

House Bill 2698

Sponsored by Representative HUDSON; Representative RAYFIELD, Senator GELSER BLOUIN (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**.

Instructs State Department of Agriculture to establish grant program for purpose of facilitating nonlethal deterrence of wildlife conflict species by individuals who raise, keep or produce livestock or crops.

Establishes Wildlife Conflict Species Nonlethal Deterrence Fund to support grant program. Appropriates moneys to department out of General Fund for deposit into Wildlife Conflict Species Nonlethal Deterrence Fund.

Sunsets grant program and fund on January 2, 2029.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to nonlethal deterrence of wildlife conflict species; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section, "wildlife conflict species":**

5 (a) **Means all species of wild cats, bears, weasels, raccoons, skunks, opossums, beavers,**
6 **porcupines, rabbits, eagles, hawks, vultures, owls and wild canines other than wolves.**

7 (b) **Does not mean wolves, deer or elk.**

8 (2) **The State Department of Agriculture shall establish by rule a Wildlife Conflict Species**
9 **Nonlethal Deterrence Grant Program for the purpose of facilitating projects of livestock**
10 **management or other nonlethal deterrence by individuals who raise, keep or produce live-**
11 **stock or crops in order to reduce conflicts with wildlife conflict species.**

12 (3) **Under the program, the department:**

13 (a) **Shall, subject to available funding, award a block grant to a county that:**

14 (A) **Applies for a grant;**

15 (B) **Establishes a county program for nonlethal deterrence of wildlife conflict species; and**

16 (C) **Establishes a five-member county advisory committee overseeing the program that**
17 **consists of one member who is a county commissioner or a county employee designated by**
18 **a county commissioner, two members who own or manage livestock and are knowledgeable**
19 **about the use of nonlethal deterrence practices and two members who support wildlife con-**
20 **servation or coexistence with wildlife.**

21 (b) **Must ensure that grant funds are not:**

22 (A) **Passed through to a federal or state agency or an animal damage control program.**

23 (B) **Used to compensate for loss of livestock.**

24 (4) **The department shall adopt rules concerning the block grants to counties that:**

25 (a) **Establish a process for counties to apply for block grants and require that applica-**
26 **tions from counties include information about the likely effectiveness of projects proposed**
27 **to the counties.**

28 (b) **Allow counties that receive the block grants to use part of the block grants to pay**

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 expenses incurred by the counties in administering the block grants.

2 (c) Provide for distribution of block grants in an equitable manner based on the likely
3 effectiveness of projects proposed to the counties.

4 (d) Establish a process by which an individual applying for financial assistance under a
5 county program provides an estimate of the potential cost of the proposed project.

6 (e) Establish a scoring system for a county advisory committee to use to assess requests
7 for financial assistance based on the likely effectiveness of proposed projects.

8 (f) Require a county that receives a block grant to annually submit to the department,
9 during the duration of the block grant, a report that describes the projects funded by the
10 county and the amounts of financial assistance that the county provided to individuals for
11 the projects.

12 (5) The department shall adopt rules providing that:

13 (a) An individual who receives financial assistance from a county program funded pur-
14 suant to subsection (3)(a) of this section must:

15 (A) Remove all wildlife attractants at the project site, including excess animal feed,
16 afterbirth and sick, injured or dead livestock.

17 (B) Agree not to use lethal methods for control of wildlife conflict species, except that
18 the individual may take a member of a wildlife conflict species that the individual discovers
19 in the act of biting, wounding, chasing or killing healthy livestock.

20 (b) Projects supported by financial assistance from a county program funded pursuant
21 to subsection (3)(a) of this section may include, but need not be limited to:

22 (A) Acquiring and keeping a livestock guardian dog or other animal that deters a wildlife
23 conflict species.

24 (B) Building or enhancing fencing to prevent entrance by a wildlife conflict species inside
25 the fencing.

26 (C) Acquiring or constructing birthing sheds for livestock, visual or acoustic scare de-
27 vices or flow devices such as beaver pond levelers.

28 (D) Capturing a member of a wildlife conflict species in a nonlethal trap and releasing the
29 live member of the wildlife conflict species in another area, with prior approval from the
30 department.

31 (6) The department shall annually review the grant program to assess to what extent the
32 purpose described in subsection (2) of this section is being achieved. The department shall
33 modify the process for awarding grants as necessary to better achieve the purpose described
34 in subsection (2) of this section.

35 (7) Each biennium the department shall report to a committee or interim committee of
36 the Legislative Assembly related to wildlife, in the manner described in ORS 192.245, on block
37 grants awarded to counties, projects that counties funded and the amounts of financial as-
38 sistance that counties provided to individuals for projects. The department shall post the
39 report on a department website.

40 **SECTION 2.** (1) The Wildlife Conflict Species Nonlethal Deterrence Fund is established
41 in the State Treasury, separate and distinct from the General Fund. Interest earned by the
42 Wildlife Conflict Species Nonlethal Deterrence Fund shall be credited to the fund. All moneys
43 in the fund are continuously appropriated to the State Department of Agriculture for the
44 purpose of carrying out the provisions of section 1 of this 2023 Act.

45 (2) The fund shall consist of all moneys credited to the fund, including moneys appropri-

1 ated or transferred to the fund by the Legislative Assembly.

2 **SECTION 3.** There is appropriated to the State Department of Agriculture, for the
3 biennium beginning July 1, 2023, out of the General Fund, the amount of \$_____ for deposit
4 into the Wildlife Conflict Species Nonlethal Deterrence Fund established in section 2 of this
5 2023 Act, for the purpose of carrying out the provisions of section 1 of this 2023 Act, in-
6 cluding paying expenses incurred by the department in administering the program described
7 in section 1 of this 2023 Act.

8 **SECTION 4.** (1) Sections 1 and 2 of this 2023 Act are repealed on January 2, 2029.

9 (2) Any moneys remaining in the Wildlife Conflict Species Nonlethal Deterrence Fund
10 that are unexpended and unobligated on the date of the repeal specified in subsection (1) of
11 this section shall revert to the General Fund.

12 **SECTION 5.** This 2023 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
14 on its passage.