

Enrolled House Bill 4007

Sponsored by Representative SMITH (Presession filed.)

CHAPTER

AN ACT

Relating to rangeland protection associations; amending ORS 477.125, 477.315, 477.317, 477.320 and 477.325; and declaring an emergency.

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

SECTION 1. ORS 477.125 is amended to read:

477.125. (1) A forest protective association, rangeland protection association [*organized under ORS 477.317*] **as defined in ORS 477.315** or public body as defined in ORS 174.109, or a person acting as an agent of a forest protective association, rangeland protection association or public body, is not liable for any injury to persons or property resulting from carrying out the provisions of this chapter or while acting within the scope of a duty imposed by this chapter.

(2) The exemption from liability provided by subsection (1) of this section does not apply to any injury to persons or property resulting from willful misconduct or gross negligence.

(3) An employee of a forest protective association, or a person acting as an agent of a forest protective association, is an agent of a public body acting within the scope of their duties for purposes of ORS 30.260 to 30.300, if the person:

- (a) Engages in fire fighting activities occurring on lands located outside of the forest protection district in which the association is located; and
- (b) Acts under the direction and control of the forester.

SECTION 2. ORS 477.315 is amended to read:

477.315. As used in ORS 477.315 to 477.325[.]:

(1) "Rangeland" means any land:

- [(1)] (a) That is located in that part of the state lying easterly of the summit of the Cascade Mountains;
- [(2)] (b) That has not been classified as Class 1, Class 2 or Class 3 forestland under ORS 526.305 to 526.370; and
- [(3)] (c) That contains isolated tracts of forestland not so classified or not within a forest protection district, or that is primarily rangeland, undeveloped land or undeveloped area containing sagebrush, juniper and similar growths.

(2) "Rangeland protection association" means an entity that has the purpose of protecting rangeland from fire and is:

- (a) **Organized by owners of rangeland that is located within a rangeland protection system established under ORS 477.320 and lies wholly outside any forest protection district; or**
- (b) **Organized with the approval of a county governing body to be a cost-neutral part of the emergency management program in a county having 200,000 or more acres of rangeland**

that are outside any forest protection district and are not protected by an association formed under paragraph (a) of this subsection.

SECTION 3. ORS 477.317 is amended to read:

477.317. [(1) Any group of owners of rangeland that is within a rangeland protection system established under ORS 477.320, and that lies wholly outside any forest protection district, may organize a rangeland protection association for the purpose of protecting the rangeland from fire.]

(1) The forester may enter into cooperative agreements or contracts with a rangeland protection association under the provisions of ORS 477.320 for the purpose of providing the assistance specified in subsection (2) of this section.

(2) The forester may assist **with organizing** a rangeland protection association [*with organizing the association*], training association members and acquiring firefighting equipment for the association. The forester may also assist a rangeland protection association with payment for liability insurance and other administrative expenses of the association[, *which*]. **The insurance and administrative expense assistance** may not exceed 50 percent of the total of budgeted operating costs and the cash equivalent of in-kind supplies and services of the association in any fiscal year. The costs of assistance specified in this subsection may not be paid from funds assessed from forestland owners under ORS 477.230.

SECTION 4. ORS 477.320 is amended to read:

477.320. (1) Owners of rangeland may request the State Board of Forestry to hold a hearing on the subject of providing protection from fire for rangeland. Upon receipt of such request, the board or its authorized representative shall hold one or more public hearings in order to receive from interested persons information relating to the providing of such protection, and shall cause public notice of the time and place of each hearing to be given. The board or its authorized representatives shall keep the records of the proceedings of such hearings as public records.

(2) After the hearing referred to in subsection (1) of this section, the board shall determine whether the rangeland should be included within a protection system. If the board determines that rangeland should be included in a rangeland protection system, the board, in cooperation with interested persons, shall establish the extent and type of protection to be provided and direct the forester or a rangeland protection association [*organized under ORS 477.317*] to provide the protection. Such protection shall be commensurate with the values and uses of the rangeland to be protected.

(3) After proceedings under subsections (1) and (2) of this section, the forester or a rangeland protection association [*organized under ORS 477.317*] shall provide the type and extent of protection determined under subsection (2) of this section for rangeland determined to be included within a protection system under subsection (2) of this section. For the purpose of providing such protection, the forester and a rangeland protection association may enter into cooperative agreements or contracts with each other or, jointly or separately, with owners of rangeland, individuals, associations, corporations, road districts, rural fire protection districts or agencies of the federal government.

SECTION 5. ORS 477.325 is amended to read:

477.325. (1) Before June 1 each year, the owners of rangeland to be protected under ORS 477.320, [*including*] **and** all rangeland protection associations [*organized under ORS 477.317*], shall prepare in cooperation with the State Board of Forestry or its authorized representative, and submit to the board, a proposed budget for the fiscal year beginning on the next succeeding July 1. The budget shall include the proposed cost of such protection. At the meeting of the board under ORS 477.265, the board shall review the budget, make any changes therein that are proper and consistent with law, and pass final approval thereon.

(2) The cost of protection of rangeland under ORS [*477.317 and*] 477.320 shall be in accordance with the budget approved under subsection (1) of this section. The cost shall be collected pursuant to the cooperative agreement or contract entered into between the forester and the owners of the rangeland under ORS 477.320. All moneys received by the board pursuant to this subsection shall be paid into the State Treasury and credited to the State Forestry Department Account and shall be used exclusively for the purposes of ORS 477.315 to 477.325.

SECTION 6. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Passed by House February 15, 2016

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 26, 2016

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2016

Approved:

.....M,....., 2016

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2016

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Jeanne P. Atkins, Secretary of State