

Senate Bill 439

Sponsored by Senator BOQUIST (at the request of Mary Ellerbrook) (Pre-session 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**.

Prohibits confining, restricting or exercising control over movements of game bird or game mammal for use in or promotion of hunting.

A BILL FOR AN ACT

1
2 Relating to captive wildlife; creating new provisions; and amending ORS 497.248.

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

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 498.**

5 **SECTION 2. A person may not confine, or otherwise restrict or exercise control over the**
6 **movement of, a game bird or game mammal for the purpose of utilizing the game bird or**
7 **game mammal at a private hunting preserve or outdoor club or for other use in, or the**
8 **promotion of, hunting.**

9 **SECTION 3. ORS 497.248 is amended to read:**

10 497.248. (1) No person shall engage in the business of operating a private hunting preserve for
11 the hunting of privately owned or propagated game birds unless the person first obtains from the
12 State Fish and Wildlife Commission a private hunting preserve license.

13 (2) The commission shall issue a private hunting preserve license to an applicant therefor if the
14 commission finds that the operation of the preserve will meet the following requirements:

15 (a) The preserve is on one continuous tract of land owned by the applicant or leased by the
16 applicant and contains:

17 (A) Not more than 640 acres, if the preserve is located in the area west of the summit of the
18 Cascade Mountains; or

19 (B) Not more than 1,280 acres, if the preserve is located in the area east of the summit of the
20 Cascade Mountains.

21 (b) The preserve is located at least one-half mile from any other licensed private hunting pre-
22 serve.

23 (c) No portion of the preserve is located closer than one-half mile to any park, wilderness area,
24 refuge or wildlife management area operated by any agency of the state or federal government.

25 (d) The exterior boundaries of the preserve are clearly defined and posted with signs erected
26 around the extremity at intervals of 1,320 feet or less. The signs shall comply with requirements
27 prescribed by the State Department of Fish and Wildlife.

28 *[(e) The applicant has facilities to propagate or hold not less than 500 of each wildlife species to*
29 *be released for hunting.]*

30 **(e) The applicant allows the game birds and game mammals at the facility to roam the**
31 **preserve in a manner that allows the birds and mammals to carry out daily activities in a**

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 **normal manner.**

2 (f) The applicant will not prevent or attempt to prevent public hunting on lands adjacent to the
3 preserve.

4 (3)(a) The commission, by rule, shall prescribe the time, manner and place of hunting on private
5 preserves, the wildlife species to be hunted, [*requirements for the care and marking of wildlife raised*
6 *on the preserve,*] the release of wildlife received from another state, the procedures for marking
7 indigenous wildlife incidentally taken on the preserve and the fees therefor, and record keeping and
8 reporting procedures.

9 (b) Pursuant to paragraph (a) of this subsection, the commission shall:

10 (A) Allow private hunting preserve operators to use plastic poultry leg bands for marking
11 wildlife species [*to be released for hunting*] **owned by the preserve.**

12 (B) Allow the transportation of game birds killed on a private hunting preserve if the birds are
13 cleaned, wrapped, packaged and accompanied by a transportation form from the preserve that states
14 the number and sex of the birds being transported.

15 (C) Require private hunting preserve operators to have at least 10 resident private hunting
16 preserve permits, 10 nonresident private hunting preserve permits and 10 wild bird seals. This re-
17 quirement shall apply to each operator, regardless of the number of preserves operated by that
18 person.

19 (4) No person shall hunt on a private hunting preserve unless the person first obtains from the
20 commission a hunting license or a private hunting preserve permit.

21 **SECTION 4. Notwithstanding section 2 of this 2019 Act, the amendments to ORS 497.248**
22 **by section 3 of this 2019 Act apply to private hunting preserve licenses issued or renewed on**
23 **or after the effective date of this 2019 Act. The operation of a private hunting preserve in**
24 **accordance with the terms of a license issued under ORS 497.248 prior to the effective date**
25 **of this 2019 Act does not violate section 2 of this 2019 Act.**

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