

HOUSE AMENDMENTS TO HOUSE BILL 3452

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 18

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages 2 and 3 and insert:

2 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 498.**

3 **“SECTION 2. (1) As used in this section, ‘livestock’ and ‘working dog’ have the meanings**
4 **given those terms in ORS 610.150.**

5 **“(2) Notwithstanding any provision of the wildlife laws, a person may take gray wolves**
6 **at any time if the taking is necessary to avoid imminent, grave physical injury to any person.**

7 **“(3) Nothing in the wildlife laws is intended to prevent the State Fish and Wildlife Com-**
8 **mission or the State Department of Fish and Wildlife from lethally taking wolves to address**
9 **chronic depredation of livestock, regardless of the management status of wolves under the**
10 **Oregon Wolf Conservation and Management Plan.**

11 **“(4) Pursuant to rules adopted by the commission, a person who owns or lawfully occu-**
12 **pies land may take gray wolves on the land that is owned or occupied by the person, without**
13 **a permit issued by the commission, if:**

14 **“(a) The person has not used bait to attract gray wolves or taken any other intentional**
15 **act to attract gray wolves other than engaging in regular and ordinary livestock manage-**
16 **ment practices;**

17 **“(b) The taking is allowed under the federal Endangered Species Act of 1973 (P.L. 93-205,**
18 **16 U.S.C. 1531 et seq.); and**

19 **“(c) The gray wolves are:**

20 **“(A) Caught in the act of attacking livestock or working dogs; or**

21 **“(B) Caught in the act of chasing livestock during the time period in which the depart-**
22 **ment has determined to take lethal action because of chronic wolf depredation and the per-**
23 **son has taken nonlethal actions as specified by the department.**

24 **“(5) A person who is a landowner or a lawful occupant of land may authorize another**
25 **person to enter the land for the purpose of taking gray wolves under subsection (4) of this**
26 **section on behalf of the landowner or occupant. The authorization must be in writing and**
27 **must include:**

28 **“(a) The date of issuance of the authorization;**

29 **“(b) The name, address, telephone number and signature of the person granting the au-**
30 **thorization;**

31 **“(c) The name, address and telephone number of the person to whom the authorization**
32 **is granted; and**

33 **“(d) The expiration date of the authorization, which may not be later than one year from**
34 **the date of issuance of the authorization.**

35 **“(6) The person taking gray wolves on behalf of a landowner or lawful occupant under**

1 subsection (5) of this section must be carrying the written authorization when gray wolves
2 are taken.

3 “(7) If a person takes gray wolves under the provisions of this section, the person shall
4 report the taking to the department within 24 hours and make all reasonable efforts to pre-
5 serve, and to keep undisturbed, the scene of the taking. The department shall immediately
6 investigate the report of the taking to determine compliance with the provisions of this
7 section.

8 “SECTION 3. ORS 498.012 is amended to read:

9 “498.012. (1) Nothing in the wildlife laws is intended to prevent any person from taking any
10 wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the
11 person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a
12 time or under circumstances when such taking is prohibited by the State Fish and Wildlife Com-
13 mission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless
14 the person first obtains a permit for such taking from the commission.

15 “(2)(a) Nothing in subsection (1) of this section requires a permit for the taking of cougar,
16 bobcat, red fox or bear pursuant to that subsection. However, any person who takes a cougar,
17 bobcat, red fox or bear must have in possession written authority therefor from the landowner or
18 lawful occupant of the land that complies with subsection (4) of this section.

19 “(b) Nothing in subsection (1) of this section requires the commission to issue a permit for the
20 taking of any wildlife species for which a U. S. Fish and Wildlife Service permit is required pursuant
21 to the Migratory Bird Treaty Act (16 U.S.C. [§§]703 to 711), as amended.

22 “(3) Any person who takes, pursuant to subsection (1) of this section, any cougar, bobcat, red
23 fox, bear, game mammal, game bird, fur-bearing mammal or wildlife species whose survival the
24 commission determines is endangered shall immediately report the taking to a person authorized to
25 enforce the wildlife laws, and shall dispose of the wildlife in such manner as the commission directs.
26 In determining procedures for disposal of bear and cougar, the commission shall direct the State
27 Department of Fish and Wildlife to first offer the animal to the landowner incurring the damage.

28 “(4) The written authority from the landowner or lawful occupant of the land required by sub-
29 section (2) of this section for the taking of cougar, bobcat, red fox or bear must set forth all of the
30 following:

31 “(a) The date of issuance of the authorization;

32 “(b) The name, address, telephone number and signature of the person granting the authori-
33 zation;

34 “(c) The name, address and telephone number of the person to whom the authorization is
35 granted;

36 “(d) The wildlife damage control activities to be conducted, whether for bear, cougar, red fox
37 or bobcat; and

38 “(e) The expiration date of the authorization, which shall be not later than one year from the
39 date of issuance of the authorization.

40 “(5) Any regional office of the State Department of Fish and Wildlife ordering the disposal of
41 an animal under subsection (3) of this section shall file a report with the State Fish and Wildlife
42 Director within 30 days after the disposal. The report shall include but need not be limited to the
43 loss incurred, the financial impact and the disposition of the animal. The director shall compile all
44 reports received under this subsection on a bimonthly basis. The reports compiled by the director
45 shall be available to the public upon request.

1 **“(6) Section 2 of this 2013 Act governs the taking of gray wolves that are causing damage.**
2 **“[(6)] (7) As used in this section:**
3 **“(a) ‘Damage’ means loss of or harm inflicted on land, livestock or agricultural or forest crops.**
4 **“(b) ‘Nongame wildlife’ has the meaning given that term in ORS 496.375.**
5 **“(c) ‘Public nuisance’ means loss of or harm inflicted on gardens, ornamental plants, ornamental**
6 **trees, pets, vehicles, boats, structures or other personal property.**
7 **“SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
9 **on its passage.”.**
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