

Enrolled House Bill 2175

Sponsored by Representative COWAN (at the request of Rob Bovett, Lincoln County District Attorney) (Pre-session filed.)

CHAPTER

AN ACT

Relating to potentially habituated wildlife; and declaring an emergency.

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

SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS chapter 496.

SECTION 2. It is the intent of the Legislative Assembly to protect wildlife from becoming habituated to humans and to protect the public against the serious health and safety risk posed by wildlife that are drawn into contact with humans and infrastructure by individuals who knowingly feed wildlife.

SECTION 3. (1) As used in this section:

(a) "Officer" means any person authorized to enforce the wildlife laws pursuant to ORS 496.605, 496.610 or 496.615.

(b) "Potentially habituated wildlife" means bear, cougar, coyote and wolf.

(2) A person who places, deposits, distributes, stores or scatters food, garbage or any other attractant so as to knowingly constitute a lure, attraction or enticement for potentially habituated wildlife may be issued a written notification by an officer requiring the person to remove the food, garbage or other attractant within two days of notification.

(3) A person who receives a written notification under subsection (2) of this section shall remove the food, garbage or other attractant as directed.

(4) This section does not apply to:

(a) Activities related to an agricultural, forestry or ranching operation.

(b) Feeding potentially habituated wildlife with the State Fish and Wildlife Director's authorization. The director may authorize the feeding:

(A) In order to prevent damage to private property;

(B) In order to mitigate the population loss anticipated by a predicted winter mortality;

or

(C) As a part of a research or management program.

(c) Waste disposal facilities operating in accordance with applicable federal, state and local laws.

(d) Zoos, wildlife refuges and persons that have a permit to keep wildlife in captivity for rehabilitation or other purposes pursuant to ORS 497.228, 497.298 or 497.308.

(5) Nothing in this section affects any provision of ORS 498.164.

SECTION 4. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 4, 2011

Received by Governor:

Repassed by House May 24, 2011

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Ramona Kenady Line, Chief Clerk of House

Approved:

.....M,....., 2011

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

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Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

Passed by Senate May 19, 2011

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State