

Senate Bill 650

Sponsored by Senator GIROD

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 use of one or more dogs to hunt or pursue cougars if person hunts with certain person. Authorizes State Fish and Wildlife Commission to issue annual tags to hunt or pursue cougars with one or more dogs.

A BILL FOR AN ACT

1
2 Relating to cougars; creating new provisions; amending ORS 497.112 and 498.164; and providing for
3 criminal sentence reduction that requires approval by a two-thirds majority.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 498.164 is amended to read:

6 498.164. (1) Except as provided in subsections (2) to [(4)] (5) of this section, a person may not
7 use bait to attract or take black bears or use one or more dogs to hunt or pursue black bears or
8 cougars.

9 (2) Nothing in subsection (1) of this section prohibits the use of bait or one or more dogs by
10 employees or agents of county, state or federal agencies while acting in their official capacities.

11 (3)(a) As allowed by subsection (2) of this section, the State Department of Fish and Wildlife is
12 authorized to appoint persons to act as agents for the department for the purpose of using one or
13 more dogs to hunt or pursue black bears or cougars. Such hunt or pursuit must be in compliance
14 with any black bear management plan and any cougar management plan adopted by rule by the
15 State Fish and Wildlife Commission. An agent acts on the department's behalf and, subject to the
16 department's direction and control, implements specific management programs of the department.
17 An agent may not engage in any other hunting or pursuit while acting on the department's behalf.

18 (b) The department shall:

19 (A) Make the appointment in written form; and

20 (B) Ensure that the written appointment is available to the public for review at the main office
21 of the department in Salem.

22 (c) Upon appointment of an agent by the department, the department shall fix the compensation
23 of the agent and prescribe the duties of the agent. The authority of the agent to act shall be limited
24 to the terms set forth in the written appointment under paragraph (b) of this subsection.

25 (d) The commission shall adopt by rule a process and criteria for selecting and training persons
26 to act as agents pursuant to paragraph (a) of this subsection. The process and criteria shall include,
27 but are not limited to, the qualifications and training for agents and are to cover any guidelines,
28 policies or codes of conduct of the department regarding firearms, first aid, all-terrain vehicles and
29 snowmobiles and the use of alcohol or drugs. The department may also require fingerprints as
30 specified in ORS 496.121 for the purpose of requesting state or nationwide criminal records checks.

31 (4) Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons for 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 taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating to taking
2 wildlife that is causing damage.

3 **(5) A person may hunt or pursue cougars with one or more dogs if the person holds the**
4 **appropriate licenses, tag and permits and if the person hunts or pursues cougars with one**
5 **or more dogs with a person described in section 5 of this 2011 Act.**

6 [(5)] (6) Any person who violates subsection (1) of this section commits a Class A misdemeanor
7 and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege
8 to apply for any hunting license suspended for a period of five years for a first offense and perma-
9 nently suspended for any subsequent offense.

10 [(6)] (7) For the purposes of this section, "bait" means any material placed for the purpose of
11 attracting or attempting to attract bears.

12 **SECTION 2.** ORS 498.164, as amended by section 2, chapter 675, Oregon Laws 2007, is amended
13 to read:

14 498.164. (1) Except as provided in subsections (2) [*and (3)*] **to (4)** of this section, a person may
15 not use bait to attract or take black bears or use one or more dogs to hunt or pursue black bears
16 or cougars.

17 (2) Nothing in subsection (1) of this section prohibits the use of bait or one or more dogs by
18 employees or agents of county, state or federal agencies while acting in their official capacities.

19 (3) Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons for the
20 taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating to taking
21 wildlife that is causing damage.

22 **(4) A person may hunt or pursue cougars with one or more dogs if the person holds the**
23 **appropriate licenses, tag and permits and if the person hunts or pursues cougars with one**
24 **or more dogs with a person described in section 5 of this 2011 Act.**

25 [(4)] (5) Any person who violates subsection (1) of this section commits a Class A misdemeanor
26 and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege
27 to apply for any hunting license suspended for a period of five years for a first offense and perma-
28 nently suspended for any subsequent offense.

29 [(5)] (6) For the purposes of this section, "bait" means any material placed for the purpose of
30 attracting or attempting to attract bears.

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

32 497.112. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to
33 persons desiring to hunt wildlife the following general tags and shall charge therefor the following
34 fees:

35 (a) Resident annual elk tag to hunt elk, \$40.50.

36 (b) Nonresident annual elk tag to hunt elk, \$498.50.

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

40 (d) Resident annual deer tag to hunt deer, \$22.50.

41 (e) Nonresident annual deer tag to hunt deer, \$373.50.

42 (f) Resident annual black bear tag to hunt black bear, \$12.50.

43 (g) Nonresident annual black bear tag to hunt black bear, \$180.50.

44 (h) Resident annual mountain sheep tag to hunt mountain sheep, \$120.50.

45 (i) Nonresident annual mountain sheep tag to hunt mountain sheep, \$1,298.50.

- 1 (j) Resident annual mountain goat tag to hunt mountain goat, \$120.50.
- 2 (k) Nonresident annual mountain goat tag to hunt mountain goat, \$1,298.50.
- 3 (L) Resident annual cougar tag to hunt cougar, \$12.50.
- 4 (m) Nonresident annual cougar tag to hunt cougar, \$12.50.
- 5 (n) Resident annual antelope tag to hunt antelope, \$42.50.
- 6 (o) Nonresident annual antelope tag to hunt antelope, \$331.50.
- 7 (p) Resident annual turkey tag to hunt turkeys, \$20.50.
- 8 (q) Resident annual juvenile turkey tag to hunt turkeys, \$8.50.
- 9 (r) Nonresident annual juvenile turkey tag to hunt turkeys, \$8.50.
- 10 (s) Nonresident annual turkey tag to hunt turkeys, \$75.50.
- 11 (t) Outfitter and guide annual deer tag to hunt deer, \$495.25.
- 12 (u) Outfitter and guide annual elk tag to hunt elk, \$731.75.
- 13 **(v) Annual tag to hunt or pursue cougars with one or more dogs with person described**
- 14 **in section 5 of this 2011 Act, \$1,000.**

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

- 18 (A) Mountain sheep;
- 19 (B) Antelope; and
- 20 (C) Mountain goat.

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

- 24 (A) Mountain sheep;
- 25 (B) Antelope; and
- 26 (C) Mountain goat.

27 (c) Moneys received under this subsection for:

- 28 (A) Mountain sheep tags shall be placed in the Mountain Sheep Subaccount established in ORS
 29 496.303;
- 30 (B) Antelope tags shall be placed in the Antelope Subaccount established in ORS 496.303; and
- 31 (C) Mountain goat tags shall be placed in the Mountain Goat Subaccount established in ORS
 32 496.303.

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

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

44 (4) The commission may, at the time of issue only, indorse upon the tags referred to in sub-
 45 section (1) of this section an appropriate designation indicating whether it is for a game animal to

1 be taken with bow and arrow or with firearms, at the choice of the applicant. The commission may
 2 prescribe by rule that the holder of such a tag is not authorized to take the game animal by any
 3 other means than the tag so indorsed.

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

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

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

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

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

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

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

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

33 **SECTION 4. Section 5 of this 2011 Act is added to and made a part of ORS chapter 704.**

34 **SECTION 5. (1) The State Marine Board, after consultation with the State Department**
 35 **of Fish and Wildlife, shall establish a certification process for outfitters and guides who en-**
 36 **gage in providing outfitting and guiding services for hunting or pursuing cougars with one**
 37 **or more dogs pursuant to ORS 498.164. Certification shall include evaluation of education,**
 38 **training, experience and other matters regarding the qualification of individuals to provide**
 39 **the required services.**

40 **(2) The board may charge a fee for certification that is in addition to the fee required**
 41 **by this chapter for registration.**

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