

77th OREGON LEGISLATIVE ASSEMBLY--2013 Regular Session

Enrolled
House Bill 2252

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for State Department of Fish and Wildlife)

CHAPTER

AN ACT

Relating to wildlife; creating new provisions; and amending ORS 396.370, 496.146, 497.006 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 husband, wife, father, mother, brothers, sisters, sons, daughters, 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. Except for licenses issued pursuant to subsection (14) of this section, no fee or user charge prescribed by the commission pursuant to this subsection shall exceed \$100.

(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 \$100 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 pioneer hunting license pursuant to 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.

(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 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.**

SECTION 2. 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 such 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 therefor.

(2) In addition to the fees prescribed by law for the issuance of a license, tag or permit, the issuing agent shall charge and collect \$5 for each resident annual sportsperson's license issued pursuant to ORS 497.132 (2)(a) and (3)(a), **\$10 for each nonresident annual hunting license issued pursuant to ORS 497.102, \$10 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)** and \$2 each for any other license, tag or permit. If the agent is a county clerk, the agent shall deposit such additional fees 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 moneys 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 such additional 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 such portion of the additional fees, but not less than \$2.50 for each resident annual sportsperson's license issued pursuant to ORS 497.132 (2)(a) and (3)(a), **\$7.50 for each nonresident annual hunting license issued pursuant to ORS 497.102, \$7.50 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)** or \$1 for any other license, tag or permit, as may be specified by contract between the department and the agent for license, tag or permit issuance service performed by the agent.

(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 therefrom, the commission may revoke the authority of the agent to issue licenses, tags and permits, or may suspend such authority for such time as the commission considers appropriate.

SECTION 3. ORS 497.006, as amended by section 10, chapter 106, Oregon Laws 2012, is amended to read:

497.006. (1) As used in this section:

(a) "Dependent children" includes any children of an active member of the Armed Forces of the United States who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the resident member of the uniformed services for over one-half of their support.

(b) "Resident member of the uniformed services" means a member of the uniformed services who:

(A) Resides in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Resides in this state while serving as a member of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Resides in another state or a foreign country and establishes Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(c) "Uniformed services" means:

(A) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(B) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(C) The Oregon National Guard and the National Guard of any other state or territory;

(D) The commissioned corps of the National Oceanic and Atmospheric Administration; and

(E) The Public Health Service of the United States Department of Health and Human Services while detailed by proper authority for duty with the Army or Navy of the United States.

(2) The following persons are resident persons for the purpose of purchasing licenses, tags and permits issued by the State Fish and Wildlife Commission:

(a) A resident member of the uniformed services and the member's spouse and dependent children.

(b) A member of the uniformed services who is not a resident member of the uniformed services, except for the purpose of purchasing controlled hunt tags issued by the commission.

[(b)] (c) An alien who furnishes to the commission evidence satisfactory to the commission that the alien is attending a school in this state pursuant to a foreign student exchange program.

SECTION 4. ORS 396.370, as amended by section 11, chapter 106, Oregon Laws 2012, is amended to read:

396.370. (1) As used in this section, "Armed Forces of the United States" means:

(a) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(b) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(c) The Oregon National Guard and the National Guard of any other state or territory.

(2) A person may apply to the Oregon Military Department for reimbursement for the cost of a resident annual hunting license to hunt wildlife issued to the person under ORS 497.102 and a resident annual angling license issued to the person under ORS 497.121 if the person:

(a) Is an officer or enlisted person in the Armed Forces of the United States who:

(A) Resides in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Resides in this state while serving as a member of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Resides in another state or a foreign country and establishes Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty; or

(b) Has retired from the Armed Forces of the United States within 12 months of the date of making the application for a license.

(3) The department shall reimburse a person described in subsection (2) of this section for the cost of a resident annual hunting license to hunt wildlife and a resident annual angling license upon receipt of the person's application.

(4) The provisions of this section do not apply to a person described in ORS 497.006 (2)(b).

[(4)] (5) The department shall adopt regulations implementing subsection (3) of this section.

SECTION 5. The amendments to ORS 497.022 by section 2 of this 2013 Act apply to licenses issued pursuant to ORS 497.102 and 497.132 (3)(a), and tags issued pursuant to ORS 497.112, by issuing agents on or after the effective date of this 2013 Act.

Passed by House March 14, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 20, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State