

**Enrolled**  
**House Bill 3365**

Sponsored by Representative SMITH DB

CHAPTER .....

AN ACT

Relating to livestock districts; creating new provisions; amending ORS 255.305 and 607.080; and repealing ORS 607.010, 607.012, 607.013, 607.015, 607.020, 607.025, 607.040, 607.042 and 607.043.

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

**SECTION 1.** Sections 2 to 6 of this 2019 Act are added to and made a part of ORS 607.005 to 607.045.

**SECTION 2.** (1) A landowner who desires to create a livestock district, or to annex property to an existing livestock district, may apply to the county governing body for formation of, or annexation to, the district. The request shall be filed with the county clerk of the county where the land proposed for inclusion in the district is located. If the application is for the formation of a livestock district, the application shall set forth the name by which the proposed district is to be designated, and shall describe the boundaries of the proposed district. If the application is for annexation to an existing district, the application shall state the name of the district, the location of the district and the location of the land proposed for annexation to the district.

(2) The governing body, or a hearings officer designated by the governing body, shall schedule a public hearing regarding the request. The hearing must be held not less than 30 or more than 90 days after receipt of the application.

(3) The county clerk shall send notice by certified mail to the applicant and to:

(a) Owners of record, as shown on the most recent property tax assessment roll, of property:

(A) Located within the proposed or existing district;

(B) Proposed for annexation to an existing district; or

(C) Located within 500 feet of the boundaries of a proposed district or area proposed for annexation to an existing district; and

(b) Any neighborhood or community organization recognized by the governing body and having boundaries within the proposed livestock district.

(4) The notice mailed by the county clerk shall:

(a) Explain the nature of the application and identify what livestock or class of livestock are or would be permitted to run at large within the livestock district, including any age or breed limitations;

(b) Clearly identify the location of the proposed or existing district, and the location of any area proposed for annexation to an existing district, including both legal and commonly employed geographical references;

(c) State the date, time and location of the hearing;

(d) Include the name of a county government representative to contact and the telephone number where additional information may be obtained;

(e) State that a copy of the application and all documents and exhibits submitted by or on behalf of the applicant are available for inspection at no cost and will be provided at reasonable cost;

(f) If county staff has prepared or is preparing a report regarding the proposed livestock district or annexation, state that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and that copies of the report will be available at reasonable cost; and

(g) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

(5) The county clerk shall mail notice under subsection (3) of this section at least 20 days before the hearing date.

(6) The county clerk shall publish a notice of the hearing in the newspaper having the largest general circulation in the county. If the application is for formation of a livestock district, the notice shall be headed: "Notice of the Proposed Formation of \_\_\_\_\_ Livestock District, \_\_\_\_\_ County," stating the name of the proposed district and the name of the county. If the application is for annexation to an existing livestock district, the notice shall be headed: "Notice of the Proposed Annexation to \_\_\_\_\_ Livestock District, \_\_\_\_\_ County," stating the name of the existing district and the name of the county. The notice shall:

(a) State the time and place of the hearing on the matter of formation of, or annexation to, the district;

(b) Clearly identify the location of the proposed or existing district, and the location of any area proposed for annexation to an existing district, including both legal and commonly employed geographical references; and

(c) Explain the nature of the application and identify what livestock or class of livestock are or would be permitted to run at large within the livestock district, including any age or breed limitations.

(7) The notice required by subsection (6) of this section shall be published once a week for two successive weeks prior to the time fixed for the hearing. A copy of the published notice shall be forwarded to the State Department of Agriculture by certified mail.

(8) The applicant for formation of, or annexation to, the livestock district shall provide the county governing body or hearings officer with copies of all documents and exhibits that the applicant intends to introduce at hearing in support of the application. The county governing body or hearings officer shall establish the deadline for applicant submission of the documents and exhibits, which may not be later than seven days before the hearing date. The county clerk shall make documents and exhibits submitted under this section available for inspection by the public at no cost and provide copies at reasonable cost.

(9) Any staff report used at the hearing shall be available at least seven days prior to the hearing.

(10) If documents or exhibits are provided in opposition to formation of, or annexation to, the livestock district, the county governing body or hearings officer may allow a continuance or leave the record open to allow the applicant a reasonable opportunity to respond.

**SECTION 3.** (1) A livestock district must contain at least 2,000 acres.

(2) A livestock district may not cross the boundaries of a county. Except as provided in subsection (3) of this section, the boundaries of a livestock district must follow subdivision lines of sections, section lines, township lines, donation land claim boundaries or lines, lakes, rivers, the boundary line of this state, public roads or county boundary lines.

(3) The boundary of an established livestock district may be used as a boundary for a proposed livestock district if the districts are adjacent to each other and will have a common boundary line.

(4) An area may be annexed to an existing livestock district only if the annexed area is contiguous with the livestock district and the district boundaries after annexation will meet the requirements in subsection (2) of this section.

**SECTION 4.** (1) No later than 30 days after closing of the record for a hearing under section 2 of this 2019 Act, the county governing body shall take action on the application that was the subject of the hearing. The county governing body may deny the application or may conditionally approve the application.

(2) An applicant for the formation of a livestock district may, not later than 90 days after the county governing body conditionally approves the application, submit a petition signed by a majority of the landowners of record within the proposed livestock district. If the county governing body has conditionally approved the application and receives a petition under this subsection, the county governing body shall declare the livestock district established. If the county governing body does not receive a petition as described in this subsection, notwithstanding any conditional approval the county governing body shall deny the application for the proposed livestock district.

(3) An applicant for the annexation of land to an existing livestock district may, not later than 90 days after the county governing body conditionally approves the application, submit a petition signed by a majority of the landowners of record within the livestock district and a majority of the landowners within the area proposed for annexation to the district. If the county governing body has conditionally approved the application and receives a petition under this subsection, the county governing body shall declare the land annexed to the livestock district. If the county governing body does not receive a petition as described in this subsection, notwithstanding any conditional approval the county governing body shall deny the application for annexation.

(4) If an application is denied under subsections (1) to (3) of this section, an application filed less than 12 months after the denial may not include any of the same land as the denied application.

**SECTION 5.** (1) An area containing 2,000 acres or more may be withdrawn from a livestock district in the same manner as for annexation to a livestock district under sections 2 and 4 of this 2019 Act, except that a petition must be signed by all landowners of record within the area that is proposed to be withdrawn, and not by a majority of the landowners of record within the livestock district and a majority of the landowners within the area proposed for withdrawal from the district. A livestock district may be dissolved in the same manner as provided for the formation of a livestock district under sections 2 and 4 of this 2019 Act, except that a petition must be signed by all landowners of record within the livestock district that is proposed to be dissolved, and not by a majority of the landowners of record within the livestock district. Notices sent or published regarding an application for withdrawal or dissolution shall clearly state that the purpose of the application is to allow livestock or a class of livestock to run at large on the land described in the application.

(2) The boundary of an area to be withdrawn from a livestock district must be drawn in compliance with section 3 of this 2019 Act, except to the extent that it follows the boundary of the livestock district.

(3) No withdrawal from a livestock district shall be allowed if the area remaining within the livestock district will be less than 2,000 acres.

(4) Any withdrawal from or dissolution of a livestock district which is the subject of an order of the State Department of Agriculture issued under section 33, chapter 604, Oregon Laws 1957, shall be made with reference to the boundaries established by that order.

**SECTION 6.** (1) If a county governing body declares the formation of a livestock district, or the annexation of land to a livestock district, the county clerk shall give notice of the formation or annexation by publication, in the newspaper having the largest general circulation in the county, once a week for two consecutive weeks, that on and after the 60th day from the date of the first publication of the notice it shall be unlawful for livestock or a class

of livestock to be permitted to run at large within the boundaries of the livestock district. The notice shall state the district boundaries as existing following the county governing body declaration and shall also set forth the penalties for violation of ORS 607.045. A notice of livestock district formation shall also state the name by which the district is to be known.

(2) If the county governing body declares the withdrawal of land from a livestock district or the dissolution of a livestock district, the county clerk shall give notice of the withdrawal or dissolution by publication, in the newspaper having the largest general circulation in the county, once a week for two consecutive weeks, that on and after the 60th day from the date of the first publication of the notice it shall be lawful for livestock or a class of livestock to run at large within the area affected by the withdrawal or dissolution. The notice shall state the boundaries of the area affected by the county governing body declaration.

(3) The county clerk shall maintain a copy of each notice published under this section in the county records. The county clerk shall also mail one certified copy of the last publication of the notice, by certified or registered mail, to the State Department of Agriculture. Formation of, annexation to, withdrawal from or dissolution of a livestock district is not effective until the later of the date in the notice published under this section or the date the certified copy of the last published notice is sent to the department.

**SECTION 7.** ORS 255.305 is amended to read:

255.305. (1) Except as otherwise provided by ORS 198.775, 261.210[,] and 568.542 [and 607.025], the expenses incurred for a district election shall be paid by that district.

(2) When two or more districts hold an election on the same day, the expenses of the election shall be equitably apportioned among the districts.

(3) The Secretary of State by rule:

(a) May designate a formula for the apportionment of expenses under subsection (2) of this section; and

(b) Designate categories of election expenses that are chargeable to a district.

**SECTION 8.** ORS 607.080 is amended to read:

607.080. Notwithstanding the contents of any livestock district [*petition*] **application** described in [*ORS 607.010*] **section 2 of this 2019 Act**, an owner or possessor of bison or bison hybrids may not permit the bison or bison hybrids to run at large.

**SECTION 9.** ORS 607.010, 607.012, 607.013, 607.015, 607.020, 607.025, 607.040, 607.042 and 607.043 are repealed.

**SECTION 10.** Sections 2 to 6 of this 2019 Act, the amendments to ORS 255.305 and 607.080 by sections 7 and 8 of this 2019 Act and the repeal of ORS 607.010, 607.012, 607.013, 607.015, 607.020, 607.025, 607.040, 607.042 and 607.043 by section 9 of this 2019 Act apply to the formation of, annexation to, withdrawal from or dissolution of a livestock district for which an application is made on or after the effective date of this 2019 Act. Any petition regarding a livestock district that is filed before the effective date of this 2019 Act and pending on the effective date of this 2019 Act shall be processed as provided under ORS 607.010, 607.012, 607.013, 607.015, 607.020, 607.025, 607.040, 607.042 and 607.043 (2017 Edition).

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**Passed by House April 15, 2019**

**Repassed by House June 11, 2019**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 6, 2019**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2019

**Approved:**

.....M.,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2019

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Bev Clarno, Secretary of State