

**B-Engrossed**  
**House Bill 3167**

Ordered by the House May 24  
Including House Amendments dated April 15 and May 24

Sponsored by Representatives SMITH DB, LEIF, LEVY, SMITH G; Representatives OWENS, RESCHKE

**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.

Repeals sunset of predator damage control district program. **Defines “prevent, reduce and mitigate damage to property from predatory animals” to include both lethal and nonlethal methods of prevention, reduction and mitigation. Changes requirements for petition for formation of predator damage control district. Provides that proposed district boundaries may be noncontiguous. Requires county assessor to verify signatures of eligible petitioners appearing on petition for formation of 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 actual administrative costs of preventing, reducing and mitigating damage to property from predatory animals to exclude indirect or pooled job costs assessed to county for federal wildlife services, provided county has obtained waiver from federal directors of wildlife services. Authorizes governing body of county, with consent of governing body of city, to charge city for county’s actual administrative costs of preventing, reducing and mitigating damage to property from predatory animals. Authorizes charges to be collected from landowners by direct billing, with deadline for collection set by advisory board of district. Grants cause of action under district program to counties, landowners, districts and cities involved in program.**

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to predator damage control districts; creating new provisions; amending sections 1, 2, 3, 5  
3 and 7, chapter 650, Oregon Laws 2015; repealing section 8, chapter 650, Oregon Laws 2015; and  
4 prescribing an effective 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 Section 8, chapter 650, Oregon Laws 2015, is repealed.**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 read:**

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

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

11 (2) “Eligible land” means agricultural land, forestland or mixed farm and forest use land.

12 (3) “Eligible petitioner” means an owner of 10 or more acres of eligible land.

13 (4) “Forestland” has the meaning given that term in ORS 477.001.

14 (5) “Livestock” means cattle and other bovines, sheep, goats, horses and other domesticated  
15 animals that are raised for the purpose of providing meat or other products for human consumption  
16 or use or for other commercial sales.

17 (6) “Predatory animals” means animals listed in ORS 497.655 and bears, bobcats and red foxes.

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

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

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

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

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

14        (b) The petition must include:

15        (A) The name of the proposed district;

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

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

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

21        (E) A statement that explains the damage to property from predatory animals occurring within  
22 the proposed district and the need for district revenue to prevent, reduce and mitigate the damage.

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

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

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

31        (A) The county assessor has compared the signatures of the petitioners with the appropriate  
32 records and has [*determined the number of*] **verified the signatures of the** eligible petitioners ap-  
33 pearing on the petition; and

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

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

38        (a) On the website of the county; and

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

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

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

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

6       (b) The request must be accompanied by a statement of the reason for the annexation or with-  
7 drawal and the signatures of the owners of the property to be annexed or withdrawn.

8       (c) The governing body shall adopt the requested annexation or withdrawal of the [territory]  
9 **eligible land** if the governing body finds that the change is in the best interest of the property and  
10 the property owners in light of the purpose for which the district was formed.

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

16       (b) The filing, notice and hearing requirements of section 2 (3) and (4), [of this 2015 Act] **chapter**  
17 **650, Oregon Laws 2015**, apply to a petition for dissolution of a district.

18       (3) The governing body of the county shall hear testimony on the question of the dissolution of  
19 the district that is presented at the public hearing. The governing body shall make a determination  
20 whether to dissolve the district based on the petition and the testimony.

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

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

26       [(a)] (A) [\$1] **\$2** per acre for land described in section 6 (2) and (3), [of this 2015 Act] **chapter**  
27 **650, Oregon Laws 2015**.

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

30       **(b) For purposes of this subsection, the actual cost to the county does not include indi-**  
31 **rect or pooled job costs assessed to the county for federal wildlife services, provided the**  
32 **county has obtained a waiver from the federal directors of the wildlife services.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22        (b) The charge remains delinquent.

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

25        **SECTION 8. Nothing in sections 1 to 7, chapter 650, Oregon Laws 2015, gives any person**  
26 **a cause of action, other than the governing body of a county, an owner of land to which the**  
27 **provisions of sections 1 to 7, chapter 650, Oregon Laws 2015, apply, a predator damage con-**  
28 **trol district advisory board or the governing body of an incorporated city to which section 5**  
29 **(3)(b), chapter 650, Oregon Laws 2015, applies, for purposes of enforcing the provisions of**  
30 **sections 1 to 7, chapter 650, Oregon Laws 2015.**

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

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