

A-Engrossed
Senate Bill 450

Ordered by the Senate June 14
Including Senate Amendments dated June 14

Sponsored by Senators SCHRADER, FERRIOLI, Representatives MORGAN, BOONE

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.

Allows certain landowners to create rangeland protection associations. Allows [*State Forester*] **forester** to enter into cooperative agreement or contract with rangeland protection association to protect rangeland. Allows [*State Forester*] **forester** to assist rangeland protection associations with training, acquisition of firefighting equipment and provision of liability insurance. Directs forester or rangeland protection association to provide protection after State Board of Forestry determines that rangeland is included in rangeland protection system. Substitutes rangeland protection association for rangeland protection system in liability exemption.

[*Appropriates moneys from General Fund to State Forestry Department for purpose of providing assistance to rangeland protection associations.*]

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to rangeland; creating new provisions; amending ORS 477.125, 477.320 and 477.325; and
3 declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 477.315 to**
6 **477.325.**

7 **SECTION 2. (1) Any group of owners of rangeland that is within a rangeland protection**
8 **system established under ORS 477.320, and that lies wholly outside any forest protection**
9 **district, may organize a rangeland protection association for the purpose of protecting the**
10 **rangeland from fire. The forester may enter into cooperative agreements or contracts with**
11 **a rangeland protection association under the provisions of ORS 477.320 for the purpose of**
12 **providing the assistance specified in subsection (2) of this section.**

13 **(2) The forester may assist a rangeland protection association with organizing the asso-**
14 **ciation, training association members and acquiring firefighting equipment for the associ-**
15 **ation. The forester may also assist a rangeland protection association with payment for**
16 **liability insurance and other administrative expenses of the association, which may not ex-**
17 **ceed 50 percent of the total of budgeted operating costs and the cash equivalent of in-kind**
18 **supplies and services of the association in any fiscal year. The costs of assistance specified**
19 **in this subsection may not be paid from funds assessed from forestland owners under ORS**
20 **477.230.**

21 **SECTION 3. ORS 477.325 is amended to read:**

22 477.325. (1) Before June 1 each year, the owners of rangeland to be protected under ORS 477.320
23 [(3)], **including all rangeland protection associations organized under section 2 of this 2007**

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 **Act**, shall prepare in cooperation with the State Board of Forestry or its authorized representative,
 2 and submit to the board, a proposed budget for the fiscal year beginning on the next succeeding July
 3 1. The budget shall include the proposed cost of such protection. At the meeting of the board under
 4 ORS 477.265, the board shall review the budget, make any changes therein that are proper and
 5 consistent with law, and pass final approval thereon.

6 (2) The cost of protection of rangeland under ORS 477.320 [(3)] **and section 2 of this 2007 Act**
 7 shall be in accordance with the budget approved under subsection (1) of this section. The cost shall
 8 be collected pursuant to the cooperative agreement or contract entered into between the forester
 9 and the owners of the rangeland under ORS 477.320 [(3)]. All moneys received by the board pursuant
 10 to this subsection shall be paid into the State Treasury and credited to the State Forestry Depart-
 11 ment Account and shall be used exclusively for the purposes of ORS 477.315 to 477.325.

12 **SECTION 4.** ORS 477.125 is amended to read:

13 477.125. (1) A forest protective association, rangeland protection [*system established pursuant to*
 14 *ORS 477.320*] **association organized under section 2 of this 2007 Act** or public body as defined
 15 in ORS 174.109, or a person acting as an agent of a forest protective association, rangeland pro-
 16 tection [*system*] **association** or public body, is not liable for any injury to persons or property re-
 17 sulting from carrying out the provisions of this chapter or while acting within the scope of a duty
 18 imposed by this chapter.

19 (2) The exemption from liability provided by subsection (1) of this section does not apply to any
 20 injury to persons or property resulting from willful misconduct or gross negligence.

21 (3) An employee of a forest protective association, or a person acting as an agent of a forest
 22 protective association, is an agent of a public body acting within the scope of their duties for pur-
 23 poses of ORS 30.260 to 30.300, if the person:

24 (a) Engages in fire fighting activities occurring on lands located outside of the forest protection
 25 district in which the association is located; and

26 (b) Acts under the direction and control of the forester.

27 **SECTION 5.** ORS 477.320 is amended to read:

28 477.320. (1) Owners of rangeland may request the State Board of Forestry to hold a hearing on
 29 the subject of providing protection from fire for rangeland. Upon receipt of such request, the board
 30 or its authorized representative shall hold one or more public hearings in order to receive from in-
 31 terested persons information relating to the providing of such protection, and shall cause public
 32 notice of the time and place of each hearing to be given. The board or its authorized representatives
 33 shall keep the records of the proceedings of such hearings as public records.

34 (2) After the hearing referred to in subsection (1) of this section, the board shall determine
 35 whether the rangeland should be included within a protection system. If the board determines that
 36 rangeland should be included in a rangeland protection system, the board, in cooperation with in-
 37 terested persons, shall establish the extent and type of protection to be provided **and direct the**
 38 **forester or a rangeland protection association organized under section 2 of this 2007 Act to**
 39 **provide the protection.** Such protection shall be commensurate with the values and uses of the
 40 rangeland to be protected.

41 (3) After proceedings under subsections (1) and (2) of this section, the forester **or a rangeland**
 42 **protection association organized under section 2 of this 2007 Act** shall provide the type and
 43 extent of protection determined under subsection (2) of this section for rangeland determined to be
 44 included within a protection system under subsection (2) of this section. For the purpose of providing
 45 such protection, the forester **and a rangeland protection association** may enter into cooperative

1 agreements or contracts with [*the*] **each other or, jointly or separately, with** owners of [*the*]
2 rangeland, individuals, associations, corporations, road districts, rural fire protection districts or
3 agencies of the federal government.

4 **SECTION 6. This 2007 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
6 **July 1, 2007.**

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