

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2025**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line  
2 and insert “creating new provisions; and amending ORS 195.300, 195.308,  
3 607.007 and 607.992.”.

4 Delete line 4 and insert:

5 **“SECTION 1. Sections 2 and 3 of this 2013 Act are added to and  
6 made a part of ORS chapter 607.**

7 **“SECTION 2. A person is liable to the owner or lawful possessor of  
8 land for resulting economic damages if:**

9 **“(1) The person permits bison to run at large upon the land; or**

10 **“(2) Bison for which the person is the owner or possessor are run-  
11 ning at large or uncontrolled upon the land.**

12 **“SECTION 3. Notwithstanding the contents of any livestock district  
13 petition described in ORS 607.010, an owner or possessor of bison or  
14 bison hybrids may not permit the bison or bison hybrids to run at  
15 large.**

16 **“SECTION 4. ORS 607.007 is amended to read:**

17 **“607.007. As used in this chapter, unless the context requires otherwise:**

18 **“(1) ‘Adequate fence’ means a continuous barrier consisting of natural  
19 barriers, structures, masonry, rails, poles, planks, wire or the combination  
20 thereof, installed and maintained in a condition so as to form a continuous  
21 guard and defense against the ingress or egress of cattle or equines into or  
22 from the lands enclosed by the barrier. Natural barriers may include hedges,**

1 ditches, rivers, streams, ponds or lakes.

2 “(2) ‘Estray animal’ means:

3 “(a) Cattle, **bison** or equines that are unlawfully running at large or  
4 being permitted to do so[,]; or

5 “(b) **Cattle or equines** that are found to be trespassing on land enclosed  
6 by an adequate fence.

7 “(3) ‘Taking up’ means the intentional exertion of control over an estray  
8 animal, including but not limited to the restriction of movement, holding  
9 under herd, feeding, pasturing or sheltering of the animal.

10 “**SECTION 5.** ORS 607.992 is amended to read:

11 “607.992. (1) [*Violation of any*] **Except as provided in subsection (2) of**  
12 **this section, a person who violates a provision of this chapter [*is*] com-**  
13 **mits a Class B violation.**

14 “(2) **A person who violates a provision of this chapter is guilty of a**  
15 **Class A misdemeanor if the person acts with criminal negligence.**

16 “**SECTION 6.** (1) **Sections 2 and 3 of this 2013 Act and the amend-**  
17 **ments to ORS 607.007 by section 4 of this 2013 Act apply to animals**  
18 **whose presence on land is discovered on or after the effective date of**  
19 **this 2013 Act.**

20 “(2) **The amendments to ORS 607.992 by section 5 of this 2013 Act**  
21 **apply to acts committed on or after the effective date of this 2013 Act.**

22 “**SECTION 7.** ORS 195.300 is amended to read:

23 “195.300. As used in this section and ORS 195.301 and 195.305 to 195.336  
24 and sections 5 to 11, chapter 424, Oregon Laws 2007, and sections 2 to 9 and  
25 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon  
26 Laws 2010:

27 “(1) ‘Acquisition date’ means the date described in ORS 195.328.

28 “(2) ‘Claim’ means a written demand for compensation filed under:

29 “(a) ORS 195.305, as in effect immediately before December 6, 2007; or

30 “(b) ORS 195.305 and 195.310 to 195.314, as in effect on and after December

1 6, 2007.

2 “(3) ‘Enacted’ means enacted, adopted or amended.

3 “(4) ‘Fair market value’ means the value of property as determined under  
4 ORS 195.332.

5 “(5) ‘Farming practice’ has the meaning given that term in ORS 30.930.

6 “(6) ‘Federal law’ means:

7 “(a) A statute, regulation, order, decree or policy enacted by a federal  
8 entity or by a state entity acting under authority delegated by the federal  
9 government;

10 “(b) A requirement contained in a plan or rule enacted by a compact en-  
11 tity; or

12 “(c) A requirement contained in a permit issued by a federal or state  
13 agency pursuant to a federal statute or regulation.

14 “(7) ‘File’ means to submit a document to a public entity.

15 “(8) ‘Forest practice’ has the meaning given that term in ORS 527.620.

16 “(9) ‘Ground water restricted area’ means an area designated as a critical  
17 ground water area or as a ground water limited area by the Water Resources  
18 Department or Water Resources Commission before December 6, 2007.

19 “(10) ‘High-value farmland’ means:

20 “(a) High-value farmland as described in ORS 215.710 that is land in an  
21 exclusive farm use zone or a mixed farm and forest zone, except that the  
22 dates specified in ORS 215.710 (2), (4) and (6) are December 6, 2007.

23 “(b) Land west of U.S. Highway 101 that is composed predominantly of  
24 the following soils in Class III or IV or composed predominantly of a com-  
25 bination of the soils described in ORS 215.710 (1) and the following soils:

26 “(A) Subclassification IIIw, specifically Ettersburg Silt Loam and  
27 Croftland Silty Clay Loam;

28 “(B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and  
29 Winchuck Silt Loam; and

30 “(C) Subclassification IVw, specifically Huffling Silty Clay Loam.

1 “(c) Land that is in an exclusive farm use zone or a mixed farm and forest  
2 zone and that on June 28, 2007, is:

3 “(A) Within the place of use for a permit, certificate or decree for the use  
4 of water for irrigation issued by the Water Resources Department;

5 “(B) Within the boundaries of a district, as defined in ORS 540.505; or

6 “(C) Within the boundaries of a diking district formed under ORS chapter  
7 551.

8 “(d) Land that contains not less than five acres planted in wine grapes.

9 “(e) Land that is in an exclusive farm use zone and that is at an elevation  
10 between 200 and 1,000 feet above mean sea level, with an aspect between 67.5  
11 and 292.5 degrees and a slope between zero and 15 percent, and that is lo-  
12 cated within:

13 “(A) The Southern Oregon viticultural area as described in 27 C.F.R.  
14 9.179;

15 “(B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89;  
16 or

17 “(C) The Willamette Valley viticultural area as described in 27 C.F.R.  
18 9.90.

19 “(f) Land that is in an exclusive farm use zone and that is no more than  
20 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 de-  
21 grees and a slope between zero and 15 percent, and that is located within:

22 “(A) The portion of the Columbia Gorge viticultural area as described in  
23 27 C.F.R. 9.178 that is within the State of Oregon;

24 “(B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;

25 “(C) The portion of the Columbia Valley viticultural area as described in  
26 27 C.F.R. 9.74 that is within the State of Oregon;

27 “(D) The portion of the Walla Walla Valley viticultural area as described  
28 in 27 C.F.R. 9.91 that is within the State of Oregon; or

29 “(E) The portion of the Snake River Valley viticultural area as described  
30 in 27 C.F.R. 9.208 that is within the State of Oregon.

1 “(11) ‘High-value forestland’ means land:

2 “(a) That is in a forest zone or a mixed farm and forest zone, that is lo-  
3 cated in western Oregon and composed predominantly of soils capable of  
4 producing more than 120 cubic feet per acre per year of wood fiber and that  
5 is capable of producing more than 5,000 cubic feet per year of commercial  
6 tree species; or

7 “(b) That is in a forest zone or a mixed farm and forest zone, that is lo-  
8 cated in eastern Oregon and composed predominantly of soils capable of  
9 producing more than 85 cubic feet per acre per year of wood fiber and that  
10 is capable of producing more than 4,000 cubic feet per year of commercial  
11 tree species.

12 “(12) ‘Home site approval’ means approval of the subdivision or partition  
13 of property or approval of the establishment of a dwelling on property.

14 “(13) ‘Just compensation’ means:

15 “(a) Relief under sections 5 to 11, chapter 424, Oregon Laws 2007, sections  
16 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter  
17 8, Oregon Laws 2010, for land use regulations enacted on or before January  
18 1, 2007; and

19 “(b) Relief under ORS 195.310 to 195.314 for land use regulations enacted  
20 after January 1, 2007.

21 “(14) ‘Land use regulation’ means:

22 “(a) A statute that establishes a minimum lot or parcel size;

23 “(b) A provision in ORS 227.030 to 227.300, 227.350, 227.400, 227.450 or  
24 227.500 or in ORS chapter 215 that restricts the residential use of private  
25 real property;

26 “(c) A provision of a city comprehensive plan, zoning ordinance or land  
27 division ordinance that restricts the residential use of private real property  
28 zoned for residential use;

29 “(d) A provision of a county comprehensive plan, zoning ordinance or land  
30 division ordinance that restricts the residential use of private real property;

1 “(e) A provision, enacted or adopted on or after January 1, 2010, of:  
2 “(A) The Oregon Forest Practices Act;  
3 “(B) An administrative rule of the State Board of Forestry; [or]  
4 “(C) Any other law enacted, or rule adopted, solely for the purpose of  
5 regulating a forest practice; **or**  
6 “(D) **Any law enacted, or administrative rule of the State Depart-**  
7 **ment of Agriculture adopted, solely to restrict the use of land for a**  
8 **farming practice that was allowed immediately prior to enactment of**  
9 **the law or adoption of the rule.**  
10 “(f) ORS 561.191, a provision of ORS 568.900 to 568.933 or an administra-  
11 tive rule of the State Department of Agriculture that implements ORS  
12 561.191 or 568.900 to 568.933;  
13 “(g) An administrative rule or goal of the Land Conservation and Devel-  
14 opment Commission; or  
15 “(h) A provision of a Metro functional plan that restricts the residential  
16 use of private real property.  
17 “(15) ‘Lawfully established unit of land’ has the meaning given that term  
18 in ORS 92.010.  
19 “(16) ‘Lot’ has the meaning given that term in ORS 92.010.  
20 “(17) ‘Measure 37 permit’ means a final decision by Metro, a city or a  
21 county to authorize the development, subdivision or partition or other use  
22 of property pursuant to a waiver.  
23 “(18) ‘Owner’ means:  
24 “(a) The owner of fee title to the property as shown in the deed records  
25 of the county where the property is located;  
26 “(b) The purchaser under a land sale contract, if there is a recorded land  
27 sale contract in force for the property; or  
28 “(c) If the property is owned by the trustee of a revocable trust, the  
29 settlor of a revocable trust, except that when the trust becomes irrevocable  
30 only the trustee is the owner.

1 “(19) ‘Parcel’ has the meaning given that term in ORS 92.010.

2 “(20) ‘Property’ means the private real property described in a claim and  
3 contiguous private real property that is owned by the same owner, whether  
4 or not the contiguous property is described in another claim, and that is not  
5 property owned by the federal government, an Indian tribe or a public body,  
6 as defined in ORS 192.410.

7 “(21) ‘Protection of public health and safety’ means a law, rule, ordinance,  
8 order, policy, permit or other governmental authorization that restricts a use  
9 of property in order to reduce the risk or consequence of fire, earthquake,  
10 landslide, flood, storm, pollution, disease, crime or other natural or human  
11 disaster or threat to persons or property including, but not limited to,  
12 building and fire codes, health and sanitation regulations, solid or hazardous  
13 waste regulations and pollution control regulations.

14 “(22) ‘Public entity’ means the state, Metro, a county or a city.

15 “(23) ‘Urban growth boundary’ has the meaning given that term in ORS  
16 195.060.

17 “(24) ‘Waive’ or ‘waiver’ means an action or decision of a public entity  
18 to modify, remove or not apply one or more land use regulations under ORS  
19 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007,  
20 sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7,  
21 chapter 8, Oregon Laws 2010, or ORS 195.305, as in effect immediately before  
22 December 6, 2007, to allow the owner to use property for a use permitted  
23 when the owner acquired the property.

24 “(25) ‘Zoned for residential use’ means zoning that has as its primary  
25 purpose single-family residential use.

26 **“SECTION 8.** ORS 195.308 is amended to read:

27 “195.308. Notwithstanding the requirement to pay just compensation for  
28 certain land use regulations under ORS 195.305 (1), compensation is not due  
29 for the enforcement or enactment of a land use regulation established in ORS  
30 [30.930 to 30.947,] 527.310 to 527.370, 561.995, 569.360 to 569.495, 570.010 to

1 570.050, 570.105 to 570.190, 570.305, 570.310, 570.320 to 570.360, 570.405, 570.412,  
2 570.420, 570.425, 570.450, 570.650, 570.700 to 570.710, 570.755, 570.770, 570.775,  
3 570.780, 570.790, 570.800, 570.995, 596.095, 596.100, 596.105, 596.393, 596.990 or  
4 596.995 or in administrative rules or statewide plans implementing these  
5 statutes.”.

6

---