

House Bill 2527

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Environment and Natural Resources for Oregon Association of Conservation Districts)

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**.

Amends certain provisions of program for special assessment of wildlife habitat land relating to monitoring of implementation by landowner of approved wildlife habitat conservation and management plan.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to wildlife habitat special assessment; amending ORS 308A.409, 308A.412, 308A.415,
3 308A.424 and 308A.430; and prescribing an effective date.

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

5 **SECTION 1.** ORS 308A.409 is amended to read:

6 308A.409. (1)[(a)] The State Fish and Wildlife Commission shall adopt rules specifying the form
7 and content of a wildlife habitat conservation and management plan that is sufficient for land that
8 is subject to the plan to be specially assessed under ORS 308A.403 to 308A.430.

9 [(b)] (2) The rules adopted pursuant to **subsection (1) of** this section shall:

10 [(A)] (a) Specify the conservation and management practices that are appropriate to preserve
11 and enhance wildlife common to the diverse regions of this state; and

12 [(B)] (b) Specify that wildlife habitat conservation and management plans may include those ef-
13 forts that improve water quality, protect and restore fish and wildlife habitats, recover threatened
14 or endangered species, enhance streamflows and maintain or restore long-term ecological health,
15 diversity and productivity on a broad geographic scale.

16 [(2)] (3) Under rules adopted pursuant to **subsection (1) of** this section, the commission shall
17 allow:

18 (a) Accepted agricultural and forestry practices as an integral part of the wildlife habitat con-
19 servation and management practices specified in an approved plan; and

20 (b) The lease or sale of in-stream water rights as an integral part of the wildlife habitat con-
21 servation and management practices specified in an approved plan.

22 (4) **The commission may adopt rules that require the owner of land subject to an ap-
23 proved wildlife habitat conservation and management plan to provide documentation of
24 compliance with the plan.**

25 [(3)] (5) The *[rules shall be reviewed periodically by the commission and revised when
26 considered]* **commission shall periodically review rules adopted pursuant to this section and
27 revise the rules when the commission considers revision necessary or appropriate [by the com-
28 mission].**

29 **SECTION 2.** ORS 308A.412 is amended to read:

30 308A.412. (1) An owner of land described in ORS 308A.415 *[who]* **that** seeks special assessment

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 under ORS 308A.403 to 308A.430 shall first submit a proposed wildlife habitat conservation and
 2 management plan to the State Department of Fish and Wildlife for review.

3 (2) The department shall review each submitted plan for compliance with the standards set forth
 4 in the rules adopted *[under]* **pursuant to** ORS 308A.409 (1) *[and shall determine if the plan is being*
 5 *implemented]*.

6 (3) Upon completing a review of a proposed plan and determining that the plan is in compliance
 7 with the standards set forth in the rules adopted *[under]* **pursuant to** ORS 308A.409 (1) *[and is being*
 8 *implemented]*, the department shall issue to the landowner a written declaration that the land is
 9 subject to a wildlife habitat conservation and management plan approved by the department *[and*
 10 *that the landowner has begun implementing the plan]*.

11 (4) The State Fish and Wildlife Commission may *[establish]* by rule:

12 (a) **Establish** a limit on the number of plans that may be approved in each calendar year. *[An*
 13 *application that is not approved because the maximum number of plans for a year has already been*
 14 *approved shall be held for consideration for approval for the next year.]*

15 (b) **Delegate technical assistance, plan review and inspection of lands to cooperating**
 16 **agencies.**

17 (5) **For any calendar year, the department may specify priorities for plan approval based**
 18 **on regional conservation needs, priority habitat types or parcel characteristics and**
 19 **functionality.**

20 **SECTION 3.** ORS 308A.415 is amended to read:

21 308A.415. (1) At the request of the governing body of a county, the State Fish and Wildlife
 22 Commission may designate the following land in unincorporated areas within the county as eligible
 23 for wildlife habitat special assessment:

24 (a) Any land that is zoned for exclusive farm use, mixed farm and forest use or forest use under
 25 a land use planning goal protecting agricultural land or forestland; or

26 (b) Land that is clearly identifiable as containing significant wildlife habitat.

27 (2) At the request of the governing body of a city, the commission may designate the following
 28 land within the city as eligible for wildlife habitat special assessment:

29 (a) Any land that is zoned for exclusive farm use, mixed farm and forest use or forest use under
 30 a land use planning goal protecting agricultural land or forestland; or

31 (b) Land that is clearly identifiable as containing significant wildlife habitat.

32 (3) With the prior consent of the governing body of a city, the county in which all or a part of
 33 the city is located may apply to the commission on behalf of the city for designation of any area that
 34 is within both the city and the county as eligible for wildlife habitat special assessment.

35 (4) The commission may designate land described in subsection (1) or (2) of this section as eli-
 36 gible for wildlife habitat special assessment only if the commission finds:

37 (a) That designation will promote the findings in ORS 308A.400 and the policy in ORS 308A.403;
 38 and

39 (b) That the land described in subsection (1) or (2) of this section is of the nature and quality
 40 to allow for implementation of wildlife habitat conservation and management plans approved under
 41 rules adopted pursuant to ORS 308A.409 (1).

42 (5) Land may not qualify for wildlife habitat special assessment under ORS 308A.424 unless the
 43 commission has determined that the land is eligible for wildlife habitat special assessment under this
 44 section.

45 **SECTION 4.** ORS 308A.424 is amended to read:

1 308A.424. (1) When a wildlife habitat conservation and management plan is approved by the
 2 State Department of Fish and Wildlife and is being implemented, the owner of the land subject to
 3 the plan may apply to the county assessor to receive wildlife habitat special assessment.

4 (2) Application shall be made to the county assessor on forms prepared by the Department of
 5 Revenue and supplied by the county assessor.

6 (3) Applications for wildlife habitat special assessment shall be made to the county assessor on
 7 or before April 1 of the first assessment year for which the assessment is desired. The application
 8 shall include:

9 (a) A copy of the wildlife habitat conservation and management plan.

10 (b) A certified copy of the declaration described in ORS 308A.412 (3).

11 (c) A description of the land that is the subject of the application that is sufficient for the
 12 county assessor to determine whether the land for which wildlife habitat special assessment is
 13 sought is within an area eligible for wildlife habitat special assessment.

14 (d) A statement that the applicant is aware of the potential tax liability that arises under ORS
 15 308A.703 upon disqualification from wildlife habitat special assessment.

16 **(e) An affirmation that the wildlife habitat conservation and management plan is being**
 17 **implemented substantially as approved.**

18 *[(e)]* **(f)** An affirmation that *[the statements]* **all representations** contained in the application are
 19 true.

20 (4) An application to the county assessor shall be deemed approved unless, before August 15 of
 21 the year in which the application was filed, the assessor notifies the applicant in writing that the
 22 application has been wholly or partially denied.

23 (5)(a) Whether land that is subject to a wildlife habitat conservation and management plan
 24 qualifies for special assessment under this section shall be determined as of January 1 of the as-
 25 sessment year.

26 **(b)** If land so qualified becomes disqualified prior to July 1 of the same assessment year, the land
 27 shall be valued under ORS 308.232 at its real market value as defined by law without regard to this
 28 section and shall be assessed at its assessed value under ORS 308.146 or as otherwise provided by
 29 law.

30 **(c)** If the land becomes disqualified on or after July 1, the land shall continue to qualify for
 31 special assessment as provided in this section for the current tax year.

32 **SECTION 5.** ORS 308A.430 is amended to read:

33 308A.430. (1) Land subject to a wildlife habitat conservation and management plan *[shall]* **may**
 34 be inspected **periodically** by the State Department of Fish and Wildlife, *[periodically]* **or a delegatee**
 35 **agency designated under a rule adopted pursuant to ORS 308A.412 (4)**, to ensure that the land
 36 is managed in accordance with the plan. *[If the plan is not being implemented as approved, the de-*
 37 *partment shall notify the landowner and require compliance measures to be taken within six months.*
 38 *If the plan is still not being implemented as required by the department at the end of the six-month*
 39 *period, the department shall notify the county assessor that the plan is not being implemented as ap-*
 40 *proved.]*

41 **(2) When for any reason land, or any portion of the land, that is subject to an approved**
 42 **wildlife habitat conservation and management plan ceases to be used in a manner consistent**
 43 **with the plan, the owner of the land at the time of the change in use shall notify the county**
 44 **assessor of the change prior to the next following January 1 assessment date.**

45 *[(2)]* **(3)** The county assessor shall disqualify the land from wildlife habitat special assessment

1 upon:

2 (a) **Discovery, or** notice from the department, *[as described in subsection (1) of this section]* **that**
3 **the wildlife habitat conservation and management plan is not being implemented substan-**
4 **tially as approved;**

5 (b) Notice of request by the landowner for withdrawal of the land from wildlife habitat special
6 assessment;

7 (c) Sale or transfer to an ownership making the land exempt from ad valorem property taxation;

8 (d) The land qualifying for another special assessment listed in ORS 308A.703 (1); or

9 (e) The act of recording a subdivision plat under ORS chapter 92.

10 ~~[(3)]~~ (4) If, pursuant to subsection ~~[(2)(e)]~~ (3)(e) of this section, the county assessor disqualifies
11 land for wildlife habitat special assessment *[upon the act of recording a subdivision plat]*, the land
12 may requalify for wildlife habitat special assessment upon:

13 (a) Payment of all additional tax and interest that remains due and owing as a result of the
14 disqualification;

15 (b) Compliance with ORS 308A.403 to 308A.430; and

16 (c) Submission of an application for wildlife habitat special assessment under ORS 308A.424 and
17 approval of the application by the county assessor.

18 ~~[(4)]~~ (5) Upon disqualification, additional taxes shall be determined as provided in ORS 308A.700
19 to 308A.733.

20 **SECTION 6. This 2023 Act takes effect on the 91st day after the date on which the 2023**
21 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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