

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2390

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

May 31

1 On page 1 of the printed A-engrossed bill, line 2, after “wildlife;” insert “creating new pro-  
2 visions;”.

3 On page 2, after line 23, insert:

4 “**SECTION 3.** ORS 498.164, as amended by section 2, chapter 675, Oregon Laws 2007, and sec-  
5 tion 2 of this 2013 Act, is amended to read:

6 “498.164. (1) Except as provided in subsections (2) [to (4)] **and (3)** of this section, a person may  
7 not use bait to attract or take black bears or use one or more dogs to hunt or pursue black bears  
8 or cougars.

9 “(2) Nothing in subsection (1) of this section prohibits the use of bait or one or more dogs by  
10 employees or agents of county, state or federal agencies while acting in their official capacities.

11 “[*(3)(a) As allowed by subsection (2) of this section, the State Department of Fish and Wildlife is*  
12 *authorized to appoint persons to act as agents for the department for the purpose of using one or more*  
13 *dogs to hunt or pursue black bears or cougars. The hunt or pursuit must be in compliance with any*  
14 *black bear management plan and any cougar management plan adopted by rule by the State Fish and*  
15 *Wildlife Commission. An agent acts on the department’s behalf and, subject to the department’s direc-*  
16 *tion and control, implements specific management programs of the department. An agent may not en-*  
17 *gage in any other hunting or pursuit while acting on the department’s behalf.]*

18 “[*(b) The department shall:]*

19 “[*(A) Make the appointment in written form; and]*

20 “[*(B) Ensure that the written appointment is available to the public for review at the main office*  
21 *of the department in Salem.]*

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

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

31 “[*(4)* **(3)** Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons  
32 for the taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating  
33 to taking wildlife that is causing damage.

34 “[*(5)* **(4)** Any person who violates subsection (1) of this section commits a Class A misdemeanor  
and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege

1 to apply for any hunting license suspended for a period of five years for a first offense and perma-  
2 nently suspended for any subsequent offense.

3 “[(6) *The commission shall report biennially pursuant to ORS 496.128 regarding the department’s*  
4 *appointment and use of agents under this section. The report must include information on the use of*  
5 *agents in implementing any black bear management program and any cougar management program of*  
6 *the department and a summary of public input taken by the department regarding use of the agents.*]

7 “[7] (5) For the purposes of this section, ‘bait’ means any material placed for the purpose of  
8 attracting or attempting to attract bears.

9 “**SECTION 4. The amendments to ORS 498.164 by section 3 of this 2013 Act become op-**  
10 **erative on January 2, 2019.**”.

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