

# House Bill 3160

Sponsored by COMMITTEE ON JUDICIARY

## 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**.

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

1  
2 Relating to drones; amending ORS 496.146.

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

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

5 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife  
6 Commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (20) Shall, after consultation with the State Department of Agriculture, adopt rules prohibiting  
45 the use of the World Wide Web, other Internet protocols or broadcast or closed circuit media to

1 remotely control a weapon for the purpose of hunting any game bird, wildlife, game mammal or  
2 other mammal. The rules may exempt the State Department of Fish and Wildlife or agents of the  
3 department from the prohibition.

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

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

13 (23) May by rule establish annual and daily Columbia Basin salmon, steelhead and sturgeon  
14 recreational fishing endorsements with a fee not to exceed \$9.75 per annual license and \$1 per day  
15 per daily license. An endorsement is required to fish for salmon, steelhead or sturgeon in the  
16 Columbia Basin and is in addition to and not in lieu of angling licenses and tags required under the  
17 wildlife laws. Amounts collected as fees under this subsection must be deposited in the Columbia  
18 River Fisheries Enhancement Fund established under section 7, chapter 672, Oregon Laws 2013.

19 (24) May by rule establish multiyear licenses and may prescribe fees for such licenses. Fees  
20 prescribed by the commission for multiyear licenses may provide for a discount from the annual li-  
21 cense fees that would otherwise be payable for the period of time covered by the multiyear license.

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

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

30 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife  
31 Commission:

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

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

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

40 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,  
41 hunting and trapping and may prescribe such tagging and sealing procedures as the commission  
42 determines necessary to carry out the provisions of the wildlife laws or to obtain information for  
43 use in wildlife management. Permits issued pursuant to this subsection may include special hunting  
44 permits for a person and immediate family members of the person to hunt on land owned by that  
45 person in areas where permits for deer or elk are limited by quota. As used in this subsection,

1 “immediate family members” means husband, wife, father, mother, brothers, brothers-in-law, sisters,  
2 sisters-in-law, sons, daughters, stepchildren and grandchildren. A landowner who is qualified to re-  
3 ceive landowner preference tags from the commission may request two additional tags for providing  
4 public access and two additional tags for wildlife habitat programs. This request shall be made to  
5 the Access and Habitat Board with supporting evidence that the access is significant and the habitat  
6 programs benefit wildlife. The board may recommend that the commission grant the request. When  
7 a landowner is qualified under landowner preference rules adopted by the commission and receives  
8 a controlled hunt tag for that unit or a landowner preference tag for the landowner’s property and  
9 does not use the tag during the regular season, the landowner may use that tag to take an antlerless  
10 animal, when approved by the State Department of Fish and Wildlife, to alleviate damage that is  
11 presently occurring to the landowner’s property.

12 (5) May by rule prescribe procedures requiring the holder of any license, tag or permit issued  
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19 (7) May acquire by purchase, lease, agreement or gift real property and all appropriate interests  
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31 charge prescribed by the commission pursuant to this subsection shall exceed \$100.

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33 encouragement of wildlife research and management programs and projects.

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

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37 any of the wildlife laws. No such reward shall exceed \$100 for any one arrest and conviction.

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 22 as surcharges under this subsection must be deposited in the State Wildlife Fund established under  
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 32 **Fish and Wildlife or agents of the department from the prohibitions of this subsection.**

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