

LC 530
2023 Regular Session
25700-005
8/17/22 (DFY/ps)

D R A F T

SUMMARY

Establishes State Fire Marshal Firefighting Costs Fund. Provides that Department of the State Fire Marshal may expend moneys from fund, without limitation, for eligible firefighting costs and reimbursements to firefighting organizations. Provides that balance of fund reverts to General Fund on biennial basis.

Directs department to request appropriation for State Fire Marshal Firefighting Costs Fund in biennial agency request budget in amount based on average expenditures by department over previous five years. Directs Legislative Assembly to appropriate moneys for deposit in fund.

Directs department to submit to standing or interim Joint Committee on Ways and Means biennial report on deposits and expenditures from fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firefighting costs; creating new provisions; amending ORS
3 476.055; and declaring an emergency.

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

5 **SECTION 1. Sections 2 to 4 of this 2023 Act are added to and made**
6 **a part of ORS chapter 476.**

7 **SECTION 2. (1)(a) The State Fire Marshal Firefighting Costs Fund**
8 **is established in the State Treasury, separate and distinct from the**
9 **General Fund.**

10 **(b) The State Fire Marshal Firefighting Costs Fund consists of**
11 **moneys appropriated by the Legislative Assembly for deposit in the**
12 **fund pursuant to section 3 of this 2023 Act, federal grant funds re-**
13 **ceived by the Department of the State Fire Marshal from the Federal**

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 **Emergency Management Agency, and other moneys appropriated, al-**
2 **located, deposited or transferred to the fund by the Legislative As-**
3 **sembly or otherwise.**

4 **(c) Moneys in the fund are continuously appropriated to the de-**
5 **partment for eligible firefighting costs incurred by the department and**
6 **reimbursements pursuant to ORS 476.560.**

7 **(d) Expenditures from the fund shall not be considered as a budget**
8 **item on which a limitation is otherwise fixed by law, but shall be in**
9 **addition to any specific biennial appropriations or amounts authorized**
10 **to be expended from continuously appropriated moneys for any**
11 **biennial period.**

12 **(2) As used in this section, “eligible firefighting costs” means ex-**
13 **penses incurred for responding to wildfires in Oregon and pre-**
14 **positioning activities.**

15 **SECTION 3. (1) In each biennium, the Department of the State Fire**
16 **Marshal shall, in its agency request budget filed under ORS 291.208,**
17 **request an appropriation for deposit in the State Fire Marshal**
18 **Firefighting Costs Fund in an amount equal to twice the average an-**
19 **ual expenditures by the department for eligible firefighting costs and**
20 **reimbursements pursuant to ORS 476.560 in the previous five years.**

21 **(2) Each biennium, the Legislative Assembly shall appropriate**
22 **moneys for deposit in the fund in an amount not less than the amount**
23 **requested by the department under subsection (1) of this section.**

24 **(3) On July 1 of each odd-numbered year, the department shall**
25 **cause the balance of the fund to be transferred to the General Fund**
26 **for general governmental purposes.**

27 **(4) As used in this section, “eligible firefighting costs” has the**
28 **meaning given that term in section 2 of this 2023 Act.**

29 **SECTION 4. On or before March 31 of each odd-numbered year, the**
30 **Department of the State Fire Marshal shall report to the standing or**
31 **interim Joint Committee on Ways and Means on the following mat-**

1 **ters:**

2 **(1) The amounts deposited in the State Fire Marshal Firefighting**
3 **Costs Fund, from any source, within the current biennium;**

4 **(2) Actual and anticipated expenditures from the fund within the**
5 **current biennium; and**

6 **(3) The anticipated amount to be transferred to the General Fund**
7 **on the following July 1 pursuant to section 3 of this 2023 Act.**

8 **SECTION 5. For the biennium beginning July 1, 2023, the Legisla-**
9 **tive Assembly shall appropriate moneys for deposit in the State Fire**
10 **Marshal Firefighting Costs Fund in an amount equal to twice the av-**
11 **erage annual expenditures by the Department of the State Fire Mar-**
12 **shal for eligible firefighting costs as defined in section 2 of this 2023**
13 **Act, and for reimbursements pursuant to ORS 476.560, in the previous**
14 **five years.**

15 **SECTION 6. Section 5 of this 2023 Act is repealed on June 30, 2025.**

16 **SECTION 7. ORS 476.055 is amended to read:**

17 476.055. (1) All moneys received by the Department of the State Fire
18 Marshal shall be paid into the State Treasury, and shall be placed by the
19 State Treasurer to the credit of the State Fire Marshal Fund, except those
20 moneys received and accounted for under the provisions of ORS 279A.290 **and**
21 **sections 2 and 3 of this 2023 Act.**

22 (2) Except as otherwise provided by this section, moneys in the State Fire
23 Marshal Fund shall be available and constitute a continuing appropriation
24 for the payment of any expense of the department and for the payment of
25 expenses of the Department of Public Safety Standards and Training and the
26 Board on Public Safety Standards and Training relating to training programs
27 concerning fire services and accreditation of fire service professionals. The
28 Department of the State Fire Marshal shall keep on file an itemized state-
29 ment of all expenses incurred by the department and shall approve all dis-
30 bursements as submitted for payment. Administrative expenditures made
31 from the State Fire Marshal Fund shall not exceed a reasonable amount for

1 the services performed.

2 **SECTION 8. This 2023 Act being necessary for the immediate pres-**
3 **ervation of the public peace, health and safety, an emergency is de-**
4 **clared to exist, and this 2023 Act takes effect on its passage.**

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