

A-Engrossed
House Bill 2125

Ordered by the House April 15
Including House Amendments dated April 15

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

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.

Allows State Fish and Wildlife Commission to impose surcharge not to exceed [~~\$50~~] **\$25** on persons who fail to comply with certain reporting requirements.

A BILL FOR AN ACT

1
2 Relating to surcharges for failure to comply with hunting reporting requirements; creating new
3 provisions; and amending ORS 496.146.

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. A landowner who is qualified to receive landowner preference tags
24 from the commission may request two additional tags for providing public access and two additional
25 tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with
26 supporting evidence that the access is significant and the habitat programs benefit wildlife. The
27 board may recommend that the commission grant the request. When a landowner is qualified under
28 landowner preference rules adopted by the commission and receives a controlled hunt tag for that

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 unit or a landowner preference tag for the landowner's property and does not use the tag during the
2 regular season, the landowner may use that tag to take an antlerless animal, when approved by the
3 State Department of Fish and Wildlife, to alleviate damage that is presently occurring to the
4 landowner's property.

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

10 (6) May establish special hunting and angling areas or seasons in which only persons less than
11 18 years of age or over 65 years of age are permitted to hunt or angle.

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

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

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

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

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

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

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

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

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

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

39 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled
40 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
41 drawings in subsequent years. In establishing the preference system, the commission shall consider
42 giving additional preference points to persons who have been issued a resident pioneer hunting li-
43 cense pursuant to ORS 497.102.

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

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

3 (20) Shall, after consultation with the State Department of Agriculture, adopt rules prohibiting
4 the use of the World Wide Web, other Internet protocols or broadcast or closed circuit media to
5 remotely control a weapon for the purpose of hunting any game bird, wildlife, game mammal or
6 other mammal. The rules may exempt the State Department of Fish and Wildlife or agents of the
7 department from the prohibition.

8 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
9 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
10 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
11 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
12 496.300.

13 **(22) May by rule impose a surcharge not to exceed \$25 for the renewal of a hunting li-**
14 **cence on any person who fails to comply with mandatory hunting reporting requirements.**
15 **Amounts collected as surcharges under this subsection must be deposited in the State**
16 **Wildlife Fund established under ORS 496.300.**

17 **SECTION 2. The amendments to ORS 496.146 by section 1 of this 2011 Act apply to fail-**
18 **ures to comply with mandatory hunting reporting requirements on or after the effective date**
19 **of this 2011 Act.**