

B-Engrossed
Senate Bill 389

Ordered by the House June 1
Including Senate Amendments dated April 13 and House Amendments
dated June 1

Sponsored by Senator B STARR; Senator RINGO, Representatives BARKER, P SMITH (at the request of Oregon Chapters of SCI First for Hunters)

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.

Authorizes State Fish and Wildlife Commission to adopt rules prohibiting use of Internet or *closed-circuit* **closed circuit** media to remotely control weapon for purpose of hunting or taking any wildlife, game mammal, game bird or mammal.

Authorizes county electors to determine question of allowing use of bait to attract or take black bears or use dogs to hunt or pursue black bears or cougars in county.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to hunting; creating new provisions; amending ORS 496.146; and declaring an emergency.

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 husband, wife, father, mother, brothers, sisters, sons, daughters,
22 stepchildren and grandchildren. A landowner who is qualified to receive landowner preference tags
23 from the commission may request two additional tags for providing public access and two additional
24 tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with
25 supporting evidence that the access is significant and the habitat programs benefit wildlife. 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 board may recommend that the commission grant the request. When a landowner is qualified under
2 landowner preference rules adopted by the commission and receives a controlled hunt tag for that
3 unit or a landowner preference tag for the landowner's property and does not use the tag during the
4 regular season, the landowner may use that tag to take an antlerless animal, when approved by the
5 State Department of Fish and Wildlife, to alleviate damage that is presently occurring to the land-
6 owner's property.

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

12 (6) May establish special hunting and angling areas or seasons in which only persons less than
13 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

22 (10) May by rule prescribe fees for licenses, tags, permits and applications issued or required
23 pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses of
24 lands owned or managed by the commission, unless such fees or user charges are otherwise pre-
25 scribed by law. Except for licenses issued pursuant to subsection (14) of this section, no fee or user
26 charge prescribed by the commission pursuant to this subsection shall exceed \$100.

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

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

31 (13) May offer and pay rewards for the arrest and conviction of any person who has violated
32 any of the wildlife laws. No such reward shall exceed \$100 for any one arrest and conviction.

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

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

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

41 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled
42 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
43 drawings in subsequent years.

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

1 **(19) May, after consultation with the State Department of Agriculture, adopt rules pro-**
2 **hibiting use of the World Wide Web, other Internet protocols or broadcast or closed circuit**
3 **media to remotely control a weapon for the purpose of hunting or taking any wildlife, game**
4 **mammal, game bird or mammal. The rules may exempt the State Department of Fish and**
5 **Wildlife or any public body, as defined in ORS 174.109, or agents of the department or public**
6 **body from the prohibition.**

7 **SECTION 2. (1) Notwithstanding ORS 498.164, a person residing in a county may file a**
8 **petition with the governing body of that county to have the question of the applicability of**
9 **ORS 498.164 in that county determined by a vote of the people in the county.**

10 **(2) Upon receipt of a petition, the governing body of the county shall adopt an ordinance**
11 **that exempts the county from the operation of ORS 498.164 and shall submit the ordinance**
12 **to the electors of the county for their approval or rejection at the next primary election or**
13 **general election.**

14 **(3) The requirements for preparing, circulating and filing a petition under this section**
15 **are as provided for an initiative petition in ORS 250.165 to 250.235.**

16 **(4) The results of any ordinance submitted to election under this section shall be for-**
17 **warded by the county clerk to the State Fish and Wildlife Commission no later than January**
18 **1 next following the election.**

19 **SECTION 3. This 2005 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
21 **on its passage.**

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