

HOUSE AMENDMENTS TO HOUSE BILL 4061

By COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND
WATER

February 16

- 1 On page 1 of the printed bill, delete lines 22 through 24 and delete page 2.
2 On page 3, delete lines 1 through 44 and insert:
3 **“SECTION 1. As used in this section and sections 2 and 3 of this 2024 Act:**
4 **“(1) ‘Best preventive measures’ has the meaning given that term in rule by the State**
5 **Department of Agriculture.**
6 **“(2) ‘Eligible damage’:**
7 **“(a) Means elk damage on eligible land to standing or harvested agricultural crops, in-**
8 **cluding livestock forage, or to infrastructure, including fences or agricultural equipment,**
9 **that has not been covered by insurance.**
10 **“(b) May include the cost of third-party assessment of the damage.**
11 **“(3) ‘Eligible land’ means land:**
12 **“(a) That is privately owned.**
13 **“(b) That is not enrolled in a conservation reserve program.**
14 **“(c) That is in a pilot program area, as determined under section 2 of this 2024 Act.**
15 **“(d) For which no compensation is received in exchange for, or that relates to, providing**
16 **permission for a person to hunt on the land.**
17 **“(4)(a) ‘Eligible person’ means a person who:**
18 **“(A) Lives on or leases eligible land for at least six consecutive months in the calendar**
19 **year before the person enrolls in the elk damage prevention and compensation pilot program**
20 **described in section 2 of this 2024 Act.**
21 **“(B) Derives \$10,000 or more per year, on average, from producing agricultural crops on**
22 **the eligible land.**
23 **“(C) Controls crops or infrastructure that is damaged by elk.**
24 **“(b) ‘Eligible person’ does not include a person who:**
25 **“(A) Merely owns real property or pays property taxes in this state; or**
26 **“(B) Claims resident privileges in another state or country for any purpose.**
27 **“(5) ‘Eligible preventive measure’ means a measure that is reasonably expected to reduce**
28 **elk damage on eligible land, including:**
29 **“(a) Repellants.**
30 **“(b) Temporary or permanent barriers, such as fencing.**
31 **“(c) Reasonable time spent on nonlethal deterrence activities such as hazing, but not**
32 **including labor to build barriers.**
33 **“SECTION 2. (1) The State Department of Agriculture shall establish and implement an**
34 **elk damage prevention and compensation pilot program.**
35 **“(2) Under the pilot program, the department shall use available moneys in the Elk**

1 Damage Prevention and Compensation Fund established under section 4 of this 2024 Act to
2 provide compensation for eligible damages and eligible preventive measures to eligible per-
3 sons who suffer loss due to elk damage.

4 “(3) In consultation with the State Department of Fish and Wildlife, the State Depart-
5 ment of Agriculture shall select, as two pilot program areas, one area east of the Cascade
6 Mountains and one area west of the Cascade Mountains after considering, for the areas:

7 “(a) The history of elk damage to agriculture.

8 “(b) The timing of elk damage, including throughout the year or seasonally.

9 “(c) Past actions by agencies and landowners to alleviate elk damage.

10 “(d) Elk population sizes and distribution.

11 “(e) Agricultural crop types.

12 “(4) Under the pilot program, the department may award compensation for eligible dam-
13 ages and eligible preventive measures to an eligible person who demonstrates that the eligi-
14 ble person:

15 “(a) Has used one or more best preventive measures to prevent elk damage on the eligi-
16 ble land in the preceding five calendar years.

17 “(b) Has not intentionally or unreasonably created circumstances that attract elk to the
18 eligible land or otherwise encourage elk damage on the eligible land.

19 “SECTION 3. To implement the elk damage and compensation pilot program described in
20 section 2 of this 2024 Act, the State Department of Agriculture shall adopt rules to establish:

21 “(1) A process for enrolling in, and periodically renewing enrollment in, the pilot program
22 that includes verification of whether or not:

23 “(a) The person qualifies as an eligible person.

24 “(b) The person has implemented one or more best preventive measures to prevent elk
25 damage on the eligible land in the preceding five calendar years.

26 “(c) The person has intentionally or unreasonably created circumstances that attract elk
27 to the eligible land or otherwise encourage elk damage on the eligible land.

28 “(2) A process for submitting claims, including evidence of eligible damage that includes
29 a finding by an agent of the department, an agent of the United States Department of Agri-
30 culture or a crop adjuster licensed under ORS 744.531 (3) that elk caused or probably caused
31 the eligible damage.

32 “(3) A process for assessing claims that describes:

33 “(a) How the State Department of Agriculture will assess the cost of eligible damage.

34 “(b) The role and selection of professional damage assessors.

35 “(c) Whether, or under what circumstances, an eligible person may be reimbursed for the
36 cost of third-party damage assessment as part of compensation for eligible damages.

37 “(4) Methods for determining:

38 “(a) Compensation amounts for eligible damage, such as a net loss in production at the
39 end of a growing season relative to regional averages and anticipated loss rates.

40 “(b) Compensation amounts for reasonable time spent on nonlethal elk deterrence activ-
41 ities such as hazing.

42 “(c) How to reduce the amount of a claim that has been partially compensated by an in-
43 surance company.

44 “(d) Maximum amounts for compensation for eligible damages and eligible preventive
45 measures.

1 **“(5) A process for prioritizing awards of compensation to eligible persons who:**
2 **“(a) Can demonstrate having made significant efforts to prevent or mitigate elk damage.**
3 **“(b) Allow persons licensed by the State Department of Fish and Wildlife to take elk on**
4 **the property that is affected by the elk damage.**
5 **“(6) A definition of the term ‘best preventive measures’ that lists ways to deter elk**
6 **damage, including:**
7 **“(a) Nonlethal deterrence activities; and**
8 **“(b) The provision of hunting access for the lethal taking of elk, consistent with appli-**
9 **cable laws and rules, by permission, to the public or to individuals, without receipt of com-**
10 **penensation in exchange for, or that relates to, the permission.**
11 **“(7) The terms for awarding compensation for large area barriers, such as fencing, in-**
12 **cluding requiring:**
13 **“(a) Matching funds from the eligible person.**
14 **“(b) That the eligible person demonstrate previous use of repellants, hazing and tempo-**
15 **rary barriers and that those measures did not adequately prevent elk damage.**
16 **“(c) That the large area barriers conform to design standards established by the depart-**
17 **ment pursuant to subsection (8) of this section.**
18 **“(8) Design standards for large area barriers, in consultation with the State Department**
19 **of Fish and Wildlife.**
20 **“SECTION 4. (1) The Elk Damage Prevention and Compensation Fund is established in**
21 **the State Treasury, separate and distinct from the General Fund. Interest earned by the Elk**
22 **Damage Prevention and Compensation Fund shall be credited to the fund.**
23 **“(2) The Elk Damage Prevention and Compensation Fund consists of moneys appropri-**
24 **ated by the Legislative Assembly for deposit in the fund, grant funds received by the State**
25 **Department of Agriculture, and other moneys appropriated to, allocated to, deposited in,**
26 **credited to or transferred to the fund by the Legislative Assembly or otherwise.**
27 **“(3) Moneys in the fund are continuously appropriated to the department for purposes**
28 **described in section 2 of this 2024 Act.”.**
29 On page 4, line 35, delete “\$____” and insert “\$600,000”.
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