

# Enrolled Senate Bill 59

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)

CHAPTER .....

AN ACT

Relating to the Columbia River Fisheries Enhancement Fund; creating new provisions; amending ORS 496.146 and sections 7, 8 and 11, chapter 672, Oregon Laws 2013, and section 22, chapter 779, Oregon Laws 2015; repealing section 22, chapter 779, Oregon Laws 2015; and prescribing an effective date.

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

**SECTION 1.** Section 7, chapter 672, Oregon Laws 2013, is amended to read:

**Sec. 7.** (1) The Columbia River Fisheries Enhancement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Columbia River Fisheries Enhancement Fund shall be credited to the fund.

(2) Moneys in the fund are continuously appropriated to the State Fish and Wildlife Commission to implement measures that enhance fisheries, **advance selective harvest practices**, optimize the economic benefits of fisheries, **improve monitoring and data regarding fishery-related mortality** and advance native fish conservation **directly** related to Columbia River fish management and reform adopted by rule of the commission.

**(3) The commission shall annually make available on a website of the commission or State Department of Fish and Wildlife a summary of the uses of the moneys in the fund.**

[2)] (4) The commission may accept grants, donations, contributions or gifts from any source for deposit in the Columbia River Fisheries Enhancement Fund.

[3)] (5) The Columbia River Fisheries Enhancement Fund shall consist of:

- (a) Moneys accepted by the commission pursuant to subsection (2) of this section.
- (b) Fees collected by the commission under ORS 496.146 (23).

**SECTION 2.** Section 8, chapter 672, Oregon Laws 2013, is amended to read:

**Sec. 8.** (1) Section 7, [of this 2013 Act] **chapter 672, Oregon Laws 2013**, is repealed on January 2, [2022] **2026**.

(2) The Columbia River Fisheries Enhancement Fund established under section 7, [of this 2013 Act] **chapter 672, Oregon Laws 2013**, is abolished January 2, [2022] **2026**.

(3) Any unexpended moneys remaining in the Columbia River Fisheries Enhancement Fund on January 2, [2022] **2026**, shall be transferred to the State Wildlife Fund.

**SECTION 3.** 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 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 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)(a) 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.**

**(b) Notwithstanding paragraph (a) of this subsection, if the commission adopts rules that decrease fishery impacts or the share of salmon allocated to Columbia River recreational fisheries or that expand the areas and seasons where nontribal gillnets are permitted in mainstem lower Columbia River nontribal fisheries as compared to regulatory restrictions in place from 2017 to 2020, the commission may not require or collect the endorsements, beginning in the following calendar year.**

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

[24] (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 4.** Section 11, chapter 672, Oregon Laws 2013, is amended to read:

**Sec. 11.** The amendments to ORS 496.146 by section 10, [of this 2013 Act] **chapter 672, Oregon Laws 2013, and section 3 of this 2021 Act** become operative on [January 2, 2022] **the effective date of this 2021 Act.**

**SECTION 5.** 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, section 2, chapter 82, Oregon Laws 2019, and section 3 of this 2021 Act, 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 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.

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(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.

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(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)(a) 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.]*

*[(b) Notwithstanding paragraph (a) of this subsection, if the commission adopts rules that decrease fishery impacts or the share of salmon allocated to Columbia River recreational fisheries or that expand the areas and seasons where nontribal gillnets are permitted in mainstem lower Columbia River nontribal fisheries as compared to regulatory restrictions in place from 2017 to 2020, the commission may not require or collect the endorsements, beginning in the following calendar year.]*

[(24)] (23) May by rule establish multiyear licenses and may prescribe fees for such 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)] (24) 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 6. The amendments to ORS 496.146 by section 5 of this 2021 Act become operative on January 2, 2026.**

**SECTION 7.** Section 22, chapter 779, Oregon Laws 2015, is amended to read:

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

**SECTION 8. Section 22, chapter 779, Oregon Laws 2015, is repealed on January 2, 2026.**

**SECTION 9. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.**

**Passed by Senate April 8, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 24, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State