House Bill 2762

Sponsored by Representative SMITH DB (Presession 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 amount of agent fee for issuance of each multiyear license.

Becomes operative January 1, 2023.

A BILL FOR AN ACT

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

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

SECTION 1. ORS 496.146 is amended to read:

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

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

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

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

(4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking, hunting and trapping and may prescribe such tagging and sealing procedures as the commission determines necessary to carry out the provisions of the wildlife laws or to obtain information for use in wildlife management. Permits issued pursuant to this subsection may include special hunting permits for a person and immediate family members of the person to hunt on land owned by that person in areas where permits for deer or elk are limited by quota. As used in this subsection, “immediate family members” means spouses in a marriage, parents, brothers, brothers-in-law, sisters, sisters-in-law, sons, sons-in-law, daughters, daughters-in-law, stepchildren and grandchildren. A landowner who is qualified to receive landowner preference tags from the commission may request two additional tags for providing public access and two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. When a landowner is qualified under landowner preference rules adopted by the commission and receives a controlled hunt tag for that unit or a landowner preference tag for the landowner's property and does not use the tag during the regular season, the 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) Shall establish a preference system so that individuals who are unsuccessful in controlled hunt permit drawings for deer and elk hunting have reasonable assurance of success in those drawings in subsequent years. In establishing the preference system, the commission shall consider giving additional preference points to persons who have been issued a resident annual pioneer combination license pursuant to ORS 497.132 or resident disabled veteran hunting license under ORS 497.102.

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

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

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

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

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

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

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

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

SECTION 2, ORS 496.146, as amended by section 10, chapter 672, Oregon Laws 2013, section 52, chapter 629, Oregon Laws 2015, section 8, chapter 779, Oregon Laws 2015, section 4, chapter 100, Oregon Laws 2018, and section 2, chapter 82, Oregon Laws 2019, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) May by rule prescribe fees for falconry licenses issued pursuant to the wildlife laws, unless
such fees are otherwise prescribed by law. Fees prescribed by the commission pursuant to this sub-
section shall be based on actual or projected costs of administering falconry regulations and shall
not exceed $250.
May establish special fishing and hunting seasons and bag limits applicable only to persons with disabilities.

May adopt optimum populations for deer and elk consistent with ORS 496.012. These population levels shall be reviewed at least once every five years.

Shall establish a preference system so that individuals who are unsuccessful in controlled hunt permit drawings for deer and elk hunting have reasonable assurance of success in those drawings in subsequent years. In establishing the preference system, the commission shall consider giving additional preference points to persons who have been issued a resident annual pioneer combination license pursuant to ORS 497.132 or resident disabled veteran hunting license under ORS 497.102.

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

May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an organization that sponsors hunting trips for terminally ill children. Except as provided under ORS 497.116, the State Department of Fish and Wildlife may not issue more than 15 tags annually under this subsection.

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

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

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

May by rule establish multiyear licenses and may prescribe fees for such licenses. Shall by rule establish and prescribe fees for multiyear licenses, including multiyear resident and nonresident hunting licenses. Fees prescribed by the commission for multiyear licenses may provide for a discount from the annual license fees that would otherwise be payable for the period of time covered by the multiyear license.

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

SECTION 3. ORS 497.022 is amended to read:

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

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

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

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

(C) For each nonresident annual deer tag, nonresident annual elk tag, nonresident annual black bear tag, nonresident annual mountain goat tag, nonresident annual mountain sheep tag and nonresident annual antelope tag issued pursuant to ORS 497.112 (1), $10.

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

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

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

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

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

(C) For each nonresident annual deer tag, nonresident annual elk tag, nonresident annual black bear tag, nonresident annual mountain goat tag, nonresident annual mountain sheep tag and nonresident annual antelope tag issued pursuant to ORS 497.112 (1), $7.50.

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

[(D)] (E) For any other license, tag or permit, or for other provided services, as may be specified by contract between the department and the agent for license, tag or permit issuance service or other services performed by the agent, $1 each.

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

SECTION 4. (1) The amendments to ORS 496.146 and 497.022 by sections 1 to 3 of this 2021 Act become operative on January 1, 2023.

(2) The State Fish and Wildlife Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by the amendments to ORS 496.146 and 497.022 by sections 1 to 3 of this 2021 Act.