

# House Bill 3213

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

## 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**.

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; amending ORS 476.340,  
3 477.220, 477.281 and 478.010; and repealing ORS 478.120 and 478.140.

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

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

6 476.340. Nothing contained in the provisions of ORS 476.310 to 476.330 shall be construed to  
7 prohibit the establishment of rural fire protection districts as provided by law within the boundaries  
8 of zone 2 as the same may be established in any county. [*In event of the organization of a rural fire*  
9 *protection district comprising lands in zone 2, property included within such fire protection district*  
10 *shall not thereafter be taxed or assessed under the provisions of ORS 476.320 or 476.330.*]

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

12 477.220. (1) The forester is not required to provide protection for forestland that is either a small  
13 parcel or a tract isolated from a forest protection district and which land is found by the forester  
14 as not practicable to be included in a forest patrol system.

15 (2) ORS 477.205 to 477.281 do not apply to federal grazing land or federal timberland within this  
16 state for which adequate protection is provided unless the lands have been included within the  
17 boundaries of a forest protection district pursuant to a cooperative agreement with the federal  
18 government approved by the State Board of Forestry.

19 (3) Upon written request of the owner of lands that have been incorporated within a rural fire  
20 protection district, the forester shall determine whether the lands, or any part thereof, are  
21 forestland. Thereafter, those lands that have been so determined shall be included [*within*] **for for-**  
22 **est protection under** ORS 477.205 to 477.281 unless excluded pursuant to subsection (1) of this  
23 section. **Lands included for forest protection under ORS 477.205 to 477.281 as provided in this**  
24 **subsection shall be assessed as described in ORS 478.010 (3).**

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

26 477.281. (1) The obligation of an owner of timberland or grazing land for payment of assessments  
27 and taxes for fire protection of forestland is limited to:

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

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

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

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

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

9 (2) A district may not include:

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

11 (b) Territory within a water supply district organized under ORS chapter 264 if the district has  
12 previously been authorized by its electors to exercise the fire protection powers prescribed by ORS  
13 264.340.

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

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

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

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

25 **(a) The rural fire protection district and the State Forester shall both provide fire pro-**  
26 **tection services for the land; and**

27 **(b) The land shall be assessed under both ORS 477.205 to 477.281 and ORS 478.010 to**  
28 **478.100.**

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

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