

A-Engrossed
House Bill 3188

Ordered by the House April 24
Including House Amendments dated April 24

Sponsored by Representatives HEARD, MCKEOWN; Representatives KRIEGER, OLSON, Senator GIROD

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.

[Directs State Department of Agriculture and State Forestry Department to jointly study and report on need for authority to create predator control districts for purpose of controlling harm to resource uses from predator depredation.]

Authorizes landowners who meet certain criteria to petition for formation of predator damage control district within county.

Establishes petition filing and hearing requirements.

Modifies definition of "predatory animals" to include bears, bobcats and red foxes.

Requires county commissioners to appoint advisory board that shall submit annual report and make recommendations about activities in district to commissioners.

Requires permanent tax rate on lands in predator damage control district to be expressed as per acre rate and on dollars per thousand dollars of assessed value basis, not to exceed \$1 per acre.

Sunsets January 2, 2022.

A BILL FOR AN ACT

Relating to a principal Act for predator control districts.

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

SECTION 1. As used in sections 1 to 5 of this 2015 Act, unless the context requires otherwise:

(1) "Agricultural land" means land used for the production of livestock for commercial sale or land that is cultivated, planted or irrigated for the production of domestic crops.

(2) "Forestland" has the meaning given that term in ORS 477.001.

(3) "Livestock" means cattle and other bovines, sheep, goats, horses and other domesticated animals that are raised for the purpose of providing meat or other products for human consumption or use or for other commercial sales.

(4) "Predator damage control district" means an association or organization that is formed for the purpose of preventing, reducing or mitigating damage to livestock or property from predatory animals.

(5) "Predatory animals" means those animals listed in ORS 497.655 and bears, bobcats and red foxes.

SECTION 2. (1) One or more predator damage control districts may be formed within a county. Except as provided in this section, the districts may be formed in the same manner as provided for formation under ORS 198.705 to 198.955.

(2) Notwithstanding ORS 198.755, a minimum of 50 percent of the landowners who own 10 or more acres of agricultural land, forestland or mixed farm and forest use land within a proposed predator damage control district may sign a petition with the county commission-

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 **ers of the county to form a predator damage control district.**

2 **(3) At a minimum, the petition shall:**

3 **(a) State the name for the proposed district;**

4 **(b) Designate the boundary lines of the proposed district and state the names of the af-**
5 **ected county;**

6 **(c) State the names of the landowners signing the petition and the acres of agricultural**
7 **land or farmland that each landowner owns;**

8 **(d) Include a statement that the petitioners shall pay the reasonable expenses associated**
9 **with the formation of the proposed district; and**

10 **(e) Include a statement of purpose and need that explains:**

11 **(A) That the proposed district is necessary to provide services to agricultural, forestland**
12 **and mixed farm and forest use land to prevent, reduce or mitigate damage to livestock or**
13 **property from predatory animals;**

14 **(B) That the proposed district promotes the production of resources that are beneficial**
15 **to the economy and the public health and safety of the county and state; and**

16 **(C) That the formation of the proposed district is a proper and effective means to address**
17 **the damage to livestock or property from predatory animals.**

18 **(4) One or more of the petitioners shall file the petition in the office of the county clerk**
19 **for the county in which the land is located.**

20 **(5) After the petition has been offered for filing, the county clerk shall set a time to hear**
21 **the petition and shall provide notice, at least 15 days before the hearing, in the manner de-**
22 **scribed under ORS 198.730.**

23 **(6) The county commissioners shall hear and consider the evidence, in support of or in**
24 **opposition to the petition, that is presented at the hearing. The commissioners shall make**
25 **a determination based on the facts alleged and objections stated at the hearing and in the**
26 **petition to determine whether to form the district. If the commissioners grant the petition,**
27 **the commissioners shall declare the district formed. If the commissioners deny the petition,**
28 **the commissioners shall order the proceeding dismissed and adjudge the costs of the pro-**
29 **ceedings distributed against the petitioners in proportion to the acreage represented by each**
30 **landowner.**

31 **(7) If the decision of the county commissioners is presented before the circuit court for**
32 **review, the court shall consider the matter de novo and may adopt, modify or reject the de-**
33 **cision of the commissioners in whole or in part and enter into an appropriate order.**

34 **SECTION 3. (1) Notwithstanding ORS 198.749 and 198.750, the permanent tax rate ex-**
35 **pressed in the economic feasibility statement and on the petition filed under section 2 of this**
36 **2015 Act must be expressed both as a rate per acre, not to exceed \$1 per acre, and on a**
37 **dollars per thousand dollars of assessed value basis for the properties described in subsection**
38 **(4) of this section, calculated for the latest tax year for which the assessed value of those**
39 **properties is available.**

40 **(2) The county commissioners of a predator damage control district shall impose an as-**
41 **essment that is expressed as a rate per acre, not to exceed \$1 per acre. However, the**
42 **commissioners may determine the equivalent of the assessment on a dollars per thousand**
43 **dollars of assessed value basis and order a percentage reduction in the assessment if re-**
44 **quired for compliance with property tax assessment limitations.**

45 **(3) The county tax assessor shall determine the total assessment amount for the prop-**

1 **erties subject to the assessment under subsection (4) of this section based on total value of**
2 **the properties. The tax assessor shall provide this figure to the county commissioners to**
3 **determine the rate per acre.**

4 **(4) A district may impose an assessment only on properties that are:**

5 **(a) Located outside of incorporated cities;**

6 **(b) Zoned for farm use, forest use or mixed farm and forest use; and**

7 **(c) On tax lots 10 or more acres in size.**

8 **(5) The county commissioners may seek to change the boundaries of the district to in-**
9 **clude additional properties, such as property that is adjacent to property that is located**
10 **within the district. The commissioners shall make the change if the commissioners find that**
11 **the change is in the best interest of the properties served by the district.**

12 **(6) Unless a public body otherwise agrees, agricultural lands or forestlands that a public**
13 **body owns are exempt from any assessment imposed for the purposes of creating a predator**
14 **damage control district and shall not receive the services provided by the district.**

15 **(7) The county commissioners may allow a property that is within the boundaries of the**
16 **district but not subject to the assessment under subsection (4) of this section to obtain dis-**
17 **trict services upon payment of a fee of not less than \$25 per year.**

18 **(8) Upon formation of the district, a landowner who would otherwise be subject to as-**
19 **essment under subsection (4) of this section may choose to remain outside the boundaries**
20 **of the district and, as a result, shall not receive the services performed by the district. At**
21 **a later time, at the landowner's request and upon payment by the landowner of an amount**
22 **that is three times the regular annual assessment, the county commissioners shall include**
23 **the property within the district and provide district services.**

24 **SECTION 4. (1) Within 30 days of formation of a predator damage control district, the**
25 **county commissioners shall appoint an advisory board consisting of the following five mem-**
26 **bers:**

27 **(a) One member representative of industrial forestland;**

28 **(b) One member representative of woodlot forestland;**

29 **(c) Two members representative of livestock producers; and**

30 **(d) One member representative of an owner at large.**

31 **(2) The county commissioners shall assign a different initial term of office to each**
32 **member so that the initial terms of office expire at staggered intervals.**

33 **(3) The advisory board shall:**

34 **(a) Meet, at a minimum, annually;**

35 **(b) Hold public meetings;**

36 **(c) Prepare and submit to the commissioners an annual report that describes the activ-**
37 **ities of the district; and**

38 **(d) Recommend to the commissioners whether to assess a fee against the property lo-**
39 **cated within the boundaries of the district.**

40 **(4) After the appointment of the first advisory board, the county commissioners shall**
41 **appoint, as needed, successor advisory board members to maintain five members on the**
42 **board. When the term of an advisory board member is set to expire, the commissioners may**
43 **reappoint the member to another term of office. Successor members shall hold office for**
44 **three years and until the commissioners appoint the member's successor.**

45 **SECTION 5. Sections 1 to 4 of this 2015 Act are repealed January 2, 2022. Any assets of**

1 a predator damage control district existing on January 2, 2022, are subject to ORS 198.955.

2
