columbia Basin as designated by rule and is in addition to and not in lieu of angling licenses
23 and tags required under the wildlife laws. Amounts collected as fees under this subsection must be
24 deposited in the Columbia River Fisheries Enhancement Fund established under section 7, chapter
25 672, Oregon Laws 2013.

26 (24) *[May by rule establish multiyear licenses and may prescribe fees for such licenses.]* **Shall by**
27 **rule establish and prescribe fees for multiyear licenses, including multiyear resident and**
28 **nonresident hunting licenses.** Fees prescribed by the commission for multiyear licenses may pro-
29 vide for a discount from the annual license fees that would otherwise be payable for the period of
30 time covered by the multiyear license.

31 (25) May by rule establish a program to offer unique fishing opportunities through drawings,
32 raffles or auctions and charge application and participation fees for the program.

33 **SECTION 2.** ORS 496.146, as amended by section 10, chapter 672, Oregon Laws 2013, section
34 52, chapter 629, Oregon Laws 2015, section 8, chapter 779, Oregon Laws 2015, and section 4, chapter
35 100, Oregon Laws 2018, is amended to read:

36 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife
37 Commission:

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

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

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

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

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

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

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

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

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

33 (10) May by rule prescribe fees for licenses, tags, permits and applications issued or required
34 pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses of
35 lands owned or managed by the commission, unless such fees or user charges are otherwise pre-
36 scribed by law. No fee or user charge prescribed by the commission pursuant to this subsection shall
37 exceed \$250.

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

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

42 (13) May offer and pay rewards for the arrest and conviction of any person who has violated
43 any of the wildlife laws. No such reward shall exceed \$1,000 for any one arrest and conviction.

44 (14) May by rule prescribe fees for falconry licenses issued pursuant to the wildlife laws, unless
45 such fees are otherwise prescribed by law. Fees prescribed by the commission pursuant to this sub-

1 section shall be based on actual or projected costs of administering falconry regulations and shall
2 not exceed \$250.

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

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

7 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled
8 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
9 drawings in subsequent years. In establishing the preference system, the commission shall consider
10 giving additional preference points to persons who have been issued a resident annual pioneer
11 combination license pursuant to ORS 497.132.

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

14 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
15 organization that sponsors hunting trips for terminally ill children. Except as provided under section
16 2, chapter 100, Oregon Laws 2018, the State Department of Fish and Wildlife may not issue more
17 than 15 tags annually under this subsection.

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

23 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
24 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
25 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
26 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
27 496.300.

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

32 (23) *[May by rule establish multiyear licenses and may prescribe fees for such licenses.]* **Shall by**
33 **rule establish and prescribe fees for multiyear licenses, including multiyear resident and**
34 **nonresident hunting licenses.** Fees prescribed by the commission for multiyear licenses may pro-
35 vide for a discount from the annual license fees that would otherwise be payable for the period of
36 time covered by the multiyear license.

37 (24) May by rule establish a program to offer unique fishing opportunities through drawings,
38 raffles or auctions and charge application and participation fees for the program.

39 **SECTION 3.** ORS 497.022 is amended to read:

40 497.022. (1) The State Fish and Wildlife Commission may appoint agents to issue any of the li-
41 censes, tags or permits the commission is authorized by law to issue. The commission shall prescribe
42 the procedure for the issuance of such licenses, tags and permits. Agents of the commission shall
43 issue licenses, tags and permits in accordance with the prescribed procedure and shall charge and
44 collect the fees prescribed by law therefor.

45 (2)(a) As part of the fees prescribed in the fee schedule under ORS 497.061 and in addition to

1 fees otherwise prescribed by law for the issuance of a license, tag or permit, the issuing agent shall
2 charge and collect:

3 (A) For each resident annual sportspac license issued pursuant to ORS 497.132 (3)(a) and (4)(a),
4 \$5.

5 (B) For each nonresident annual hunting license issued pursuant to ORS 497.102, \$10.

6 (C) For each nonresident annual deer tag, nonresident annual elk tag, nonresident annual black
7 bear tag, nonresident annual mountain goat tag, nonresident annual mountain sheep tag and non-
8 resident annual antelope tag issued pursuant to ORS 497.112 (1), \$10.

9 **(D) For each multiyear hunting license issued pursuant to ORS 496.146, \$5.**

10 [(D)] (E) For any other license, tag or permit, \$2 each.

11 (b) If the agent is a county clerk, the agent shall deposit the agent fees provided for in this
12 section in the general fund of the county for which the agent is the clerk. If the agent is an em-
13 ployee of the State Department of Fish and Wildlife, the agent fees shall be deposited in the State
14 Wildlife Fund. Agents other than county clerks or department employees who issue licenses without
15 the use of a state computerized licensing system may retain the agent fees for their license tag or
16 permit issuance services. Agents other than county clerks or department employees who issue li-
17 censes, tags or permits using a state computerized licensing system may retain a portion of the
18 agent fees not less than:

19 (A) For each resident annual sportspac license issued pursuant to ORS 497.132 (3)(a) and (4)(a),
20 \$2.50.

21 (B) For each nonresident annual hunting license issued pursuant to ORS 497.102, \$7.50.

22 (C) For each nonresident annual deer tag, nonresident annual elk tag, nonresident annual black
23 bear tag, nonresident annual mountain goat tag, nonresident annual mountain sheep tag and non-
24 resident annual antelope tag issued pursuant to ORS 497.112 (1), \$7.50.

25 **(D) For each multiyear hunting license issued pursuant to ORS 496.146, \$5.**

26 [(D)] (E) For any other license, tag or permit, as may be specified by contract between the de-
27 partment and the agent for license, tag or permit issuance service performed by the agent, \$1 each.

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

33 **SECTION 4. (1) The amendments to ORS 496.146 and 497.022 by sections 1 to 3 of this 2019**
34 **Act become operative on January 1, 2022.**

35 **(2) The State Fish and Wildlife Commission may take any action before the operative**
36 **date specified in subsection (1) of this section that is necessary to enable the commission to**
37 **exercise, on and after the operative date specified in subsection (1) of this section, all of the**
38 **duties, functions and powers conferred on the commission by the amendments to ORS 496.146**
39 **and 497.022 by sections 1 to 3 of this 2019 Act.**

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