

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 4061**

1 On page 1 of the printed bill, delete lines 22 through 24 and delete page
2 2.

3 On page 3, delete lines 1 through 44 and insert:

4 **“SECTION 1. As used in this section and sections 2 and 3 of this**
5 **2024 Act:**

6 **“(1) ‘Best preventive measures’ has the meaning given that term in**
7 **rule by the State Department of Agriculture.**

8 **“(2) ‘Eligible damage’:**

9 **“(a) Means elk damage on eligible land to standing or harvested**
10 **agricultural crops, including livestock forage, or to infrastructure,**
11 **including fences or agricultural equipment, that has not been covered**
12 **by insurance.**

13 **“(b) May include the cost of third-party assessment of the damage.**

14 **“(3) ‘Eligible land’ means land:**

15 **“(a) That is privately owned.**

16 **“(b) That is not enrolled in a conservation reserve program.**

17 **“(c) That is in a pilot program area, as determined under section 2**
18 **of this 2024 Act.**

19 **“(d) For which no compensation is received in exchange for, or that**
20 **relates to, providing permission for a person to hunt on the land.**

21 **“(4)(a) ‘Eligible person’ means a person who:**

1 “(A) Lives on or leases eligible land for at least six consecutive
2 months in the calendar year before the person enrolls in the elk
3 damage prevention and compensation pilot program described in sec-
4 tion 2 of this 2024 Act.

5 “(B) Derives \$10,000 or more per year, on average, from producing
6 agricultural crops on the eligible land.

7 “(C) Controls crops or infrastructure that is damaged by elk.

8 “(b) ‘Eligible person’ does not include a person who:

9 “(A) Merely owns real property or pays property taxes in this state;
10 or

11 “(B) Claims resident privileges in another state or country for any
12 purpose.

13 “(5) ‘Eligible preventive measure’ means a measure that is reason-
14 ably expected to reduce elk damage on eligible land, including:

15 “(a) Repellants.

16 “(b) Temporary or permanent barriers, such as fencing.

17 “(c) Reasonable time spent on nonlethal deterrence activities such
18 as hazing, but not including labor to build barriers.

19 “SECTION 2. (1) The State Department of Agriculture shall estab-
20 lish and implement an elk damage prevention and compensation pilot
21 program.

22 “(2) Under the pilot program, the department shall use available
23 moneys in the Elk Damage Prevention and Compensation Fund es-
24 tablished under section 4 of this 2024 Act to provide compensation for
25 eligible damages and eligible preventive measures to eligible persons
26 who suffer loss due to elk damage.

27 “(3) In consultation with the State Department of Fish and Wildlife,
28 the State Department of Agriculture shall select, as two pilot program
29 areas, one area east of the Cascade Mountains and one area west of
30 the Cascade Mountains after considering, for the areas:

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

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

4 “(c) Past actions by agencies and landowners to alleviate elk dam-
5 age.

6 “(d) Elk population sizes and distribution.

7 “(e) Agricultural crop types.

8 “(4) Under the pilot program, the department may award compen-
9 sation for eligible damages and eligible preventive measures to an eli-
10 gible person who demonstrates that the eligible person:

11 “(a) Has used one or more best preventive measures to prevent elk
12 damage on the eligible land in the preceding five calendar years.

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

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

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

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

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

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

28 “(2) A process for submitting claims, including evidence of eligible
29 damage that includes a finding by an agent of the department, an
30 agent of the United States Department of Agriculture or a crop

1 adjuster licensed under ORS 744.531 (3) that elk caused or probably
2 caused the eligible damage.

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

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

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

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

10 **“(4) Methods for determining:**

11 **“(a) Compensation amounts for eligible damage, such as a net loss**
12 **in production at the end of a growing season relative to regional av-**
13 **erages and anticipated loss rates.**

14 **“(b) Compensation amounts for reasonable time spent on nonlethal**
15 **elk deterrence activities such as hazing.**

16 **“(c) How to reduce the amount of a claim that has been partially**
17 **compensated by an insurance company.**

18 **“(d) Maximum amounts for compensation for eligible damages and**
19 **eligible preventive measures.**

20 **“(5) A process for prioritizing awards of compensation to eligible**
21 **persons who:**

22 **“(a) Can demonstrate having made significant efforts to prevent or**
23 **mitigate elk damage.**

24 **“(b) Allow persons licensed by the State Department of Fish and**
25 **Wildlife to take elk on the property that is affected by the elk damage.**

26 **“(6) A definition of the term ‘best preventive measures’ that lists**
27 **ways to deter elk damage, including:**

28 **“(a) Nonlethal deterrence activities; and**

29 **“(b) The provision of hunting access for the lethal taking of elk,**
30 **consistent with applicable laws and rules, by permission, to the public**

1 or to individuals, without receipt of compensation in exchange for, or
2 that relates to, the permission.

3 “(7) The terms for awarding compensation for large area barriers,
4 such as fencing, including requiring:

5 “(a) Matching funds from the eligible person.

6 “(b) That the eligible person demonstrate previous use of repellants,
7 hazing and temporary barriers and that those measures did not ade-
8 quately prevent elk damage.

9 “(c) That the large area barriers conform to design standards es-
10 tablished by the department pursuant to subsection (8) of this section.

11 “(8) Design standards for large area barriers, in consultation with
12 the State Department of Fish and Wildlife.

13 **“SECTION 4. (1) The Elk Damage Prevention and Compensation**
14 **Fund is established in the State Treasury, separate and distinct from**
15 **the General Fund. Interest earned by the Elk Damage Prevention and**
16 **Compensation Fund shall be credited to the fund.**

17 **“(2) The Elk Damage Prevention and Compensation Fund consists**
18 **of moneys appropriated by the Legislative Assembly for deposit in the**
19 **fund, grant funds received by the State Department of Agriculture,**
20 **and other moneys appropriated to, allocated to, deposited in, credited**
21 **to or transferred to the fund by the Legislative Assembly or otherwise.**

22 **“(3) Moneys in the fund are continuously appropriated to the de-**
23 **partment for purposes described in section 2 of this 2024 Act.”.**

24 On page 4, line 35, delete “\$_____” and insert “\$600,000”.

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