

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3452**

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

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

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

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

10 **“(3) Nothing in the wildlife laws is intended to prevent the State**  
11 **Fish and Wildlife Commission or the State Department of Fish and**  
12 **Wildlife from lethally taking wolves to address chronic depredation of**  
13 **livestock, regardless of the management status of wolves under the**  
14 **Oregon Wolf Conservation and Management Plan.**

15 **“(4) Pursuant to rules adopted by the commission, a person who**  
16 **owns or lawfully occupies land may take gray wolves on the land that**  
17 **is owned or occupied by the person, without a permit issued by the**  
18 **commission, if:**

19 **“(a) The person has not used bait to attract gray wolves or taken**  
20 **any other intentional act to attract gray wolves other than engaging**  
21 **in regular and ordinary livestock management practices;**

22 **“(b) The taking is allowed under the federal Endangered Species**

1 Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.); and

2 “(c) The gray wolves are:

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

4 “(B) Caught in the act of chasing livestock during the time period  
5 in which the department has determined to take lethal action because  
6 of chronic wolf depredation and the person has taken nonlethal actions  
7 as specified by the department.

8 “(5) A person who is a landowner or a lawful occupant of land may  
9 authorize another person to enter the land for the purpose of taking  
10 gray wolves under subsection (4) of this section on behalf of the land-  
11 owner or occupant. The authorization must be in writing and must  
12 include:

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

14 “(b) The name, address, telephone number and signature of the  
15 person granting the authorization;

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

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

20 “(6) The person taking gray wolves on behalf of a landowner or  
21 lawful occupant under subsection (5) of this section must be carrying  
22 the written authorization when gray wolves are taken.

23 “(7) If a person takes gray wolves under the provisions of this sec-  
24 tion, the person shall report the taking to the department within 24  
25 hours and make all reasonable efforts to preserve, and to keep undis-  
26 turbed, the scene of the taking. The department shall immediately  
27 investigate the report of the taking to determine compliance with the  
28 provisions of this section.

29 **“SECTION 3.** ORS 498.012 is amended to read:

30 “498.012. (1) Nothing in the wildlife laws is intended to prevent any per-

1 son from taking any wildlife that is causing damage, is a public nuisance or  
2 poses a public health risk on land that the person owns or lawfully occupies.  
3 However, no person shall take, pursuant to this subsection, at a time or  
4 under circumstances when such taking is prohibited by the State Fish and  
5 Wildlife Commission, any game mammal or game bird, fur-bearing mammal  
6 or nongame wildlife species, unless the person first obtains a permit for such  
7 taking from the commission.

8 “(2)(a) Nothing in subsection (1) of this section requires a permit for the  
9 taking of cougar, bobcat, red fox or bear pursuant to that subsection. How-  
10 ever, any person who takes a cougar, bobcat, red fox or bear must have in  
11 possession written authority therefor from the landowner or lawful occupant  
12 of the land that complies with subsection (4) of this section.

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

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

25 “(4) The written authority from the landowner or lawful occupant of the  
26 land required by subsection (2) of this section for the taking of cougar,  
27 bobcat, red fox or bear must set forth all of the following:

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

29 “(b) The name, address, telephone number and signature of the person  
30 granting the authorization;

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

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

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

7 “(5) Any regional office of the State Department of Fish and Wildlife or-  
8 dering the disposal of an animal under subsection (3) of this section shall file  
9 a report with the State Fish and Wildlife Director within 30 days after the  
10 disposal. The report shall include but need not be limited to the loss in-  
11 curred, the financial impact and the disposition of the animal. The director  
12 shall compile all reports received under this subsection on a bimonthly basis.  
13 The reports compiled by the director shall be available to the public upon  
14 request.

15 “**(6) Section 2 of this 2013 Act governs the taking of gray wolves that**  
16 **are causing damage.**

17 “[~~(6)~~] (7) As used in this section:

18 “(a) ‘Damage’ means loss of or harm inflicted on land, livestock or agri-  
19 cultural or forest crops.

20 “(b) ‘Nongame wildlife’ has the meaning given that term in ORS 496.375.

21 “(c) ‘Public nuisance’ means loss of or harm inflicted on gardens,  
22 ornamental plants, ornamental trees, pets, vehicles, boats, structures or other  
23 personal property.

24 “**SECTION 4. This 2013 Act being necessary for the immediate**  
25 **preservation of the public peace, health and safety, an emergency is**  
26 **declared to exist, and this 2013 Act takes effect on its passage.”.**

27

---