

Senate Bill 869

Sponsored by Senators PROZANSKI, GORSEK; Representatives GOMBERG, HUDSON, SANCHEZ (at the request of Oregon Wildlife Coalition)

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**.

Removes general prohibition that precludes State Fish and Wildlife Commission from adopting rules to limit times, places or amounts of taking of predatory animals.

Provides that control of predatory animals must be consistent with any rules adopted by commission to manage or regulate take of predatory animals.

A BILL FOR AN ACT

1
2 Relating to management of predatory animals; creating new provisions; amending ORS 496.162,
3 610.005, 610.015, 610.032 and 610.105; and repealing ORS 610.060.

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

5 **SECTION 1.** ORS 496.162 is amended to read:

6 496.162. (1) After investigation of the supply and condition of wildlife, the State Fish and Wildlife
7 Commission, at appropriate times each year, shall by rule:

8 (a) Prescribe the times, places and manner in which wildlife may be taken by angling, hunting,
9 trapping or other method and the amounts of each of those wildlife species that may be taken and
10 possessed.

11 (b) Prescribe such other restrictions or procedures regarding the angling, taking, hunting, trap-
12 ping or possessing of wildlife as the commission determines will carry out the provisions of wildlife
13 laws.

14 (2) In carrying out the provisions of subsection (1) of this section, the power of the commission
15 includes, but is not limited to:

16 (a) Prescribing the amount of each wildlife species that may be taken and possessed in terms
17 of sex, size and other physical characteristics.

18 (b) Prescribing such regular and special time periods and areas closed to the angling, taking,
19 hunting and trapping of any wildlife species when the commission determines such action is neces-
20 sary to protect the supply of such wildlife.

21 (c) Prescribing regular and special time periods and areas open to the angling, taking, hunting
22 and trapping of any wildlife species, and establishing procedures for regulating the number of per-
23 sons eligible to participate in such angling, taking, hunting or trapping, when the commission de-
24 termines such action is necessary to maintain properly the supply of wildlife, alleviate damage to
25 other resources, or to provide a safe and orderly recreational opportunity.

26 *[(3) Notwithstanding subsections (1) and (2) of this section, except as provided in ORS 498.146 or*
27 *during those times and at those places prescribed by the commission for the hunting of elk, the com-*
28 *mission shall not prescribe limitations on the times, places or amounts for the taking of predatory an-*
29 *imals. As used in this subsection, "predatory animal" has the meaning for that term provided in ORS*
30 *610.002.]*

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 [(4)] (3) In carrying out the provisions of this section, before prescribing the numbers of deer
2 and elk to be taken, the commission shall consider:

3 (a) The supply and condition of deer and elk herds;

4 (b) The availability of forage for deer, elk and domestic livestock on public and private range
5 and forest lands;

6 (c) The recreational opportunities derived from deer and elk populations; and

7 (d) The effects of deer and elk herds on public and private range and forest lands.

8 **SECTION 2. Section 3 of this 2021 Act is added to and made a part of ORS chapter 610.**

9 **SECTION 3. (1) As used in this section:**

10 (a) **“Manage” has the meaning given that term in ORS 496.004.**

11 (b) **“Take” has the meaning given that term in ORS 496.004.**

12 (2) **A person, agency or local government may not take, authorize the take of or manage**
13 **a predatory animal, pursuant to this chapter, in a manner inconsistent with any rules**
14 **adopted by the State Fish and Wildlife Commission to manage predatory animals or regulate**
15 **the take of predatory animals.**

16 **SECTION 4.** ORS 610.005 is amended to read:

17 610.005. (1) *[The laws for]* **Provisions in this chapter that concern** the destruction,
18 eradication or control of predatory animals by the state shall be administered by the State Depart-
19 ment of Agriculture, **consistent with any rules adopted by the State Fish and Wildlife Com-**
20 **mission to manage predatory animals or regulate the take of predatory animals.**

21 (2) Any sums appropriated by the *[legislature]* **Legislative Assembly** for *[such purposes shall]*
22 **a purpose described in subsection (1) of this section must** be expended in cooperation with the
23 United States Department of Agriculture. No part of any such appropriation *[shall]* **may** be paid for
24 bounties.

25 **SECTION 5.** ORS 610.015 is amended to read:

26 610.015. The various county courts and boards of county commissioners may appropriate out of
27 county general funds any amount of money that, in their judgment, is necessary to be expended in
28 cooperating with the State Department of Agriculture and with the United States Department of
29 Agriculture in carrying out ORS 610.002 to 610.040 *[and 610.105]*. However, no county shall be called
30 upon to appropriate any amount of money for the purpose of such sections where it is not spent
31 within the border of the county.

32 **SECTION 6.** ORS 610.032 is amended to read:

33 610.032. Any unexpended and unobligated funds appropriated by a county court or board of
34 county commissioners for the destruction, eradication or control of predatory animals under ORS
35 610.015 or 610.025 may be refunded if the State Department of Agriculture finds that such funds are
36 not necessary to carry out ORS 610.002 to 610.040 *[and 610.105]*.

37 **SECTION 7.** ORS 610.105 is amended to read:

38 610.105. **Consistent with any rules adopted by the State Fish and Wildlife Commission to**
39 **manage predatory animals or regulate the take of predatory animals,** any person owning,
40 leasing, occupying, possessing or having charge of or dominion over any land, place, building,
41 structure, wharf, pier or dock which is infested with ground squirrels and other noxious rodents or
42 predatory animals, as soon as their presence comes to the knowledge of the person, may, or the
43 agent of the person may, proceed immediately and continue in good faith to control them by
44 poisoning, trapping or other appropriate and effective means.

45 **SECTION 8. ORS 610.060 is repealed.**

