

House Bill 3167

Sponsored by Representative SMITH DB

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 as introduced.

Repeals sunset of predator damage control district program. Changes requirements for petition for formation of predator damage control district. Increases annual charges that landowners may choose to incur for land located in predator damage control district. Amends provisions for determining and charging county's administrative costs. Authorizes county to directly bill landowners for annual charges. Takes effect on 91st day following adjournment sine die.

1 **A BILL FOR AN ACT**

2 Relating to predator damage control districts; amending sections 2, 3, 5 and 7, chapter 650, Oregon
3 Laws 2015; repealing section 8, chapter 650, Oregon Laws 2015; and prescribing an effective
4 date.

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

6 **SECTION 1. Section 8, chapter 650, Oregon Laws 2015, is repealed.**

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

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

11 *****[existing definitions]*****

12 **(7) 'Prevent, reduce and mitigate damage to property from predatory animals' includes both lethal and nonlethal methods of prevention, reduction and mitigation.**

13 **SECTION 3.2.** Section 2, chapter 650, Oregon Laws 2015, is amended to read:

14 **Sec. 2.** (1)(a) Notwithstanding ORS 198.705 to 198.955, one or more predator damage control
15 districts may be formed within a county under this section for the purpose of funding county ser-
16 vices to prevent, reduce and mitigate damage to property from predatory animals.

17 (b) The governing body of a county may adopt by ordinance or resolution criteria for formation
18 of a predator damage control district that do not conflict with the provisions of sections 1 to 7, [of
19 this 2015 Act] **chapter 650, Oregon Laws 2015.** The criteria shall apply to predator damage control
20 districts formed on or after the effective date of the ordinance or resolution.

21 (2)(a) The formation of a predator damage control district may be initiated by a petition signed
22 by [more than 50 percent of the] **at least 10** eligible petitioners who cumulatively own [more than 50
23 percent by area of the] **at least 10,000 acres** of eligible land within the **boundaries of the** proposed
24 predator damage control district. **The proposed boundaries must be identified by tax lots and**
25 **may be noncontiguous.** All signatures must bear dates that are within a single six-month period.

26 (b) The petition must include:

(A) The name of the proposed district;

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

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

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

- 27 (E) A statement that explains the damage to property from predatory animals occurring within
28 the proposed district and the need for district revenue to prevent, reduce and mitigate the damage.
29 (3)(a) The petition must be presented for filing to the county clerk of the county in which the

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.

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- 1 proposed predator damage control district is located.
2 (b) Within 10 days after the date on which the petition is filed, the county clerk, in consultation
3 with the county assessor, shall determine whether the petition meets the requirements of subsection
4 (2) of this section. If the petition does not meet the requirements, the county clerk shall notify the
5 chief petitioners and return the petition.
6 (c) If the petition meets the requirements of subsection (2) of this section, the county clerk shall
7 file the petition, attaching to it a certificate of the county assessor stating that:
8 (A) The county assessor has compared the signatures of the petitioners with the appropriate
9 records and has *[determined the number of]* **verified the signatures of the** eligible petitioners appearing
10 on the petition; and
11 (B) The petition meets the requirements of subsection (2) of this section.
12 (4) After the petition has been filed, the county clerk shall set a time for a public hearing on
13 the question of the formation of the district and, at least 15 days before the hearing and for not less
14 than five consecutive days, shall post notice of the hearing:
15 (a) On the website of the county; and
16 (b) On or near the doors of the meeting room of the governing body of the county or on any
17 official public bulletin board customarily used for the purpose of posting public notices pertaining
18 to the business of the county.
19 (5) The governing body of the county shall hear testimony on the question of the formation of
20 the district that is presented at the public hearing. The governing body shall make a determination
21 whether to form the district based on the petition and the testimony.
22 **SECTION 4.** Section 3, chapter 650, Oregon Laws 2015, is amended to read:
23 **Sec. 3.** (1)(a) At any time after the formation of a predator damage control district under section
24 2, *[of this 2015 Act]* **chapter 650, Oregon Laws 2015**, the advisory board appointed under section
25 4, *[of this 2015 Act]* **chapter 650, Oregon Laws 2015**, may request that the governing body of the
26 county annex **eligible land** to or withdraw **eligible land** from the district *[territory that is adjacent*
27 *to the external boundaries of the district]*.
28 (b) The request must be accompanied by a statement of the reason for the annexation or with-
29 drawal and the signatures of the owners of the property to be annexed or withdrawn.
30 (c) The governing body shall adopt the requested annexation or withdrawal of the *[territory]*
31 **eligible land** if the governing body finds that the change is in the best interest of the property and
32 the property owners in light of the purpose for which the district was formed.
33 (2)(a) A petition for dissolution of a predator damage control district formed under section 2,
34 *[of this 2015 Act]* **chapter 650, Oregon Laws 2015**, may be presented for filing with the county clerk
35 if the petition meets the signature requirements of section 2 (2)(a), *[of this 2015 Act]* **chapter 650,**
36 **Oregon Laws 2015**, and states why the district is no longer necessary for the purpose described in
37 section 2 (1), *[of this 2015 Act]* **chapter 650, Oregon Laws 2015**.
38 (b) The filing, notice and hearing requirements of section 2 (3) and (4), *[of this 2015 Act]* **chapter**
39 **650, Oregon Laws 2015**, apply to a petition for dissolution of a district.
(3) The governing body of the county shall hear testimony on the question of the dissolution of
[2]

the district that is presented at the public hearing. The governing body shall make a determination whether to dissolve the district based on the petition and the testimony.

SECTION 5. Section 5, chapter 650, Oregon Laws 2015, is amended to read:

Sec. 5. (1)(a) Each property tax year, the following annual charges may be incurred by a landowner with respect to land located in a predator damage control district for the purpose of paying the actual cost to the county of preventing, reducing and mitigating damage to the property from predatory animals:

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

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

(b) For purposes of this subsection, the actual cost to the county does not include indirect or pooled job costs assessed to the county for federal wildlife services if the county applies for and is granted a waiver by federal wildlife services.

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

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

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

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

(b) The governing body of the county may, with the consent of the governing body of the city, charge an incorporated city for costs described in subsection (1) of this section.

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

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

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

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

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

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

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

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

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

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

42 (a) The owner has elected not to incur the applicable charge for the services; or

~~43~~ (b) The charge remains delinquent.

~~4344~~ **SECTION 9.** This 2021 Act takes effect on the 91st day after the date on which the 2021
~~4445~~ regular session of the Eighty-first Legislative Assembly adjourns sine die.