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### HB 2536 Implied Consent to Inspect

The purpose behind the inspection attestation amendment is to enhance the deterrence, detection and compliance capabilities of those entrusted with protecting and preserving our living natural resources for the benefit of all citizens.

Unfortunately, as the committee heard from Oregon State Police Fish and Wildlife Division Commander, Cpt. Jeff Samuels last week; Oregon has a poaching problem! Oregon is not alone in this despicable category, but what is unique about Oregon as compared to many other states, is that we do not allow our field wildlife enforcement troopers to professionally utilize one of the most effective detection and deterrence tools available; Field Check Stations. Crimes are as a rule, extremely hard to detect and fish and wildlife crimes may be arguably the most difficult of all. We live in a state of nearly 4 million people and the strain on our fish and wildlife resources and their habitat is at an all-time high and our enforcement effectiveness may very well be at an all-time low. Oregon's 117 fish and wildlife officers are doing their professional best to detect and deter fish and wildlife crimes and I can assure you that illegal taking of wildlife is occurring somewhere each and every day. The courts have effectively handcuffed our game officers by striking down the use of field check stations. With that said, the best laws and regulations must be available if we as a society want our fish and wildlife enforcement officers to effectively and responsibly protect our natural resources for the benefit of present and future generations.

House Bill 2536 is a giant step in the right direction towards enhancing the detection and deterrence capabilities of our fish and wildlife enforcement troopers by having our licensed hunters consent to inspection of their licenses, tags, and harvested fish and game. HB 2536 is stating that if you want to participate in our outdoor sports you are agreeing to follow the rules, too play fair and too be ethical!

I retired from the Oregon State Police in 1998 after a very rewarding and successful 25 year career as a fish and wildlife trooper assigned to the Corvallis Patrol Office, I know how effective field check points can be. I had a patrol area that consisted of portions of the Alsea, Willamette, McKenzie

and Santiam Wildlife Management Units. This huge patrol area at times stretched from the Cascade Summit to the ocean beaches and had abundant populations of Roosevelt elk, blacktail deer, salmon, steelhead, forest grouse, bobcats and black bear. On any given day during the general harvest seasons there were thousands of law-abiding sportsmen and sportswomen enjoying hunting and gathering adventures in my patrol area, and sadly, the poachers were there too, only they had no seasons or bag limits.

During my career I manned countless check stations, sometimes working alone, sometimes with other troopers or Oregon Department of Fish and Wildlife biologists. We gathered tissue samples, eye fluids, herd health and composition information, built strong and vibrant public relations with great people, and also frequently we discovered a trunk load of snagged salmon, untagged deer, undersize and female crabs, closed season bobcats or hundreds of pounds of illegal smelt, you name it, we found it! Field check points were effective back then and can be again. Field check points protect Oregon's wildlife from those who have little respect for our natural resources or our laws.

The difference between the effectiveness of wildlife law enforcement 20 years ago and today may very well rest within the legal decision that terminated the use of field check points by ruling that this extremely effective law enforcement activity constituted an unreasonable search and seizure.

It is the hope of law abiding hunters, anglers and trappers that by adding the consent to inspection to ORS 497.041 of our licenses, tags, and bag that is contained in HB 2536 that we can again make available to our wildlife enforcement professionals a detection tool that will unquestionably reduce poaching and thereby protect our proud outdoor sporting heritage.

Stan Steele,  
Oregon Outdoor Council

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## 2013 ORS § 497.041<sup>1</sup>

### Applications for licenses, tags and permits to include certain statement for applicant attestation

- (1) As used in this section, hunt and wildlife have the meanings given those terms in ORS 496.004 (Definitions).
- (2) Each application for the issuance of a license, tag or permit to hunt wildlife with firearms under the wildlife laws shall include the following statement to which the applicant shall attest prior to the issuance of any license, tag or permit to the applicant:

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I am not a convicted felon who is prohibited from possessing a firearm under the laws of Oregon or the United States; **and**

I am not a person who has been found guilty except for insanity of a felony and who is prohibited from possessing a firearm under the laws of Oregon or the United States.

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[2011 c.383 §1]

Note: 497.041 (Applications for licenses, tags and permits to include certain statement for applicant attestation) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 497 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

• • •

(No annotations for this section.)

<sup>1</sup> Legislative Counsel Committee, *CHAPTER 497—Licenses and Permits*, [https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2013ors497.html](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors497.html) (2013) (last accessed Apr. 27, 2014).

<sup>2</sup> OregonLaws.org contains the contents of Volume 21 of the ORS, inserted alongside the pertinent

# House Bill 2536

Sponsored by Representative WITT; Representative HELM (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.

Requires applicant for license, tag or permit to angle, take, hunt or trap to attest that applicant consents to inspection of license, tag or permit and taken wildlife. Requires attestation statement and proof of attestation to be printed on license, tag or permit and signed by applicant.

### A BILL FOR AN ACT

1  
2 Relating to wildlife; amending ORS 497.041.

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

4 **SECTION 1.** ORS 497.041 is amended to read:

5 497.041. (1) As used in this section, "hunt" and "wildlife" have the meanings given those terms  
6 in ORS 496.004.

7 (2) Each application for the issuance of a license, tag or permit to hunt wildlife with firearms  
8 under the wildlife laws shall include the following statement to which the applicant shall attest prior  
9 to the issuance of any license, tag or permit to the applicant:

10  
11  
12 I am not a convicted felon who is prohibited from possessing a firearm under the laws of Oregon  
13 or the United States; and

14 I am not a person who has been found guilty except for insanity of a felony and who is prohib-  
15 ited from possessing a firearm under the laws of Oregon or the United States.

16  
17  
18 (3)(a) Each application for the issuance of a license, tag or permit to angle, take, hunt  
19 or trap under the wildlife laws shall include the following statement to which the applicant  
20 shall attest prior to the issuance of any license, tag or permit to the applicant:

21  
22  
23 I consent to the inspection of this license, tag or permit, and any wildlife taken pursuant  
24 to this license, tag or permit, by any employee of the State Fish and Wildlife Commission,  
25 or any person authorized to enforce the wildlife laws, or by the owner, or the agent of the  
26 owner, of any land upon which I am angling for, taking, hunting or trapping any wildlife  
27 pursuant to this license, tag or permit.

28  
29  
30 (b) The attestation provided for under this subsection shall be printed on the license, tag  
31 or permit issued to the applicant and signed by the applicant.

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 the use of the World Wide Web, other Internet protocols or broadcast or closed circuit media to  
 2 remotely control a weapon for the purpose of hunting any game bird, wildlife, game mammal or  
 3 other mammal. The rules may exempt the State Department of Fish and Wildlife or agents of the  
 4 department from the prohibition.

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

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

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

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

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

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

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

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

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

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

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

IDAHO FISH AND GAME  
Panhandle NEWS RELEASE  
Coeur d'Alene, ID

**Date:**

August 30, 2013

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## all hunters and anglers must stop at check stations

In the Field

By Phil Cooper - Idaho Department of Fish and Game

Hard as it is to believe, summer is already coming to a close, and some Idaho hunting seasons have already opened.

These include what are called "green-field hunts" that are intended to provide some relief to crop producers experiencing damage by big game. Many additional seasons open in the very near future for big game as well as small game.

Archers should take note that the general archery deer season opens before the general archery elk season. Prior to last year, both opened August 30 in the Panhandle.

As was the case last year, general season elk hunting for both archery and firearms hunters is only open for antlered elk. There is no general cow season in the Panhandle at this time.

At the fair last week, I was asked numerous times when the cow season would return. Nobody has a good answer for that question other than to say that it cannot happen until overall elk numbers and cow-calf ratios improve. Calves must survive in better numbers than they currently are before general cow hunting can be available.

***Idaho Fish and Game will continue to monitor populations using aerial and ground surveys and monitor harvest by reviewing mandatory harvest report data, mail and phone surveys and check station results to keep track of population changes.***

***While we are talking about check stations, it is important that hunters and anglers know what to do when they come upon a check station. Idaho Code requires that "all sportsmen, with or without game, must stop at Fish and Game check stations." All those who are hunting or fishing that day, or are returning from an overnight hunting or fishing outing, are required to stop.***



*Each year, a few sportsmen do not stop at check stations because they were not successful on that specific trip. They see the signs but think the instructions don't apply to them and continue on their way. However, information about a trip where nothing was harvested is also recorded. Citations can be issued to those who have spent the day in the field and do not stop.*

*Idaho Fish and Game runs two types of check stations. These include wildlife management check stations and enforcement check stations. Both types are important, and sportsmen can help Fish and Game gather information useful to managing both fish and game.*

*"Management Check Station" data is most accurate and meaningful when all hunters and anglers comply with the requirement to stop. It is important that hunters stop to give biologists information relating to the trip they are returning from. The management check stations serve as a helpful immediate measure of how the season is going. The information provides the short term ability to compare hunter success to previous years.*

*Final season success and harvest figures are derived from the final mandatory checks on some species, harvest reports, check station data and telephone surveys.*

*Sportsmen driving on less traveled roads may also encounter impromptu check stations that stop all vehicles and divert hunters or anglers aside to answer additional questions.*

*These "Enforcement Check Stations" may be set up by conservation officers at any time of the day or night, and are intended to enforce Idaho wildlife laws and orders.*

*When at either type of check station, hunters and anglers are asked a series of questions about how many occupants of the vehicle were hunting or fishing, which big game unit they were in, and how many animals of which species have been harvested. At a check station, you are required by law to produce all fish or game in possession for inspection. It usually takes just a few minutes.*

*Those species for which a tag and mandatory check is required will be checked, and data such as age and sex recorded. This can save you a trip to check in your animal at a later date.*

*You may also complete your requirement to file a harvest report if you have harvested a deer or elk, or if you are done hunting for the season. Simply complete the form and drop it off at the check station and you will be finished with reporting your hunting results for that species for the year.*

*Please stop in at every check station you encounter as you travel to or from hunting and fishing outings. The information you provide is important to successful management of the wildlife resource we enjoy in Idaho. You can also ask questions and get information about how the season is progressing.*

All hunters, both big game and small game, are encouraged to carefully review the hunting regulations before heading into the field. Nobody wants to violate a rule because they were not aware of a change. Sportsmen looking for answers to questions about regulations or seasons can contact the local Fish and Game regional office.

Fish and Game employees had a great time visiting with people about hunting and fishing at the North Idaho Fair, and at the Boundary and Bonner County fairs. It was obvious that hunters in the

Panhandle are excited about getting ready for the upcoming hunting seasons.

Phil Cooper is the regional wildlife educator for the Panhandle Region