

# Senate Bill 718

Sponsored by Senator L GEORGE (at the request of Oregon Sportsmen's Association)

## 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**.

Allows landowner who is qualified to receive landowner preference tags from State Fish and Wildlife Commission to sell tags received, provided that at least half of tags are sold to Oregon residents.

## A BILL FOR AN ACT

1  
2 Relating to hunting; amending ORS 496.146 and 497.112 and section 2, chapter 460, Oregon Laws  
3 1995.

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 husband, wife, father, mother, brothers, sisters, sons, daughters,  
23 stepchildren and grandchildren.

24 **(5) May issue landowner preference tags, which are subject to the following provisions:**

25 **(a)** A landowner who is qualified to receive landowner preference tags from the commission may  
26 request two additional tags for providing public access and two additional tags for wildlife habitat  
27 programs. This request shall be made to the Access and Habitat Board with supporting evidence  
28 that the access is significant and the habitat programs benefit wildlife. The board may recommend  
29 that the commission grant the request. When a landowner is qualified under landowner preference  
30 rules adopted by the commission and receives a controlled hunt tag for that unit or a landowner  
31 preference tag for the landowner's property and does not use the tag during the regular season, 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 landowner may use that tag to take an antlerless animal, when approved by the State Department  
2 of Fish and Wildlife, to alleviate damage that is presently occurring to the landowner's property.

3 **(b) A landowner who is qualified to receive landowner preference tags from the commis-**  
4 **sion may transfer the landowner preference tags to any person of the landowner's choosing**  
5 **who is not a member of the landowner's immediate family for a price to be determined by**  
6 **the parties. A minimum of 50 percent of the landowner preference tags transferred by a**  
7 **qualified landowner under this paragraph must be sold to residents of Oregon.**

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

13 [(6)] (7) May establish special hunting and angling areas or seasons in which only persons less  
14 than 18 years of age or over 65 years of age are permitted to hunt or angle.

15 [(7)] (8) May acquire by purchase, lease, agreement or gift real property and all appropriate  
16 interests therein for wildlife management and wildlife-oriented recreation purposes.

17 [(8)] (9) May acquire by purchase, lease, agreement, gift, exercise of eminent domain or other-  
18 wise real property and all interests therein and establish, operate and maintain thereon public  
19 hunting areas.

20 [(9)] (10) May establish and develop wildlife refuge and management areas and prescribe rules  
21 governing the use of such areas and the use of wildlife refuge and management areas established  
22 and developed pursuant to any other provision of law.

23 [(10)] (11) May by rule prescribe fees for licenses, tags, permits and applications issued or re-  
24 quired pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses  
25 of lands owned or managed by the commission, unless such fees or user charges are otherwise pre-  
26 scribed by law. Except for licenses issued pursuant to subsection [(14)] (15) of this section, no fee  
27 or user charge prescribed by the commission pursuant to this subsection shall exceed \$100.

28 [(11)] (12) May enter into contracts with any person or governmental agency for the develop-  
29 ment and encouragement of wildlife research and management programs and projects.

30 [(12)] (13) May perform such acts as may be necessary for the establishment and implementation  
31 of cooperative wildlife management programs with agencies of the federal government.

32 [(13)] (14) May offer and pay rewards for the arrest and conviction of any person who has vio-  
33 lated any of the wildlife laws. No such reward shall exceed \$100 for any one arrest and conviction.

34 [(14)] (15) May by rule prescribe fees for falconry licenses issued pursuant to the wildlife laws,  
35 unless such fees are otherwise prescribed by law. Fees prescribed by the commission pursuant to  
36 this subsection shall be based on actual or projected costs of administering falconry regulations and  
37 shall not exceed \$250.

38 [(15)] (16) May establish special fishing and hunting seasons and bag limits applicable only to  
39 persons with disabilities.

40 [(16)] (17) May adopt optimum populations for deer and elk consistent with ORS 496.012. These  
41 population levels shall be reviewed at least once every five years.

42 [(17)] (18) Shall establish a preference system so that individuals who are unsuccessful in con-  
43 trolled hunt permit drawings for deer and elk hunting have reasonable assurance of success in those  
44 drawings in subsequent years.

45 [(18)] (19) May sell advertising in State Department of Fish and Wildlife publications, including

1 annual hunting and angling regulation publications.

2 [(19)] (20) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to  
3 an organization that sponsors hunting trips for terminally ill children.

4 **SECTION 2.** Section 2, chapter 460, Oregon Laws 1995, as amended by section 1, chapter 227,  
5 Oregon Laws 2001, is amended to read:

6 **Sec. 2.** Notwithstanding any other provision of the wildlife laws, during the period beginning  
7 January 1, 1996, and ending January 2, 2010, the following provisions apply with regard to the is-  
8 suance and use of landowner preference tags referred to in ORS 496.146 (4) **and** (5):

9 (1) Landowner preference tags shall be issued for the hunting of deer, elk or antelope.

10 (2) Landowner preference tags may be used only for hunting on the landowner's property.

11 (3) Landowner preference tags for the hunting of deer or elk may be transferred to any person  
12 of the landowner's choosing and shall be used for the taking of antlerless animals except as au-  
13 thorized by subsection (6) of this section.

14 (4) Landowner preference tags for the hunting of antelope are [*not*] transferable and may not  
15 be used for the taking of buck antelope.

16 (5) Each landowner preference tag for the hunting of deer or elk may be used to take two  
17 antlerless animals before, during or after the hunting season for which the tags are valid for the  
18 purpose of alleviating damage that is presently occurring to the landowner's property, in accordance  
19 with such rules as the State Fish and Wildlife Commission may adopt.

20 (6) Landowner preference tags for the hunting of deer or elk that are transferred to a person  
21 of the landowner's choosing who is not a member of the landowner's immediate family may be used  
22 to take an antlered animal only as follows:

23 (a) If the landowner receives one preference tag, that tag may not be so used.

24 (b) If the landowner receives two, three or four preference tags, one of those tags may be so  
25 used.

26 (c) If the landowner receives five, six or seven preference tags, two of those tags may be so used.

27 (d) If the landowner receives eight, nine or 10 preference tags, three of those tags may be so  
28 used.

29 **(7) A minimum of 50 percent of landowner preference tags transferred by a qualified**  
30 **landowner under this section, for a price to be determined by the parties, to a person of the**  
31 **landowner's choosing who is not a member of the landowner's immediate family must be sold**  
32 **to residents of Oregon.**

33 **SECTION 3.** ORS 497.112 is amended to read:

34 497.112. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to  
35 persons desiring to hunt wildlife the following general tags and shall charge therefor the following  
36 fees:

37 (a) Resident annual elk tag to hunt elk, \$33.

38 (b) Nonresident annual elk tag to hunt elk, \$360.

39 (c) Special annual elk tag for holders of pioneer or disabled veteran hunting licenses to hunt  
40 elk, one-half the fee imposed under paragraph (a) of this subsection for a resident annual elk tag to  
41 hunt elk.

42 (d) Resident annual deer tag to hunt deer, \$18.

43 (e) Nonresident annual deer tag to hunt deer, \$263.

44 (f) Resident annual black bear tag to hunt black bear, \$10.

45 (g) Nonresident annual black bear tag to hunt black bear, \$150.

- 1 (h) Resident annual mountain sheep tag to hunt mountain sheep, \$100.
- 2 (i) Nonresident annual mountain sheep tag to hunt mountain sheep, \$1,082.
- 3 (j) Resident annual mountain goat tag to hunt mountain goat, \$100.
- 4 (k) Nonresident annual mountain goat tag to hunt mountain goat, \$1,082.
- 5 (L) Resident annual cougar tag to hunt cougar, \$10.
- 6 (m) Nonresident annual cougar tag to hunt cougar, \$150.
- 7 (n) Resident annual antelope tag to hunt antelope, \$35.
- 8 (o) Nonresident annual antelope tag to hunt antelope, \$276.
- 9 (p) Resident annual turkey tag to hunt turkeys, \$16.50.
- 10 (q) Nonresident annual turkey tag to hunt turkeys, \$62.50.
- 11 (r) Outfitter and guide annual deer tag to hunt deer, \$450.
- 12 (s) Outfitter and guide annual elk tag to hunt elk, \$665.

13 (2)(a) Notwithstanding ORS 496.146 [(10)] (11), the commission is authorized to issue each year  
 14 one special tag that is auctioned to the highest bidder in a manner prescribed by the commission  
 15 for each of the following:

- 16 (A) Mountain sheep;
- 17 (B) Antelope; and
- 18 (C) Mountain goat.

19 (b) In addition to the tags referred to in paragraph (a) of this subsection, the commission is au-  
 20 thorized to issue each year one special tag that is raffled in a manner prescribed by the commission  
 21 for each of the following:

- 22 (A) Mountain sheep;
- 23 (B) Antelope; and
- 24 (C) Mountain goat.

25 (c) Moneys received under this subsection for:

- 26 (A) Mountain sheep tags shall be placed in the Mountain Sheep Subaccount established in ORS  
 27 496.303;
- 28 (B) Antelope tags shall be placed in the Antelope Subaccount established in ORS 496.303; and
- 29 (C) Mountain goat tags shall be placed in the Mountain Goat Subaccount established in ORS  
 30 496.303.

31 (d) Notwithstanding ORS 496.146 [(10)] (11), the commission, upon the recommendation of the  
 32 Access and Habitat Board to fulfill the board's charge of providing incentives to increase public  
 33 access and habitat improvements to private land, is authorized to issue each year up to 10 elk and  
 34 10 deer tags to hunt deer or elk. The tags shall be auctioned or raffled to the highest bidder in a  
 35 manner prescribed by the commission. The Access and Habitat Board, in recommending any tags,  
 36 shall include a proposal as to the land on which each tag can be used and a percentage of funds  
 37 received from the tags that may revert to the landowner if the tag is limited to private land. How-  
 38 ever, the percentage cannot be more than 50 percent and the programs must, by written agreement,  
 39 provide for public access and habitat improvements.

40 (3) The tags referred to in subsection (1) of this section are in addition to and not in lieu of the  
 41 hunting licenses required by law.

42 (4) The commission may, at the time of issue only, indorse upon the tags referred to in sub-  
 43 section (1) of this section an appropriate designation indicating whether it is for a game animal to  
 44 be taken with bow and arrow or with firearms, at the choice of the applicant. The commission may  
 45 prescribe by rule that the holder of such a tag is not authorized to take the game animal by any

1 other means than the tag so indorsed.

2 (5) Except as provided in subsection (6) of this section, a person is not eligible to obtain, in a  
 3 lifetime, more than one controlled hunt tag issued by the commission to hunt mountain sheep and  
 4 one controlled hunt tag issued by the commission to hunt mountain goat.

5 (6) A person is eligible to obtain mountain sheep tags, antelope tags or mountain goat tags de-  
 6 scribed in subsection (2)(a) and (b) of this section, regardless of whether the person has previously  
 7 taken a mountain sheep, antelope or mountain goat or previously obtained a mountain sheep tag,  
 8 antelope tag or mountain goat tag issued pursuant to subsection (1) or (2)(a) or (b) of this section.

9 (7) The number of nonresident mountain goat tags and nonresident mountain sheep tags shall  
 10 be decided by the commission, but:

11 (a) The number of nonresident mountain goat tags may not be less than five percent nor more  
 12 than 10 percent of all mountain goat tags issued.

13 (b) The number of nonresident mountain sheep tags may not be less than five percent nor more  
 14 than 10 percent of all mountain sheep tags issued.

15 (8) The number of tags issued by drawing under subsection (1)(g), (m) and (o) of this section shall  
 16 be decided by the commission, but for each class of tag so issued, the number may not be more than  
 17 three percent of all tags of that class issued for hunting in a particular area except one nonresident  
 18 tag may be issued for each hunt when the number of authorized tags is less than 35. The number  
 19 of tags issued under subsection (1)(g) of this section for the general hunting season may be decided  
 20 by the commission, but the number may not be more than three percent of all tags issued the pre-  
 21 vious year for hunting in a particular area.

22 (9) The number of tags issued by drawing under subsection (1)(b) and (e) of this section shall  
 23 be decided by the commission, but for each class of tag so issued, the number may not be more than  
 24 five percent of all tags of that class issued for hunting in a particular area except one nonresident  
 25 tag may be issued for each hunt when the number of authorized tags is fewer than 35. The com-  
 26 mission shall set the percentage by rule each year after holding a public hearing.

27 (10) If a controlled hunt for game mammals is undersubscribed during the primary controlled  
 28 hunt drawing, the commission may issue the unallocated tags to licensed hunters at up to four times  
 29 the standard tag fee on a first-come, first-served basis. This controlled hunt tag program shall be in  
 30 addition to and not replace any existing controlled hunt tag program.

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