

Enrolled
House Bill 3560

Sponsored by Representative G SMITH; Representatives BENTZ, ESQUIVEL, GARRARD, JENSON, JOHNSON, KRIEGER, SCHAUFLER, WHISNANT, Senators BOQUIST, FERRIOLI, GEORGE, GIROD, KRUSE, NELSON, TELFER, THOMSEN, WHITSETT (at the request of Oregon Cattlemen’s Association)

CHAPTER

AN ACT

Relating to wolves; appropriating money; and declaring an emergency.

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

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

(a) “Livestock” means ratites, psittacines, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, bison, domesticated fowl and any fur-bearing animal bred and maintained commercially, or otherwise, within pens, cages or hutches.

(b) “Working dog” means any animal of the species *Canis familiaris* used to aid in the herding or guarding of livestock.

(2) The State Department of Agriculture shall establish and implement a wolf depredation compensation and financial assistance grant program, using moneys in the Wolf Management Compensation and Proactive Trust Fund established under section 2 of this 2011 Act, to provide grants to assist counties to implement county programs under which:

(a) Compensation is paid to persons who suffer loss or injury to livestock or working dogs due to wolf depredation; and

(b) Financial assistance is provided to persons who implement livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock.

(3) Subject to available funding in the Wolf Management Compensation and Proactive Trust Fund established under section 2 of this 2011 Act, a county qualifies for a grant under the wolf depredation compensation and financial assistance grant program if the county:

(a) Establishes a county program to:

(A) Compensate persons who suffer loss or injury to livestock or working dogs due to wolf depredation; and

(B) Provide financial assistance to persons who implement livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock.

(b) Contributes an amount of moneys equal to 10 percent of the amount necessary to implement, during the calendar year, the county program.

(c) Establishes a procedure by which persons applying for compensation under the county program provide evidence of the loss or injury to livestock or working dogs due to wolf depredation. Evidence of the loss or injury must include a finding by the State Department

of Fish and Wildlife or the department's designated agent that wolf depredation was the probable cause of the loss or injury.

(d) Establishes a county advisory committee to oversee the county program, consisting of one county commissioner, two members who own or manage livestock and two members who support wolf conservation or coexistence with wolves. The county advisory committee, once established by the county, shall agree upon two county business representatives to serve as additional county advisory committee members.

(e) Establishes a procedure by which persons applying for financial assistance under the county program provide an estimate of the potential cost of the livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation.

(4) In accordance with the Oregon Wolf Conservation and Management Plan, the Director of Agriculture shall adopt rules to implement the provisions of this section, including but not limited to rules that:

(a) Require that livestock owners and managers experiencing above-normal loss or injury to livestock or working dogs due to wolf depredation be given priority by counties for grant moneys received under the wolf depredation compensation and financial assistance grant program.

(b) Require counties participating in the wolf depredation compensation and financial assistance grant program to:

(A) Prepare an annual report that specifies the actions taken by, and compensation paid and financial assistance provided to, counties under the wolf depredation compensation and financial assistance grant program;

(B) Distribute grant program funds, to the extent possible, in an equal and balanced manner between payments to compensate for loss or injury to livestock or working dogs due to wolf depredation and payments to implement livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock, with a minimum of 30 percent of grant program funds being distributed for livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock; and

(C) Establish compensation rates for loss or injury to livestock or working dogs due to wolf depredation that are based on fair market value and the recommendation of the county advisory committee described in subsection (3)(d) of this section.

(c) Establish eligibility requirements for compensation under county programs that ensure, contingent upon available funds, that:

(A) Outside an area of known wolf activity, as designated by the State Department of Fish and Wildlife, confirmed loss or injury to livestock or working dogs shall be compensated regardless of the preexistence of wolf deterrence techniques;

(B) Within an area of known wolf activity, as designated by the State Department of Fish and Wildlife, confirmed loss or injury to livestock or working dogs, as well as missing livestock above the level based on loss or injury attributable to causes other than wolf depredation established by the county advisory committee described in subsection (3)(d) of this section, shall be compensable if owners have demonstrated implementation of best management practices to deter wolves, including reasonable use of nonlethal methods when practicable, giving priority for compensation of confirmed losses at fair market value and with other compensation claims determined according to the recommendation of the county advisory committee; and

(C) Any compensation for loss or injury to livestock or working dogs due to wolf depredation is based upon a finding by the local advisory committee that the person did not unreasonably or purposefully create circumstances that attract wolves or encourage conflict between wolves and livestock or working dogs.

(5) Each biennium the State Department of Agriculture shall prepare a report that specifies the actions taken by counties, compensation paid by counties and financial assist-

ance provided to counties under the wolf depredation compensation and financial assistance grant program, and shall submit the report to the Legislative Assembly and post the report on the department's website for public access.

(6) The State Department of Agriculture may use moneys in the Wolf Management Compensation and Proactive Trust Fund established under section 2 of this 2011 Act to pay expenses incurred in administering the wolf depredation compensation and financial assistance grant program.

SECTION 2. (1) The Wolf Management Compensation and Proactive Trust Fund is established separate and distinct from the General Fund. Interest earned on the moneys in the Wolf Management Compensation and Proactive Trust Fund shall be credited to the fund. All moneys in the fund are continuously appropriated to the State Department of Agriculture for the purpose of establishing and implementing the wolf depredation compensation and financial assistance grant program described in section 1 of this 2011 Act.

(2) The fund shall consist of moneys appropriated by the Legislative Assembly for the purposes of the fund and any gifts, grants, donations, endowments or bequests from any public or private source. The State Department of Agriculture may seek out and receive any gifts, grants, donations, endowments or bequests for the purpose of establishing and implementing the wolf depredation compensation and financial assistance grant program described in section 1 of this 2011 Act. The department shall deposit such moneys into the fund.

SECTION 3. The first report under section 1 (5) of this 2011 Act is due for the 2011-2013 biennium.

SECTION 4. In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Agriculture, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$100,000, which may be expended to implement sections 1 and 2 of this 2011 Act.

SECTION 5. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House June 22, 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 24, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State