

House Bill 2361

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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to hunting; 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
29 adopted by the commission and receives a controlled hunt tag for that unit or a landowner prefer-
30 ence tag for the landowner's property and does not use the tag during the regular season, the
31 landowner may use that tag to take an antlerless animal, when approved by the State Department

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 of Fish and Wildlife, to alleviate damage that is presently occurring to the landowner's property.

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

7 (6) May establish special hunting and angling areas or seasons in which only persons less than
8 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

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

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

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

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

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

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

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

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

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

43 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
44 organization that sponsors hunting trips for terminally ill children. Except as provided under section
45 2, chapter 100, Oregon Laws 2018, the State Department of Fish and Wildlife may not issue more

1 than 15 tags annually under this subsection.

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

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

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

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

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

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

30 **SECTION 2.** ORS 496.146, as amended by section 10, chapter 672, Oregon Laws 2013, section
 31 52, chapter 629, Oregon Laws 2015, section 8, chapter 779, Oregon Laws 2015, and section 4, chapter
 32 100, Oregon Laws 2018, is amended to read:

33 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife
 34 Commission:

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

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

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

43 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,
 44 hunting and trapping and may prescribe such tagging and sealing procedures as the commission
 45 determines necessary to carry out the provisions of the wildlife laws or to obtain information for

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

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

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

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

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

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

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

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

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

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

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

45 (15) May establish special fishing and hunting seasons and bag limits applicable only to persons

1 with disabilities.

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

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

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

11 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
 12 organization that sponsors hunting trips for terminally ill children. Except as provided under section
 13 2, chapter 100, Oregon Laws 2018, the State Department of Fish and Wildlife may not issue more
 14 than 15 tags annually under this subsection.

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

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

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

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

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

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

37 497.022. (1) The State Fish and Wildlife Commission may appoint agents to issue any of the li-
 38 censes, tags or permits the commission is authorized by law to issue. The commission shall prescribe
 39 the procedure for the issuance of such licenses, tags and permits. Agents of the commission shall
 40 issue licenses, tags and permits in accordance with the prescribed procedure and shall charge and
 41 collect the fees prescribed by law therefor.

42 (2)(a) As part of the fees prescribed in the fee schedule under ORS 497.061 and in addition to
 43 fees otherwise prescribed by law for the issuance of a license, tag or permit, the issuing agent shall
 44 charge and collect:

45 (A) For each resident annual sportspac license issued pursuant to ORS 497.132 (3)(a) and (4)(a),

1 \$5.

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

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

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

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

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

16 (A) For each resident annual sportspac license issued pursuant to ORS 497.132 (3)(a) and (4)(a),
17 \$2.50.

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

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

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

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

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

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