

# House Bill 2762

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 amount of agent fee for issuance of each multiyear license.

Becomes operative January 1, 2023.

## 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 is amended to read:

5 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife  
6 Commission:

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

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

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

15 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,  
16 hunting and trapping and may prescribe such tagging and sealing procedures as the commission  
17 determines necessary to carry out the provisions of the wildlife laws or to obtain information for  
18 use in wildlife management. Permits issued pursuant to this subsection may include special hunting  
19 permits for a person and immediate family members of the person to hunt on land owned by that  
20 person in areas where permits for deer or elk are limited by quota. As used in this subsection,  
21 "immediate family members" means spouses in a marriage, parents, brothers, brothers-in-law, sisters,  
22 sisters-in-law, sons, sons-in-law, daughters, daughters-in-law, stepchildren and grandchildren. A  
23 landowner who is qualified to receive landowner preference tags from the commission may request  
24 two additional tags for providing public access and two additional tags for wildlife habitat programs.  
25 This request shall be made to the Access and Habitat Board with supporting evidence that the ac-  
26 cess is significant and the habitat programs benefit wildlife. The board may recommend that the  
27 commission grant the request. When a landowner is qualified under landowner preference rules  
28 adopted by the commission and receives a controlled hunt tag for that unit or a landowner prefer-  
29 ence tag for the landowner's property and does not use the tag during the regular season, the  
30 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 or resident disabled veteran hunting license under ORS  
41 497.102.

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

44 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an  
45 organization that sponsors hunting trips for terminally ill children. Except as provided under ORS

1 497.116, the State Department of Fish and Wildlife may not issue more than 15 tags annually under  
2 this subsection.

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

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

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

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

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

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

31 **SECTION 2.** ORS 496.146, as amended by section 10, chapter 672, Oregon Laws 2013, section  
32 52, chapter 629, Oregon Laws 2015, section 8, chapter 779, Oregon Laws 2015, section 4, chapter 100,  
33 Oregon Laws 2018, and section 2, chapter 82, Oregon Laws 2019, 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 spouses in a marriage, parents, brothers, brothers-in-law, sisters,  
6 sisters-in-law, sons, sons-in-law, daughters, daughters-in-law, stepchildren and grandchildren. A  
7 landowner who is qualified to receive landowner preference tags from the commission may request  
8 two additional tags for providing public access and two additional tags for wildlife habitat programs.  
9 This request shall be made to the Access and Habitat Board with supporting evidence that the ac-  
10 cess is significant and the habitat programs benefit wildlife. The board may recommend that the  
11 commission grant the request. When a landowner is qualified under landowner preference rules  
12 adopted by the commission and receives a controlled hunt tag for that unit or a landowner prefer-  
13 ence tag for the landowner's property and does not use the tag during the regular season, the  
14 landowner may use that tag to take an antlerless animal, when approved by the State Department  
15 of Fish and Wildlife, to alleviate damage that is presently occurring to the 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. No fee or user charge prescribed by the commission pursuant to this subsection shall  
35 exceed \$250.

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 \$1,000 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 annual pioneer  
9 combination license pursuant to ORS 497.132 or resident disabled veteran hunting license under ORS  
10 497.102.

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

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

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

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

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

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

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

1 charge and collect:

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

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

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

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

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

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

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

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

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

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

25 ~~[(D)]~~ (E) For any other license, tag or permit, or for other provided services, as may be specified  
 26 by contract between the department and the agent for license, tag or permit issuance service or  
 27 other services 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 from licenses, tags or permits, the commis-  
 31 sion may revoke the authority of the agent to issue licenses, tags and permits, or may suspend the  
 32 authority of the agent for such 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 2021**  
 34 **Act become operative on January 1, 2023.**

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 2021 Act.**