

B-Engrossed
House Bill 2971

Ordered by the Senate June 6
Including House Amendments dated May 2 and Senate Amendments dated
June 6

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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.

Allows State Department of Fish and Wildlife to appoint person to act as agent for purpose of using one or more dogs to hunt or pursue black bear or cougar. Directs department to fix compensation and prescribe duties of agent. Limits authority of agent to act. **Directs State Fish and Wildlife Commission to adopt by rule process and criteria for selecting and training persons to act as agents.**

Sunsets January 2, 2014.

A BILL FOR AN ACT

1
2 Relating to methods of taking wildlife; creating new provisions; and amending ORS 498.164.

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

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

5 498.164. (1) Except as provided in subsections (2) [*and (3)*] **to (4)** of this section, a person may
6 not use bait to attract or take black bears or use one or more dogs to hunt or pursue black bears
7 or cougars.

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

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

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

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 **(d) The commission shall adopt by rule a process and criteria for selecting and training**
2 **persons to act as agents pursuant to subsection (3)(a) of this section. The process and cri-**
3 **teria shall include, but are not limited to, the qualifications and training for agents and are**
4 **to cover any guidelines, policies or codes of conduct of the department regarding firearms,**
5 **first aid, all-terrain vehicles and snowmobiles and the use of alcohol or drugs. The depart-**
6 **ment may also require fingerprints as specified in ORS 496.121 for the purpose of requesting**
7 **state or nationwide criminal records checks.**

8 [(3)] (4) Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons for
9 the taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating to
10 taking wildlife that is causing damage.

11 [(4)] (5) Any person who violates subsection (1) of this section commits a Class A misdemeanor
12 and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege
13 to apply for any hunting license suspended for a period of five years for a first offense and perma-
14 nently suspended for any subsequent offense.

15 [(5)] (6) For the purposes of this section, "bait" means any material placed for the purpose of
16 attracting or attempting to attract bears.

17 **SECTION 2.** ORS 498.164, as amended by section 1 of this 2007 Act, is amended to read:

18 498.164. (1) Except as provided in subsections (2) [to (4)] **to (3)** of this section, a person may not
19 use bait to attract or take black bears or use one or more dogs to hunt or pursue black bears or
20 cougars.

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

23 [(3)(a) *As allowed by subsection (2) of this section, the State Department of Fish and Wildlife is*
24 *authorized to appoint persons to act as agents for the department for the purpose of using one or more*
25 *dogs to hunt or pursue black bears or cougars. Such hunt or pursuit must be in compliance with any*
26 *black bear management plan and any cougar management plan adopted by rule by the State Fish and*
27 *Wildlife Commission. An agent acts on the department's behalf and, subject to the department's direc-*
28 *tion and control, implements specific management programs of the department. An agent may not en-*
29 *gage in any other hunting or pursuit while acting on the department's behalf.*]

30 [(b) *The department shall:*

31 [(A) *Make the appointment in written form; and*

32 [(B) *Ensure that the written appointment is available to the public for review at the main office of*
33 *the department in Salem.*]

34 [(c) *Upon appointment of an agent by the department, the department shall fix the compensation*
35 *of the agent and prescribe the duties of the agent. The authority of the agent to act shall be limited to*
36 *the terms set forth in the written appointment under paragraph (b) of this subsection.*]

37 [(d) *The commission shall adopt by rule a process and criteria for selecting and training persons*
38 *to act as agents pursuant to subsection (3)(a) of this section. The process and criteria shall include, but*
39 *are not limited to, the qualifications and training for agents and are to cover any guidelines, policies*
40 *or codes of conduct of the department regarding firearms, first aid, all-terrain vehicles and snowmobiles*
41 *and the use of alcohol or drugs. The department may also require fingerprints as specified in ORS*
42 *496.121 for the purpose of requesting state or nationwide criminal records checks.*]

43 [(4)] (3) Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons for
44 the taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating to
45 taking wildlife that is causing damage.

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

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

7 **SECTION 3. The amendments to ORS 498.164 by section 2 of this 2007 Act become oper-**
8 **ative January 2, 2014.**

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