

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2390**

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

3 On page 2, after line 23, insert:

4 **“SECTION 3.** ORS 498.164, as amended by section 2, chapter 675, Oregon
5 Laws 2007, and section 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
7 section, a person may not use bait to attract or take black bears or use one
8 or more dogs to hunt or pursue black bears or cougars.

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

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

21 “[*(b) The department shall:*]

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

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

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

7 “[(d) *The commission shall adopt by rule a process and criteria for selecting*
8 *and training persons to act as agents pursuant to paragraph (a) of this sub-*
9 *section. The process and criteria must include, but are not limited to, the*
10 *qualifications and training for agents and are to cover any guidelines, policies*
11 *or codes of conduct of the department regarding firearms, first aid, all-terrain*
12 *vehicles and snowmobiles and the use of alcohol or drugs. The department may*
13 *also require fingerprints as specified in ORS 496.121 for the purpose of re-*
14 *questing state or nationwide criminal records checks.*]

15 “[(4)] **(3)** Nothing in subsection (1) of this section prohibits the use of bait
16 or dogs by persons for the taking of black bears or cougars in accordance
17 with the provisions of ORS 498.012 relating to taking wildlife that is causing
18 damage.

19 “[(5)] **(4)** Any person who violates subsection (1) of this section commits
20 a Class A misdemeanor and, upon conviction, shall in addition to appropriate
21 criminal penalties have his or her privilege to apply for any hunting license
22 suspended for a period of five years for a first offense and permanently sus-
23 pended for any subsequent offense.

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

30 “[(7)] **(5)** For the purposes of this section, ‘bait’ means any material placed

1 for the purpose of attracting or attempting to attract bears.

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

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