

House Bill 2171

Sponsored by Representative BUCKLEY (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 State Department of Fish and Wildlife to develop and implement program to provide technical assistance to Oregon landowners, businesses and communities regarding nonlethal options to reduce conflict between humans and wildlife.

Requires State Fish and Wildlife Commission to adopt rules specifying certain geographic regions for purposes of domestic solid waste disposal. Sets forth certain requirements related to disposal of domestic solid waste in geographic regions.

A BILL FOR AN ACT

1
2 Relating to wildlife.

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

4 5 PROGRAM TO PROVIDE TECHNICAL ASSISTANCE 6 TO REDUCE CONFLICT 7 BETWEEN HUMANS AND WILDLIFE 8

9 **SECTION 1.** Sections 2 and 3 of this 2011 Act are added to and made a part of ORS
10 chapter 498.

11 **SECTION 2.** (1) As used in this section, "nonlethal options to reduce conflict between
12 humans and wildlife" includes but is not limited to:

13 (a) Utilizing boxes, containers or receptacles for the collection of solid waste and
14 recyclable materials that wildlife are not able to open;

15 (b) Installing motion sensors, frightening devices or fencing;

16 (c) Penning animals at night;

17 (d) Removing animal carcasses from pastures; and

18 (e) Using guard animals.

19 (2) The State Department of Fish and Wildlife shall develop and implement a program to
20 provide technical assistance to Oregon landowners, including but not limited to farmers and
21 ranchers, businesses and communities regarding nonlethal options to reduce conflict between
22 humans and wildlife.

23 **SECTION 3.** The State Fish and Wildlife Commission may adopt rules as necessary to
24 implement section 2 of this 2011 Act.
25

26 PREVENTION OF WILDLIFE ACCESS 27 TO DOMESTIC SOLID WASTE 28

29 **SECTION 4.** Sections 5 and 6 of this 2011 Act are added to and made a part of ORS

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 chapter 498.

2 **SECTION 5.** (1) As used in sections 5 and 6 of this 2011 Act:

3 (a) “Attractant” means any substance or item that could be reasonably expected to at-
4 tract, or that does attract, wildlife.

5 (b) “Domestic solid waste” has the meaning given that term in ORS 459A.100, except that
6 for purposes of sections 5 and 6 of this 2011 Act “domestic solid waste” includes construction
7 wastes, whether or not delivered to a disposal site that is limited to construction wastes, and
8 wastes generated at special events.

9 (c) “Special event” means an outdoor gathering with an expected or actual attendance
10 of more than 50 people.

11 (d) “Wildlife-resistant container” means a fully enclosed container with a lid, constructed
12 of metal or similar material, that can be closed with a latching mechanism that prevents
13 access by wildlife.

14 (e) “Wildlife-resistant enclosure” means a fully enclosed structure that has:

15 (A) Four walls that extend to the ground;

16 (B) A door on one side that has not more than a three-eighths of an inch gap along the
17 bottom;

18 (C) A roof;

19 (D) A latching device of sufficient strength and design to prevent access by wildlife; and

20 (E) Any ventilation openings covered with a metal mesh or other material of sufficient
21 strength to prevent access by wildlife.

22 **SECTION 6.** (1) In order to reduce conflict between humans and wildlife, the State Fish
23 and Wildlife Commission by rule shall specify geographic regions in this state in which do-
24 mestic solid waste must be deposited as provided in subsections (2) to (5) of this section.

25 (2) Subject to the provisions of ORS 90.320 (1)(g), in addition to any other requirements
26 imposed by law and except as provided in subsections (3) and (4) of this section for the dis-
27 posal of domestic solid waste at special events and at construction sites, domestic solid waste
28 in the geographic regions described in subsection (1) of this section must be deposited:

29 (a) In a building, house or garage that is inaccessible to wildlife;

30 (b) In a wildlife-resistant container;

31 (c) In a container in a wildlife-resistant enclosure; or

32 (d) At a disposal site that receives domestic solid waste.

33 (3)(a) All special events in the geographic regions described in subsection (1) of this sec-
34 tion must be kept free from the accumulation of domestic solid waste.

35 (b) Domestic solid waste must be collected at the end of each day from the grounds
36 where an outdoor special event is held and deposited:

37 (A) In a building that is inaccessible to wildlife;

38 (B) In a wildlife-resistant container;

39 (C) In a container in a wildlife-resistant enclosure; or

40 (D) At a disposal site that receives domestic solid waste.

41 (4) A construction site in a geographic region described in subsection (1) of this section
42 must have a wildlife-resistant container, a container in a wildlife-resistant enclosure or a
43 building or trailer that is inaccessible to wildlife where domestic solid waste may be emptied
44 and stored at the end of each day.

45 (5) The State Department of Fish and Wildlife, after consultation with the Department

1 of Environmental Quality, shall make a wildlife-resistant container, or a container in a
2 wildlife-resistant enclosure, available at the following disposal sites that are accessible to the
3 public in the geographic regions described in subsection (1) of this section:

4 (a) _____;

5 (b) _____; and

6 (c) _____.

7 (6)(a) A person may not fail to take remedial action, including but not limited to remov-
8 ing attractants, to avoid contact or conflict with a bear after being advised by an individual
9 described in ORS 496.605, 496.610 or 496.615 to take such remedial action.

10 (b) After contact or conflict with a bear as a result of an attractant, a person may not
11 continue to provide the attractant, or otherwise fail to secure or remove the attractant.

12
13 MISCELLANEOUS
14

15 SECTION 7. The State Department of Fish and Wildlife shall implement the provisions
16 of sections 1 to 6 of this 2011 Act within existing resources and without an additional ap-
17 propriation.

18 SECTION 8. The unit captions used in this 2011 Act are provided only for the convenience
19 of the reader and do not become part of the statutory law of this state or express any leg-
20 islative intent in the enactment of this 2011 Act.
21 _____