

HOUSE AMENDMENTS TO HOUSE BILL 4042

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 8

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert
2 “477.755 and 477.777; appropriating money; limiting expenditures; and prescribing an effective
3 date.”.

4 Delete lines 5 through 28 and delete pages 2 and 3 and insert:

5 **“SECTION 1.** ORS 477.755 is amended to read:

6 **“477.755.** (1) Notwithstanding ORS 291.238, the moneys in the Oregon Forest Land Protection
7 Fund are **continuously** appropriated [*continuously*] to the Emergency Fire Cost Committee [*and*] **for**
8 **the purpose of minimizing the risk to public and private entities of costs, resource loss and**
9 **environmental damage from wildfires. Subject to the amount limits established in subsection**
10 **(2) of this section, the fund** shall be used for:

11 **“(a)** Equalizing emergency fire suppression costs [*for*];

12 **“(b)** Safeguarding forestland in any forest protection district[, *and for*];

13 **“(c) Paying up to 50 percent of costs related to the availability and mobilization of**
14 **emergency fire suppression resources on a statewide basis;**

15 **“(d) Paying up to 50 percent of the cost of emergency fire suppression costs insurance;**
16 **and**

17 **“(e) Paying** necessary administrative expenses, **not to exceed** [*However, such administrative*
18 *expenses may not exceed*] the limit authorized by the Legislative Assembly each biennium.

19 **“(2)** Notwithstanding any other provision of law, the annual expenditure from the [*Oregon Forest*
20 *Land Protection*] fund from revenues received from ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2),
21 477.750 (1) and (2), 477.760 (4) and 477.880 [(2) *may not exceed \$10 million.*] **may not exceed the**
22 **lesser of:**

23 **“(a) \$12.5 million; or**

24 **“(b) The sum of:**

25 **“(A) The lesser of \$2 million or 50 percent of the costs of activities described in ORS**
26 **477.777 (1)(b) and (c);**

27 **“(B) Fifty percent of the annual premium for emergency fire suppression costs insurance**
28 **purchased under ORS 477.775;**

29 **“(C) The lesser of \$2.5 million or 50 percent of eligible annual emergency fire suppression**
30 **costs as determined by the committee;**

31 **“(D) The lesser of \$7.5 million or the amount by which eligible annual emergency fire**
32 **suppression costs exceed \$5 million but do not exceed the policy deductible for emergency fire**
33 **suppression costs insurance; and**

34 **“(E) Necessary administrative expenses as determined by the committee and authorized**
35 **under the limit described in subsection (1)(e) of this section.**

1 “(3) As used in this section, ‘annual expenditure’ means the expenses of the [*Oregon Forest Land*
2 *Protection*] fund obligated in any 12-month period designated by the [*Emergency Fire Cost*] committee
3 by rule that corresponds to the policy period of any insurance for emergency fire **suppression** costs.

4 “**SECTION 2.** ORS 477.755, as amended by section 1 of this 2012 Act, is amended to read:

5 “477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon Forest Land Protection
6 Fund are continuously appropriated to the Emergency Fire Cost Committee for the purpose of min-
7 imizing the risk to public and private entities of costs, resource loss and environmental damage from
8 wildfires. Subject to the amount limits established in subsection (2) of this section, the fund shall
9 be used for:

10 “(a) Equalizing emergency fire suppression costs;

11 “(b) Safeguarding forestland in any forest protection district;

12 “(c) Paying up to 50 percent of costs related to the availability and mobilization of emergency
13 fire suppression resources on a statewide basis;

14 “(d) Paying up to 50 percent of the cost of emergency fire suppression costs insurance; and

15 “(e) Paying necessary administrative expenses, not to exceed the limit authorized by the Legis-
16 lative Assembly each biennium.

17 “(2) Notwithstanding any other provision of law, the annual expenditure from the fund from re-
18 venues received from ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4)
19 and 477.880 may not exceed the lesser of:

20 “(a) \$12.5 million; or

21 “(b) The sum of:

22 “(A) The lesser of \$2 million or 50 percent of the costs of activities described in ORS 477.777
23 (1)(b) and (c);

24 “(B) Fifty percent of the annual premium for emergency fire suppression costs insurance pur-
25 chased under ORS 477.775;

26 “(C) The lesser of [~~\$2.5~~] **\$5** million or 50 percent of eligible annual emergency fire suppression
27 costs as determined by the committee;

28 “(D) The lesser of [~~\$7.5~~] **\$5** million or the amount by which eligible annual emergency fire sup-
29 pression costs exceed [~~\$5~~] **\$10** million but do not exceed the policy deductible for emergency fire
30 suppression costs insurance; and

31 “(E) Necessary administrative expenses as determined by the committee and authorized under
32 the limit described in subsection (1)(e) of this section.

33 “(3) As used in this section, ‘annual expenditure’ means the expenses of the fund obligated in
34 any 12-month period designated by the committee by rule that corresponds to the policy period of
35 any insurance for emergency fire suppression costs.

36 “**SECTION 3.** ORS 477.755, as amended by sections 1 and 2 of this 2012 Act, is amended to read:

37 “477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon Forest Land Protection
38 Fund are continuously appropriated to the Emergency Fire Cost Committee for the purpose of min-
39 imizing the risk to public and private entities of costs, resource loss and environmental damage from
40 wildfires. Subject to the amount limits established in subsection (2) of this section, the fund shall
41 be used for:

42 “(a) Equalizing emergency fire suppression costs;

43 “(b) Safeguarding forestland in any forest protection district;

44 “(c) Paying up to 50 percent of costs related to the availability and mobilization of emergency
45 fire suppression resources on a statewide basis;

1 “(d) Paying up to 50 percent of the cost of emergency fire suppression costs insurance; and
2 “(e) Paying necessary administrative expenses, not to exceed the limit authorized by the Legis-
3 lative Assembly each biennium.

4 “(2) Notwithstanding any other provision of law, the annual expenditure from the fund from re-
5 venues received from ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4)
6 and 477.880 may not exceed the lesser of:

7 “(a) \$12.5 million; or
8 “(b) The sum of:

9 “(A) The lesser of \$2 million or 50 percent of the costs of activities described in ORS 477.777
10 (1)(b) and (c);
11 “(B) Fifty percent of the annual premium for emergency fire suppression costs insurance pur-
12 chased under ORS 477.775;

13 “(C) The lesser of [\$5] **\$7.5** million or 50 percent of eligible annual emergency fire suppression
14 costs as determined by the committee;

15 “(D) The lesser of [\$5] **\$2.5** million or the amount by which eligible annual emergency fire sup-
16 pression costs exceed [\$10] **\$15** million but do not exceed the policy deductible for emergency fire
17 suppression costs insurance; and

18 “(E) Necessary administrative expenses as determined by the committee and authorized under
19 the limit described in subsection (1)(e) of this section.

20 “(3) As used in this section, ‘annual expenditure’ means the expenses of the fund obligated in
21 any 12-month period designated by the committee by rule that corresponds to the policy period of
22 any insurance for emergency fire suppression costs.

23 “**SECTION 4.** ORS 477.755, as amended by sections 1, 2 and 3 of this 2012 Act, is amended to
24 read:

25 “477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon Forest Land Protection
26 Fund are continuously appropriated to the Emergency Fire Cost Committee for the purpose of min-
27 imizing the risk to public and private entities of costs, resource loss and environmental damage from
28 wildfires. Subject to the amount limits established in subsection (2) of this section, the fund shall
29 be used for:

30 “(a) Equalizing emergency fire suppression costs;
31 “(b) Safeguarding forestland in any forest protection district;
32 “(c) Paying up to 50 percent of costs related to the availability and mobilization of emergency
33 fire suppression resources on a statewide basis;
34 “(d) Paying up to 50 percent of the cost of emergency fire suppression costs insurance; and
35 “(e) Paying necessary administrative expenses, not to exceed the limit authorized by the Legis-
36 lative Assembly each biennium.

37 “(2) Notwithstanding any other provision of law, the annual expenditure from the fund from re-
38 venues received from ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4)
39 and 477.880 may not exceed the lesser of:

40 “(a) \$12.5 million; or
41 “(b) The sum of:

42 “(A) The lesser of \$2 million or 50 percent of the costs of activities described in ORS 477.777
43 (1)(b) and (c);
44 “(B) Fifty percent of the annual premium for emergency fire suppression costs insurance pur-
45 chased under ORS 477.775;

1 “(C) The lesser of [\$7.5] **\$10** million or 50 percent of eligible annual emergency fire suppression
2 costs as determined by the committee; **and**

3 “[*D*] *The lesser of \$2.5 million or the amount by which eligible annual emergency fire suppression*
4 *costs exceed \$15 million but do not exceed the policy deductible for emergency fire suppression costs*
5 *insurance; and*]

6 “[*E*] **(D)** Necessary administrative expenses as determined by the committee and authorized
7 under the limit described in subsection (1)(e) of this section.

8 “(3) As used in this section, ‘annual expenditure’ means the expenses of the fund obligated in
9 any 12-month period designated by the committee by rule that corresponds to the policy period of
10 any insurance for emergency fire suppression costs.

11 “**SECTION 5.** ORS 477.777 is amended to read:

12 “477.777. (1) As part of the preparation of the budget forms submitted to the Oregon Department
13 of Administrative Services pursuant to ORS 291.208 for the State Forestry Department, the State
14 Forester shall prepare, in addition to any amounts budgeted for forest protection districts pursuant
15 to ORS 477.205 to 477.281, a budget request for a General Fund appropriation [*that may be used for*
16 *any or all of the following*] **for the following purposes:**

17 “(a) Providing funds for the purchase of **emergency fire suppression costs** insurance under
18 ORS 477.775.

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

20 “(c) [*Acquisition of*] **Acquiring** fast-mobilizing, short-term contingency resources to be used
21 based on predictions of unusually severe fire weather, widespread lightning events or serious re-
22 source shortage due to a heavy fire season **in this state, in the western region of the United**
23 **States or nationally.**

24 “(d) [*Enhancement of*] **Enhancing** forest protection district resources **or mitigating forest pa-**
25 **trol assessment rates** in limited cases where land productivity, **fire frequency, fire potential** or
26 other economic factors seriously limit the protection district’s ability to provide [*adequate*] funding
27 **adequate and necessary** to meet performance standards.

28 “**(2) Unless the Legislative Assembly expressly provides otherwise, the State Forestry**
29 **Department may not expend more than \$3 million per year to carry out the activities de-**
30 **scribed in subsection (1)(b) to (d) of this section.**

31 “[*2*] **(3)** The State Forester shall utilize critical discretion in the expenditure of the funds pro-
32 vided to the [*State Forestry*] department pursuant to the separate budget request required under
33 subsection (1) of this section.

34 “[*3*] **(4)** The State Forester shall report to the Emergency Board, each year, after the close of
35 the fire season, on:

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

37 “(b) The moneys expended on fire suppression;

38 “[*c*] *The rationale for the expenditures; and*]

39 “[*d*] **(c)** The balance remaining from the biennial appropriation[.]; **and**

40 “**(d) Any matters arising out of the fire season that may require attention or warrant**
41 **future consideration by the board or the Legislative Assembly.**

42 “**SECTION 6.** The amendments to ORS 477.755 by section 1 of this 2012 Act apply to an-
43 nual expenditures for periods designated as provided in ORS 477.755 (3) that begin on or after
44 **July 1, 2013.**

45 “**SECTION 7.** The amendments to ORS 477.755 by section 2 of this 2012 Act apply to an-

1 nual expenditures for periods designated as provided in ORS 477.755 (3) that begin on or after
2 July 1, 2014.

3 “SECTION 8. The amendments to ORS 477.755 by section 3 of this 2012 Act apply to an-
4 nual expenditures for periods designated as provided in ORS 477.755 (3) that begin on or after
5 July 1, 2015.

6 “SECTION 9. The amendments to ORS 477.755 by section 4 of this 2012 Act apply to an-
7 nual expenditures for periods designated as provided in ORS 477.755 (3) that begin on or after
8 July 1, 2016.

9 “SECTION 10. The amendments to ORS 477.777 by section 5 of this 2012 Act apply to:

10 “(1) Budget requests for biennia that begin on or after July 1, 2013;

11 “(2) Yearly expenditures from General Fund appropriations for biennia that begin on or
12 after July 1, 2013; and

13 “(3) Yearly reports that the State Forester makes to the Emergency Board on or after
14 July 1, 2013.

15 “SECTION 11. This 2012 Act takes effect on the 91st day after the date on which the 2012
16 regular session of the Seventy-sixth Legislative Assembly adjourns sine die.”.

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