

HOUSE AMENDMENTS TO HOUSE BILL 3417

By COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL
COMMUNITIES

April 30

1 On page 1 of the printed bill, delete lines 6 through 27 and insert:

2 “**SECTION 1.** ORS 607.007 is amended to read:

3 “607.007. As used in this chapter, unless the context requires otherwise:

4 “(1) ‘Adequate fence’ means a continuous barrier consisting of natural barriers, structures,
5 masonry, rails, poles, planks, wire or the combination thereof, installed and maintained in a condi-
6 tion so as to form a continuous guard and defense against the ingress or egress of [*livestock*] **cattle**
7 **or equines** into or from the lands enclosed by the barrier. [*Such*] Natural barriers [*shall*] **may** in-
8 clude hedges, ditches, rivers, streams, ponds or lakes.

9 “(2) ‘Estray **animal**’ means [*livestock of any unknown person that is*] **cattle or equines that are**
10 unlawfully running at large or being permitted to do so, or that [*is*] **are** found to be trespassing on
11 land enclosed by an adequate fence.

12 “(3) ‘Taking up’ means the intentional exertion of control over [*livestock*] **an estray animal,**
13 including but not limited to the restriction of movement, holding under herd, feeding, pasturing or
14 sheltering of [*such livestock*] **the animal.**

15 “**SECTION 2.** ORS 607.300 is amended to read:

16 “607.300. [*Whenever livestock has broken*] **If cattle or equines break** through a fence on the
17 open range and a determination of the adequacy of the fence is necessary in order to determine [*if*
18 *such livestock is an*] **whether the cattle or equines are** estray **animals,** the State Department of
19 Agriculture shall make the determination of the adequacy of the fence and shall consider, among
20 other things, the customs and practices of good [*husbandmen*] **animal husbandry** in the particular
21 area with reference to fences. **The department may adopt rules establishing fees for deter-**
22 **mining the adequacy of a fence. Fees must be reasonably calculated to compensate the de-**
23 **partment for the costs of the determination.”**

24