

House Bill 2185

Sponsored by Representatives SMITH DB, WRIGHT (Pre-session filed.)

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**.

Authorizes landowners who meet certain criteria to petition for formation of predator damage control district as funding mechanism to pay actual costs to county of preventing, reducing and mitigating damage to property from predatory animals. Defines "prevent, reduce and mitigate damage to property from predatory animals" to include both lethal and nonlethal methods of prevention, reduction and mitigation. Establishes presumptive charges of \$2 per acre for tax lots of 10 or more acres and \$50 flat rate charge for tax lots of less than 10 acres. Creates cause of action under district program for 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 a principal Act for predator damage control districts; and prescribing an effective date.

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

4 **SECTION 1. As used in sections 1 to 8 of this 2023 Act:**

5 (1) **"Agricultural land" means land used for the production of livestock for commercial**
6 **sale or land that is cultivated, planted or irrigated for the production of domestic crops.**

7 (2) **"Eligible land" means agricultural land, forestland or mixed farm and forest use land.**

8 (3) **"Eligible petitioner" means an owner of 10 or more acres of eligible land.**

9 (4) **"Forestland" has the meaning given that term in ORS 477.001.**

10 (5) **"Livestock" means cattle and other bovines, sheep, goats, horses and other**
11 **domesticated animals that are raised for the purpose of providing meat or other products for**
12 **human consumption or use or for other commercial sales.**

13 (6) **"Predatory animals" means animals listed in ORS 497.655 and bears.**

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

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

19 (b) **The governing body of a county may adopt by ordinance or resolution criteria for**
20 **formation of a predator damage control district that do not conflict with the provisions of**
21 **sections 1 to 8 of this 2023 Act. The criteria shall apply to predator damage control districts**
22 **formed on or after the effective date of the ordinance or resolution.**

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

28 (b) **The petition must include:**

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 (A) The name of the proposed district;

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

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

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

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

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

12 (b) Within 10 days after the date on which the petition is filed, the county clerk, in con-
13 sultation with the county assessor, shall determine whether the petition meets the require-
14 ments of subsection (2) of this section. If the petition does not meet the requirements, the
15 county clerk shall notify the chief petitioners and return the petition.

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

18 (A) The county assessor has compared the signatures of the petitioners with the appro-
19 priate records and has verified the signatures of the eligible petitioners appearing on the
20 petition; and

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

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

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

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

29 (5) The governing body of the county shall hear testimony on the question of the forma-
30 tion of the district that is presented at the public hearing. The governing body shall make a
31 determination whether to form the district based on the petition and the testimony.

32 **SECTION 3.** (1)(a) At any time after the formation of a predator damage control district
33 under section 2 of this 2023 Act, the advisory board appointed under section 4 of this 2023
34 Act may request that the governing body of the county annex eligible land to or withdraw
35 eligible land from the district.

36 (b) The request must be accompanied by a statement of the reason for the annexation
37 or withdrawal and the signatures of the owners of the property to be annexed or withdrawn.

38 (c) The governing body shall adopt the requested annexation or withdrawal of the eligible
39 land if the governing body finds that the change is in the best interest of the property and
40 the property owners in light of the purpose for which the district was formed.

41 (2)(a) A petition for dissolution of a predator damage control district formed under sec-
42 tion 2 of this 2023 Act may be presented for filing with the county clerk if the petition meets
43 the signature requirements of section 2 (2)(a) of this 2023 Act and states why the district is
44 no longer necessary for the purpose described in section 2 (1) of this 2023 Act.

45 (b) The filing, notice and hearing requirements of section 2 (3) and (4) of this 2023 Act

1 apply to a petition for dissolution of a district.

2 (3) The governing body of the county shall hear testimony on the question of the dissol-
3 ution of the district that is presented at the public hearing. The governing body shall make
4 a determination whether to dissolve the district based on the petition and the testimony.

5 **SECTION 4.** (1)(a) Within 30 days after formation of a predator damage control district,
6 the governing body of the county in which the district is located shall appoint an advisory
7 board consisting of five members who reside in the district, as follows:

8 (A) One member who owns industrial forestland located in the district;

9 (B) One member who owns woodlot forestland located in the district;

10 (C) Two members who are livestock producers in the district; and

11 (D) One member who owns land located in the district.

12 (b)(A) The term of an advisory board member is three years.

13 (B) Notwithstanding subparagraph (A) of this paragraph, the governing body shall assign
14 initial terms of office to members so that the terms expire at staggered intervals.

15 (c) After the appointment of the first advisory board, successor advisory board members
16 shall be appointed by majority vote of the advisory board. An advisory board member may
17 be reappointed to successive terms of office.

18 (2) The advisory board:

19 (a) Shall conduct advisory board meetings as public meetings and meet at least annually;
20 and

21 (b) May adopt rules governing the conduct of advisory board business.

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

26 (A) \$2 per acre for land described in section 6 (2) and (3) of this 2023 Act.

27 (B) \$50 for land described in section 6 (4) of this 2023 Act.

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

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

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

39 (A) Amend the amounts to reflect the county's estimate of the cost described in sub-
40 section (1) of this section for the following property tax year; and

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

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

45 **SECTION 6.** (1) An owner of land within a predator damage control district may incur,

1 in accordance with the provisions of this section, an annual charge determined under section
2 5 of this 2023 Act.

3 (2)(a) An owner of land within a predator damage control district is presumed to have
4 elected to incur the per-acre charge determined under section 5 of this 2023 Act for land that
5 is:

- 6 (A) Located outside of any incorporated city;
- 7 (B) Zoned for farm use, forest use or mixed farm and forest use; and
- 8 (C) On a tax lot of 10 or more acres.

9 (b) Notwithstanding paragraph (a) of this subsection, the owner may elect not to incur
10 the charge with respect to land described in paragraph (a) of this subsection. An election
11 under this paragraph shall apply:

12 (A) If made at the time the predator damage control district is formed, to the first
13 property tax year in which charges may be incurred; or

14 (B) To the next following property tax year.

15 (c) An owner that has elected not to incur the charge pursuant to paragraph (b) of this
16 subsection may subsequently elect to incur the charge for the next following property tax
17 year by payment for that year of an amount equal to three times the amount of the charge
18 determined under section 5 of this 2023 Act for that year.

19 (3) An owner of land within a predator damage control district that is on a tax lot of 10
20 or more acres but not otherwise described in subsection (2) of this section may elect to incur
21 the per-acre charge determined under section 5 of this 2023 Act.

22 (4) An owner of land within a predator damage control district that is on a tax lot of less
23 than 10 acres may elect to incur the flat rate charge determined under section 5 of this 2023
24 Act.

25 (5) The predator damage control district advisory board shall prescribe annual deadlines
26 by which the advisory board must receive notices of election made under subsections (2) to
27 (4) of this section.

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

31 (a) The names of landowners that have elected to incur the charge under section 6 of this
32 2023 Act;

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

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

36 (2)(a) The governing body of the county shall certify the information submitted by all
37 advisory boards for predator damage control districts within the county and the amount of
38 the charges determined under section 5 of this 2023 Act to the county assessor.

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

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

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

45 (3) The county may not provide services to prevent, reduce or mitigate damage to prop-

1 **erty from predatory animals within a predator damage control district for any period during**
2 **which:**

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

4 **(b) The charge remains delinquent.**

5 **SECTION 8. Nothing in sections 1 to 8 of this 2023 Act gives any person a cause of action,**
6 **other than the governing body of a county, an owner of land to which the provisions of**
7 **sections 1 to 8 of this 2023 Act apply, a predator damage control district advisory board or**
8 **the governing body of an incorporated city to which section 5 (3)(b) of this 2023 Act applies,**
9 **for purposes of enforcing the provisions of sections 1 to 8 of this 2023 Act.**

10 **SECTION 9. This 2023 Act takes effect on the 91st day after the date on which the 2023**
11 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

12