

# House Bill 3289

Sponsored by Representative WHISNANT (at the request of La Pine Rural Fire Protection District)

## 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**.

Extends authority of rural fire protection district to include up to five acres of forestland without owner's consent.

Applies to tax years beginning on or after July 1, 2010.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to rural fire protection; creating new provisions; amending ORS 478.010, 478.120 and  
3 478.140; and prescribing an effective date.

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

5 **SECTION 1.** ORS 478.010 is amended to read:

6 478.010. (1) A rural fire protection district may be formed in the manner set forth in ORS 478.010  
7 to 478.100.

8 (2) A district may not include:

9 (a) Territory within a city unless otherwise authorized by law.

10 (b) Territory within a water supply district organized under ORS chapter 264 if the district has  
11 previously been authorized by its electors to exercise the fire protection powers prescribed by ORS  
12 264.340.

13 (c) **Except as provided in subsection (3) of this section**, forestlands included within a forest  
14 protection district under ORS 477.205 to 477.281. [*unless the owner consents and notifies the rural fire*  
15 *protection district, however, forestland protected pursuant to ORS 477.205 to 477.281 and not exceeding*  
16 *five acres in one ownership shall be included in the rural fire protection district without the owner's*  
17 *consent if the ownership includes any structures subject to damage by fire. Forestland included in a*  
18 *rural fire protection district under this subsection subjects the forestland to assessments for fire pro-*  
19 *tection by the rural fire protection district and the forest protection district.]*

20 (d) Railroad rights of way or improvements thereon or rolling stock moving thereover unless the  
21 owner of such property consents.

22 (e) Ocean shores as defined by ORS 390.605.

23 **(3)(a) Except as provided in paragraph (b) of this subsection, a district may include**  
24 **forestland protected under ORS 477.205 to 477.281 if the owner consents and notifies the rural**  
25 **fire protection district of the owner's consent.**

26 **(b) A district may include, without the owner's consent, up to five acres in one ownership**  
27 **of forestland protected under ORS 477.205 to 477.281.**

28 **(c) Inclusion of forestland in a rural fire protection district under this subsection sub-**  
29 **jects the forestland to assessments for fire protection by the rural fire protection district**  
30 **and the forest protection district.**

**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 2.** ORS 478.120 is amended to read:

2        478.120. The authority to include forestland within a rural fire protection district pursuant to  
3        ORS 478.010 [(2)(c)] **(3)** applies to forestland within the exterior boundaries of an existing district  
4        [*and to forestland on which structures subject to damage by fire have been added after July 20,*  
5        *1973*].

6        **SECTION 3.** ORS 478.140 is amended to read:

7        478.140. Any owner consenting to add the forestland of the owner to the district under ORS  
8        478.010 [(2)(c)] **(3)(a)** shall do so on forms supplied by the Department of Revenue. The owner shall  
9        file the original with the district. The district shall forward a copy to the assessor of each county  
10       in which the land is located, within 20 days of receipt.

11       **SECTION 4.** **The amendments to ORS 478.010, 478.120 and 478.140 by sections 1 to 3 of this**  
12       **2009 Act apply to tax years beginning on or after July 1, 2010.**

13       **SECTION 5.** **This 2009 Act takes effect on the 91st day after the date on which the reg-**  
14       **ular session of the Seventy-fifth Legislative Assembly adjourns sine die.**

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