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BEV CLARNO
SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
INTERIM DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
06/13/2019 4:18 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Preference point reset for resident disabled veterans license holders, 65 years of age or older

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/02/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Roxann Borisch
503-947-6314
roxann.b.borisch@state.or.us

4034 Fairview Industrial Drive SE
Salem, OR 97302

Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/02/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: Oregon Department of Fish
and Wildlife

4034 Fairview Industrial Drive SE
Salem, OR 97302

NEED FOR THE RULE(S):

Senate Bill 593 (2019 Legislature) requires the Oregon Fish and Wildlife Commission (Commission) to consider giving persons who have been issued a resident disabled veteran hunting license additional preference points in Oregon's controlled hunt permit system similar to the process for Pioneer combination license holders. Resident disabled veteran hunting licenses are given to those who provide written proof of record by the United States Department of Veterans Affairs or any branch of the Armed Forces that shows the person to be at least 25 percent disabled.

Legislative discussion by the bill proponents included clear intention that the process and criteria for additional preference point consideration would be the same as for Pioneer License holders (such as starting at age 65) but would not be additive to the reset point for qualifying as a pioneer.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Wildlife Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The Oregon Department of Fish and Wildlife (ODFW) will have small revenue impacts. The average number of Disabled Veteran license issued over the last three years is 16,800. It is expected that a slightly higher success rate for controlled hunt application would occur for those disabled veteran license holders with additional preference points. A minor revenue change through time might occur since the elk tag cost for disabled veteran hunters is at a discounted rate. It is not possible to calculate this potential decrease with any accuracy, since it depends heavily on the random nature of the controlled hunt selection process. Even if there were a large shift to the number of successful disabled veteran license holders in the controlled hunt draws, the revenue change would still potentially be small. For example, if 200 disabled veteran license holders displaced 200 resident hunting license holders in the controlled hunt draw, the net revenue loss would only be \$4,600 (\$23 x 200). There are no expected changes to revenue from any other state agency, as OSP would have the same requirements for checking tags as it would have before.

There are no expected impacts to local governments.

Impacts to the public will mainly be in perception of the draw process. Since members of the public may view controlled hunt probabilities as different with the preference point change, it may change their purchasing behavior. While this was considered, there is no way to accurately quantify this effect, if it impacts ODFW at all.

Cost of compliance effect on small business: None expected

Any small business that caters to those who go out hunting are potentially affected by any changes to hunting rules. However, there will be no impacts to any of these businesses from the changes here. The only change would be to hunter demographics and only on a very small scale. While there may be some argument for differences in spending from this demographic shift, there is no expected effect on small businesses that isn't negligible.

Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None Expected

Equipment, supplies, labor and increased administration required for compliance: None expected

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Not applicable

AMEND: 635-060-0023

RULE SUMMARY: Amend Modified Preference Point System rules to give an additional point to Resident Disabled Veterans license holders who are at least 65 years of age, in the same process as Resident Pioneer License holders. Successful controlled hunt applicants shall have one preference point when they next apply for a tag in that hunt number series.

CHANGES TO RULE:

635-060-0023

Modified Preference Point System ¶¶

- (1) The Modified Preference Point System separates the tags for each controlled game mammal hunt into two groups:¶¶
 - (a) Seventy-five percent of the tags will be issued through the preference point system;¶¶
 - (b) The remaining 25 percent of the tags will be issued by the equal-probability computer drawing.¶¶
- (2) Applicants shall accrue no more than one preference point per hunt number series per year. Valid applicants who did not receive controlled hunt tags for their first choice hunt number in the 100, 200, 400, 600, or 700 series hunts during the controlled hunt drawing shall receive one preference point applicable to subsequent controlled hunt drawings for the respective hunt number series, except as excluded in OAR 635-060-0008(4).¶¶
- (3) A preference point will automatically accrue within each controlled hunt series when an applicant's first choice is as follows:¶¶
 - (a) Hunt number 199: controlled buck deer;¶¶
 - (b) Hunt number 299: controlled elk;¶¶
 - (c) Hunt number 499: controlled pronghorn antelope;¶¶
 - (d) Hunt number 699: controlled antlerless deer;¶¶
 - (e) Hunt number 799: controlled black bear.¶¶
- (4) Youth nine years of age or older are eligible to apply for automatic Preference Points as described in (3) provided they have a social security number, an ODFW ID number issued by the Department, and purchase the appropriate (resident or nonresident) juvenile or adult hunting license.¶¶
- (5) The Modified Preference Point System will group controlled hunt applicants by the number of preference points they have accrued for each hunt number series. Applicants with the highest number of preference points for each hunt number will be drawn first. Applicants having the next highest number of preference points per hunt number will be drawn next. This tag issuance process will continue through descending numbers of preference points until 75 percent of the tags authorized for the hunt have been issued, unless all qualified applicants with preference points have been issued tags prior to that point. Any tags remaining following the issuance of preference point tags will be issued through the equal-probability computer drawing. Applicants unsuccessful in the preference point tag issuance procedure and those applicants without preference points will be placed in the equal-probability computer drawing for the remaining tags.¶¶
- (6) Applicants, except for those with a Pioneer Angling/Hunting License Combination License or a Resident Disabled Veterans Combination License holder who is 65-years of age or older, successful in drawing their first choice hunt except numbers ending in 99 within a hunt number series shall have zero preference points when they next apply for a tag in that hunt number series. Successful Applicants with a Pioneer Angling/Hunting License Combination License or Resident Disabled Veterans Combination License holders who are 65-years of age or older, shall have one preference point when they next apply for a tag in that hunt number series. Qualifying for both licenses will result in only one-preference point when reset.¶¶
- (7) Beginning in 2008 applicants will not forfeit preference points accumulated for a hunt number series when they do not apply for that hunt number series for two consecutive years.¶¶
- (8) Applicants who have their hunting license suspended or revoked by legal action will forfeit all preference

points.¶

(9) Party applicant preference points shall be determined by totaling the preference points of all party members and then calculating the average of this total. Party preference points will be rounded up from x.51 (e.g. 3.51 to 4, 3.50 to 3) to the next whole number.¶

(10) Department records are final to determine accrued preference points for controlled hunt applicants.¶

(11) Each applicant's preference point accrual record will be linked to his or her permanent identification number. Preference point applicants shall use the permanent identification number each time they apply for a controlled hunt tag. Failure to do so shall place the applicant in the equal-probability drawing for his or her hunt number series and preference points will not be accrued together.¶

(12) Applicants will receive no preference points when:¶

(a) Their application is not received by the appropriate application date; however, a hunter may purchase one preference point for the current year, for each series (100, 200, 400, 600, and 700) from July 1 through November 30 if they did not apply during the controlled hunt drawing for that series.¶

(b) They request their controlled hunt application be withdrawn prior to the controlled hunt drawing;¶

(c) The controlled hunt application has been falsified.¶

(13) The Modified Preference Point System shall apply to 100, 200, 400, 600, and 700 series hunts.¶

(14) In 2005, 800 series points were converted into 600 series points.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, SB 593 (2019)

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162