

# D R A F T

## SUMMARY

Directs State Fish and Wildlife Commission to adopt rules prohibiting use of drones for hunting, tracking as aid to hunting, harassing, locating, scouting for or viewing certain animals.

### A BILL FOR AN ACT

Relating to drones; amending ORS 496.146.

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

**SECTION 1.** ORS 496.146 is amended to read:

496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife Commission:

(1) May accept, from whatever source, appropriations, gifts or grants of money or other property for the purposes of wildlife management, and use such money or property for wildlife management purposes.

(2) May sell or exchange property owned by the state and used for wildlife management purposes when the commission determines that such sale or exchange would be advantageous to the state wildlife policy and management programs.

(3) May acquire, introduce, propagate and stock wildlife species in such manner as the commission determines will carry out the state wildlife policy and management programs.

(4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking, hunting and trapping and may prescribe such tagging and sealing procedures as the commission determines necessary to carry out the provisions of the wildlife laws or to obtain information for use in wildlife

1 management. Permits issued pursuant to this subsection may include special  
2 hunting permits for a person and immediate family members of the person  
3 to hunt on land owned by that person in areas where permits for deer or elk  
4 are limited by quota. As used in this subsection, “immediate family  
5 members” means husband, wife, father, mother, brothers, brothers-in-law,  
6 sisters, sisters-in-law, sons, daughters, stepchildren and grandchildren. A  
7 landowner who is qualified to receive landowner preference tags from the  
8 commission may request two additional tags for providing public access and  
9 two additional tags for wildlife habitat programs. This request shall be made  
10 to the Access and Habitat Board with supporting evidence that the access  
11 is significant and the habitat programs benefit wildlife. The board may re-  
12 commend that the commission grant the request. When a landowner is qual-  
13 ified under landowner preference rules adopted by the commission and  
14 receives a controlled hunt tag for that unit or a landowner preference tag  
15 for the landowner’s property and does not use the tag during the regular  
16 season, the landowner may use that tag to take an antlerless animal, when  
17 approved by the State Department of Fish and Wildlife, to alleviate damage  
18 that is presently occurring to the landowner’s property.

19 (5) May by rule prescribe procedures requiring the holder of any license,  
20 tag or permit issued pursuant to the wildlife laws to keep records and make  
21 reports concerning the time, manner and place of taking wildlife, the quan-  
22 tities taken and such other information as the commission determines nec-  
23 essary for proper enforcement of the wildlife laws or to obtain information  
24 for use in wildlife management.

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

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

31 (8) May acquire by purchase, lease, agreement, gift, exercise of eminent

1 domain or otherwise real property and all interests therein and establish,  
2 operate and maintain thereon public hunting areas.

3 (9) May establish and develop wildlife refuge and management areas and  
4 prescribe rules governing the use of such areas and the use of wildlife refuge  
5 and management areas established and developed pursuant to any other  
6 provision of law.

7 (10) May by rule prescribe fees for licenses, tags, permits and applications  
8 issued or required pursuant to the wildlife laws, and user charges for angl-  
9 ing, hunting or other recreational uses of lands owned or managed by the  
10 commission, unless such fees or user charges are otherwise prescribed by  
11 law. Except for licenses issued pursuant to subsection (14) of this section,  
12 no fee or user charge prescribed by the commission pursuant to this sub-  
13 section shall exceed \$100.

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

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

20 (13) May offer and pay rewards for the arrest and conviction of any per-  
21 son who has violated any of the wildlife laws. No such reward shall exceed  
22 \$100 for any one arrest and conviction.

23 (14) May by rule prescribe fees for falconry licenses issued pursuant to  
24 the wildlife laws, unless such fees are otherwise prescribed by law. Fees  
25 prescribed by the commission pursuant to this subsection shall be based on  
26 actual or projected costs of administering falconry regulations and shall not  
27 exceed \$250.

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

30 (16) May adopt optimum populations for deer and elk consistent with ORS  
31 496.012. These population levels shall be reviewed at least once every five

1 years.

2 (17) Shall establish a preference system so that individuals who are un-  
3 successful in controlled hunt permit drawings for deer and elk hunting have  
4 reasonable assurance of success in those drawings in subsequent years. In  
5 establishing the preference system, the commission shall consider giving ad-  
6 ditional preference points to persons who have been issued a resident pioneer  
7 hunting license pursuant to ORS 497.102.

8 (18) May sell advertising in State Department of Fish and Wildlife pub-  
9 lications, including annual hunting and angling regulation publications.

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

13 (20) Shall, after consultation with the State Department of Agriculture,  
14 adopt rules prohibiting the use of the World Wide Web, other Internet pro-  
15 tocols or broadcast or closed circuit media to remotely control a weapon for  
16 the purpose of hunting any game bird, wildlife, game mammal or other  
17 mammal. The rules may exempt the State Department of Fish and Wildlife  
18 or agents of the department from the prohibition.

19 (21) May adopt rules establishing a schedule of civil penalties, not to ex-  
20 ceed \$6,500 per violation, for violations of provisions of the wildlife laws or  
21 rules adopted by the commission under the wildlife laws. Civil penalties es-  
22 tablished under this subsection must be imposed in the manner provided by  
23 ORS 183.745 and must be deposited in the State Wildlife Fund established  
24 under ORS 496.300.

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

30 (23) May by rule establish annual and daily Columbia Basin salmon,  
31 steelhead and sturgeon recreational fishing endorsements with a fee not to

1 exceed \$9.75 per annual license and \$1 per day per daily license. An  
2 endorsement is required to fish for salmon, steelhead or sturgeon in the  
3 Columbia Basin and is in addition to and not in lieu of angling licenses and  
4 tags required under the wildlife laws. Amounts collected as fees under this  
5 subsection must be deposited in the Columbia River Fisheries Enhancement  
6 Fund established under section 7, chapter 672, Oregon Laws 2013.

7 (24) May by rule establish multiyear licenses and may prescribe fees for  
8 such licenses. Fees prescribed by the commission for multiyear licenses may  
9 provide for a discount from the annual license fees that would otherwise be  
10 payable for the period of time covered by the multiyear license.

11 **(25) Shall adopt rules prohibiting the use of drones as defined in**  
12 **ORS 837.300 for the purposes of hunting, tracking as an aid to hunting,**  
13 **harassing, locating, scouting for or viewing any game bird, game**  
14 **mammal or fur-bearing mammal. The rules shall also prohibit the use**  
15 **of drones for the purpose of interfering in the acts of a person who is**  
16 **lawfully hunting. Subject to ORS 837.360 and 837.365, the rules may**  
17 **exempt the State Department of Fish and Wildlife or agents of the**  
18 **department from the prohibitions of this subsection.**

19 **SECTION 2.** ORS 496.146, as amended by section 10, chapter 672, Oregon  
20 Laws 2013, is amended to read:

21 496.146. In addition to any other duties or powers provided by law, the  
22 State Fish and Wildlife Commission:

23 (1) May accept, from whatever source, appropriations, gifts or grants of  
24 money or other property for the purposes of wildlife management, and use  
25 such money or property for wildlife management purposes.

26 (2) May sell or exchange property owned by the state and used for wildlife  
27 management purposes when the commission determines that such sale or  
28 exchange would be advantageous to the state wildlife policy and management  
29 programs.

30 (3) May acquire, introduce, propagate and stock wildlife species in such  
31 manner as the commission determines will carry out the state wildlife policy

1 and management programs.

2 (4) May by rule authorize the issuance of such licenses, tags and permits  
3 for angling, taking, hunting and trapping and may prescribe such tagging  
4 and sealing procedures as the commission determines necessary to carry out  
5 the provisions of the wildlife laws or to obtain information for use in wildlife  
6 management. Permits issued pursuant to this subsection may include special  
7 hunting permits for a person and immediate family members of the person  
8 to hunt on land owned by that person in areas where permits for deer or elk  
9 are limited by quota. As used in this subsection, "immediate family  
10 members" means husband, wife, father, mother, brothers, brothers-in-law,  
11 sisters, sisters-in-law, sons, daughters, stepchildren and grandchildren. A  
12 landowner who is qualified to receive landowner preference tags from the  
13 commission may request two additional tags for providing public access and  
14 two additional tags for wildlife habitat programs. This request shall be made  
15 to the Access and Habitat Board with supporting evidence that the access  
16 is significant and the habitat programs benefit wildlife. The board may re-  
17 commend that the commission grant the request. When a landowner is qual-  
18 ified under landowner preference rules adopted by the commission and  
19 receives a controlled hunt tag for that unit or a landowner preference tag  
20 for the landowner's property and does not use the tag during the regular  
21 season, the landowner may use that tag to take an antlerless animal, when  
22 approved by the State Department of Fish and Wildlife, to alleviate damage  
23 that is presently occurring to the landowner's property.

24 (5) May by rule prescribe procedures requiring the holder of any license,  
25 tag or permit issued pursuant to the wildlife laws to keep records and make  
26 reports concerning the time, manner and place of taking wildlife, the quan-  
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28 essary for proper enforcement of the wildlife laws or to obtain information  
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9 prescribe rules governing the use of such areas and the use of wildlife refuge  
10 and management areas established and developed pursuant to any other  
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12 (10) May by rule prescribe fees for licenses, tags, permits and applications  
13 issued or required pursuant to the wildlife laws, and user charges for angl-  
14 ing, hunting or other recreational uses of lands owned or managed by the  
15 commission, unless such fees or user charges are otherwise prescribed by  
16 law. Except for licenses issued pursuant to subsection (14) of this section,  
17 no fee or user charge prescribed by the commission pursuant to this sub-  
18 section shall exceed \$100.

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

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

25 (13) May offer and pay rewards for the arrest and conviction of any per-  
26 son who has violated any of the wildlife laws. No such reward shall exceed  
27 \$100 for any one arrest and conviction.

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29 the wildlife laws, unless such fees are otherwise prescribed by law. Fees  
30 prescribed by the commission pursuant to this subsection shall be based on  
31 actual or projected costs of administering falconry regulations and shall not

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

4 (16) May adopt optimum populations for deer and elk consistent with ORS  
5 496.012. These population levels shall be reviewed at least once every five  
6 years.

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10 establishing the preference system, the commission shall consider giving ad-  
11 ditional preference points to persons who have been issued a resident pioneer  
12 hunting license pursuant to ORS 497.102.

13 (18) May sell advertising in State Department of Fish and Wildlife pub-  
14 lications, including annual hunting and angling regulation publications.

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16 hunting tags to an organization that sponsors hunting trips for terminally  
17 ill children.

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19 adopt rules prohibiting the use of the World Wide Web, other Internet pro-  
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1 hunting reporting requirements. Amounts collected as surcharges under this  
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12 **of drones for the purpose of interfering in the acts of a person who is**  
13 **lawfully hunting. Subject to ORS 837.360 and 837.365, the rules may**  
14 **exempt the State Department of Fish and Wildlife or agents of the**  
15 **department from the prohibitions of this subsection.**

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