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SUMMARY

Eliminates owner consent and notification requirement for inclusion of forestland in rural fire protection district. Requires that lands within both rural fire protection district and forest protection district be assessed by both districts.

A BILL FOR AN ACT

1
2 Relating to the inclusion of forestland in rural fire protection districts;
3 amending ORS 476.340, 477.220, 477.281 and 478.010; and repealing ORS
4 478.120 and 478.140.

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

6 **SECTION 1.** ORS 476.340 is amended to read:

7 476.340. Nothing contained in the provisions of ORS 476.310 to 476.330
8 shall be construed to prohibit the establishment of rural fire protection dis-
9 tricts as provided by law within the boundaries of zone 2 as the same may
10 be established in any county. [*In event of the organization of a rural fire*
11 *protection district comprising lands in zone 2, property included within such*
12 *fire protection district shall not thereafter be taxed or assessed under the pro-*
13 *visions of ORS 476.320 or 476.330.]*

14 **SECTION 2.** ORS 477.220 is amended to read:

15 477.220. (1) The forester is not required to provide protection for
16 forestland that is either a small parcel or a tract isolated from a forest
17 protection district and which land is found by the forester as not practicable
18 to be included in a forest patrol system.

19 (2) ORS 477.205 to 477.281 do not apply to federal grazing land or federal
20 timberland within this state for which adequate protection is provided unless

1 the lands have been included within the boundaries of a forest protection
2 district pursuant to a cooperative agreement with the federal government
3 approved by the State Board of Forestry.

4 (3) Upon written request of the owner of lands that have been incorpo-
5 rated within a rural fire protection district, the forester shall determine
6 whether the lands, or any part thereof, are forestland. Thereafter, those lands
7 that have been so determined shall be included [*within*] **for forest pro-**
8 **tection under** ORS 477.205 to 477.281 unless excluded pursuant to subsection
9 (1) of this section. **Lands included for forest protection under ORS**
10 **477.205 to 477.281 as provided in this subsection shall be assessed as**
11 **described in ORS 478.010 (3).**

12 **SECTION 3.** ORS 477.281 is amended to read:

13 477.281. (1) The obligation of an owner of timberland or grazing land for
14 payment of assessments and taxes for fire protection of forestland is limited
15 to:

16 (a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295,
17 477.760 (4) and 477.880 to maintain the Oregon Forest Land Protection Fund;
18 and

19 (b) The payment of forest protection district assessments pursuant to ORS
20 477.060 and 477.205 to 477.281.

21 (2) As used in this section, “obligation of an owner of timberland or
22 grazing land for payment of assessments and taxes for fire protection of
23 forestland” does not include the duties or obligations of the owner under
24 ORS 477.066, 477.068 or 477.120 or the obligations of an owner [*of land in-*
25 *cluded in*] **for assessments on land by** a rural fire protection district
26 [*pursuant to ORS 478.010*] **as described in ORS 478.010 (3).**

27 **SECTION 4.** ORS 478.010 is amended to read:

28 478.010. (1) A rural fire protection district may be formed in the manner
29 set forth in ORS 478.010 to 478.100.

30 (2) A district may not include:

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

1 (b) Territory within a water supply district organized under ORS chapter
2 264 if the district has previously been authorized by its electors to exercise
3 the fire protection powers prescribed by ORS 264.340.

4 *[(c) Forestlands included within a forest protection district under ORS*
5 *477.205 to 477.281 unless the owner consents and notifies the rural fire pro-*
6 *tection district, however, forestland protected pursuant to ORS 477.205 to*
7 *477.281 and not exceeding five acres in one ownership shall be included in the*
8 *rural fire protection district without the owner's consent if the ownership in-*
9 *cludes any structures subject to damage by fire. Forestland included in a rural*
10 *fire protection district under this subsection subjects the forestland to assess-*
11 *ments for fire protection by the rural fire protection district and the forest*
12 *protection district.]*

13 *[(d)]* **(c)** Railroad rights of way, *[or]* improvements *[thereon]* **on railroad**
14 **rights of way** or rolling stock moving *[thereover]* **over railroad rights of**
15 **way** unless the owner of such property consents.

16 *[(e)]* **(d)** Ocean shores as defined by ORS 390.605.

17 **(3) If land is within both a rural fire protection district and a forest**
18 **protection district:**

19 **(a) The rural fire protection district and the State Forester shall**
20 **both provide fire protection services for the land; and**

21 **(b) The land shall be assessed under both ORS 477.205 to 477.281 and**
22 **ORS 478.010 to 478.100.**

23 **SECTION 5. ORS 478.120 and 478.140 are repealed.**

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