

Senate Bill 442

Sponsored by Senator GEORGE (at the request of Oregon Sportsmen Association) (Pre-session filed.)

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 landowner preference tags; amending ORS 496.146 and section 2, chapter 460, Oregon
3 Laws 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*] **that** the com-
18 mission determines **are** necessary to carry out the provisions of the wildlife laws or to obtain in-
19 formation for use in wildlife management. Permits issued pursuant to this subsection may include
20 [*special hunting permits*] **landowner preference tags** for a person and immediate family members
21 of the person to hunt on land owned by that person in areas where permits for deer or elk are
22 limited by quota. As used in this subsection, "immediate family members" means husband, wife, fa-
23 ther, mother, brothers, sisters, sons, daughters, stepchildren and grandchildren. **Landowner pref-
24 erence tags are subject to the following conditions:**

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 an immediate family member of the landowner for a price to be determined by**
6 **the landowner. 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) May by rule prescribe procedures requiring the holder of any license, tag or permit issued
9 pursuant to the wildlife laws to keep records and make reports concerning the time, manner and
10 place of taking wildlife, the quantities taken and such other information as the commission deter-
11 mines necessary for proper enforcement of the wildlife laws or to obtain information for use in
12 wildlife management.

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

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

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

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

23 (10) May by rule prescribe fees for licenses, tags, permits and applications issued or required
24 pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses of
25 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) of this section, no fee or user
27 charge prescribed by the commission pursuant to this subsection shall exceed \$100.

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

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

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

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

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

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

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

1 cense pursuant to ORS 497.102.

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

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

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

11 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
12 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
13 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
14 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
15 496.300.

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

20 **SECTION 2.** Section 2, chapter 460, Oregon Laws 1995, as amended by section 1, chapter 227,
21 Oregon Laws 2001, section 1, chapter 349, Oregon Laws 2009, and section 2a, chapter 832, Oregon
22 Laws 2009, is amended to read:

23 **Sec. 2.** Notwithstanding any other provision of the wildlife laws, during the period beginning
24 January 1, 1996, and ending January 2, [2014] **2016**, the following provisions apply with regard to
25 the issuance and use of landowner preference tags referred to in ORS 496.146 (4):

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

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

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

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

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

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

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

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

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

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

1 (7) Landowners *[must]* **shall** pay a \$30 fee to register for participation in the program.

2 (8) *[Establishes]* **A landowner shall pay** a \$15 fee *[for landowners]* to modify the landowner's tag
3 distribution.

4 (9) **A minimum of 50 percent of landowner preference tags transferred by a qualified**
5 **landowner under this section to a person of the landowner's choosing who is not a member**
6 **of the landowner's immediate family must be sold to residents of Oregon for a price deter-**
7 **mined by the landowner.**

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