

Senate Bill 744

Sponsored by Senator GIROD

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**.

Removes requirement that State Department of Agriculture pay certain moneys to Environmental Quality Commission. Modifies use of certain funds collected pursuant to field burning program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to field burning; creating new provisions; amending ORS 468A.615; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 468A.615 is amended to read:

6 468A.615. (1)(a) On or before April 1 of each year, the grower of a grass seed crop shall register
7 with the county court or board of county commissioners, the fire chief of a rural fire protection
8 district, the designated representative of the fire chief or other responsible persons the number of
9 acres to be open burned or propane flamed in the remainder of the year. At the time of registration,
10 the Department of Environmental Quality shall collect a nonrefundable fee of \$4 per acre registered
11 to be sanitized by open burning or \$2 per acre to be sanitized by propane flaming. The department
12 may contract with counties and rural fire protection districts or other responsible persons for the
13 collection of the fees which shall be forwarded to the department. Any person registering after April
14 1 in each year shall pay an additional fee of \$2 per acre registered if the late registration is due to
15 the fault of the late registrant or a person under the control of the late registrant. Late registrations
16 must be approved by the department. Copies of the registration form shall be forwarded to the de-
17 partment. The required registration must be made and the fee paid before a permit shall be issued
18 under ORS 468A.575.

19 (b) Except as provided in paragraph (d) of this subsection, the department shall collect a fee in
20 accordance with paragraph (c) of this subsection for issuing a permit for open burning, propane
21 flaming or stack or pile burning of perennial or annual grass seed crop residue or cereal grain crop
22 residue under ORS 468A.555 to 468A.620 and 468A.992. The department may contract with counties
23 and rural fire protection districts or other responsible persons for the collection of the fees which
24 shall be forwarded to the department.

25 (c) The fee required under paragraph (b) of this subsection shall be paid within 10 days after the
26 date of the invoice issued by the issuing authority and shall be:

27 (A) \$16 per acre of crop sanitized by open burning in the counties listed in ORS 468A.560;

28 (B) \$8 per acre of perennial or annual grass seed crop sanitized by open burning in any county
29 not listed in ORS 468A.560;

30 (C) \$4 per acre of crop sanitized by propane flaming;

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 (D) \$10 per acre for acreage from which 100 percent of the straw is removed and burned in
2 stacks or piles; and

3 (E) For acreage from which less than 100 percent of the straw is removed and burned in stacks
4 or piles, the same per acre as the fee imposed under subparagraph (D) of this paragraph, but with
5 a reduction in the amount of acreage for which the fee is charged by the same percentage as the
6 reduction in the amount of straw to be burned.

7 (d) The fee required by paragraph (b) of this subsection shall not be charged for any acreage
8 where efficient burning of stubble is accomplished with equipment certified by the department for
9 field sanitizing purposes or with any other certified alternative method to open field burning,
10 propane flaming or stack or pile burning. The fee required by paragraph (b) of this subsection shall
11 not be charged for any acreage not harvested prior to burning or for any acreage not burned.

12 (2)(a) All fees collected under this section shall be deposited in the State Treasury to the credit
13 of the Department of Agriculture Service Fund. Such moneys are continuously appropriated to the
14 State Department of Agriculture for the purpose of carrying out the duties and responsibilities car-
15 ried out by the State Department of Agriculture pursuant to the memorandum of understanding es-
16 tablished under ORS 468A.585. [*Upon a request from the Environmental Quality Commission, the State*
17 *Department of Agriculture shall transfer from the fund to the commission moneys sufficient for the*
18 *commission to carry out its duties specified in ORS 468A.610 (10) and (11).]*

19 (b) The State Department of Agriculture by rule may increase the fees required under this sec-
20 tion as needed to carry out its duties and responsibilities pursuant to the memorandum of under-
21 standing established under ORS 468A.585, provided that the fees do not exceed the costs of the State
22 Department of Agriculture in operating all of the field burning program.

23 (3) It is the intention of the Legislative Assembly that the programs for smoke management, air
24 quality monitoring and the enforcement of rules under ORS 468A.550 to 468A.620 and 468A.992 be
25 operated in a manner that maximizes the resources available for the research and development
26 program. Therefore, with regard to the disbursement of funds collected under subsection (1) of this
27 section, the State Department of Agriculture shall act in accordance with the intent of the Legis-
28 lative Assembly and shall:

29 (a) Pay an amount to the county or board of county commissioners or the fire chief of the rural
30 fire protection district or other responsible person, for each fire protection district, \$1 per acre
31 registered for each of the first 5,000 acres registered for open field burning and propane flaming in
32 the district, 75 cents per acre registered for each of the second 5,000 acres registered in the district
33 and 35 cents per acre registered for all acreage registered in the district in excess of 10,000 acres,
34 to cover the cost of and to be used solely for the purpose of administering the program of registra-
35 tion of acreage to be burned, issuance of permits, keeping of records and other matters directly re-
36 lated to agricultural field burning. For each acre from which straw is removed and burned in stacks
37 or piles, the State Department of Agriculture shall pay to the county or board of county commis-
38 sioners, or the fire chief of the rural fire protection district or other responsible person, 25 cents
39 per acre.

40 (b) Designate an amount to be used for the smoke management program. The State Department
41 of Agriculture by contract with the Oregon Seed Council or otherwise shall organize rural fire
42 protection districts and growers, coordinate and provide communications, hire ground support per-
43 sonnel, provide aircraft surveillance and provide such added support services as are necessary.

44 (c) Retain funds:

45 (A) For the operation and maintenance of the Willamette Valley field burning air quality impact

1 monitoring network **in areas where:**

2 (i) **Field burning is permitted;**

3 (ii) **Field burning is likely to occur; and**

4 (iii) **Air quality monitoring equipment is located; and**

5 (B) To [*insure*] **ensure** adequate enforcement of rules established by the Environmental Quality
6 Commission governing standards of practice for open field burning[, *propane flaming and stack or*
7 *pile burning*].

8 **SECTION 2. (1) The amendments to ORS 468A.615 (2) by section 1 of this 2011 Act do not**
9 **affect any transfer of funds from the State Department of Agriculture to the Environmental**
10 **Quality Commission before the effective date of this 2011 Act.**

11 (2) **The amendments to ORS 468A.615 (3) by section 1 of this 2011 Act apply to the dis-**
12 **bursement of funds by the State Department of Agriculture on or after the effective date**
13 **of this 2011 Act.**

14 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
16 **on its passage.**

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