

House Bill 2497

Sponsored by Representative SMITH D, Senator ROBLAN (at the request of former Representative Wayne Krieger)
(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 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
31 of Fish and Wildlife, to alleviate damage that is presently occurring to the landowner's property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
43 organization that sponsors hunting trips for terminally ill children.

44 (20) Shall, after consultation with the State Department of Agriculture, adopt rules prohibiting
45 the use of the World Wide Web, other Internet protocols or broadcast or closed circuit media to

1 remotely control a weapon for the purpose of hunting any game bird, wildlife, game mammal or
2 other mammal. The rules may exempt the State Department of Fish and Wildlife or agents of the
3 department from the prohibition.

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

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

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

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

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

26 **SECTION 2.** ORS 496.146, as amended by section 10, chapter 672, Oregon Laws 2013, section
27 52, chapter 629, Oregon Laws 2015, and section 8, chapter 779, Oregon Laws 2015, is amended to
28 read:

29 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife
30 Commission:

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

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

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

39 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,
40 hunting and trapping and may prescribe such tagging and sealing procedures as the commission
41 determines necessary to carry out the provisions of the wildlife laws or to obtain information for
42 use in wildlife management. Permits issued pursuant to this subsection may include special hunting
43 permits for a person and immediate family members of the person to hunt on land owned by that
44 person in areas where permits for deer or elk are limited by quota. As used in this subsection,
45 "immediate family members" means spouses in a marriage, parents, brothers, brothers-in-law, sisters,

1 sisters-in-law, sons, sons-in-law, daughters, daughters-in-law, stepchildren and grandchildren. A
2 landowner who is qualified to receive landowner preference tags from the commission may request
3 two additional tags for providing public access and two additional tags for wildlife habitat programs.
4 This request shall be made to the Access and Habitat Board with supporting evidence that the ac-
5 cess is significant and the habitat programs benefit wildlife. The board may recommend that the
6 commission grant the request. When a landowner is qualified under landowner preference rules
7 adopted by the commission and receives a controlled hunt tag for that unit or a landowner prefer-
8 ence tag for the landowner's property and does not use the tag during the regular season, the
9 landowner may use that tag to take an antlerless animal, when approved by the State Department
10 of Fish and Wildlife, to alleviate damage that is presently occurring to the landowner's property.

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

16 (6) May establish special hunting and angling areas or seasons in which only persons less than
17 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

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

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

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

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

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

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

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

45 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled

1 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
 2 drawings in subsequent years. In establishing the preference system, the commission shall consider
 3 giving additional preference points to persons who have been issued a resident annual pioneer
 4 combination license pursuant to ORS 497.132.

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

7 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
 8 organization that sponsors hunting trips for terminally ill children.

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

14 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
 15 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
 16 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
 17 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
 18 496.300.

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

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

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

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

30 497.022. (1) The State Fish and Wildlife Commission may appoint agents to issue any of the li-
 31 censes, tags or permits the commission is authorized by law to issue. The commission shall prescribe
 32 the procedure for the issuance of such licenses, tags and permits. Agents of the commission shall
 33 issue licenses, tags and permits in accordance with the prescribed procedure and shall charge and
 34 collect the fees prescribed by law therefor.

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

38 (A) For each resident annual sportspac license issued pursuant to ORS 497.132 (3)(a) and (4)(a),
 39 \$5.

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

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

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

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

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

9 (A) For each resident annual sportspac license issued pursuant to ORS 497.132 (3)(a) and (4)(a),
10 \$2.50.

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

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

15 **(D) For each multiyear hunting license issued pursuant to ORS 496.146, \$2.50.**

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

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

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