

# Senate Bill 428

Sponsored by Senator GEORGE (at the request of Oregon Sportsmen Association) (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**.

Allows use of dog to hunt cougars during final three months of general cougar hunting season if State Fish and Wildlife Commission determines that harvest quota for particular hunt zone might not be met.

## A BILL FOR AN ACT

1  
2 Relating to cougars; amending ORS 498.164; and providing for criminal sentence reduction that re-  
3 quires approval by a two-thirds majority.

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

5 **SECTION 1.** ORS 498.164 is amended to read:

6 498.164. (1) Except as provided in subsections (2) to [(4)] (5) of this section, a person may not  
7 use bait to attract or take black bears or use one or more dogs to hunt or pursue black bears or  
8 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  
13 more dogs to hunt or pursue black bears or cougars. Such hunt or pursuit must be in compliance  
14 with any black bear management plan and any cougar management plan adopted by rule by the  
15 State Fish and Wildlife Commission. An agent acts on the department's behalf and, subject to the  
16 department's direction and control, implements specific management programs of the department.  
17 An agent may not engage 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 shall be limited  
24 to the 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 shall include,  
27 but are not limited to, the qualifications and training for agents and are to cover any guidelines,  
28 policies 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  
30 specified in ORS 496.121 for the purpose of requesting state or nationwide criminal records checks.

31 (4) Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons for the

**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 taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating to taking  
2 wildlife that is causing damage.

3 **(5) If the State Fish and Wildlife Commission determines that the harvest quota might**  
4 **not be met in a particular hunt zone during the general cougar season, the commission may**  
5 **allow a person who holds the appropriate licenses, tag and permits to hunt or pursue cougars**  
6 **with a dog in a particular hunt zone during the final three months of the general cougar**  
7 **season until the harvest quota for that particular hunt zone for the season has been met.**

8 [(5)] (6) Any person who violates subsection (1) of this section commits a Class A misdemeanor  
9 and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege  
10 to apply for any hunting license suspended for a period of five years for a first offense and perma-  
11 nently suspended for any subsequent offense.

12 [(6)] (7) For the purposes of this section, "bait" means any material placed for the purpose of  
13 attracting or attempting to attract bears.

14 **SECTION 2.** ORS 498.164, as amended by section 2, chapter 675, Oregon Laws 2007, is amended  
15 to read:

16 498.164. (1) Except as provided in subsections (2) [*and (3)*] **to (4)** of this section, a person may  
17 not use bait to attract or take black bears or use one or more dogs to hunt or pursue black bears  
18 or cougars.

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

21 (3) Nothing in subsection (1) of this section prohibits the use of bait or dogs by persons for the  
22 taking of black bears or cougars in accordance with the provisions of ORS 498.012 relating to taking  
23 wildlife that is causing damage.

24 **(4) If the State Fish and Wildlife Commission determines that the harvest quota might**  
25 **not be met in a particular hunt zone during the general cougar season, the commission may**  
26 **allow a person who holds the appropriate licenses, tag and permits to hunt or pursue cougars**  
27 **with a dog in a particular hunt zone during the final three months of the general cougar**  
28 **season until the harvest quota for that particular hunt zone for the season has been met.**

29 [(4)] (5) Any person who violates subsection (1) of this section commits a Class A misdemeanor  
30 and, upon conviction, shall in addition to appropriate criminal penalties have his or her privilege  
31 to apply for any hunting license suspended for a period of five years for a first offense and perma-  
32 nently suspended for any subsequent offense.

33 [(5)] (6) For the purposes of this section, "bait" means any material placed for the purpose of  
34 attracting or attempting to attract bears.

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