

# Senate Bill 6

Sponsored by Senator COURTNEY (Presession 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**.

Modifies trap check requirements.

Requires State Fish and Wildlife Commission to adopt by rule wildlife control operator permit program for persons acting as agents of landowners or lawful occupants in taking wildlife causing damage.

Requires certain persons engaged in trapping activities to meet certain reporting requirements. Requires State Department of Fish and Wildlife to compile statewide annual trapping report and make report publicly available.

## A BILL FOR AN ACT

1  
2 Relating to trapping; creating new provisions; and amending ORS 498.012 and 498.172.

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

4 **SECTION 1.** ORS 498.172 is amended to read:

5 498.172. *[(1) A person holding a license issued under ORS 497.142 may not set a trap for fur-*  
6 *bearing mammals without checking the trap at least once during each 48-hour period.]*

7 **(1) Except as provided in subsection (2) of this section, a person holding a license issued**  
8 **under ORS 497.142 or engaged in lawful trapping activities under ORS 498.012 or any other**  
9 **provision of the wildlife laws or under ORS chapter 610 shall:**

10 **(a) At least once during each 24-hour period after a trap is set, check the trap and re-**  
11 **move all trapped animals; and**

12 **(b) Post a sign within five feet of any trap set on public land that warns the public of the**  
13 **existence and location of the trap and the danger to human and animal safety posed by the**  
14 **trap.**

15 **(2) A person** *[may not set a trap for a predatory animal, as defined in ORS 610.002, without*  
16 *checking]* **who sets a trap for mice, rats, gophers, mountain beavers or moles under ORS**  
17 **610.105 shall check** the trap on a regular basis.

18 **SECTION 2.** ORS 498.012 is amended to read:

19 498.012. (1) Nothing in the wildlife laws is intended to prevent any person from taking any  
20 wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the  
21 person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a  
22 time or under circumstances when such taking is prohibited by the State Fish and Wildlife Com-  
23 mission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless  
24 the person first obtains a permit for such taking from the commission.

25 **(2)(a)** Nothing in subsection (1) of this section requires a permit for the taking of cougar, bobcat,  
26 red fox or bear pursuant to that subsection. However, any person who takes a cougar, bobcat, red  
27 fox or bear must have in possession written authority therefor from the landowner or lawful occu-  
28 pant of the land that complies with subsection (4) of this section.

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

4 (3) Any person who takes, pursuant to subsection (1) of this section, any cougar, bobcat, red fox,  
 5 bear, game mammal, game bird, fur-bearing mammal or wildlife species whose survival the commis-  
 6 sion determines is endangered shall immediately report the taking to a person authorized to enforce  
 7 the wildlife laws, and shall dispose of the wildlife in such manner as the commission directs. In de-  
 8 termining procedures for disposal of bear and cougar, the commission shall direct the State De-  
 9 partment of Fish and Wildlife to first offer the animal to the landowner incurring the damage.

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

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

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

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

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

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

20 (5) Any regional office of the State Department of Fish and Wildlife ordering the disposal of an  
 21 animal under subsection (3) of this section shall file a report with the State Fish and Wildlife Di-  
 22 rector within 30 days after the disposal. The report shall include but need not be limited to the loss  
 23 incurred, the financial impact and the disposition of the animal. The director shall compile all re-  
 24 ports received under this subsection on a bimonthly basis. The reports compiled by the director shall  
 25 be available to the public upon request.

26 **(6) The commission shall adopt by rule a wildlife control operator permit program to al-  
 27 low wildlife control operators to act on behalf of landowners or lawful occupants of land to  
 28 remove wildlife that is causing damage, is a public nuisance or poses a public health risk,  
 29 pursuant to written authority that complies with subsection (4) of this section.**

30 [(6)] (7) ORS 498.014 governs the taking of wolves that are causing damage.

31 [(7)] (8) As used in this section:

32 (a) "Damage" means loss of or harm inflicted on land, livestock or agricultural or forest crops.

33 (b) "Nongame wildlife" has the meaning given that term in ORS 496.375.

34 (c) "Public nuisance" means loss of or harm inflicted on gardens, ornamental plants, ornamental  
 35 trees, pets, vehicles, boats, structures or other personal property.

36 **SECTION 3. Section 4 of this 2017 Act is added to and made a part of the wildlife laws.**

37 **SECTION 4. (1) No later than April 15 of each year, a person holding a license issued  
 38 under ORS 497.142 or a wildlife control operator permit under ORS 498.012, or a person who  
 39 is an employee or agent of the State Department of Fish and Wildlife engaged in trapping  
 40 activities on behalf of the department, shall file with the department, on a form prescribed  
 41 by the department, a trapping report that includes, for each animal trapped:**

42 (a) **The species of the animal;**

43 (b) **The county in which the animal was trapped;**

44 (c) **Whether the trapped animal was found dead or alive; and**

45 (d) **Whether the trapped animal was released.**

1       **(2) The State Fish and Wildlife Commission may revoke or refuse to renew a license is-**  
2 **sued under ORS 497.142 or a permit under ORS 498.012 to a person who fails to comply with**  
3 **subsection (1) of this section.**

4       **(3) No later than July 15 of each year, the department shall compile all trapping reports**  
5 **received under this section for the previous annual reporting period into a statewide annual**  
6 **trapping report. The department shall maintain the statewide annual trapping report for**  
7 **three years and make the report available to the public upon request.**

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