

A-Engrossed
Senate Bill 804

Ordered by the House May 15
Including House Amendments dated May 15

Sponsored by Senator BATES (at the request of Wildlife Society, Oregon Chapter)

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.

Grants State Fish and Wildlife Commission authority to define "wild birds" and "wild mammals" by rule for purposes of wildlife laws.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wildlife laws; amending ORS 496.004; and declaring an emergency.

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

4 **SECTION 1.** ORS 496.004 is amended to read:

5 496.004. As used in the wildlife laws, unless the context requires otherwise:

6 (1) "Angle" means to take or attempt to take a fish for personal use by means involving hook
7 and line.

8 (2) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.

9 (3) "Compatible" means capable of existing in harmony so as to minimize conflict.

10 (4) "Department" means the State Department of Fish and Wildlife created by ORS 496.080.

11 (5) "Director" means the State Fish and Wildlife Director appointed pursuant to ORS 496.112.

12 (6) "Endangered species" means:

13 (a) Any native wildlife species determined by the commission to be in danger of extinction
14 throughout any significant portion of its range within this state.

15 (b) Any native wildlife species listed as an endangered species pursuant to the federal Endan-
16 gered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531), as amended.

17 (7) "Fund" means the State Wildlife Fund created by ORS 496.300.

18 (8) "Fur-bearing mammal" means beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon,
19 red fox and gray fox.

20 (9) "Game mammal" means antelope, black bear, cougar, deer, elk, moose, mountain goat,
21 mountain sheep and silver gray squirrel.

22 (10) "Hunt" means to take or attempt to take any wildlife by means involving the use of a
23 weapon or with the assistance of any mammal or bird.

24 (11) "Manage" means to protect, preserve, propagate, promote, utilize and control wildlife.

25 (12) "Optimum level" means wildlife population levels that provide self-sustaining species as well
26 as taking, nonconsumptive and recreational opportunities.

27 (13) "Person with a disability" means a person who complies with the requirement of ORS
28 496.018.

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 (14) "Shellfish" has the meaning given that term in ORS 506.011.

2 (15) "Species" means any species or subspecies of wildlife.

3 (16) "Take" means to kill or obtain possession or control of any wildlife.

4 (17) "Threatened species" means:

5 (a) Any native wildlife species the commission determines is likely to become an endangered
6 species within the foreseeable future throughout any significant portion of its range within this
7 state.

8 (b) Any native wildlife species listed as a threatened species pursuant to the federal Endangered
9 Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531), as amended.

10 (18) "Trap" means to take or attempt to take any wildlife by means involving the use of a trap,
11 net, snare or other device used for the purpose of capture.

12 (19) "Wildlife" means fish, shellfish, [*wild birds*,] amphibians and reptiles, feral swine as defined
13 by State Department of Agriculture rule, **wild birds as defined by commission rule** and other wild
14 mammals **as defined by commission rule**.

15 **SECTION 2. This 2007 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
17 **on its passage.**

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