Chapter 610

1967 REPLACEMENT PART

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GENERAL PROVISIONS

610.002 "Predatory animals" defined. As used in ORS 610.002 to 610.040, "predatory animal" or "predatory animals" includes rabbits, rodents and birds which are or may be destructive to agricultural crops, products and activities, but excluding game birds and migratory water fowl.
[1959 c.240 §2]

610.005 Administration of laws for the destruction of predatory animals. The laws for the destruction, eradication or control of predatory animals by the state shall be administered by the State Department of Agriculture. Any sums appropriated by the legislature for such purposes shall be expended in cooperation with the Fish and Wildlife Service of the United States Department of Interior. No part of any such appropriation shall be paid for bounties.
[Amended by 1959 c.240 §3]

610.010 Cooperative agreements with the Federal Fish and Wildlife Service. The State Department of Agriculture shall enter into definite cooperative agreements with the Federal Fish and Wildlife Service, prescribing the manner, terms and conditions of such cooperation and the amounts which the State and Federal Governments will contribute thereto.
[Amended by 1959 c.240 §4]

610.015 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 Federal Fish and Wildlife Service in carrying out ORS 610.002 to 610.040, 610.105 to 610.145 and 610.505 to 610.525. 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]

610.020 Predatory Animal, Rabbit and Rodent Control Fund. (1) From all money received by the State Game Commission from licenses, fines, gifts and otherwise, constituting the State Game Fund, the State Game Commission shall set aside three percent in a budget fund to be known as the Predatory Animal, Rabbit and Rodent Control Fund. The amount set aside shall not exceed $40,000 in any one calendar year.

(2) Such fund shall be expended by the State Game Commission in cooperation with the State Department of Agriculture and the Federal Fish and Wildlife Service for the control and destruction of predatory animals, rabbits and rodents in the state. Any part of such fund remaining unexpended at the end of any calendar year shall remain in the fund for expenditure during the succeeding year.
[Amended by 1959 c.680 §1]

610.025 County appropriations matching state funds for control and eradication of predatory animals; gifts from private persons. (1) On presentation of a petition signed by 100 taxpayers of any county and a statement from the State Department of Agriculture to the effect that certain state funds are available for expenditure in the county where the petitioners reside, the county court may appropriate from the general fund of the county an amount of money equal to, or in excess of, the state funds available for expenditure within the county and forward such money to the State Department of Agriculture to be expended for the control and eradication of predatory animals as provided by ORS 610.030 to 610.040.

(2) The county court or board of county commissioners of any county may accept gifts and donations from private persons or associations of persons to be expended for the control and eradication of predatory animals as provided by ORS 610.025 to 610.040. Moneys received by the county under this subsection shall be forwarded to the State Department of Agriculture to be expended for the control and eradication of predatory animals as provided by ORS 610.025 to 610.040.
[Amended by 1953 c.606 §4; 1965 c.485 §1]

610.030 Apportionment of money appropriated by the state to eradicate animals. (1) The State Department of Agriculture shall apportion any money appropriated by the state legislature for the purpose set forth in ORS 610.025, among the counties according to the necessity for control and eradication of predatory animals and the financial cooperation received from the counties.

(2) Moneys paid or forwarded pursuant to ORS 610.025 by the county court of

any county to the State Department of Agriculture, and moneys allotted by the State Department of Agriculture for expenditure within any county, hereby are appropriated continuously for and shall be expended only in the control of coyotes and other harmful predatory animals within the boundaries of the county in accordance with the terms and conditions fixed by the State Department of Agriculture and the Federal Fish and Wildlife Service, unless otherwise authorized by the county court.
[Amended by 1953 c.606 §4; 1965 c.485 §2]

610.032 Refund of unexpended funds appropriated by county for predatory animal control. Any unexpended and unobligated funds appropriated by a county court or board of county commissioners for the destruction, eradication or control of predatory animals under ORS 610.015 or 610.025 may be refunded if the State Department of Agriculture finds that such funds are not necessary to carry out ORS 610.002 to 610.040, 610.105 to 610.145 and 610.505 to 610.525.
[1959 c.541 §2]

610.035 Employment of hunters and trappers; cooperation with Fish and Wildlife Service. (1) The State Department of Agriculture may employ hunters and expert trappers throughout the state for the purpose of controlling and eradicating coyotes and other harmful predatory animals. The department may also provide funds for administrative purposes in connection with predatory animal control and eradication.

(2) For the purpose of carrying on this work the department shall enter into contracts with the Federal Fish and Wildlife Service in order to prevent duplication, secure proper administration and enlist the financial support of the Federal Government.

610.040 Money from sale of skins. Money received by the State Department of Agriculture from the sale of skins shall be paid into the State Treasury and expended in the county from which the skins were taken, in the control and eradication of predatory animals.

610.045 Keeping coyotes in captivity. Coyotes shall not be kept in captivity except in public parks or zoos. The justice court, district court and circuit court have concurrent jurisdiction of any violation of this section.

610.050 Molesting device, or animal caught by device, prohibited. (1) No person shall steal, take or molest a trap, poison bait station, coyote getter or other device which is operated, possessed or controlled by an employe of a county, state or Federal Government for the purpose of the eradication of noxious or predatory animals.

(2) No person shall steal, take or molest any noxious or predatory animal captured or killed by any such device described in subsection (1) of this section.
[1959 c.299 §2(1), (2)]

EXTERMINATION OF NOXIOUS RODENTS AND PREDATORY ANIMALS

610.105 Duty to exterminate noxious rodents or predatory animals. Every 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 his knowledge, shall proceed immediately and continue in good faith to exterminate them by poisoning, trapping or other appropriate and effective means.

610.110 County revolving fund for extermination of rodents. The county court or board of county commissioners in any county may, or on a petition of 100 or more taxpayers and landowners of the county shall, unless a remonstrance containing the names of a greater number of taxpayers and landowners is presented, appropriate adequate funds, not less than $500, for the creation of a revolving fund to be used in the extermination of ground squirrels and other noxious rodents or predatory animals, in accordance with ORS 610.105 to 610.145.

610.115 Creation of special control district within county. Whenever interested parties present to the county court of the county in which a control district is proposed to be located, a petition for a special control district for the purpose of exterminating ground squirrels and other noxious rodents and predatory animals, describing the area to be included, naming the noxious rodents and predatory animals to be destroyed, bearing the signatures of not less than 60 percent of the farm owners in the

described area, the county court or board of county commissioners shall declare such area a special rodent and predatory animal district and such rodents and predatory animals noxious within the district, in accordance with the petition.

610.120 Special control district revolving fund for extermination of rodents. Whenever any special control district is established, as provided by ORS 610.115, the county court or board of county commissioners shall appropriate adequate funds, not less than $200, for the creation of a revolving fund to be used in the extermination of ground squirrels and other noxious rodents or predatory animals, in accordance with ORS 610.105 to 610.145.

610.125 Purchase, preparation and sale of necessary poison and supplies. The county court or board of county commissioners may purchase poison and other supplies necessary for the extermination of ground squirrels and other noxious rodents or predatory animals and cause the poison to be mixed and poison baits to be prepared and sell them at cost to residents of the county or special control district, for the purpose of exterminating predatory animals. The proceeds derived from any sale thereof shall be paid to and become a part of the revolving fund provided for in ORS 610.110 or the revolving fund provided for in ORS 610.120.

610.130 Duties, assistants and compensation of agricultural agent. The agricultural agent of each county, or in counties not having an agricultural agent, any person appointed by the court, shall carry out ORS 610.105 to 610.145. Such person appointed by the court shall be deemed the agricultural agent for the purposes of such sections, to mix any poison and prepare poison baits and distribute such poison or baits or other necessary supplies provided by the court or board of county commissioners, to applicants for such supplies, and to collect all moneys and receipt therefor. He shall make a monthly report to the court. The agricultural agent shall receive no additional compensation for performing such duties. He shall be allowed such additional assistance as in the opinion of the court or board is necessary to effectively carry out this section. In counties not having an agricultural agent the court or board of county commissioners shall fix the compensation of the person appointed, which shall not exceed $5 per day, and shall prescribe by order such additional assistance necessary to carry out this section.

610.135 Notice of rodent extermination; procedure when person fails to exterminate. (1) The agricultural agent shall give notice of rodent extermination to all persons residing or owning any land within the county, by the publication in not less than two newspapers of general circulation within such county for two weeks, or three issues of such paper.

(2) He shall give notice to persons residing or owning land in a special control district by publication in one newspaper of general circulation within the county for two weeks or three issues of such paper.

(3) The notice shall state the kind of poison or poison baits or method most expedient or effective to be used for the extermination of such rodents, and the time when it is to be put out or used. Such notice shall be sufficient to all persons described in ORS 610.105. Unless such person shall, within 30 days from the first publication of the notice, begin in good faith to exterminate, as provided by ORS 610.105, or by any other effective means, any ground squirrels, or other noxious rodents or predatory animals, designated in the published notice, the county court shall appoint a person recommended by the agricultural agent, to proceed with the extermination of such rodents upon such land or place. For such purpose, the person appointed may enter upon any land, place, building, structure, wharf, pier or dock for the purpose of exterminating rodents.

(4) Any expense incurred in the extermination of such rodents, including a charge for services of not to exceed $5 per diem, the person so appointed shall set forth, fully itemized and verified, in a statement with a description of the property upon which any sum of money was expended, and present such statement to the county court within 60 days from the time the money was expended. The court shall examine into the items thereof and approve them. If the expense thereof is found to be unreasonable, the court shall correct the unreasonable items and modify the statement. The court shall then file such statement in the office of the county clerk. From the date of filing it such sum of money shall constitute a lien upon the property therein described.

610.140 Collection of exterminating charges following extermination by county agent. The county clerk on and after December 1 of each year following the filing of the statement required by ORS 610.135, shall, unless it has been fully paid and satisfied, present such statement to the county assessor, who shall extend the amounts thereof on the assessment roll against the premises. The same procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto. Upon collection thereof the proceeds shall be paid in and become a part of the revolving fund of the county or the special control district.

610.145 Labeling containers of poison; cooperation with state and federal organizations. (1) All poison baits prepared and distributed by the agricultural agent, shall be placed in containers, plainly labeled, to show the contents thereof.

(2) In order to secure the most effective and economical expenditures of funds for the extermination and destruction of ground squirrels and other noxious rodents or predatory animals, the county court or board of commissioners shall cooperate, so far as practicable, with the state and federal organizations engaged in similar work.

BOUNTIES ON ANIMALS GENERALLY

610.205 County's authority to give bounty on coyotes, wolves, wildcats, foxes and seals; tax levy. (1) The several county courts may levy a tax of not less than one four-hundredth of one percent (.000025) and not to exceed one-fortieth of one percent (.00025) of the true cash value of all taxable property within the county, for the purpose of paying a bounty on coyotes, gray wolves, black wolves, wildcats, gray foxes, red foxes and seals.

(2) The county courts shall, at the first regular meeting of the courts in June of each year, decide by a resolution of the court whether or not it shall pay the bounties on any, or all, of the animals mentioned in this section. If the court decides in favor of paying such bounty on any or all of such animals, a tax to provide funds therefor shall be levied, as provided by ORS 610.210, and the bounties paid, in the manner and amounts, and upon such animals, as provided by ORS 610.210 to 610.235. If such county courts decide not to pay a bounty on such animals, no tax shall be levied or collected.

[Amended by 1967 c.293 §34; 1967 c.594 §2]

610.210 Levying tax and fixing bounty. (1) The county court of each county may, on the first Monday of January of each year, levy a tax as described in ORS 610.205, which shall go into the general fund and be collected the same as all other taxes.

(2) The county courts may fix the bounties upon the animals mentioned in ORS 610.205 within their respective counties.

610.215 Issuance of warrants and marking of skins by the county clerk. The county clerk shall issue warrants on the county treasurer in payment for all skins on which there is a bounty as provided by ORS 610.205 and 610.210. He shall take such skin so paid for and mark it by punching three holes of one-quarter of one inch in diameter each at the base of each ear. He shall keep a record of whom he paid for such skin and the amount paid for it. In the case of seals, he shall punch three holes in the scalp between the earholes. The county clerk shall not be liable for the bounty on any such skin or scalp presented to him bearing such mark. Any skin or scalp to which is attached a fine fur may be returned to the owner after it has been marked by the county clerk.

[Amended by 1957 c.566 §1]

610.220 Payment of bounties from general fund. If the amount collected for the purpose of paying the bounty on skins, as provided by ORS 610.210, becomes exhausted, the county clerk shall continue to pay for all skins received out of any money in the general fund of the county not otherwise appropriated.

610.225 Excess and deficiency of fund. If on January 1 of each year there is a surplus of money raised as provided by ORS 610.210, the county court shall deduct the amount of the surplus on hand from the amount of levy which they will make as required by such section. If there is a deficiency in the money raised for bounty purposes on January 1 of each year, the county court shall add the amount of the deficiency to the amount of the levy for the ensuing year.

610.230 Application for bounty; affidavit. (1) No bounties shall be paid under ORS 610.205 to 610.235, by any county clerk unless the person applying for the bounty files with the county clerk an affidavit, sworn to before the county clerk, or anyone

authorized to administer oaths. The affidavit shall state:

(a) The kind of animal from which the skin was taken and the number of skins presented.

(b) That the county in which the animal was killed is the county in which the skin is presented for payment of a bounty.

(c) That the animal from which the skin was taken was not brought or received, dead or alive, from any other county or state.

(d) That the animal was killed within six months from the date of making the affidavit.

(e) That the animal was killed by the person presenting such skin in such county and in the state.

(f) That it was not fostered or whelped in captivity prior to the killing thereof.

(2) The county clerk may require of the applicant for bounty, such corroborative testimony as to him seems proper concerning the truth set forth in such affidavit.

(3) No person shall kill any animal in one county and take the skin into another county and collect the bounty on it, or sell or offer to sell such skin for the purpose of getting the bounty thereon.

[Amended by 1957 c.566 §2]

610.235 Report by county clerk to county court. The county clerk, or other officer to whom such skins have been presented shall, at the first meeting in January of the county court, file a statement showing the number of skins received by him, the number and amounts of warrants drawn by him and the names of persons to whom issued.

610.240 [Repealed by 1959 c.299 §4]

610.245 [Amended by 1957 c.566 §4; repealed by 1959 c.299 §4]

610.250 [Amended by 1957 c.566 §3; repealed by 1959 c.299 §4]

610.255 [Repealed by 1959 c.299 §4]

610.260 [Repealed by 1959 c.299 §4]

610.265 [Repealed by 1959 c.299 §4]

610.270 [Repealed by 1959 c.299 §4]

610.275 [Repealed by 1959 c.299 §4]

610.280 [Repealed by 1959 c.299 §4]

610.285 [Repealed by 1959 c.299 §4]

610.290 [Repealed by 1959 c.299 §4]

610.295 [Repealed by 1961 c.154 §1]

610.300 Fraudulently collecting or attempting to collect bounty. No person shall, with intent to defraud, collect, offer or attempt to collect, or assist in the collection of any bounty on predatory animals or rodents payable under any laws of the state, when a bounty is not legally collectible by reason of the part of such animal presented for bounty not being subject thereto under the law under which bounty is claimed.

BOUNTIES ON GOPHERS, MOLES, SQUIRRELS AND OTHER CROP-DESTROYING RODENTS

610.405 Tax levy and fund for payment of bounties on crop-destructive rodents. The county courts may levy a tax and create a fund for the payment of bounties for killing gophers, moles, gray digger squirrels and other rodents destructive of crops and gardens. The amount estimated by the county court as being sufficient for such purpose may be placed in the county budget, and if authorized at the meeting held for the purpose of passing upon the tax levy by the voters of the county, shall become one of the items for which expenditure may be made during the succeeding year.

610.410 Rules and regulations in payment of bounty. The county court shall make such rules and regulations as may be necessary to establish that the rodent for which a payment of bounty is asked has been actually killed in such county. Whenever a bounty is paid the county clerk shall immediately destroy the scalp or other portion of the animal required to be produced by the county court. Warrants for payment for such bounty shall be drawn against the fund created by the tax levy as provided by ORS 610.405.

610.415 Bounties on gophers, moles and squirrels in Marion County. (1) The county court of Marion County may levy a tax not to exceed one-tenth of one mill on a dollar of the assessed valuation of the taxable and assessable property in the county, each year, for the payment of bounties upon gophers, moles and gray digger squirrels taken and killed in the county.

(2) The funds derived from such tax, if any, shall be placed in a special fund known as the gopher, mole and squirrel bounty fund, and the county clerk of Marion County shall pay as a bounty for each scalp of each mole or gopher the sum of 10 cents, and for

each scalp of each gray digger squirrel produced and examined at his office, the sum of five cents, by drawing a warrant against such fund. Thereafter such scalp shall be destroyed by the clerk.

(3) At any time there is a surplus at the end of any year in such special fund, the county court may transfer any part of such surplus to the general fund of the county.

610.420 Bounties on gophers and moles in Tillamook County. (1) The county court of Tillamook County shall levy a tax not to exceed one-tenth of one mill on a dollar of the assessed valuation of the taxable and assessable property in the county, each year, for the payment of bounties upon gophers and moles taken and killed in the county.

(2) The funds derived from such tax shall be placed in a special fund known as the gopher and mole fund, and the county clerk of Tillamook County shall pay as a bounty for every scalp of every mole or gopher produced and examined at his office, by drawing a warrant against such fund, at the rate of five cents for each scalp. Thereafter such scalp shall be destroyed by the clerk.

(3) At any time there is a surplus at the end of any year in such special fund, the county court may transfer any part of the surplus to the general fund of the county.

610.425 Bounties on gophers, moles and squirrels in Yamhill County. (1) The county court of Yamhill County shall levy a tax not to exceed one-tenth of one mill on a dollar of the assessed valuation of taxable and assessable property in the county, each year, for the payment of bounties upon gophers, silver gray squirrels and moles taken and killed in the county.

(2) The funds derived from such tax shall be placed in a special fund known as the gopher, squirrel and mole fund, and the county clerk of Yamhill County shall pay as a bounty for every scalp of every gopher, silver gray squirrel or mole that is killed within such county and produced and examined at his office, by drawing a warrant against such special fund, at the rate of 10 cents for each scalp. Thereafter all such scalps shall be destroyed by the clerk.

(3) At any time there is a surplus at the end of any year in such special fund, the county court may transfer any part of the surplus to the general fund of the county.

610.430 Bounties on gophers and moles in Columbia and Washington Counties. (1) The county courts of Columbia County and of Washington County shall levy a tax not to exceed one-tenth of one mill on a dollar of the assessed valuation of the taxable and assessable property in the counties, respectively, each year, for the payment of bounties upon gophers and moles taken and killed in such counties.

(2) The funds derived from such tax shall be placed in a special fund known as the gopher and mole bounty fund, and the county clerks of Columbia County and Washington County, respectively, shall pay as a bounty for every scalp of every mole or gopher produced and examined at his office, by drawing a warrant against such special fund, at the rate of 10 cents for each scalp. Thereafter the scalp shall be destroyed by the clerk.

(3) At any time there is a surplus at the end of any year in such special fund, the county court may transfer any part of the surplus to the general fund of the county.

BOUNTIES ON JACKRABBITS

610.505 Petition for tax levy for bounty on jackrabbits; election. (1) Whenever a petition signed by 10 percent of the legal voters of any county is filed with the county clerk, asking that the question of whether or not the county shall levy a tax to provide funds for the payment of a bounty upon jackrabbits, the county court shall direct the clerk of the court to give notice of such election in the manner prescribed for giving notices of the election of state and county officers.

(2) The petition shall be filed not less than 45 days prior to the election upon which the question is to be voted. The question may be voted upon at any state election. However, the election provided for by this section, shall not be held at any time other than a state election. The petition shall specify the amount of bounty to be paid which, in any event, shall not exceed five cents per scalp of each rabbit.

610.510 Ballots in jackrabbit bounty elections. The county clerk shall furnish ballots to be used at the election provided for by ORS 610.505, which shall have printed thereon the words:

Shall —— County pay a rabbit bounty of —— cents each?

——Yes

——No

The ballot shall also have printed on it the direction that the voter shall place an "X" before the word "——Yes," or the word "——No." The vote shall be canvassed and returns made thereon the same as the votes are canvassed for the state or county officials.

610.515 Financing rabbit bounty program. If a majority of votes cast on the question of a rabbit bounty as provided by ORS 610.505 to 610.525, is in favor of the bounty, the county court shall, at its regular meeting for the purpose of levying taxes, compute the estimated expenditure for the purpose of such sections for the ensuing year, and make a sufficient levy, either as a general county tax or a special rabbit bounty tax, to cover such estimate. If the amount levied in any one year to pay the earned bounty for that year is insufficient, the amount unpaid shall be provided for in the levy for the succeeding year.

610.520 Procedure for obtaining bounty; minimum number of scalps. (1) Any person killing any jackrabbits, in order to obtain the bounty provided by ORS 610.505 to 610.525, shall, within 60 days of the date of such killing, present, or cause to be presented by his agent, to the clerk of such county, the scalp and ears of such animal. He shall make and file with such county clerk an affidavit setting forth:

(a) The number of rabbits from which such scalps were taken.

(b) That the rabbits were killed within such county, within 60 days preceding.

(c) That the rabbits were not bred or reared in captivity.

(2) Every person presenting such scalps for the payment of bounty shall be identified in writing by some resident taxpayer of such county, unless the person is known to the county clerk as being an actual resident of the county and entitled to credence, which fact shall be indorsed on his affidavit by the clerk. No person shall be entitled to collect bounty on any less than 50 scalps at any time.

610.525 Marking of scalps and issuance of warrants; report to court and records. (1) Upon the presentation of such scalps in the manner prescribed in ORS 610.520, the county clerk shall punch, or cause to be punched, a hole in each ear of such scalps of sufficient size to be easily noticeable, and issue his warrant on the county treasurer for the amount of the bounty to which the party presenting the scalps is entitled. The warrant shall be paid in the same manner as other county warrants are paid.

(2) The county clerk shall, at each session of the county court, present a statement of the number and amount of such warrants issued since the last preceding term, showing to whom issued, together with the scalps which have accumulated during that time, which shall, after examination by the court, be effectively destroyed.

(3) The county clerk shall keep a record of the scalps presented, showing:

(a) The number presented.

(b) By whom presented.

(c) The amount paid in bounty.

PENALTIES

610.990 Penalties. (1) Violation of ORS 610.045 is punishable, upon conviction, by a fine of not more than $500.

(2) Violation of ORS 610.050 is punishable upon conviction by a fine of not more than $500, or by imprisonment in the county jail not more than one year, or both.

(3) Violation of any provision of ORS 610.205 to 610.235 by making a false affidavit is perjury and punishable as provided in ORS 162.120. Violation of such sections in any other manner is punishable, upon conviction, by a fine of not more than $500 or by imprisonment in the penitentiary not exceeding one year, or both.

(4) Violation of ORS 610.300 is punishable, upon conviction, by a fine not exceeding $500 or by imprisonment in the penitentiary not exceeding one year, or both.

[Amended by 1959 c.299 §3; subsection (2) enacted as 1959 c.299 §2(3)]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1967.

Robert W. Lundy
Legislative Counsel

CHAPTERS 611 TO 615
[Reserved for expansion]