

Joint Committee on Ways and Means

Carrier – House: Rep. G. Smith
Carrier – Senate: Sen. Whitsett

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass as Amended and as Printed A-Engrossed

Vote: 25 – 0 – 0

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant

Nays:

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

Nays:

Exc:

Prepared By: Paul Siebert, Legislative Fiscal Office

Meeting Date: June 24, 2011

WHAT THE MEASURE DOES: Requires applications for State Fish and Wildlife Commission licenses, tags, and permits to have a separate section where applicants can make voluntary contributions to be used for predatory animal control to the extent allowed under federal and state law. Establishes Wildlife Conservation Fund continuously appropriated to the State Fish and Wildlife Commission for holding contributions and distributing contributions to counties for predatory animal control programs.

ISSUES DISCUSSED:

- Fiscal impact of the bill

EFFECT OF COMMITTEE AMENDMENT: Allows the Oregon Department of Fish and Wildlife to use donations collected, up to \$45,000, to repay the costs of programming changes to the Department's Point-of-Sale system necessary to implement the bill.

BACKGROUND: Current statute (ORS 610.002) defines predatory animals to be feral swine, coyotes, rabbits, rodents, and birds that are or may be destructive to agriculture, but excluding game birds and other birds determined by the State Fish and Wildlife Commission to be in need of protection. For House Bill 3636, predatory animals also include black bear, cougar, grey wolves, and other fur-bearing mammals (beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox).

76th OREGON LEGISLATIVE ASSEMBLY--2011 Regular Session

Enrolled

House Bill 3636

Sponsored by Representative G SMITH; Representatives ESQUIVEL, FREEMAN, HUFFMAN, JENSON, KRIEGER, MCLANE, SCHAUFLE, Senators JOHNSON, NELSON, THOMSEN, VERGER, WHITSETT

CHAPTER

AN ACT

Relating to predatory animal control; and appropriating money.

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

SECTION 1. { + (1) As used in this section:

(a) 'Fur-bearing mammal,' 'hunt' and 'wildlife' have the meanings given those terms in ORS 496.004.

(b) 'Predatory animals' means those animals listed in ORS 610.002, black bears, cougars, fur-bearing mammals and gray wolves.

(2)(a) Each application for the purchase and issuance of a license, tag or permit to hunt wildlife pursuant to ORS 497.102 or 497.112 must include a separate section under which the applicant may make a voluntary contribution to be used for predatory animal control, to the extent allowable under federal and state law, in the county or counties in which the license, tag or permit allows the person to hunt.

(b) A voluntary contribution made under this section does not convey a privilege to hunt wildlife, and is considered separate from any moneys paid by the applicant for the issuance of a license, tag or permit.

(c) Before developing a predatory animal control program, a county shall consult with the State Department of Fish and Wildlife or the State Department of Agriculture, depending on the predatory animals that are part of the program.

(d) Voluntary contributions received under this section shall be deposited in the Wildlife Conservation Fund established under section 2 of this 2011 Act.

(3)(a) The State Department of Fish and Wildlife shall keep track of voluntary contributions made under this section. Each quarter the department shall pay to each county in which hunting took place under a license, tag or permit issued under the wildlife laws an amount equal to the total of the voluntary contributions made in association with applications for licenses, tags or permits allowing persons to hunt in the county.

(b) If a license, tag or permit allows the holder to hunt in an area that includes land within more than one county, the department shall designate a proportionate share of any voluntary contribution under this section to each county based on the percentage of the area that is in each county. + }

SECTION 2. { + (1) The Wildlife Conservation Fund is established in the State Treasury, separate and distinct from the

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General Fund. Interest earned by the Wildlife Conservation Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Department of Fish and Wildlife to be paid to counties as provided in section 1 of this 2011 Act.

(2) The Wildlife Conservation Fund shall consist of voluntary contributions received by the State Department of Fish and Wildlife pursuant to section 1 of this 2011 Act. + }

SECTION 3. { + Notwithstanding sections 1 and 2 of this 2011 Act, the first \$45,000 in voluntary contributions received by the State Department of Fish and Wildlife under sections 1 and 2 of this 2011 Act shall be used by the department to modify its system for the purchase and issuance of licenses, tags and permits in order to allow the department to associate specific sales with specific counties and to separate voluntary contributions from the purchase and issuance of licenses, tags and permits. + }

Passed by House June 27, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 29, 2011

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Peter Courtney, President of Senate

Selection of Oregon's "Predatory Animal" laws (July 5, 2011)

§ 610.002¹

"Predatory animals" defined

As used in this chapter, "predatory animal" or "predatory animals" includes feral swine as defined by State Department of Agriculture rule, coyotes, rabbits, rodents and birds that are or may be destructive to agricultural crops, products and activities, but excluding game birds and other birds determined by the State Fish and Wildlife Commission to be in need of protection. [1959 c.240 §2; 1971 c.658 §29; 1977 c.136 §4; subsection (2) of 610.002 ("Predatory animals" defined) renumbered 610.003 (Bobcat and red fox control permitted); 1979 c.399 §2; 2001 c.125 §2]

§ 610.015¹

County appropriations for destruction of predatory animals

The various county courts and boards of county commissioners may appropriate out of county general funds any amount of money that, in their judgment, is necessary to be expended in cooperating with the State Department of Agriculture and with the United States Department of Agriculture in carrying out ORS 610.002 ("Predatory animals" defined) to 610.040 (Money from sale of skins) and 610.105 (Authority to control noxious rodents or predatory animals). However, no county shall be called upon to appropriate any amount of money for the purpose of such sections where it is not spent within the border of the county. [Amended by 1959 c.240 §5; 1981 c.95 §2; 1989 c.750 §3]

§ 610.055¹

Findings on wildlife damage

The Legislative Assembly finds and declares that it is the policy of this state that:

- (1) Appropriate measures must be taken to assist farmers, ranchers and others in resolving wildlife damage problems; and
- (2) Federal, state, county and other local governments involved in wildlife damage control should mutually cooperate in their related efforts. [2001 c.792 §1]

Note: 610.055 (Findings on wildlife damage) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 610 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

§ 610.060¹

Effect of certain wildlife law provisions on predatory animal control

Nothing in the wildlife laws is intended to deny the right of any person to control predatory animals as provided in ORS 610.105 (Authority to control noxious rodents or predatory animals). [1971 c.658 §28; 1973 c.723 §126; 1975 c.214 §2; 1975 c.791 §3]

§ 610.105¹

Authority to control noxious rodents or predatory animals

Any person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock which is infested with ground squirrels and other noxious rodents or predatory animals, **as soon as their presence comes to the knowledge of the person, may, or the agent of the person may, proceed immediately and continue in good faith to control them by poisoning, trapping or other appropriate and effective means.**
[Amended by 1971 c.658 §3]