

Senate Bill 42

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Department of Fish and Wildlife)

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**.

Eliminates sunset for funding dedicated to State Department of Fish and Wildlife fish restoration and enhancement program. Eliminates sunset on dedicating portion of certain angling license fee moneys for expenditure under program. Eliminates sunset on fee surcharges for certain trolling and gillnet permits imposed for expenditure under program. Eliminates sunset on additional fee for landing of certain fish species imposed for expenditure under program.

Changes criteria for appointment of Restoration and Enhancement Board members. Changes meeting requirement for board.

Eliminates sunset on Columbia River Fisheries Enhancement Fund. Eliminates sunset on State Fish and Wildlife Commission authority to charge for endorsements to certain Columbia River Basin fishing licenses and deposit endorsement moneys to fund. Makes youth license and pioneer license exemptions from endorsement charges permanent.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to fish resource programs; creating new provisions; amending ORS 496.146, 496.283, 496.286
3 and 496.289 and sections 4, 6 and 8, chapter 512, Oregon Laws 1989, and section 22, chapter 779,
4 Oregon Laws 2015; repealing sections 8 and 11, chapter 672, Oregon Laws 2013; and prescribing
5 an effective date.

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

FISH RESTORATION AND ENHANCEMENT

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8
9
10 **SECTION 1.** ORS 496.283 is amended to read:

11 496.283. (1) Notwithstanding ORS 506.306, all moneys received by the State Fish and Wildlife
12 Commission pursuant to sections 4, 6 and 8, chapter 512, Oregon Laws 1989, shall be deposited in
13 a separate subaccount in the State Wildlife Fund. Except as provided in subsection (2) of this sec-
14 tion, moneys in the subaccount may be expended only for *[the department's]* **State Department of**
15 **Fish and Wildlife** fish restoration and enhancement programs for the benefit of the fish resources
16 of this state.

17 (2) Fees collected from salmon ranching permits authorized under ORS 508.700 to 508.745 *[will]*
18 **may** not be commingled with public fishery funds collected and deposited in the subaccount referred
19 to in this section. Notwithstanding any other provision of law, *[these funds will be used]* **the de-**
20 **partment shall use moneys from salmon ranching permits authorized under ORS 508.700 to**
21 **508.745** to monitor the effect and impact of private salmon ranching on the fishery resources of
22 Oregon.

23 (3) The department:

24 (a) *[shall]* **May** not divert *[present]* budgeted funds to other projects as funds pursuant to

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 sections 4, 6 and 8, chapter 512, Oregon Laws 1989, become available.

2 (b) *[and shall not embark on new programs not]* **May use the subaccount moneys only for**
 3 **programs** vital to the restoration of Oregon fisheries as required by Oregon Revised Statutes and
 4 administrative rules. *[The department shall]*

5 (c) **May** not assess *[its]* **department** personnel costs in the administration of *[chapter 512,*
 6 *Oregon Laws 1989,]* **activities benefiting fish restoration and enhancement programs** against
 7 the subaccount referred to in this section without the prior approval of the Restoration and En-
 8 hancement Board.

9 **SECTION 2.** ORS 496.286 is amended to read:

10 496.286. (1) There is established within the State Department of Fish and Wildlife the Restora-
 11 tion and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife
 12 Commission.

13 (2) Three members shall be appointed to represent the ocean and inland recreational fisheries.
 14 In making appointments pursuant to this subsection, the commission shall consider recommendations
 15 from the State Fish and Wildlife Director.

16 (3) Three members of the board shall be appointed to represent the commercial *[troll and gillnet*
 17 *fisheries and the fish processing]* **salmon** industry. In making appointments pursuant to this sub-
 18 section, the commission shall consider recommendations from the State Fish and Wildlife Director.

19 (4) One member of the board shall be appointed to represent the public.

20 (5) A member of the board shall receive no compensation for services as a member. However,
 21 subject to any applicable law regulating travel and other expenses of state officers and employees,
 22 a member shall be reimbursed for actual and necessary travel and other expenses incurred in the
 23 performance of official duties from such moneys made available by sections 4, 6 and 8, chapter 512,
 24 Oregon Laws 1989.

25 (6) The term of office of a member of the board is four years. A member of the board is eligible
 26 for reappointment.

27 (7) An official action of the board may be taken only upon the affirmative vote of four members.

28 (8) The board shall select such officers for such terms and with such duties and powers as the
 29 board considers necessary for the performance of those offices.

30 (9) **Subject to ORS 496.289 (2)**, the board shall meet at such times and at such places as may
 31 be determined by the chair or by the majority of the members of the board.

32 **SECTION 3.** ORS 496.289 is amended to read:

33 496.289. *[(1) The Restoration and Enhancement Board shall meet, adopt and recommend to the*
 34 *State Fish and Wildlife Commission, within 120 days after July 1, 1989, and at not more than 120-day*
 35 *intervals thereafter, fish restoration and enhancement programs.]*

36 **(1) As used in this section:**

37 **(a) "Enhancement" includes, but is not limited to, the following activities:**

38 **(A) Angler access.**

39 **(B) New fishways and screens.**

40 **(C) Habitat.**

41 **(D) New hatchery equipment and technology.**

42 **(E) Public education.**

43 **(F) Aquatic inventories.**

44 **(b) "Restoration" includes, but is not limited to, the following activities:**

45 **(A) Modification of existing fishways and existing screens.**

1 **(B) Hatchery restoration.**

2 **(C) Liberation equipment.**

3 **(2) The Restoration and Enhancement Board shall meet at least four times each**
 4 **biennium.**

5 **(3) The board shall adopt recommendations regarding fish restoration and enhancement**
 6 **programs and present the recommendations to the State Fish and Wildlife Commission.**

7 [(2)] **(4)** The commission shall review [*such*] **fish restoration and enhancement** programs and
 8 may approve or disapprove [*any or all*] program recommendations **made** by the board. Funds may
 9 be expended from the subaccount referred to in ORS 496.283 for projects that have been approved
 10 by the commission.

11 [(3)] **(5)** The State Department of Fish and Wildlife and the board jointly shall submit to each
 12 odd-numbered year regular session of the Legislative Assembly a report on expenditure of funds for
 13 the fish restoration and enhancement program and on the status of various projects.

14 [(4)] **(6)** In recommending fish restoration and enhancement programs, the board shall:

15 (a) Recommend a mix of projects that provide a balance between restoration and enhancement
 16 benefits.

17 (b) Recommend projects that are to be implemented by the salmon and trout enhancement pro-
 18 gram and nonprofit organizations engaged in approved restoration and enhancement activities.

19 (c) Encourage projects that result in obtaining matching funds from other sources.

20 [(5)] **(7)** All moneys made available for the fish restoration and enhancement program from funds
 21 received under sections 4, 6 and 8, chapter 512, Oregon Laws 1989, and from gifts and grants made
 22 to carry out the fish restoration and enhancement program may be expended only if recommended
 23 by the board and approved by the commission. Such amounts may be expended:

24 (a) On programs benefiting the commercial fishing industry in the same proportion as revenues
 25 received from surcharges under sections 6 and 8, chapter 512, Oregon Laws 1989, bear to the total
 26 amount of surcharge revenues.

27 (b) On programs benefiting recreational angling in the same proportion as revenues received
 28 from the dedication under section 4, chapter 512, Oregon Laws 1989, bear to the total amount of
 29 dedicated revenues.

30 [(6)] **(8)** The board may accept, from whatever source, gifts or grants for the purposes of fish
 31 restoration and enhancement. All moneys so accepted shall be deposited in the subaccount referred
 32 to in ORS 496.283. Unless otherwise required by the terms of a gift or grant, gifts or grants shall
 33 be expended as provided in subsection [(5)] **(7)** of this section.

34 [(7) *As used in this section:*]

35 [(a) *“Enhancement” includes, but is not limited to, the following activities:*]

36 [(A) *Angler access.*]

37 [(B) *New fishways and screens.*]

38 [(C) *Habitat.*]

39 [(D) *New hatchery equipment and technology.*]

40 [(E) *Public education.*]

41 [(F) *Aquatic inventories.*]

42 [(b) *“Restoration” includes, but is not limited to, the following activities:*]

43 [(A) *Modification of existing fishways and existing screens.*]

44 [(B) *Hatchery restoration.*]

45 [(C) *Liberation equipment.*]

1 **SECTION 4.** Section 4, chapter 512, Oregon Laws 1989, as amended by section 1, chapter 184,
 2 Oregon Laws 1991, section 3, chapter 619, Oregon Laws 1993, section 9, chapter 8, Oregon Laws
 3 1997, section 11, chapter 1006, Oregon Laws 1999, section 1, chapter 643, Oregon Laws 2003, section
 4 1, chapter 765, Oregon Laws 2009, and section 16, chapter 779, Oregon Laws 2015, is amended to
 5 read:

6 **Sec. 4.** Notwithstanding any other provision of the wildlife laws [*and during the period begin-*
 7 *ning January 1, 1998, and ending December 31, 2019*], of the moneys received from the sale of the
 8 following licenses, the following amounts shall be deposited as provided for in ORS 496.283:

- 9 (1) Resident annual combination license issued under ORS 497.132, \$4.
- 10 (2) Resident annual angling license issued under ORS 497.121 (1)(a), \$4.
- 11 (3) Angling license to angle for one day issued under ORS 497.121 (1)(d), \$2.
- 12 (4) Angling and shellfish license to angle and take shellfish for one day issued under ORS
 13 497.121 (1)(e), \$2.
- 14 (5) Angling license to angle for two days issued under ORS 497.121 (1)(f), \$2.
- 15 (6) Angling license to angle for three days issued under ORS 497.121 (1)(g), \$2.
- 16 (7) Nonresident annual angling license issued under ORS 497.121 (1)(b), \$10.
- 17 (8) Nonresident angling license to angle for seven consecutive days issued under ORS 497.121
 18 (1)(c), \$5.

19 **SECTION 5.** Section 6, chapter 512, Oregon Laws 1989, as amended by section 2, chapter 184,
 20 Oregon Laws 1991, section 10, chapter 8, Oregon Laws 1997, section 2, chapter 643, Oregon Laws
 21 2003, and section 3, chapter 765, Oregon Laws 2009, is amended to read:

22 **Sec. 6.** In addition to the fees otherwise prescribed by law, the issuer of each of the following
 23 permits shall charge and collect **the following surcharges** each time the permit is issued[, *during*
 24 *the period beginning January 1, 1998, and ending December 31, 2019, the following surcharges*]:

- 25 (1) Ocean Troll Salmon Fishery permit issued under ORS 508.816, \$65.
- 26 (2) Columbia River Gillnet Fishery permit issued under ORS 508.790, \$74.

27 **SECTION 6.** Section 8, chapter 512, Oregon Laws 1989, as amended by section 3, chapter 184,
 28 Oregon Laws 1991, section 11, chapter 8, Oregon Laws 1997, section 3, chapter 643, Oregon Laws
 29 2003, section 4, chapter 765, Oregon Laws 2009, and section 5, chapter 734, Oregon Laws 2015, is
 30 amended to read:

31 **Sec. 8.** In addition to the ad valorem fee prescribed by law, [*during the period beginning January*
 32 *1, 1998, and ending December 31, 2019,*] there shall be paid for each fish species referred to in ORS
 33 508.505 (1)(a), an additional fee of four cents per pound. The ad valorem fee referred to in this
 34 section is subject to ORS 508.505 to 508.540.

35 36 **COLUMBIA RIVER FISHERIES ENHANCEMENT FUND**

37
38 **SECTION 7. Sections 8 and 11, chapter 672, Oregon Laws 2013, are repealed.**

39 **SECTION 8.** ORS 496.146, as amended by section 10, chapter 672, Oregon Laws 2013, section
 40 52, chapter 629, Oregon Laws 2015, section 8, chapter 779, Oregon Laws 2015, and section 4, chapter
 41 100, Oregon Laws 2018, is amended to read:

42 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife
 43 Commission:

- 44 (1) May accept, from whatever source, appropriations, gifts or grants of money or other property
 45 for the purposes of wildlife management, and use such money or property for wildlife management

1 purposes.

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

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

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

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

29 (6) May establish special hunting and angling areas or seasons in which only persons less than
30 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

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

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

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

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

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

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

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

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

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

20 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
21 organization that sponsors hunting trips for terminally ill children. Except as provided under section
22 2, chapter 100, Oregon Laws 2018, the State Department of Fish and Wildlife may not issue more
23 than 15 tags annually under this subsection.

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

29 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
30 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
31 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
32 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
33 496.300.

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

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

45 [(23)] (24) May by rule establish multiyear licenses and may prescribe fees for such licenses.

1 Fees prescribed by the commission for multiyear licenses may provide for a discount from the annual
2 license fees that would otherwise be payable for the period of time covered by the multiyear license.

3 [(24)] (25) May by rule establish a program to offer unique fishing opportunities through
4 drawings, raffles or auctions and charge application and participation fees for the program.

5 **SECTION 9.** Section 22, chapter 779, Oregon Laws 2015, is amended to read:

6 **Sec. 22.** *[For the period beginning January 1, 2016, and ending December 31, 2021,]* The youth
7 license under *[section 21 of this 2015 Act]* **ORS 497.127** and the pioneer combination license under
8 ORS 497.132 *[shall]* include authorization for the purchaser to engage in angling activities for which
9 an endorsement to fish for salmon, steelhead or sturgeon in the Columbia Basin under ORS 496.146
10 is required.

11
12 **CAPTIONS**

13
14 **SECTION 10.** **The unit captions used in this 2019 Act are provided only for the conven-**
15 **ience of the reader and do not become part of the statutory law of this state or express any**
16 **legislative intent in the enactment of this 2019 Act.**

17
18 **EFFECTIVE DATE**

19
20 **SECTION 11.** **This 2019 Act takes effect on the 91st day after the date on which the 2019**
21 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

22
