

HB 3167-A3
(LC 3244)
5/3/21 (ASD/ps)

Requested by HOUSE COMMITTEE ON REVENUE (at the request of Representative Pam Marsh)

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3167**

1 In line 2 of the printed A-engrossed bill, after the first semicolon insert
2 “creating new provisions; amending sections 1, 2, 3, 5 and 7, chapter 650,
3 Oregon Laws 2015;”.

4 Delete lines 6 and 7 and insert:

5 **“SECTION 2.** Section 1, chapter 650, Oregon Laws 2015, is amended to
6 read:

7 **“Sec. 1.** As used in sections 1 to 7 [*of this 2015 Act*], **chapter 650,**
8 **Oregon Laws 2015:**

9 “(1) ‘Agricultural land’ means land used for the production of livestock
10 for commercial sale or land that is cultivated, planted or irrigated for the
11 production of domestic crops.

12 “(2) ‘Eligible land’ means agricultural land, forestland or mixed farm and
13 forest use land.

14 “(3) ‘Eligible petitioner’ means an owner of 10 or more acres of eligible
15 land.

16 “(4) ‘Forestland’ has the meaning given that term in ORS 477.001.

17 “(5) ‘Livestock’ means cattle and other bovines, sheep, goats, horses and
18 other domesticated animals that are raised for the purpose of providing meat
19 or other products for human consumption or use or for other commercial
20 sales.

21 “(6) ‘Predatory animals’ means animals listed in ORS 497.655 and bears,

1 bobcats and red foxes.

2 “(7) ‘Prevent, reduce and mitigate damage to property from
3 predatory animals’ includes both lethal and nonlethal methods of
4 prevention, reduction and mitigation.

5 “**SECTION 3.** Section 2, chapter 650, Oregon Laws 2015, is amended to
6 read:

7 “**Sec. 2.** (1)(a) Notwithstanding ORS 198.705 to 198.955, one or more
8 predator damage control districts may be formed within a county under this
9 section for the purpose of funding county services to prevent, reduce and
10 mitigate damage to property from predatory animals.

11 “(b) The governing body of a county may adopt by ordinance or resolution
12 criteria for formation of a predator damage control district that do not con-
13 flict with the provisions of sections 1 to 7, [of this 2015 Act] **chapter 650,**
14 **Oregon Laws 2015.** The criteria shall apply to predator damage control
15 districts formed on or after the effective date of the ordinance or resolution.

16 “(2)(a) The formation of a predator damage control district may be initi-
17 ated by a petition signed by [more than 50 percent of the] **at least 10** eligible
18 petitioners who cumulatively own [more than 50 percent by area of the] **at**
19 **least 10,000 acres of** eligible land within the **boundaries of the** proposed
20 predator damage control district. **The proposed boundaries must be iden-**
21 **tified by tax lots and may be noncontiguous.** All signatures must bear
22 dates that are within a single six-month period.

23 “(b) The petition must include:

24 “(A) The name of the proposed district;

25 “(B) A description of the boundaries of the proposed district;

26 “(C) The names of the petitioners, identifying the chief petitioners, and
27 the number of acres of eligible land that each petitioner owns;

28 “(D) A statement that the petitioners agree to pay the reasonable charges
29 incurred in forming the district; and

30 “(E) A statement that explains the damage to property from predatory

1 animals occurring within the proposed district and the need for district revenue to prevent, reduce and mitigate the damage.

3 “(3)(a) The petition must be presented for filing to the county clerk of the
4 county in which the proposed predator damage control district is located.

5 “(b) Within 10 days after the date on which the petition is filed, the
6 county clerk, in consultation with the county assessor, shall determine
7 whether the petition meets the requirements of subsection (2) of this section.
8 If the petition does not meet the requirements, the county clerk shall notify
9 the chief petitioners and return the petition.

10 “(c) If the petition meets the requirements of subsection (2) of this section,
11 the county clerk shall file the petition, attaching to it a certificate of
12 the county assessor stating that:

13 “(A) The county assessor has compared the signatures of the petitioners
14 with the appropriate records and has [*determined the number of*] **verified the**
15 **signatures of the** eligible petitioners appearing on the petition; and

16 “(B) The petition meets the requirements of subsection (2) of this section.

17 “(4) After the petition has been filed, the county clerk shall set a time for
18 a public hearing on the question of the formation of the district and, at least
19 15 days before the hearing and for not less than five consecutive days, shall
20 post notice of the hearing:

21 “(a) On the website of the county; and

22 “(b) On or near the doors of the meeting room of the governing body of
23 the county or on any official public bulletin board customarily used for the
24 purpose of posting public notices pertaining to the business of the county.

25 “(5) The governing body of the county shall hear testimony on the question
26 of the formation of the district that is presented at the public hearing.
27 The governing body shall make a determination whether to form the district
28 based on the petition and the testimony.

29 **“SECTION 4.** Section 3, chapter 650, Oregon Laws 2015, is amended to
30 read:

1 “**Sec. 3.** (1)(a) At any time after the formation of a predator damage
2 control district under section 2, [*of this 2015 Act*] **chapter 650, Oregon**
3 **Laws 2015**, the advisory board appointed under section 4, [*of this 2015 Act*]
4 **chapter 650, Oregon Laws 2015**, may request that the governing body of the
5 county annex **eligible land** to or withdraw **eligible land** from the district
6 [*territory that is adjacent to the external boundaries of the district*].

7 “(b) The request must be accompanied by a statement of the reason for
8 the annexation or withdrawal and the signatures of the owners of the prop-
9 erty to be annexed or withdrawn.

10 “(c) The governing body shall adopt the requested annexation or with-
11 drawal of the [*territory*] **eligible land** if the governing body finds that the
12 change is in the best interest of the property and the property owners in
13 light of the purpose for which the district was formed.

14 “(2)(a) A petition for dissolution of a predator damage control district
15 formed under section 2, [*of this 2015 Act*] **chapter 650, Oregon Laws 2015**,
16 may be presented for filing with the county clerk if the petition meets the
17 signature requirements of section 2 (2)(a), [*of this 2015 Act*] **chapter 650,**
18 **Oregon Laws 2015**, and states why the district is no longer necessary for
19 the purpose described in section 2 (1), [*of this 2015 Act*] **chapter 650, Oregon**
20 **Laws 2015**.

21 “(b) The filing, notice and hearing requirements of section 2 (3) and (4),
22 [*of this 2015 Act*] **chapter 650, Oregon Laws 2015**, apply to a petition for
23 dissolution of a district.

24 “(3) The governing body of the county shall hear testimony on the ques-
25 tion of the dissolution of the district that is presented at the public hearing.
26 The governing body shall make a determination whether to dissolve the dis-
27 trict based on the petition and the testimony.

28 “**SECTION 5.** Section 5, chapter 650, Oregon Laws 2015, is amended to
29 read:

30 “**Sec. 5.** (1)(a) Each property tax year, the following annual charges may

1 be incurred by a landowner with respect to land located in a predator dam-
2 age control district for the purpose of paying the actual cost to the county
3 of preventing, reducing and mitigating damage to the property from
4 predatory animals:

5 “[*a*] (A) [~~\$1~~] **\$2** per acre for land described in section 6 (2) and (3), [*of*
6 *this 2015 Act*] **chapter 650, Oregon Laws 2015.**

7 “[*b*] (B) [~~\$25~~] **\$50** for land described in section 6 (4), [*of this 2015 Act*]
8 **chapter 650, Oregon Laws 2015.**

9 **“(b) For purposes of this subsection, the actual cost to the county**
10 **does not include indirect or pooled job costs assessed to the county for**
11 **federal wildlife services, provided the county has obtained a waiver**
12 **from the federal directors of the wildlife services.**

13 “(2) Notwithstanding subsection (1) of this section, each year the advisory
14 board of a predator damage control district shall consider whether the
15 charges specified in subsection (1) of this section are sufficient to pay the
16 cost to the county described in subsection (1) of this section and may re-
17 commend to the governing body of the county the charges as specified or
18 greater or lesser amounts. The recommendation must be received by the
19 county on or before a date prescribed by the county.

20 “(3)(a) The governing body of the county shall consider the recommended
21 amounts of the charges and may:

22 “[*a*] (A) Amend the amounts to reflect the county’s estimate of the cost
23 described in subsection (1) of this section for the following property tax year;
24 and

25 “[*b*] (B) Further increase or reduce the amounts to reflect a deficit or
26 excess, respectively, in the amount of the charge for the current property tax
27 year.

28 **“(b) The governing body of the county may, with the consent of the**
29 **governing body of the city, charge an incorporated city for costs de-**
30 **scribed in subsection (1) of this section.**

1 **“SECTION 6.** Section 7, chapter 650, Oregon Laws 2015, is amended to
2 read:

3 **“Sec. 7.** (1) Each year, on or before a date prescribed by the governing
4 body of the county in which the district is located, the advisory board of a
5 predator damage control district shall submit to the county a list showing,
6 for the following property tax year:

7 “(a) The names of landowners that have elected to incur the charge under
8 section 6, *[of this 2015 Act]* **chapter 650, Oregon Laws 2015;**

9 “(b) The names of landowners that have elected to discontinue incurring
10 the charge; and

11 “(c) Each tax account for which a charge has been incurred, the size of
12 the tax lot and whether the charge is the per acre charge or the flat rate
13 charge.

14 “(2)(a) The governing body of the county shall certify the information
15 submitted by all advisory boards for predator damage control districts within
16 the county and the amount of the charges determined under section 5, *[of*
17 *this 2015 Act]* **chapter 650, Oregon Laws 2015,** to the county assessor.

18 “(b) The charges shall be entered upon the tax rolls of the county and be
19 collected and accounted for in the same manner in which county taxes are
20 collected and accounted for.

21 **“(c) Notwithstanding paragraph (b) of this subsection, the charges**
22 **may be collected from landowners by direct billing. The advisory board**
23 **of a predator damage control district shall determine the deadline for**
24 **the collection of charges by direct billing within the district.**

25 “~~[(c)]~~ **(d)** A charge does not give rise to a lien on the property for which
26 the charge is incurred.

27 “(3) The county may not provide services to prevent, reduce or mitigate
28 damage from predatory animals to property within a predator damage control
29 district for any period during which:

30 “(a) The owner has elected not to incur the applicable charge for the

1 services; or

2 “(b) The charge remains delinquent.

3 **“SECTION 7. Section 8 of this 2021 Act is added to and made a part**
4 **of sections 1 to 7, chapter 650, Oregon Laws 2015.**

5 **“SECTION 8. Nothing in sections 1 to 7, chapter 650, Oregon Laws**
6 **2015, gives any person a cause of action, other than the governing body**
7 **of a county, an owner of land to which the provisions of sections 1 to**
8 **7, chapter 650, Oregon Laws 2015, apply, a predator damage control**
9 **district advisory board or the governing body of an incorporated city**
10 **to which section 5 (3)(b), chapter 650, Oregon Laws 2015, applies, for**
11 **purposes of enforcing the provisions of sections 1 to 7, chapter 650,**
12 **Oregon Laws 2015.**

13 **“SECTION 9. This 2021 Act takes effect on the 91st day after the**
14 **date on which the 2021 regular session of the Eighty-first Legislative**
15 **Assembly adjourns sine die.”.**

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