

Enrolled House Bill 2025

Sponsored by Representative CLEM; Senator CLOSE (Presession filed.)

CHAPTER

AN ACT

Relating to agriculture; creating new provisions; and amending ORS 607.007 and 607.992.

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

SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of ORS chapter 607.

SECTION 2. A person is liable to the owner or lawful possessor of land for resulting economic damages if:

- (1) The person permits bison to run at large upon the land; or
- (2) Bison for which the person is the owner or possessor are running at large or uncontrolled upon the land.

SECTION 3. Notwithstanding the contents of any livestock district petition described in ORS 607.010, an owner or possessor of bison or bison hybrids may not permit the bison or bison hybrids to run at large.

SECTION 4. ORS 607.007 is amended to read:

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

(1) "Adequate fence" means a continuous barrier consisting of natural barriers, structures, masonry, rails, poles, planks, wire or the combination thereof, installed and maintained in a condition so as to form a continuous guard and defense against the ingress or egress of cattle or equines into or from the lands enclosed by the barrier. Natural barriers may include hedges, ditches, rivers, streams, ponds or lakes.

(2) "Estray animal" means:

- (a) Cattle, **bison** or equines that are unlawfully running at large or being permitted to do so[,] or
- (b) **Cattle or equines** that are found to be trespassing on land enclosed by an adequate fence.
- (3) "Taking up" means the intentional exertion of control over an estray animal, including but not limited to the restriction of movement, holding under herd, feeding, pasturing or sheltering of the animal.

SECTION 5. ORS 607.992 is amended to read:

607.992. (1) [*Violation of any provision of this chapter is a misdemeanor.*] **A person that intentionally, knowingly or recklessly violates a provision of this chapter is guilty of a Class A misdemeanor.**

(2) **Except as provided in subsection (3) of this section, a person that violates a provision of this chapter, but does not act intentionally, knowingly or recklessly, commits a Class B violation.**

(3)(a) A person that violates ORS 607.045, but does not act intentionally, knowingly or recklessly, commits a Class D violation if the person does not have a previous conviction for a violation of ORS 607.045. As used in this paragraph, "previous conviction" means a conviction entered before the commission of the current violation of ORS 607.045.

(b) Notwithstanding ORS 153.019 or any other requirement pertaining to Class D violation fine amounts, the presumptive fine for a violation described in this subsection is \$60.

SECTION 6. (1) Sections 2 and 3 of this 2013 Act and the amendments to ORS 607.007 by section 4 of this 2013 Act apply to animals whose presence on land is discovered on or after the effective date of this 2013 Act.

(2) The amendments to ORS 607.992 by section 5 of this 2013 Act apply to acts committed on or after the effective date of this 2013 Act.

Passed by House April 25, 2013

Received by Governor:

Repassed by House May 30, 2013

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Approved:

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Ramona J. Line, Chief Clerk of House

.....M,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate May 28, 2013

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M,....., 2013

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Kate Brown, Secretary of State