

House Bill 3347

Sponsored by Representative WITT

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**.

Authorizes State Fish and Wildlife Commission to establish by rule annual and daily Willamette River salmon, steelhead and sturgeon recreational fishing endorsements. Requires that fees collected for endorsements be deposited in Willamette River Fisheries Enhancement Fund.

Establishes Willamette River Fisheries Enhancement Fund in State Treasury, separate and distinct from General Fund. Continuously appropriates moneys in Willamette River Fisheries Enhancement Fund to State Department of Fish and Wildlife to implement measures that enhance fisheries, optimize economic benefits of fisheries and advance native fish conservation.

Establishes Willamette River Endorsements Board within department. Directs board to determine uses of moneys in Willamette River Fisheries Enhancement Fund.

A BILL FOR AN ACT

1
2 Relating to Willamette River fishing endorsements; creating new provisions; and amending ORS
3 496.146.

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

5 **SECTION 1.** ORS 496.146 is amended 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

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 commission grant the request. When a landowner is qualified under landowner preference rules
2 adopted by the commission and receives a controlled hunt tag for that unit or a landowner prefer-
3 ence tag for the landowner's property and does not use the tag during the regular season, the
4 landowner may use that tag to take an antlerless animal, when approved by the State Department
5 of Fish and Wildlife, to alleviate damage that is presently occurring to the landowner's property.

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

11 (6) May establish special hunting and angling areas or seasons in which only persons less than
12 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

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

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

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

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

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

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

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

40 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled
41 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
42 drawings in subsequent years. In establishing the preference system, the commission shall consider
43 giving additional preference points to persons who have been issued a resident annual pioneer
44 combination license pursuant to ORS 497.132 or resident disabled veteran hunting license under ORS
45 497.102.

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

3 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
4 organization that sponsors hunting trips for terminally ill children. Except as provided under ORS
5 497.116, the State Department of Fish and Wildlife may not issue more than 15 tags annually under
6 this subsection.

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

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

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

21 (23) May by rule establish annual and daily Columbia Basin salmon, steelhead and sturgeon
22 recreational fishing endorsements with a fee not to exceed \$9.75 per annual license and \$1 per day
23 per daily license. An endorsement is required to fish for salmon, steelhead or sturgeon in portions
24 of the Columbia Basin as designated by rule and is in addition to and not in lieu of angling licenses
25 and tags required under the wildlife laws. Amounts collected as fees under this subsection must be
26 deposited in the Columbia River Fisheries Enhancement Fund established under section 7, chapter
27 672, Oregon Laws 2013.

28 **(24) May by rule establish annual and daily Willamette River salmon, steelhead and**
29 **sturgeon recreational fishing endorsements with a fee not to exceed \$9.75 per annual license**
30 **and \$1 per day per daily license. An endorsement is required to fish for salmon, steelhead**
31 **or sturgeon in portions of the Willamette River as designated by rule and is in addition to**
32 **and not in lieu of angling licenses and tags required under the wildlife laws. Amounts col-**
33 **lected as fees under this subsection must be deposited in the Willamette River Fisheries**
34 **Enhancement Fund established by section 3 of this 2021 Act.**

35 [(24)] (25) May by rule establish multiyear licenses and may prescribe fees for such licenses.
36 Fees prescribed by the commission for multiyear licenses may provide for a discount from the annual
37 license fees that would otherwise be payable for the period of time covered by the multiyear license.

38 [(25)] (26) May by rule establish a program to offer unique fishing opportunities through
39 drawings, raffles or auctions and charge application and participation fees for the program.

40 **SECTION 2.** ORS 496.146, as amended by section 10, chapter 672, Oregon Laws 2013, section
41 52, chapter 629, Oregon Laws 2015, section 8, chapter 779, Oregon Laws 2015, section 4, chapter 100,
42 Oregon Laws 2018, and section 2, chapter 82, Oregon Laws 2019, is amended to read:

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

45 (1) May accept, from whatever source, appropriations, gifts or grants of money or other property

1 for the purposes of wildlife management, and use such money or property for wildlife management
2 purposes.

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

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

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

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

30 (6) May establish special hunting and angling areas or seasons in which only persons less than
31 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

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

45 (11) May enter into contracts with any person or governmental agency for the development and

1 encouragement of wildlife research and management programs and projects.

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

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

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

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

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

14 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled
15 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
16 drawings in subsequent years. In establishing the preference system, the commission shall consider
17 giving additional preference points to persons who have been issued a resident annual pioneer
18 combination license pursuant to ORS 497.132 or resident disabled veteran hunting license under ORS
19 497.102.

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

22 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
23 organization that sponsors hunting trips for terminally ill children. Except as provided under ORS
24 497.116, the State Department of Fish and Wildlife may not issue more than 15 tags annually under
25 this subsection.

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

31 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
32 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
33 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
34 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
35 496.300.

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

40 **(23) May by rule establish annual and daily Willamette River salmon, steelhead and**
41 **sturgeon recreational fishing endorsements with a fee not to exceed \$9.75 per annual license**
42 **and \$1 per day per daily license. An endorsement is required to fish for salmon, steelhead**
43 **or sturgeon in portions of the Willamette River as designated by rule and is in addition to**
44 **and not in lieu of angling licenses and tags required under the wildlife laws. Amounts col-**
45 **lected as fees under this subsection must be deposited in the Willamette River Fisheries**

1 **Enhancement Fund established by section 3 of this 2021 Act.**

2 [(23)] (24) May by rule establish multiyear licenses and may prescribe fees for such licenses.
3 Fees prescribed by the commission for multiyear licenses may provide for a discount from the annual
4 license fees that would otherwise be payable for the period of time covered by the multiyear license.

5 [(24)] (25) May by rule establish a program to offer unique fishing opportunities through
6 drawings, raffles or auctions and charge application and participation fees for the program.

7 **SECTION 3. (1) The Willamette River Fisheries Enhancement Fund is established in the**
8 **State Treasury, separate and distinct from the General Fund. Interest earned by the**
9 **Willamette River Fisheries Enhancement Fund shall be credited to the fund. Moneys in the**
10 **fund are continuously appropriated to the State Department of Fish and Wildlife to imple-**
11 **ment measures that enhance fisheries, optimize the economic benefits of fisheries and ad-**
12 **vance native fish conservation. The Willamette River Endorsements Board established within**
13 **the department by section 4 of this 2021 Act shall determine the uses of the moneys.**

14 (2) The State Fish and Wildlife Commission may accept grants, donations, contributions
15 or gifts from any source for deposit in the Willamette River Fisheries Enhancement Fund.

16 (3) The Willamette River Fisheries Enhancement Fund shall consist of:

17 (a) Any moneys accepted by the commission pursuant to subsection (2) of this section;
18 and

19 (b) Any fees collected by the commission for annual and daily Willamette River salmon,
20 steelhead and sturgeon recreational fishing endorsements.

21 **SECTION 4. (1) There is established within the State Department of Fish and Wildlife the**
22 **Willamette River Endorsements Board. The board shall determine the use of moneys in the**
23 **Willamette River Fisheries Enhancement Fund established by section 3 of this 2021 Act,**
24 **subject to the purposes described in section 3 (1) of this 2021 Act.**

25 (2) The State Fish and Wildlife Commission shall appoint to the board members who
26 represent anglers.

27 (3) A member of the board shall receive no compensation for serving as a member.

28 (4) The term of office of a member is four years. A member is eligible for reappointment.

29 (5) An official action of the board may be taken only upon the affirmative vote of a ma-
30 jority of the members.

31 (6) The board shall select such officers for such terms and with such duties and powers
32 as the board considers necessary for the performance of those offices.

33 (7) The board shall meet at such times and at such places as may be determined by the
34 chairperson of the board or by the majority of the members.

35