

Senate Bill 792

Sponsored by Senator GEORGE, Representative WEIDNER; Senators BOQUIST, WHITSETT, Representatives BENTZ, BRUUN, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, GILMAN, HANNA, HUFFMAN, JENSON, KENNEMER, MAURER, OLSON, SCHAUFLE, G SMITH, THATCHER, THOMPSON, VANORMAN, WHISNANT, WINGARD

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**.

Allows use of dogs to hunt cougars during final three months of general cougar hunting season if State Fish and Wildlife Commission determines that harvest quota for particular hunt zone may not be met.

A BILL FOR AN ACT

1
2 Relating to cougars; amending ORS 498.164; and providing for criminal sentence reduction that re-
3 quires approval by a two-thirds majority.

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

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

6 498.164. (1) Except as provided in subsections (2) to (4) of this section, a person may not use bait
7 to attract or take black bears or use one or more dogs to hunt or pursue black bears 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 Wildlife is
11 authorized to appoint persons to act as agents for the department for the purpose of using one or
12 more dogs to hunt or pursue black bears or cougars. Such hunt or pursuit must be in compliance
13 with any black bear management plan and any cougar management plan adopted by rule by the
14 State Fish and Wildlife Commission. An agent acts on the department's behalf and, subject to the
15 department's direction and control, implements specific management programs of the department.
16 An agent may not engage in any other hunting or pursuit while acting on the department's behalf.

17 (b) The department shall:

18 (A) Make the appointment in written form; and

19 (B) Ensure that the written appointment is available to the public for review at the main office
20 of the department in Salem.

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

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

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

4 **(5) Notwithstanding subsection (1) of this section, if the State Fish and Wildlife Com-**
5 **mission determines that the harvest quota may not be met in a particular hunt zone during**
6 **the general cougar season, the commission may allow a person who holds the appropriate**
7 **licenses, tag and permits to hunt cougars with a dog in a particular hunt zone during the**
8 **final three months of the general cougar season until the harvest quota for that particular**
9 **hunt zone for the season has been met.**

10 [(5)] (6) Any person who violates subsection (1) of this section commits a Class A misdemeanor
11 and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege
12 to apply for any hunting license suspended for a period of five years for a first offense and perma-
13 nently suspended for any subsequent offense.

14 [(6)] (7) For the purposes of this section, "bait" means any material placed for the purpose of
15 attracting or attempting to attract bears.

16 **SECTION 2.** ORS 498.164, as amended by section 2, chapter 675, Oregon Laws 2007, is amended
17 to read:

18 498.164. (1) Except as provided in subsections (2) and (3) of this section, a person may not use
19 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) Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons for the
24 taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating to taking
25 wildlife that is causing damage.

26 **(4) Notwithstanding subsection (1) of this section, if the State Fish and Wildlife Com-**
27 **mission determines that the harvest quota may not be met in a particular hunt zone during**
28 **the general cougar season, the commission may allow a person who holds the appropriate**
29 **licenses, tag and permits to hunt cougars with a dog in a particular hunt zone during the**
30 **final three months of the general cougar season until the harvest quota for that particular**
31 **hunt zone for the season has been met.**

32 [(4)] (5) Any person who violates subsection (1) of this section commits a Class A misdemeanor
33 and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege
34 to apply for any hunting license suspended for a period of five years for a first offense and perma-
35 nently suspended for any subsequent offense.

36 [(5)] (6) For the purposes of this section, "bait" means any material placed for the purpose of
37 attracting or attempting to attract bears.

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