

House Bill 2164

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for State Forestry Department)

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**.

Reduces limit on forest patrol assessment rates for lands located east of summit of Cascade Mountains and certain other areas.

Changes permissible use of moneys in Oregon Forest Land Protection Fund. Alters and creates statutory limits on expenditures from fund.

Deletes certain mandatory items from State Forester budget request.

Changes required content of annual report by State Forester to Emergency Board.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to fire protection; creating new provisions; amending ORS 477.230, 477.270, 477.755 and
3 477.777; limiting expenditures; and declaring an emergency.

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

5 **SECTION 1.** ORS 477.230 is amended to read:

6 477.230. (1) The annual cost of protection provided by the forester for forestland within a forest
7 protection district shall be as follows:

8 (a) Grazing land within the district shall be protected by the forester at a pro rata cost per acre
9 for all grazing land within the district boundary. However, forest patrol assessments levied and as-
10 sessed under ORS 477.270 against such lands that are not owned by public agencies:

11 **(A) For land that is west of the summit of the Cascade Mountains, except as provided in**
12 **paragraph (c) of this subsection, may not exceed *[one-half]* 50 percent** of the pro rata cost per
13 acre, exclusive of any assessment per acre under ORS 477.880.

14 **(B) For land that is east of the summit of the Cascade Mountains and land described in**
15 **paragraph (c) of this subsection, may not exceed 40 percent of the pro rata cost per acre,**
16 **exclusive of any assessment per acre under ORS 477.880.**

17 (b) Timberland within the district shall be protected by the forester at a pro rata cost per acre
18 for all timberland within the district boundary. However, forest patrol assessments levied and as-
19 sessed under ORS 477.270 against such lands that are not owned by public agencies:

20 **(A) For land that is west of the summit of the Cascade Mountains, except as provided in**
21 **paragraph (c) of this subsection, may not exceed *[one-half]* 50 percent** of the pro rata cost per
22 acre, exclusive of any assessment per acre under ORS 477.880.

23 **(B) For land that is east of the summit of the Cascade Mountains and land described in**
24 **paragraph (c) of this subsection, may not exceed 40 percent of the pro rata cost per acre,**
25 **exclusive of any assessment per acre under ORS 477.880.**

26 **(c) The assessment rate limits established in paragraphs (a)(B) and (b)(B) of this sub-**
27 **section are applicable to grazing lands and timberlands located west of the summit of the**
28 **Cascade Mountains if the lands are:**

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) Located in Hood River County and within a forest protection district; or

2 (B) Within a forest protection district that is predominantly composed of lands in
3 Jackson and Josephine Counties.

4 (2) The cost of protection described in this section shall be in accordance with a budget for the
5 district approved by the State Board of Forestry.

6 **SECTION 2.** ORS 477.270 is amended to read:

7 477.270. (1) Subject to the forest patrol assessment limitations set forth in ORS 477.230:

8 (a) The budgeted cost of the forester, as provided for in ORS 477.205 to 477.281, in providing
9 protection for privately owned forestland shall be a lien upon such property, shall be reported by
10 the forester to the governing body of the county in which the lands are situated on or after July 1
11 of each fiscal year, and shall be levied and collected by the governing body with the next taxes on
12 the land in the same manner and with the same interest, penalty and cost charges as apply to ad
13 valorem property taxes in this state. The governing body shall instruct the proper officer to extend
14 the amounts on the assessment roll in a separate account, and the procedure provided by law for
15 the collection of taxes and delinquent taxes shall apply. Upon collection thereof, the governing body
16 shall repay the entire amount collected to the forester.

17 (b) In lieu of the procedures under paragraph (a) of this subsection, the forester, under the di-
18 rection of the State Board of Forestry, may make direct billing of the budgeted cost to owners of
19 forestland and receive payment of the cost therefrom. In the event that under such billing proce-
20 dures any owners fail to make payment, the unpaid budgeted cost shall become a lien against the
21 property so billed and shall be levied and collected with the next taxes on such property as de-
22 scribed in paragraph (a) of this subsection.

23 (c) The budgeted cost of the forester in providing protection for forestland owned by the state
24 or by a political subdivision shall be paid to the forester on or before the first day of January of the
25 fiscal year for which such protection is to be provided.

26 (2) *[Except as provided in ORS 477.230 (2),]* All moneys received by the forester pursuant to this
27 section shall be paid into the State Treasury, credited to the State Forestry Department Account
28 and used exclusively for the purposes of ORS 477.205 to 477.281.

29 **SECTION 3.** ORS 477.755 is amended to read:

30 477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon Forest Land Protection
31 Fund are appropriated continuously to the Emergency Fire Cost Committee *[and shall be used for]*
32 **for the purposes of** equalizing emergency fire suppression costs, *[for]* safeguarding forestland in
33 any forest protection district, **paying costs related to the availability and mobilization of**
34 **emergency fire suppression resources on a statewide basis** and *[for]* **paying** necessary adminis-
35 trative expenses. However, *[such]* administrative expenses may not exceed the limit authorized by
36 the Legislative Assembly each biennium.

37 (2) Notwithstanding any other provision of law[,]:

38 (a) The annual expenditure from the Oregon Forest Land Protection Fund from revenues re-
39 ceived from ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4) and
40 477.880 *[(2) may not exceed \$10 million.]* **for emergency fire suppression costs may not exceed**
41 **the lesser of 50 percent of those costs or \$10 million.**

42 (b) **The annual expenditure from the Oregon Forest Land Protection Fund from revenues**
43 **received from ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4)**
44 **and 477.880 for costs related to the availability and mobilization of emergency fire sup-**
45 **pression resources, emergency fire suppression costs insurance under ORS 477.775 and nec-**

1 **essary administrative expenses may not exceed \$5 million.**

2 (3) As used in this section, “annual expenditure” means the expenses of the Oregon Forest Land
3 Protection Fund obligated in any 12-month period designated by the Emergency Fire Cost Committee
4 by rule that corresponds to the policy period of any insurance for emergency fire costs.

5 **SECTION 4.** ORS 477.777 is amended to read:

6 477.777. (1) As part of the preparation of the budget forms submitted to the Oregon Department
7 of Administrative Services pursuant to ORS 291.208 for the State Forestry Department, the State
8 Forester shall prepare, in addition to any amounts budgeted for forest protection districts pursuant
9 to ORS 477.205 to 477.281, a budget request for a General Fund appropriation that may be used for
10 *[any or all of]* the following:

11 (a) Providing funds for the purchase of insurance under ORS 477.775.

12 *[(b) Placement of centrally managed fire suppression resources for statewide use.]*

13 *[(c) Acquisition of fast-mobilizing, short-term contingency resources to be used based on predictions*
14 *of unusually severe fire weather, widespread lightning events or serious resource shortage due to a*
15 *heavy fire season.]*

16 *[(d)]* (b) Enhancement of forest protection district resources in limited cases where land pro-
17 ductivity or other economic factors seriously limit the protection district’s ability to provide ade-
18 quate funding to meet performance standards.

19 *[(2) The State Forester shall utilize critical discretion in the expenditure of the funds provided to*
20 *the State Forestry Department pursuant to the separate budget request required under subsection (1)*
21 *of this section.]*

22 *[(3)]* (2) The State Forester shall report to the Emergency Board, each year, after the close of
23 the fire season, on:

24 (a) The nature and severity of the fire season;

25 (b) The moneys expended on fire suppression;

26 *[(c) The rationale for the expenditures; and]*

27 *[(d) The balance remaining from the biennial appropriation.]*

28 (c) **The specific amounts, if any, determined by the Emergency Fire Cost Committee to**
29 **have been expended as emergency fire suppression costs; and**

30 (d) **Any matters arising out of the fire season that may require attention by the Emer-**
31 **gency Board or the Legislative Assembly.**

32 **SECTION 5.** The amendments to ORS 477.230 by section 1 of this 2011 Act apply to as-
33 sessments levied and assessed on or after July 1, 2012.

34 **SECTION 6.** This 2011 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
36 July 1, 2011.

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