

Senate Bill 199

Sponsored by Senator GORSEK, Representative HUDSON; Senators PATTERSON, PROZANSKI, Representatives GRAYBER, MARSH, NOSSE, SANCHEZ (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**.

Authorizes State Fish and Wildlife Commission to establish by rule requirements or prohibitions concerning angling, taking, hunting, trapping or possessing of wildlife defined as predatory animal.

A BILL FOR AN ACT

1
2 Relating to the protection of wildlife; amending ORS 166.320, 166.403, 452.145, 480.124, 496.162,
3 498.146, 610.003, 610.005, 610.015, 610.020, 610.030, 610.032, 610.035 and 610.105 and section 23,
4 chapter 33, Oregon Laws 2022; and repealing ORS 610.060.

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

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

7 496.162. (1) After investigation of the supply and condition of wildlife, the State Fish and Wildlife
8 Commission[,]:

9 (a) At appropriate times each year, shall by rule:

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

13 [(b)] (B) Prescribe such other restrictions or procedures regarding the angling, taking, hunting,
14 trapping or possessing of wildlife as the commission determines will carry out the provisions of
15 wildlife laws.

16 (b) **May establish by rule requirements or prohibitions concerning the angling, taking,
17 hunting, trapping or possessing of wildlife defined as a predatory animal under ORS 610.002.**

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

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

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

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

30 [(3) *Notwithstanding subsections (1) and (2) of this section, except as provided in ORS 498.146 or*
31 *during those times and at those places prescribed by the commission for the hunting of elk, the com-*

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 *mission shall not prescribe limitations on the times, places or amounts for the taking of predatory an-*
 2 *imals. As used in this subsection, "predatory animal" has the meaning for that term provided in ORS*
 3 *610.002.]*

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

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

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

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

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

11 **SECTION 2.** ORS 166.320 is amended to read:

12 166.320. (1) Any person who places or sets any loaded springgun, setgun, or any gun, firearm
 13 or other device of any kind designed for containing or firing explosives, in any place where it may
 14 be fired, exploded or discharged by the contact of any person or animal with any string, wire, rod,
 15 stick, spring or other contrivance affixed to or connected with it, or with its trigger, commits a
 16 Class B misdemeanor.

17 (2) Subsection (1) of this section does not apply to any loaded springgun, setgun, firearm or other
 18 device placed for the purpose of destroying gophers, moles or other burrowing rodents, and does not
 19 prevent the use of a coyote getter by employees of county, state or federal governments engaged in
 20 cooperative predatory animal control work, **subject to any applicable requirements or prohibi-**
 21 **tions established by the State Fish and Wildlife Commission pursuant to ORS 496.162.**

22 **SECTION 3.** ORS 166.403 is amended to read:

23 166.403. (1) Except as provided in subsections (3) and (4) of this section, a person who delivers
 24 or otherwise transfers a firearm to a minor shall directly supervise the minor's use of the firearm.

25 (2)(a) If a person delivers or otherwise transfers a firearm to a minor and fails to directly su-
 26 pervise the minor's use of the firearm as required by subsection (1) of this section, in an action
 27 against the person to recover damages for injury to a person or property caused by the minor's use
 28 of the firearm, the failure to supervise constitutes negligence per se, and the presumption of
 29 negligence may not be overcome by a showing that the person acted reasonably.

30 (b) Paragraph (a) of this subsection does not apply if the injury results from a lawful act of
 31 self-defense or defense of another person.

32 (3) A person who delivers or otherwise transfers a firearm to a minor may delegate to another
 33 person, with the consent of the other person and the minor's parent or guardian, the duty to su-
 34 pervise the minor's use of the firearm. If the duty to supervise is delegated under this subsection,
 35 subsection (2) of this section applies to the person assuming the duty to supervise.

36 (4)(a) This section does not apply, with respect to a particular firearm other than a handgun, if:

37 (A) The firearm is transferred to a minor in accordance with ORS 166.470, and, as a result of
 38 the transfer, the minor is the owner of the firearm; or

39 (B) The firearm is temporarily transferred to a minor by the minor's parent or guardian or by
 40 another person with the consent of the minor's parent or guardian, for the purpose of hunting in
 41 accordance with ORS 497.360, hunting of a predatory animal as defined in ORS 610.002, **subject to**
 42 **any applicable requirements or prohibitions established by the State Fish and Wildlife Com-**
 43 **mission pursuant to ORS 496.162**, or target shooting at a shooting range, shooting gallery or other
 44 area designed for the purpose of target shooting.

45 (b) The exception described in paragraph (a)(B) of this subsection applies only during the time

1 in which the minor is engaged in activities related to hunting or target shooting.

2 **SECTION 4.** ORS 452.145 is amended to read:

3 452.145. Notwithstanding ORS 452.110:

4 (1) A vector control district shall not exercise the authority granted by ORS 452.110 relating to
5 the control or eradication of predatory animals unless the electors of the district approve a propo-
6 sition referred to them by the district board that authorizes the district to assume the function of
7 predatory animal control and eradication.

8 (2) When authorized to assume the function of predatory animal control and eradication by the
9 electors of the district, a vector control district shall conduct its activities for the control and
10 eradication of predatory animals in accordance with the provisions of ORS chapter 610, **subject to**
11 **any applicable requirements or prohibitions established by the State Fish and Wildlife Com-**
12 **mission pursuant to ORS 496.162.**

13 (3) Officers and employees of a vector control district shall not enter upon any private land to
14 inspect for or to control predatory animals unless the owner of the land first grants permission for
15 such entry.

16 **SECTION 5.** ORS 480.124 is amended to read:

17 480.124. Notwithstanding the provisions of ORS 480.111 to 480.165, fireworks may be purchased,
18 maintained, used and exploded by federal or state agencies authorized and required by ORS 610.002
19 to 610.020 to eradicate and control predatory animals. Such purchase and use shall be in compliance
20 with rules and regulations promulgated by the State Fire Marshal, with the approval of the state
21 agencies authorized and required by ORS 610.002 to 610.020 to eradicate and control predatory an-
22 imals, **subject to any applicable requirements or prohibitions established by the State Fish**
23 **and Wildlife Commission pursuant to ORS 496.162.**

24 **SECTION 6.** ORS 498.146 is amended to read:

25 498.146. (1) No person shall cast from a motor vehicle or from within 500 feet of a motor vehicle
26 an artificial light upon any game mammal, predatory animal or livestock while there is in the pos-
27 session or in the immediate physical presence of the person a weapon with which the game mammal,
28 predatory animal or livestock could be killed.

29 (2) Subsection (1) of this section does not apply to a person who casts artificial light upon a
30 game mammal, predatory animal or livestock:

31 (a) From the headlights of a motor vehicle that is being operated on a road in the usual manner,
32 if that person makes no attempt to kill the game mammal, **predatory animal** or livestock; or

33 (b) When the weapon that person has in the possession or immediate physical presence of the
34 person is disassembled or stored, or in the trunk or storage compartment of a motor vehicle; or

35 (c) On land owned or lawfully occupied by that person; or

36 (d) On publicly owned land when that person has an agreement with the public body to use that
37 property.

38 (3) As used in this section, "predatory animal" has the meaning for that term provided in ORS
39 610.002.

40 **SECTION 7.** Section 23, chapter 33, Oregon Laws 2022, is amended to read:

41 (1) As used in this section:

42 (a) "Beaver" means a member of the species *Castor canadensis*.

43 (b) "Forest practices" has the meaning given that term in ORS 527.620.

44 (c) "Forestland" has the meaning given that term in ORS 527.620.

45 (d) "Small forestland" means forestland whose owner owns or holds common ownership interest

1 in less than 5,000 acres of forestland in this state.

2 (2) Notwithstanding ORS 498.012 (1), an owner of forestland, other than small forestland, or a
 3 designee of the owner, may take a beaver on the owner’s forestland only if:

4 (a) The beaver apparently poses a threat to infrastructure.

5 (b) The owner or a designee of the owner first requests that the State Department of Fish and
 6 Wildlife address the threat to infrastructure apparently posed by the beaver.

7 (c) The owner or a designee of the owner waits 30 days after making the request described in
 8 paragraph (b) of this subsection before taking the beaver.

9 (3) If the department receives a request under subsection (2)(b) of this section, the department
 10 shall make a reasonable attempt to nonlethally relocate the beaver, as department resources allow,
 11 or otherwise address the threat to infrastructure apparently posed by the beaver, in consultation
 12 with the owner or a designee of the owner.

13 (4) Notwithstanding subsection (2) of this section and ORS 498.012 (1), if a beaver on privately
 14 owned forestland damages or imminently threatens infrastructure, an owner of forestland, other than
 15 small forestland, or a designee of the owner, may take the beaver without submitting a request to
 16 the department under subsection (2) of this section.

17 (5) An owner, or a designee of an owner, that takes a beaver under subsection (2) or (4) of this
 18 section must report the taking as described in section 22 of this 2022 Act.

19 (6) In consultation with persons engaged in forest practices and other interested stakeholders,
 20 the department shall:

21 (a) Make reasonable attempts to nonlethally relocate beavers, as department resources allow.

22 (b) Develop a program for voluntarily relocating beavers.

23 (7) [Notwithstanding ORS 496.162 (3),] The State Fish and Wildlife Commission shall adopt rules
 24 to implement this section.

25 **SECTION 8.** ORS 610.003 is amended to read:

26 610.003. Notwithstanding any other provision of law, the State Department of Agriculture, after
 27 consultation with the State Department of Fish and Wildlife **and subject to any applicable re-**
 28 **quirements or prohibitions established by the State Fish and Wildlife Commission pursuant**
 29 **to ORS 496.162**, may implement bobcat and red fox control procedures as authorized under this
 30 chapter, for a specified period of time and within a specified area, if the State Department of Agri-
 31 culture determines such action is necessary to protect domestic mammals or birds.

32 **SECTION 9.** ORS 610.005 is amended to read:

33 610.005. (1) [The laws for] **Provisions in this chapter that concern** the destruction,
 34 eradication or control of predatory animals by the state shall be administered by the State Depart-
 35 ment of Agriculture, **subject to any applicable requirements or prohibitions established by the**
 36 **State Fish and Wildlife Commission pursuant to ORS 496.162.**

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

41 **SECTION 10.** ORS 610.015 is amended to read:

42 610.015. The various county courts and boards of county commissioners may appropriate out of
 43 county general funds any amount of money that, in their judgment, is necessary to be expended in
 44 cooperating with the State Department of Agriculture and with the United States Department of
 45 Agriculture in carrying out ORS 610.002 to 610.040 [and 610.105]. However, no county shall be called

1 upon to appropriate any amount of money for the purpose of such sections where it is not spent
2 within the border of the county.

3 **SECTION 11.** ORS 610.020 is amended to read:

4 610.020. (1) From all money received by the State Fish and Wildlife Commission from the Gen-
5 eral Fund, or from any funds eligible for the purpose set forth in subsection (2) of this section, the
6 State Fish and Wildlife Commission shall set aside an amount of at least \$60,000 in any one calendar
7 year in a budget fund to be known as the Predatory Animal, Rabbit and Rodent Control Fund.

8 (2) Such fund shall be expended by the State Fish and Wildlife Commission in cooperation with
9 the State Department of Agriculture and the United States Department of Agriculture for the con-
10 trol and destruction of predatory animals, rabbits and rodents in the state, **subject to any appli-**
11 **cable requirements or prohibitions established by the State Fish and Wildlife Commission**
12 **pursuant to ORS 496.162.** Any part of such fund remaining unexpended at the end of any calendar
13 year shall remain in the fund for expenditure during the succeeding year.

14 **SECTION 12.** ORS 610.030 is amended to read:

15 610.030. (1) The State Department of Agriculture shall apportion any money appropriated by the
16 Legislative Assembly for the purpose set forth in ORS 610.025, among the counties according to the
17 necessity for control and eradication of predatory animals and the financial cooperation received
18 from the counties.

19 (2) Moneys paid or forwarded pursuant to ORS 610.025 by the county court of any county to the
20 State Department of Agriculture, and moneys allotted by the State Department of Agriculture for
21 expenditure within any county, hereby are appropriated continuously for and shall be expended only
22 in the control of coyotes and other harmful predatory animals within the boundaries of the county
23 in accordance with the terms and conditions fixed by the State Department of Agriculture and the
24 United States Department of Agriculture, unless otherwise authorized by the county court, **and**
25 **subject to any applicable requirements or prohibitions established by the State Fish and**
26 **Wildlife Commission pursuant to ORS 496.162.**

27 **SECTION 13.** ORS 610.032 is amended to read:

28 610.032. Any unexpended and unobligated funds appropriated by a county court or board of
29 county commissioners for the destruction, eradication or control of predatory animals under ORS
30 610.015 or 610.025 may be refunded if the State Department of Agriculture finds that such funds are
31 not necessary to carry out ORS 610.002 to 610.040 [*and 610.105*].

32 **SECTION 14.** ORS 610.035 is amended to read:

33 610.035. (1) The State Department of Agriculture may employ hunters and expert trappers
34 throughout the state for the purpose of controlling and eradicating coyotes and other harmful
35 predatory animals, **subject to any applicable requirements or prohibitions established by the**
36 **State Fish and Wildlife Commission pursuant to ORS 496.162.** The department may also provide
37 funds for administrative purposes in connection with predatory animal control and eradication.

38 (2) For the purpose of carrying on this work the department shall enter into contracts with the
39 United States Department of Agriculture in order to prevent duplication, secure proper adminis-
40 tration and enlist the financial support of the federal government.

41 **SECTION 15.** ORS 610.060 is repealed.

42 **SECTION 16.** ORS 610.105, as amended by section 27, chapter 33, Oregon Laws 2022, is
43 amended to read:

44 610.105. [*Except as provided in section 23, chapter 33, Oregon Laws 2022*] **Subject to any appli-**
45 **cable requirements or prohibitions established by the State Fish and Wildlife Commission**

1 **pursuant to ORS 496.162**, any person owning, leasing, occupying, possessing or having charge of
2 or dominion over any land, place, building, structure, wharf, pier or dock which is infested with
3 ground squirrels and other noxious rodents or predatory animals, as soon as their presence comes
4 to the knowledge of the person, may, or the agent of the person may, proceed immediately and
5 continue in good faith to control them by poisoning, trapping or other appropriate and effective
6 means.

7 **SECTION 17.** ORS 610.105, as amended by sections 27 and 76, chapter 33, Oregon Laws 2022,
8 is amended to read:

9 610.105. **Subject to any applicable requirements or prohibitions established by the State**
10 **Fish and Wildlife Commission pursuant to ORS 496.162**, any person owning, leasing, occupying,
11 possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or
12 dock which is infested with ground squirrels and other noxious rodents or predatory animals, as
13 soon as their presence comes to the knowledge of the person, may, or the agent of the person may,
14 proceed immediately and continue in good faith to control them by poisoning, trapping or other ap-
15 propriate and effective means.

16