

A-Engrossed House Bill 4133

Ordered by the House February 27
Including House Amendments dated February 27

Sponsored by Representative MARSH, Senators STEINER, FINDLEY, Representative OWENS (Presession filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes related to a forest products tax. The Act creates a new fund related to wildfire costs. The Act makes changes related to forest protection districts. The Act makes changes related to fees for fire protection. The Act makes changes related to the Emergency Fire Cost Committee. The Act makes changes related to a fund for protecting forest land. The Act makes changes related to a fee on acreage. (Flesch Readability Score: 67.1).

[Digest: The Act makes changes related to a forest products tax. The Act creates a new fund related to wildfire costs. The Act makes changes related to forest protection districts. The Act makes changes related to fees for fire protection. The Act makes changes related to the Emergency Fire Cost Committee. The Act makes changes related to a fund for protecting forest land. The Act repeals a fee on acreage. (Flesch Readability Score: 68.0).]

Makes certain changes related to the forest products harvest tax.

Establishes a State Forestry Department Large Wildfire Fund~~]. Continuously appropriates mon-
eys in the fund to]~~ **for use by** the State Forestry Department for wildfire mitigation and suppression.

Makes certain changes related to forest protection districts.

Makes certain changes related to a minimum assessment and surcharge.

Makes certain changes related to the Emergency Fire Cost Committee.

Makes certain changes related to the Oregon Forest Land Protection Fund.

~~[Repeals]~~ **Makes certain changes related to** an acreage assessment.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to wildfire; creating new provisions; amending ORS 291.055, 321.005, 321.011, 321.012,
3 321.015, 321.017, 477.001, 477.205, 477.230, 477.232, 477.270, 477.277, 477.281, 477.295, 477.440,
4 477.445, 477.450, 477.455, 477.460, 477.750, 477.755, 477.760, 477.770, 477.775, 477.777, 477.880 and
5 477.970; prescribing an effective date; and providing for revenue raising that requires approval
6 by a three-fifths majority.

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

8 9 FOREST PRODUCTS HARVEST TAX FOR 10 WILDFIRE MITIGATION AND SUPPRESSION

11
12 **SECTION 1.** ORS 321.011 is amended to read:

13 321.011. The prevention and suppression of, **and preparedness for**, forest fires on forestlands,
14 for the preservation of forest resources and the continuous growth of timber on lands suitable
15 therefor, are declared to be the public policy of the State of Oregon. The Legislative Assembly re-
16 cognizes that:

17 (1) The forested areas situated within eastern Oregon predominate in Ponderosa pine trees and

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 associated species, and that the forested areas situated within western Oregon predominate in
2 Douglas fir and associated species;

3 (2) Because of this difference in species, different forest fire protection problems exist in eastern
4 and western Oregon, and different logging conditions and circumstances in each necessitate varied
5 forest practices in the disposal of forest slashings and debris; and

6 (3) Therefore, in order to give recognition to such differences and their effect on the accom-
7 plishment of the public policy stated in this section, certain classifications of forestlands within the
8 State of Oregon are established by ORS 321.005 to 321.185 and 321.560 to 321.600.

9 **SECTION 2.** ORS 321.012 is amended to read:

10 321.012. The Legislative Assembly finds that it is in the interest of the State of Oregon that the
11 public as a whole share responsibility for protecting the forests of this state, by making funds
12 available [*from time to time*] for suppression of fires [*caused by the public*].

13 **SECTION 3.** ORS 321.015 is amended to read:

14 321.015. (1) For the calendar years beginning January 1, 2024, and January 1, 2025, there is
15 levied a privilege tax of 90.00 cents per thousand feet, board measure, upon taxpayers for the priv-
16 ilege of harvesting of all merchantable forest products harvested on forestlands. Subject to ORS
17 321.145, the proceeds of the tax shall be transferred as provided in ORS 321.152 (2) to the Forest
18 Research and Experiment Account for use for the forest resource research, experimentation and
19 studies described in ORS 526.215 and for the Forest Research Laboratory established under ORS
20 526.225.

21 (2)(a) [*Except as provided in ORS 477.760,*] In addition to the tax levied by subsection (1) of this
22 section, there is levied a forest products harvest tax upon taxpayers of [62.5] **100** cents per thousand
23 feet, board measure, for the privilege of harvesting all merchantable forest products harvested on
24 forestlands for the payment of benefits related to fire suppression as provided in ORS 321.005 to
25 321.185, 321.560 to 321.600 and 477.440 to 477.460.

26 **(b)(A) The rate set under paragraph (a) of this subsection for any calendar year shall be**
27 **adjusted by the percentage, if any, by which the monthly averaged Consumer Price Index for**
28 **All Urban Consumers, West Region (All Items) for the 12 consecutive months ending August**
29 **31 of the prior calendar year exceeds the monthly averaged index for the 12 consecutive**
30 **months ending August 31, 2024.**

31 **(B) The adjustment computed under subparagraph (A) of this paragraph shall be rounded**
32 **to the nearest one-tenth of a cent.**

33 (3) For the calendar years beginning January 1, 2024, and January 1, 2025, in addition to the
34 taxes levied under subsections (1) and (2) of this section, there is levied a privilege tax upon tax-
35 payers for the privilege of harvesting all merchantable forest products harvested on forestlands in
36 the amount of 253.46 cents per thousand feet, board measure, for the purpose of administering the
37 Oregon Forest Practices Act in an amount not to exceed 40 percent of the total expenditures ap-
38 proved by the Legislative Assembly for this purpose, including salary adjustments approved by the
39 Legislative Assembly for fiscal years 2024 and 2025.

40 (4) For the calendar years beginning January 1, 2024, and January 1, 2025, in addition to the
41 taxes levied by subsections (1) to (3) of this section, there is levied a privilege tax of 21 cents per
42 thousand feet, board measure, upon taxpayers for the privilege of harvesting all merchantable forest
43 products harvested on forestlands. Subject to ORS 321.145, the proceeds of the tax shall be trans-
44 ferred as provided in ORS 321.152 (5) to the subaccount established pursuant to ORS 350.520 for use
45 by Oregon State University for the purpose of making investments in professional forestry education

1 at the College of Forestry.

2 (5) Subject to subsection (6) of this section, the taxes shall be measured by and be applicable to
3 each per thousand feet, board measure, on the total quantity of forest products harvested in this
4 state measured by use of any log scale which is or may be in general use in the logging industry
5 and which is designed to measure total volume of merchantable forest products in board feet. How-
6 ever, if the Department of Revenue finds that the scale used by any taxpayer in computing the taxes
7 due under ORS 321.005 to 321.185 and 321.560 to 321.600 does not accurately reflect the total
8 quantity of merchantable forest products harvested by the taxpayer, it may require the taxpayer to
9 adopt another log scale in general use in the industry which in the department's opinion will accu-
10 rately reflect merchantable harvest in board feet.

11 (6) The first 25,000 feet, board measure, of forest products harvested annually by any taxpayer
12 during each calendar year shall be excluded from the total quantity of harvested forest products that
13 constitutes the measure of the taxes under ORS 321.005 to 321.185 and 321.560 to 321.600.

14 (7)(a) Not later than March 10 of each odd-numbered year, the Legislative Assembly shall begin
15 considering the biennial forest products harvest tax rates levied under subsections (1), (3) and (4)
16 of this section.

17 (b) Upon request of the Legislative Revenue Officer or the Legislative Fiscal Officer, the State
18 Forestry Department shall provide the respective officers with relevant timber harvest data for the
19 purposes of paragraph (a) of this subsection.

20 **SECTION 4.** ORS 321.005 is amended to read:

21 321.005. As used in ORS 321.005 to 321.185, 321.560 to 321.600 and 477.440 to 477.460, unless the
22 context requires otherwise:

23 (1) "Board" means the State Board of Forestry.

24 [(2) "*Protected forestlands*" means those lands which are protected from the starting or spread of
25 fire thereon or therefrom by:]

26 [(a) *The State Forester, with the approval of the board;*]

27 [(b) *The United States of America through contract with the State Forester;*]

28 [(c) *Any forest protective agency under contract with the State Forester or the board pursuant to*
29 *ORS 477.406; or]*

30 [(d) *Any forest protective agency, described in paragraph (c) of this subsection, under an agreement*
31 *with the United States of America wherein such agency agrees to protect specific federal forestlands*
32 *and, in return, the United States of America agrees to protect specific lands of such agency.]*

33 [(3) "*Department*" means the *Department of Revenue.*]

34 [(4)] (2) "Committee" means the Emergency Fire Cost Committee.

35 (3) "**Consumer Price Index for All Urban Consumers, West Region (All Items)**" means the
36 **Consumer Price Index for All Urban Consumers, West Region (All Items), as published by**
37 **the Bureau of Labor Statistics of the United States Department of Labor.**

38 (4) "**Department**" means the **Department of Revenue.**

39 (5) "Forestland" means any land producing forest products.

40 (6) "Forest products" means products from harvested timber, but does not include products from
41 short rotation fiber grown under agricultural conditions as described in ORS 321.267 (3) or 321.824
42 (3), western juniper or products from harvested western juniper.

43 (7) "Harvest" means the point at which timber that has been cut, severed, or removed for pur-
44 poses of sale or use is first measured in the ordinary course of business as determined by reference
45 to common practice in the timber industry.

1 (8) "Merchantable stand of timber" means any stand on forestlands containing living or dead
2 timber which is being or can be harvested.

3 (9) "Owner of timber" means any individual or combination of individuals, partnership,
4 firm, corporation or association of whatever nature holding title to harvested timber by
5 virtue of:

6 (a) An instrument of conveyance;

7 (b) The harvesting of the timber; or

8 (c) The harvesting of the timber and payment therefor.

9 [(9) "Taxpayer" means the owner of timber at time of harvest.]

10 (10) "Taxes" means the taxes provided for in ORS 321.015.

11 [(11) "Owner of timber" means any individual or combination of individuals, partnership, firm,
12 corporation or association of whatever nature holding title to harvested timber by virtue of:]

13 [(a) An instrument of conveyance;]

14 [(b) The harvesting of the timber; or]

15 [(c) The harvesting of the timber and payment therefor.]

16 (11) "Taxpayer" means the owner of timber at time of harvest.

17 (12) "Timber" means all logs which can be measured in board feet and other forest products as
18 determined by department rule.

19 **SECTION 5.** ORS 321.017 is amended to read:

20 321.017. (1) In addition to the taxes levied under ORS 321.015 (1) to (4), there hereby is levied
21 a privilege tax upon taxpayers on the harvesting of all merchantable forest products harvested on
22 forestlands in the amount provided in subsection (2) of this section.

23 (2) The rate of tax levied in subsection (1) of this section shall be established annually at the
24 beginning of each calendar year by the board of directors of the Oregon Forest Resources Institute,
25 at a rate not to exceed 75 cents per thousand feet, board measure, adjusted annually for inflation
26 since 1991 based on the Consumer Price Index for All Urban Consumers, West Region (All Items)],
27 as published by the Bureau of Labor Statistics of the United States Department of Labor].

28 (3) The tax shall be measured by and be applicable to each per thousand feet, board measure,
29 and such shall be subject to and determined by the procedures and provisions of ORS 321.015 (5)
30 and (6).

31 (4) The tax levied by subsection (1) of this section shall be due and payable to the Department
32 of Revenue in the manner and procedure, including penalties and interest, as set forth for the col-
33 lection of the privilege tax in ORS 321.005 to 321.185.

34 (5) The revenue from the tax levied by subsection (1) of this section shall be remitted to the
35 State Treasurer who shall deposit it in a suspense account established under ORS 321.145 (1). After
36 payment of refunds, which shall be paid in the same manner as other forest products harvest tax
37 refunds are paid in ORS 321.145 (2), the balance of the additional tax imposed under subsection (1)
38 of this section shall be deposited in the Oregon Forest Resources Institute Fund.

39 **SECTION 5a.** The amendments to ORS 321.005, 321.011, 321.012, 321.015 and 321.017 by
40 sections 1 to 5 of this 2024 Act apply to calendar years beginning on or after January 1, 2025.

41
42 **STATE FORESTRY DEPARTMENT LARGE WILDFIRE FUND**

43
44 **SECTION 6.** (1) The State Forestry Department Large Wildfire Fund is established in the
45 State Treasury, separate and distinct from the General Fund.

1 **(2) The State Forestry Department Large Wildfire Fund shall be held by the State**
2 **Treasurer as a trust fund for use by the State Forestry Department for wildfire mitigation**
3 **and suppression. The State Treasurer shall deposit and invest moneys in the fund as pro-**
4 **vided by law, taking into account its uses. Interest earned by the fund shall be credited to**
5 **the fund.**

6 **(3) The fund consists of moneys appropriated by the Legislative Assembly for deposit in**
7 **the fund and other moneys appropriated to, allocated to, deposited in or transferred to the**
8 **fund by the Legislative Assembly or otherwise.**

9
10 **DEFINITION OF “CENTRALIZED ADMINISTRATION COSTS”**

11
12 **SECTION 7.** ORS 477.001 is amended to read:

13 477.001. As used in this chapter[, *unless the context otherwise requires*]:

14 (1) “Additional fire hazard” means a hazard that has been determined to exist by the forester
15 pursuant to ORS 477.580.

16 (2) “Board” means the State Board of Forestry.

17 (3) “Campfire” means any open fire used for cooking, personal warmth, lighting, ceremonial or
18 aesthetic purposes that is hand built and that is not associated with any debris disposal activities.

19 **(4) “Centralized administration costs” means all costs associated with:**

20 **(a) Administration of the State Forestry Department;**

21 **(b) The following services, provided statewide and in areas of this state by the depart-**
22 **ment:**

23 **(A) Fire management on forestland;**

24 **(B) Emergency response and support; and**

25 **(C) Other services not described in this paragraph; and**

26 **(c) The procurement of supplies related to purposes described in this subsection.**

27 [(4)] (5) “Department” means the State Forestry Department.

28 [(5)] (6) “District” means a forest protection district organized under ORS 477.225.

29 [(6)] (7) “Every reasonable effort” means the use of the reasonably available personnel and
30 equipment under the supervision and control of an owner or operator, which are needed and effec-
31 tive to fight the fire in the judgment of the forester and which can be brought to bear on the fire
32 in a timely fashion.

33 [(7)] (8) “Fire season” means a period designated pursuant to ORS 477.505.

34 [(8)] (9) “Fiscal year” means the period beginning on July 1 of any year and ending on June 30
35 of the next year.

36 [(9)] (10) “Forestland” means any woodland, brushland, timberland, grazing land or clearing that,
37 during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in
38 the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed. As used in
39 this subsection, “clearing” means any grassland, improved area, lake, meadow, mechanically or
40 manually cleared area, road, rocky area, stream or other similar forestland opening that is sur-
41 rounded by or contiguous to forestland and that has been included in areas classified as forestland
42 under ORS 526.305 to 526.370.

43 [(10)] (11) “Forest patrol assessment” means the costs levied and assessed under ORS 477.270.

44 [(11)] (12) “Forest protective association” or “association” means an association, group or
45 agency composed of owners of forestlands, organized for the purpose of protecting such forestlands

1 from fire.

2 [(12)] (13) "Forest resource" means the various types of vegetation normally growing on
3 Oregon's forestland, the associated harvested products and the associated residue, including but not
4 limited to brush, grass, logs, saplings, seedlings, trees and slashing.

5 [(13)] (14) "Forester" means the State Forester or authorized representative.

6 [(14)] (15) "Governing body" of a county means the county court or board of county commis-
7 sioners.

8 [(15)] (16) "Grazing land" is defined by ORS 477.205.

9 [(16)] (17) "Open fire" means any outdoor fire that occurs in such a manner that combustion air
10 is not effectively controlled and combustion products are not effectively vented through a stack or
11 chimney.

12 [(17)] (18) "Operation" means any industrial activity, any development or any improvement on
13 forestland inside or within one-eighth of one mile of a forest protection district, including but not
14 limited to the harvesting of forest tree species, the clearing of land, the use of power-driven ma-
15 chinery and the use of fire, excluding, however, the culture and harvesting of agricultural crops.

16 [(18)] (19) "Operation area" means the area on which an operation is being conducted and the
17 area on which operation activity may have resulted in the ignition of a fire.

18 [(19)] (20) "Operation in progress" means that time when workers are on an operation area for
19 the purpose of an operation, including the period of time when fire watches are required to be on
20 the operation area pursuant to ORS 477.665.

21 [(20)] (21) "Operator" means any person who, either personally or through employees, agents,
22 representatives or contractors, is carrying on or has carried on any operation.

23 [(21)] (22) "Owner" means an individual, a combination of individuals, a partnership, a corpo-
24 ration, the State of Oregon or a political subdivision thereof, or an association of any nature that
25 holds an ownership interest in land.

26 [(22)] (23) "Political subdivision" includes, but is not limited to, counties, cities and special dis-
27 tricts.

28 [(23)] (24) "Rangeland" is defined by ORS 477.315.

29 [(24)] (25) "Routine road maintenance" is defined by ORS 477.625.

30 [(25)] (26) "Side" means any single unit of a logging operation employing power-driven machin-
31 ery.

32 [(26)] (27) "Slashing" means the forest debris or refuse on any forestland resulting from the
33 cutting, killing, pruning, severing or removal of brush, trees or other forest growth.

34 [(27)] (28) "State Forester" means the person appointed State Forester pursuant to ORS 526.031
35 or the person serving in the position on an interim or delegated basis.

36 [(28)] (29) "Summit of the Cascade Mountains" is considered to be a line beginning at the
37 intersection of the northern boundary of the State of Oregon and the western boundary of Wasco
38 County; thence southerly along the western boundaries of Wasco, Jefferson, Deschutes and Klamath
39 Counties to the southern boundary of the State of Oregon.

40 [(29)] (30) "Timberland" is defined by ORS 477.205.

41 [(30)] (31) "Warden" means a fire warden appointed under ORS 477.355.

42
43 **FOREST PROTECTION DISTRICTS**

44
45 **SECTION 8.** ORS 477.205 is amended to read:

1 477.205. As used in ORS 477.205 to 477.281[, *unless the context requires otherwise*]:

2 (1) **“Budget” means an estimate of a forest protection district of the amount the district**
3 **needs for preparedness for, and for the prevention and suppression of, forest fires on**
4 **forestland.**

5 [(1)] (2) “Grazing land” means forestland, within a forest protection district, that has been
6 classified as Class 3, agricultural class, as provided by ORS 526.305 to 526.370.

7 [(2)] (3) “Timberland” means forestland, within a forest protection district, that has not been
8 classified as Class 3, agricultural class, under ORS 526.305 to 526.370.

9 **SECTION 9.** ORS 477.230 is amended to read:

10 477.230. (1) The annual cost of protection provided by the [*forester*] **State Forester** for
11 forestland within a forest protection district shall be as [*follows:*] **described in this section.**

12 [(a)] (2)(a) Grazing land within the district shall be protected by the [*forester*] **State Forester**
13 at [*a pro rata cost*] **the following** per acre **costs** for all grazing land within the district boundary[.
14 *However, forest patrol assessments levied and assessed under ORS 477.270 against such lands that are*
15 *not owned by public agencies may not exceed one-half of the pro rata cost per acre*], exclusive of any
16 assessment per acre under ORS 477.880[.]:

17 (A) **For grazing land owned by public agencies, 74 cents per acre.**

18 (B) **For grazing land not owned by public agencies, including grazing land owned in fee**
19 **by a federally recognized Indian tribe in this state or by a member of a federally recognized**
20 **Indian tribe in this state, 19 cents per acre.**

21 (b)(A) **Except as provided by subparagraph (B) of this paragraph, the rates established**
22 **by paragraph (a) of this subsection shall be adjusted annually for inflation since 2024 based**
23 **on the Consumer Price Index for All Urban Consumers, West Region (All Items).**

24 (B) **If the annual adjustment under this paragraph results in a rate that is lower than**
25 **the rate for the previous year, the rate shall remain unchanged from the previous year.**

26 [(b)] (3) Timberland within the district shall be protected by the [*forester*] **State Forester** at a
27 pro rata cost per acre for all timberland within the district boundary. However, forest patrol as-
28 sements levied and assessed under ORS 477.270 against [*such lands*] **timberland** that [*are*] **is** not
29 owned by public agencies may not exceed one-half of the pro rata cost per acre, exclusive of any
30 assessment per acre under ORS 477.880.

31 [(2)] (4) The cost of protection described in this section shall be in accordance with a budget for
32 the district approved by the State Board of Forestry.

33 **SECTION 10.** ORS 477.232 is amended to read:

34 477.232. Subject to the forest patrol assessment limitations set forth in ORS 477.230:

35 (1) Actual costs incurred by the [*forester in the prevention and suppression of*] **State Forester**
36 **in accordance with ORS 321.011 for adequate protection against** fire on grazing land or
37 timberland located within a forest protection district, in excess of the amount budgeted as required
38 by ORS 477.230, but not including those costs eligible for [*equalization by the Oregon Forest Land*
39 *Protection Fund*] **emergency fire cost suppression**, shall be, without regard to proceedings for the
40 collection of the costs:

41 (a) Included in the budget **of a forest protection district** for the next fiscal year; and

42 (b) Levied and assessed against the grazing land or timberland in the district.

43 (2) Budgeted amounts not expended may be carried forward as a credit to the assessment rate
44 **for timberland, as described in ORS 477.230 (4), for the ensuing year.**

45 **SECTION 10a.** ORS 477.270 is amended to read:

1 477.270. (1) Subject to the forest patrol assessment limitations set forth in ORS 477.230:

2 (a) The budgeted cost of the forester, as provided for in ORS 477.205 to 477.281, in providing
3 protection for privately owned forestland shall be a lien upon such property, shall be reported by
4 the forester to the governing body of the county in which the lands are situated on or after July 1
5 of each fiscal year, and shall be levied and collected by the governing body with the next taxes on
6 the land in the same manner and with the same interest, penalty and cost charges as apply to ad
7 valorem property taxes in this state. The governing body shall instruct the proper officer to extend
8 the amounts on the assessment roll in a separate account, and the procedure provided by law for
9 the collection of taxes and delinquent taxes shall apply. Upon collection thereof, the governing body
10 shall repay the entire amount collected to the forester.

11 (b) In lieu of the procedures under paragraph (a) of this subsection, the forester, under the di-
12 rection of the State Board of Forestry, may make direct billing of the budgeted cost to owners of
13 forestland and receive payment of the cost therefrom. In the event that under such billing proce-
14 dures any owners fail to make payment, the unpaid budgeted cost shall become a lien against the
15 property so billed and shall be levied and collected with the next taxes on such property as de-
16 scribed in paragraph (a) of this subsection.

17 (c) The budgeted cost of the forester in providing protection for forestland owned by the state
18 or by a political subdivision shall be paid to the forester on or before the first day of January of the
19 fiscal year for which such protection is to be provided.

20 (2) Except as provided in ORS 477.230 [(2)] (4), all moneys received by the forester pursuant to
21 this section shall be paid into the State Treasury, credited to the State Forestry Department Ac-
22 count and used exclusively for the purposes of ORS 477.205 to 477.281.

23
24 **MINIMUM ASSESSMENT AND SURCHARGE**

25
26 **SECTION 11.** ORS 477.277 is amended to read:

27 477.277. (1)(a) In addition to any other assessment prescribed by ORS 477.205 to 477.281, [in any
28 fiscal year in which the Emergency Fire Cost Committee determines pursuant to ORS 477.760 that the
29 unencumbered balance of the Oregon Forest Land Protection Fund is less than \$22.5 million,] a sur-
30 charge shall **annually** be levied and assessed in the amount of [\$47.50] **\$69.50** for each improved lot
31 or parcel[, *except as provided in ORS 477.760,*] to defray the increased cost of fire suppression on
32 forestland that is caused by the existence of the improvements.

33 **(b)(A) Except as provided in subparagraph (B) of this paragraph, the surcharge estab-**
34 **lished by paragraph (a) of this subsection shall be adjusted annually for inflation since 2024**
35 **based on the Consumer Price Index for All Urban Consumers, West Region (All Items), as**
36 **published by the Bureau of Labor Statistics of the United States Department of Labor.**

37 **(B) If the annual adjustment under this paragraph results in a surcharge that is lower**
38 **than the surcharge for the previous year, the surcharge shall remain unchanged from the**
39 **previous year.**

40 (2) All surcharge moneys collected pursuant to this section shall be paid into the Oregon Forest
41 Land Protection Fund.

42 (3) If an owner of forestland files a forest protection plan with the forester which is approved
43 by the State Board of Forestry under ORS 477.210 (2), the owner shall not be required to pay the
44 surcharge levied under subsection (1) of this section.

45 (4) Contiguous lots included in a combined lot that is described in ORS 477.295 [(3)(a)] **(2)(a)** and

1 whose owner has made application to the forester under ORS 477.295 [(4)] (3) are considered one lot
2 for purposes of subsection (1) of this section.

3 (5) As used in this section, a lot or parcel is “improved” if it is indicated as improved in the
4 county assessor’s property classification files or if a manufactured dwelling is sited on the lot or
5 parcel.

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

7 477.281. (1) The obligation of an owner of timberland or grazing land for payment of assessments
8 and taxes for fire protection of forestland is limited to:

9 (a) The payment of moneys pursuant to ORS 321.015 (2), 477.277[,] **and** 477.295[, 477.760 (4) and
10 477.880 to maintain] **to** the Oregon Forest Land Protection Fund; [and]

11 (b) The payment of forest protection district assessments pursuant to ORS 477.205 to 477.281[.];
12 **and**

13 **(c) The payment of the assessment described in ORS 477.880.**

14 (2) As used in this section, “obligation of an owner of timberland or grazing land for payment
15 of assessments and taxes for fire protection of forestland” does not include the duties or obligations
16 of the owner under ORS 477.066, 477.068 or 477.120 or the obligations of an owner of land included
17 in a rural fire protection district pursuant to ORS 478.010.

18 **SECTION 13.** ORS 477.295 is amended to read:

19 477.295. (1)(a) For purposes of making the levy and assessment of costs against forestland under
20 ORS 477.270, the minimum cost to provide fire protection or suppression for any lot or parcel of real
21 property separately assessed for ad valorem taxes or other taxes provided by law in lieu thereof,
22 on the current assessment roll shall be not less than [\$18.75] **\$27.55**[, *except as provided in ORS*
23 *477.760. Three dollars and seventy-five cents of each minimum assessment shall be paid into the Oregon*
24 *Forest Land Protection Fund. Otherwise,*]. Such assessments shall be determined under ORS 477.230
25 and 477.270.

26 **(b)(A) Except as provided in subparagraph (B) of this paragraph, the minimum cost es-**
27 **tablished by paragraph (a) of this subsection shall be adjusted annually for inflation since**
28 **2024 based on the Consumer Price Index for All Urban Consumers, West Region (All Items),**
29 **as published by the Bureau of Labor Statistics of the United States Department of Labor.**

30 **(B) If the annual adjustment under this paragraph results in a minimum cost that is**
31 **lower than the minimum cost for the previous year, the minimum cost shall remain un-**
32 **changed from the previous year.**

33 [(2) *In any fiscal year in which the Emergency Fire Cost Committee determines pursuant to ORS*
34 *477.760 that the unencumbered balance of the Oregon Forest Land Protection Fund has:*]

35 [(a) *Increased to an amount:*]

36 [(A) *More than \$22.5 million but less than or equal to \$30 million, the minimum assessment re-*
37 *ferred to in subsection (1) of this section shall be \$16.88 for each lot or parcel. Of that amount, \$1.88*
38 *of each minimum assessment shall be paid into the Oregon Forest Land Protection Fund.*]

39 [(B) *More than \$30 million, the minimum assessment referred to in subsection (1) of this section*
40 *shall be \$15 for each lot or parcel. This amount shall be treated in the same manner as assessments*
41 *under ORS 477.230 and 477.270.*]

42 [(b) *Decreased to an amount that is at or below \$22.5 million, the minimum assessment referred to*
43 *in subsection (1) of this section shall be \$18.75 for each lot or parcel. This amount shall be treated in*
44 *the same manner as assessments under subsection (1) of this section.*]

45 [(3)] (2) Upon application to the [forester] **State Forester** under subsection [(4)] (3) of this sec-

tion, contiguous lots held under identical ownership shall be considered as one combined lot for purposes of subsection (1) of this section. However, the following may not be included in a combined lot:

(a) Except as provided in this paragraph, a lot on which a structure has been placed or improvements made for the purpose of erecting any temporary or permanent structure. One lot on which a single-family dwelling has been placed, and lots on which the structures and improvements that are appurtenant to that single-family dwelling have been placed, may be included in a combined lot that does not exceed 20 acres.

(b) A lot that is in a subdivision containing lots that have been or are being offered for sale.

(c) A lot that is not designated forest or agricultural land for the purpose of land use or special tax assessment purposes.

[(4)] (3) To qualify under subsection [(3)] (2) of this section,]:

(a) An owner of forestland [shall] **must** make **an** application to the [forester] **State Forester** no later than April 15 of the fiscal year preceding [each] **the** fiscal year for which the owner desires the land to be assessed under subsection [(3)] (2) of this section. The application [shall] **must** be on a form prescribed by the State Forester. **The State Forester may charge** a fee of \$25 per combined lot [shall], **to** be paid to the [forester] **State Forester** at the time of [first] application for the combined lot.

(b) **After an application under paragraph (a) of this subsection is approved, the owner of the forestland must apply again, as described in paragraph (a) of this subsection, every five years.** [An additional] **The State Forester may charge** a fee of \$25 per combined lot [shall], **to** be paid to the [forester] **State Forester** at the time of subsequent application[, if an application for the combined lot was not made for the previous fiscal year].

[(5)] (4) The State Board of Forestry may adopt rules for the administration of the provisions of subsections [(3) and (4)] (2) and (3) of this section.

[(6)] (5) For the purposes of this section, “lot” and “subdivision” have the meanings given those terms in ORS 92.010.

EMERGENCY FIRE COST COMMITTEE

SECTION 14. ORS 477.440 is amended to read:

477.440. (1) **As used in this section:**

(a) **“Grazing land owner” means an individual, combination of individuals, partnership, corporation or association that holds an ownership interest in grazing land in this state.**

(b) **“Large forest owner” means an individual, combination of individuals, partnership, corporation or association that holds an ownership interest in at least 5,000 acres of timberland in this state.**

(c) **“Small forest owner” means an individual, combination of individuals, partnership, corporation or association that holds:**

(A) **An ownership interest in at least 10 acres, but less than 5,000 acres, of timberland in this state; and**

(B) **All of the acres within a single tax lot and within contiguous parcels owned by the same individual, combination of individuals, partnership, corporation or association.**

(2) **The State Board of Forestry shall appoint an Emergency Fire Cost Committee for the purpose of carrying out the provisions of this section and ORS 477.445, 477.450, 477.455, 477.460,**

1 477.755, 477.760, 477.770 and 477.775.

2 (3) The committee may:

3 (a) Make recommendations to the board concerning the minimum qualifications for
4 serving on the committee.

5 (b) Establish standards, requirements or procedures that the committee considers nec-
6 essary for the effective administration of the committee.

7 (4) The committee shall [*consisting*] consist of [*four*] six members, including one nonvoting
8 representative of the board and five voting members who are appointed by the board as fol-
9 lows:

10 (a) Two members who [*shall be*] are, or are representatives of, large forest [*landowners or*
11 *representatives of forest landowners*] owners whose forestland is being assessed for forest fire pro-
12 tection within a forest protection district.

13 (b) Two members who are, or are representatives of, small forest owners whose
14 forestland is being assessed for forest fire protection within a forest protection district.

15 (c) One member who is, or is a representative of, a grazing land owner whose forestland
16 is being assessed for forest fire protection within a forest protection district.

17 (5) The board shall appoint at least one member [*shall be selected*] from each forest region [*of*
18 *the state*] established under ORS 527.640.

19 (6) Members shall serve at the pleasure of the board.

20 [(2)] (7) Members [*of the Emergency Fire Cost Committee*] shall be appointed [*by the board*] for
21 four-year terms. [*Appointments under this subsection shall be made by the board within 60 days after*
22 *July 21, 1987.*]

23 (8) If there is a vacancy for any cause, the board shall make an appointment to become imme-
24 diately effective for the unexpired term.

25 **SECTION 15.** (1) The State Board of Forestry shall appoint the first five voting members
26 of the Emergency Fire Cost Committee described in ORS 477.440, as amended by section 14
27 of this 2024 Act, on or before December 31, 2024.

28 (2) Notwithstanding ORS 477.440 (7), of the voting members of the committee first ap-
29 pointed by the board:

30 (a) One shall serve for a term ending one year after the date of appointment.

31 (b) One shall serve for a term ending two years after the date of appointment.

32 (c) One shall serve for a term ending three years after the date of appointment.

33 (d) Two shall serve for a term ending four years after the date of appointment.

34 (3) The board may appoint to the committee persons serving on the committee on the
35 effective date of this 2024 Act who qualify under ORS 477.440, as amended by section 14 of
36 this 2024 Act.

37 **SECTION 16.** ORS 477.445 is amended to read:

38 477.445. The Emergency Fire Cost Committee shall:

39 (1) [*Supervise and control*] **Oversee** the distribution of funds from the Oregon Forest Land Pro-
40 tection Fund established under ORS 477.750.

41 (2) **Review expenditures from the fund.**

42 (3) **Review budgets for forest protection districts and provide recommendations on the**
43 **budgets to the State Board of Forestry.**

44 (4) **Prior to the beginning of each fiscal year, distribute payments for the fiscal year**
45 **budgets of forest protection districts to the State Forestry Department and forest protection**

1 **districts.**

2 **SECTION 17.** ORS 477.450 is amended to read:

3 477.450. (1) [After July 1, 1961,] The Emergency Fire Cost Committee shall meet and elect one
4 of its members **as** chairperson. [The chairperson shall hold office for a period determined by the
5 committee.]

6 (2) Whenever the office of chairperson of the committee becomes vacant, the committee at its
7 next regular or special meeting shall elect one of its members to fill the vacancy.

8 **SECTION 18.** ORS 477.455 is amended to read:

9 477.455. (1) Regular meetings of the Emergency Fire Cost Committee shall be held quarterly
10 [prior to the day set for meetings of the State Board of Forestry], as otherwise provided by law.

11 (2) Special meetings of the committee may be called by its chairperson or by [three] **a majority**
12 **of the voting** members.

13 (3) The act or decision of [any three] **a majority of the voting** members shall be deemed the
14 act or decision of the committee.

15 [(2)] (4) A staff member of the State Forestry Department shall be designated by the State
16 Forester to serve as administrator for the committee.

17 **(5) The committee may employ staff members, in coordination with the State Forester.**

18 **SECTION 19.** ORS 477.460 is amended to read:

19 477.460. (1) The administrator **described in ORS 477.455** shall:

20 (a) Act as secretary of the Emergency Fire Cost Committee; and [shall]

21 (b) Carry out the provisions of ORS 477.440 to 477.460 in such manner as the committee shall
22 direct.

23 (2) The salary and other expenses of the administrator **and of staff members** shall be paid from
24 the Oregon Forest Land Protection Fund as are other expenses of the committee.

25 [(2)] (3) Members of the committee are entitled to compensation and expenses as provided in
26 ORS 292.495.

27
28 **OREGON FOREST LAND PROTECTION FUND**

29
30 **SECTION 20.** ORS 477.750 is amended to read:

31 477.750. (1) The Oregon Forest Land Protection Fund is created, separate and distinct from the
32 General Fund.

33 (2) [This fund] **The Oregon Forest Land Protection Fund** shall be held by the State Treasurer
34 as a trust fund for the uses and purposes provided in ORS 477.750 to 477.775 [and 477.880].

35 (3) The State Treasurer shall deposit and invest moneys in the fund as provided by law, taking
36 into account its uses and purposes. Interest earned by the fund shall be credited to the fund.

37 [(2)] (4) Notwithstanding any other law and as limited by ORS 477.750 to 477.775 [and 477.880],
38 that part of the suspense account created by ORS 321.145 that is derived from the tax levied by ORS
39 321.015 (2) after refunds and other costs permitted by law, shall be credited to the Oregon Forest
40 Land Protection Fund.

41 **SECTION 21.** ORS 477.755 is amended to read:

42 477.755. (1) As used in this section, "annual expenditure" means the expenses of the Oregon
43 Forest Land Protection Fund obligated in any 12-month period [designated by the Emergency Fire
44 Cost Committee by rule, corresponding to the policy period of any insurance for emergency fire costs],
45 **consistent with the fiscal year budgeting of the State Forestry Department.**

1 (2) Notwithstanding ORS 291.238, the moneys in the Oregon Forest Land Protection Fund are
2 continuously appropriated to the Emergency Fire Cost Committee for the purposes of:

3 [(a) *Equalizing emergency fire suppression costs for safeguarding forestland in any forest pro-*
4 *tection district;*]

5 **(a) Making payments for the fiscal year budgets of forest protection districts, but not for**
6 **centralized administration costs;**

7 (b) Paying necessary [*administrative*] expenses, not to exceed the limit authorized by the Legis-
8 lative Assembly each biennium;

9 [(c) *Contributing to the payment of emergency fire suppression costs insurance premiums, subject*
10 *to the payment limitation established in ORS 477.775 (4);*]

11 [(d) *Paying costs related to the availability and mobilization of emergency fire suppression re-*
12 *sources on a statewide basis; and*]

13 [(e)] **(c)** Paying for nonroutine purchases of supplemental fire prevention, detection or sup-
14 pression resources that will enhance the ability of the forester to perform fire protection responsi-
15 bilities within a forest protection district[.]; **and**

16 **(d) Issuing loans to the department or forest protection associations that relate to nec-**
17 **essary wildfire costs.**

18 [(3) *Notwithstanding any other provision of law, the annual expenditure from the Oregon Forest*
19 *Land Protection Fund from revenues received from ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2),*
20 *477.750 (1) and (2), 477.760 (4) and 477.880 may not exceed the lesser of:*]

21 [(a) *\$13.5 million; or*]

22 [(b) *The sum of:*]

23 [(A) *The lesser of \$10 million or 50 percent of the eligible annual fire suppression costs determined*
24 *by the committee;*]

25 [(B) *Necessary administrative expenses as determined by the committee and authorized under the*
26 *limit described in subsection (2)(b) of this section;*]

27 [(C) *Contributions to the payment of emergency fire suppression costs insurance premiums, subject*
28 *to the payment limitation established in ORS 477.775 (4);*]

29 [(D) *The lesser of \$3 million or three-fifths of the actual cost of activities described in ORS 477.777*
30 *(1)(b) and (c); and*]

31 [(E) *Any amounts expended for nonroutine purchases described in subsection (2)(e) of this*
32 *section.*]

33 **SECTION 22.** ORS 477.760 is amended to read:

34 477.760. [(1) *The reserve base of the Oregon Forest Land Protection Fund is \$22.5 million. On or*
35 *about the last day of February of each year*] The Emergency Fire Cost Committee shall:

36 **(1) Adopt rules relating to the administration of the Oregon Forest Land Protection**
37 **Fund.**

38 **(2) [Meet and] Annually** determine the unencumbered balance of the fund as of **the end of** the
39 preceding [February 16] **calendar year.**

40 [(2) *In order to maintain the reserve base of the fund at \$22.5 million, the Emergency Fire Cost*
41 *Committee may request and the State Treasurer may approve transfers to the fund in accordance with*
42 *ORS 293.205 to 293.225, if the moneys in this fund fall below the reserve base, whether or not there*
43 *are sufficient moneys in the fund to pay the obligations of the fund. Repayment of any such transfers*
44 *shall be made from moneys paid into the fund pursuant to ORS 321.015 (2), 477.277 and 477.880 and*
45 *from such other moneys as may be credited to the fund therefor.*]

1 [(3) *If the committee determines that the moneys in the fund exceed:*]

2 [(a) *The reserve base, and that no repayment obligations are outstanding from transfers made*
3 *pursuant to subsection (2) of this section, then the Department of Revenue shall reduce the taxes de-*
4 *scribed in ORS 321.015 (2) by 50 percent for the following calendar year and the surcharge for each*
5 *improved lot or parcel described in ORS 477.277 and the assessments described in ORS 477.880 shall*
6 *be reduced by 50 percent for the following fiscal year.*]

7 [(b) *\$30 million, and that no repayment obligations are outstanding from transfers made pursuant*
8 *to subsection (2) of this section, then the Department of Revenue may not collect the taxes described in*
9 *ORS 321.015 (2) for the following calendar year and the surcharge for each improved lot or parcel*
10 *described in ORS 477.277 and the assessments described in ORS 477.880 may not be collected until the*
11 *calendar year or fiscal year following the determination of the committee that the unencumbered bal-*
12 *ance in the fund is less than or equal to \$22.5 million.*]

13 [(4)(a) *Notwithstanding any other provision of law, if the funds referred to in subsection (2) of this*
14 *section are inadequate to cover repayment of transfers from the State Treasurer or from other sources,*
15 *the State Forester shall increase the following taxes, assessments and charges in an amount adequate*
16 *to ensure repayment of the transfers, and any interest accrued thereon, allowing for contingencies in*
17 *valuation, assessment and collection:*]

18 [(A) *The harvest tax referred to in ORS 321.015 (2).*]

19 [(B) *The surcharge on developed lots referred to in ORS 477.277.*]

20 [(C) *The minimum assessment referred to in ORS 477.295.*]

21 [(D) *The acreage assessments referred to in ORS 477.880 (2).*]

22 [(b) *The increases to taxes, assessments and charges shall be apportioned based upon the propor-*
23 *tionate levels of revenues received from each source by the Oregon Forest Land Protection Fund. Any*
24 *such increases shall be computed on or before January 1 of each year, and shall be based upon re-*
25 *venues received during the previous four quarters. Any such increases shall be made in the appropriate*
26 *calendar or fiscal year following that in which the requested transfers from the State Treasurer or from*
27 *other sources are made.*]

28 **SECTION 23. (1) As soon as practicable after the effective date of this 2024 Act, the**
29 **Emergency Fire Cost Committee shall complete all audits of moneys in the Oregon Forest**
30 **Land Protection Fund.**

31 **(2) On the effective date of this 2024 Act, all moneys in the fund shall remain in the fund.**

32 **(3) All moneys due to the fund on or before the effective date of this 2024 Act shall be**
33 **credited to the fund.**

34 **SECTION 24.** ORS 477.770 is amended to read:

35 477.770. **(1) In addition to the rules described in ORS 477.760,** the Emergency Fire Cost
36 Committee shall promulgate rules relating to the disposition of moneys from the Oregon Forest Land
37 Protection Fund.

38 **(2) [Under such] The rules [the committee] may:**

39 **(a)** Require that [*prior to the payment of moneys from the fund the forest protection district expend*
40 *an amount for emergency fire suppression not to exceed a per acre amount determined to be 10 percent*
41 *of the total budgeted amount of all districts as set forth in ORS 477.220 to 477.415 divided by the total*
42 *protected acres of all districts. However, any such amount per acre shall apply uniformly to each forest*
43 *protection district*], **before receiving a reimbursement for emergency fire costs, forest pro-**
44 **tection districts expend a specified amount.**

45 **(b) Set forth a process for reviewing the disbursement of moneys from the fund.**

1 (c) **Establish best practices for reviewing:**

2 (A) **Forest protection district budgets; and**

3 (B) **Emergency fire suppression costs.**

4 **SECTION 25.** ORS 477.775 is amended to read:

5 477.775. (1) *[Prior to February 1 of each year]* **At the first regularly scheduled meeting of the**
6 **Emergency Fire Cost Committee in a calendar year**, the *[Emergency Fire Cost Committee]* **com-**
7 **mittee** and the *[forester]* **State Forester** shall consult regarding the purchase of emergency fire
8 suppression costs insurance and the level of coverage to purchase for the fire season of that year.

9 (2) In determining whether the purchase of insurance is advisable, the *[forester]* **State Forester**
10 and the committee shall consider:

11 (a) The cost, coverage and deductible of insurance available from private insurance carriers;

12 (b) The funding available for fire suppression *[from the Oregon Forest Land Protection Fund and*
13 *other sources]*;

14 (c) The current condition of forests;

15 (d) Long-term weather predictions;

16 (e) Available fire fighting resources; and

17 (f) Available funds for the purchase of insurance.

18 (3) If *[the committee and the forester agree]* **the State Forester decides** to purchase insurance,
19 the *[forester]* **State Forester** shall purchase insurance through the Oregon Department of Adminis-
20 trative Services *[to cover any lawful expense incurred by the State Forestry Department, or contractors*
21 *or cooperators, that is payable by the Oregon Forest Land Protection Fund]*. The insurance may be
22 obtained through negotiation or competitive bids, whichever is in the best interest of the state[]], *its*
23 *contractors and cooperators]*.

24 *[(4) The Oregon Forest Land Protection Fund may not be charged for payment of more than one-*
25 *half of any premium for the insurance.]*

26 **SECTION 26.** ORS 477.777 is amended to read:

27 477.777. (1) As part of the preparation of the agency request budget submitted to the Oregon
28 Department of Administrative Services pursuant to ORS 291.208 for the State Forestry Department,
29 the State Forester shall prepare, in addition to any amounts budgeted for forest protection districts
30 pursuant to ORS 477.205 to 477.281, a request for a General Fund appropriation for the following
31 purposes:

32 (a) Providing funds for the purchase of emergency fire suppression costs insurance under ORS
33 477.775.

34 (b) Acquiring and placing centrally managed fire suppression resources for statewide use.

35 (c) Acquiring fast-mobilizing, short-term contingency resources to be used based on predictions
36 of severe fire weather, widespread lightning events or serious resource shortage due to a heavy fire
37 season in this state, in the western region of the United States or nationally.

38 (d) Enhancing forest protection district resources in cases where land productivity or other
39 economic factors seriously limit the ability of the *[forester]* **State Forester** to perform fire pro-
40 tection responsibilities.

41 (e) Mitigating forest patrol assessment rates in cases where land productivity or other economic
42 factors seriously limit the ability of the owners of forestlands in the forest protection district to
43 comply with ORS 477.210 (1).

44 (f) **Providing funds for centralized administration costs.**

45 (g) **For deposit into the State Forestry Department Large Wildfire Fund established by**

1 **section 6 of this 2024 Act, providing funds for costs associated with obligations to the General**
2 **Fund due to estimated emergency firefighting costs.**

3 (2) The State Forester shall utilize critical discretion in the expenditure of the funds provided
4 to the State Forestry Department pursuant to the separate request required under subsection (1) of
5 this section.

6 (3) The State Forester shall report to the Emergency Board, each year, after the close of the fire
7 season, on:

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

9 (b) The moneys expended on fire suppression, **including moneys expended on resources ac-**
10 **quired in accordance with subsection (1)(b) and (c) of this section and moneys expended for**
11 **emergency firefighting costs;**

12 (c) The balance remaining from the biennial appropriation; and

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

15 (4) When reporting the nature and severity of the fire season under subsection (3) of this section,
16 for each fire consuming 1,000 or more acres, the State Forester shall provide information regarding
17 *[the resulting losses on private lands of timber, buildings, fencing and livestock and of grazing land*
18 *capacity if the land is expected to be unavailable for two or more grazing seasons.]*:

19 (a) **The number of buildings that were damaged or destroyed by fire during the fire sea-**
20 **son.**

21 (b) **The number of acres of forestland that were burned during the fire season and an**
22 **estimate of the economic value of the effects on the forestland.**

23 (c) **The number of acres of grazing land that were burned during the fire season and an**
24 **estimate of the economic value of the effects on the grazing land.**

25 (d) **Any other information the State Forester deems relevant.**

26 **SECTION 27.** ORS 291.055 is amended to read:

27 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
28 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the
29 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
30 of adjournment sine die of the next regular session of the Legislative Assembly:

31 (a) Are not effective for agencies in the executive department of government unless approved
32 in writing by the Director of the Oregon Department of Administrative Services;

33 (b) Are not effective for agencies in the judicial department of government unless approved in
34 writing by the Chief Justice of the Supreme Court;

35 (c) Are not effective for agencies in the legislative department of government unless approved
36 in writing by the President of the Senate and the Speaker of the House of Representatives;

37 (d) Shall be reported by the state agency to the Oregon Department of Administrative Services
38 within 10 days of their adoption; and

39 (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assem-
40 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth
41 the approved fees.

42 (2) This section does not apply to:

43 (a) Any tuition or fees charged by a public university listed in ORS 352.002.

44 (b) Taxes or other payments made or collected from employers for unemployment insurance re-
45 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-

1 butions and assessments calculated by cents per hour for workers' compensation coverage required
2 by ORS 656.506.

3 (c) Fees or payments required for:

4 (A) Health care services provided by the Oregon Health and Science University, by the Oregon
5 Veterans' Homes pursuant to ORS 408.362 and 408.365 to 408.385 and by other state agencies and
6 institutions pursuant to ORS 179.610 to 179.770.

7 (B) Copayments and premiums paid to the Oregon medical assistance program.

8 (C) Assessments paid to the Department of Consumer and Business Services under sections 3
9 and 5, chapter 538, Oregon Laws 2017.

10 (d) Fees created or authorized by statute that have no established rate or amount but are cal-
11 culated for each separate instance for each fee payer and are based on actual cost of services pro-
12 vided.

13 (e) State agency charges on employees for benefits and services.

14 (f) Any intergovernmental charges.

15 (g) Forest protection district assessment rates established by ORS 477.210 to 477.265 [*and the*
16 *Oregon Forest Land Protection Fund fees established by ORS 477.760*].

17 (h) State Department of Energy assessments required by ORS 456.595 and 469.421 (8).

18 (i) Assessments on premiums charged by the Director of the Department of Consumer and
19 Business Services pursuant to ORS 731.804 or fees charged by the director to banks, trusts and
20 credit unions pursuant to ORS 706.530 and 723.114.

21 (j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to
22 the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

23 (k) Fees charged by the Housing and Community Services Department for intellectual property
24 pursuant to ORS 456.562.

25 (L) New or increased fees that are anticipated in the legislative budgeting process for an
26 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
27 budget or the legislatively approved budget for the agency.

28 (m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

29 (n) Portal provider fees as defined in ORS 276A.270 and established by the State Chief Infor-
30 mation Officer under ORS 276A.276 (3) and recommended by the Electronic Government Portal Ad-
31 visory Board.

32 (o) Fees set by the State Parks and Recreation Director and approved by the State Parks and
33 Recreation Commission under ORS 390.124 (2)(b).

34 (3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unex-
35 pected and temporary revenue surpluses may be increased to not more than their prior level without
36 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency
37 specifies the following:

38 (A) The reason for the fee decrease; and

39 (B) The conditions under which the fee will be increased to not more than its prior level.

40 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-
41 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

42
43 **ACREAGE ASSESSMENT**

44
45 **SECTION 28.** ORS 477.880 is amended to read:

1 477.880. (1) An assessment for the cost of fire protection and suppression is levied upon the
2 owners of all forestland that has been classified under ORS 526.305 to 526.370 and that is protected
3 from the start or spread of fire thereon or therefrom by:

4 (a) The forester under ORS 477.210 (4), with the approval of the State Board of Forestry;

5 (b) The United States of America through contract or agreement with the forester or board;

6 (c) Any forest protective agency under contract or agreement with the forester or board pursu-
7 ant to ORS 477.406; or

8 (d) Any forest protective agency, described in paragraph (c) of this subsection, under a contract
9 or agreement with the United States of America wherein such agency agrees to protect specific
10 federal forestlands, and in return, the United States of America agrees to protect specific lands of
11 such agency.

12 (2)(a) [*Except as otherwise provided in ORS 477.760,*] For each fiscal year the assessment levied
13 per acre of ownership of forestland designated in subsection (1) of this section shall be[.] **sufficient**
14 **to collect \$5 million.**

15 [*(a) Seven and one-half cents for all forestlands east of the summit of the Cascade Mountains and*
16 *all forestlands which have been classified Class 3, agricultural class, under ORS 526.305 to 526.370;*
17 *or*]

18 [*(b) Five cents for all forestlands not described in paragraph (a) of this subsection.*]

19 **(b)(A) Except as provided by subparagraph (B) of this paragraph, the rate established by**
20 **paragraph (a) of this subsection shall be adjusted annually for inflation since 2024 based on**
21 **the Consumer Price Index for All Urban Consumers, West Region (All Items).**

22 **(B) If the annual adjustment under this paragraph results in a rate that is lower than**
23 **the rate for the previous year, the rate shall remain unchanged from the previous year.**

24 **(3) The receipts from the assessment levied by this section shall be used for:**

25 **(a) Acquiring and placing centrally managed fire suppression resources for statewide use;**
26 **and**

27 **(b) Acquiring fast-mobilizing, short-term contingency resources to be used based on**
28 **predictions of:**

29 **(A) Severe fire weather;**

30 **(B) Widespread lightning events; or**

31 **(C) Serious resource shortages due to a heavy fire season in this state, in the western**
32 **region of the United States or nationally.**

33 **SECTION 29.** ORS 477.970 is amended to read:

34 477.970. The receipts from the assessment levied by ORS 477.880 shall be paid into the [*Oregon*
35 *Forest Land Protection Fund*] **State Treasury, credited to the State Forestry Department Ac-**
36 **count and expended for the purposes described in ORS 477.880 (3).**

37
38 **STATE FORESTRY DEPARTMENT STUDY**
39

40 **SECTION 30.** (1) The State Forestry Department shall study the zone 1 designation de-
41 scribed in ORS 476.310 and 476.320.

42 (2) On or before January 1, 2025, the department shall submit a report, in the manner
43 prescribed by ORS 192.245, on the results of the study, and may include recommendations for
44 legislation, to interim committees of the Legislative Assembly related to wildfire.

45 **SECTION 31.** Section 30 of this 2024 Act is repealed on January 2, 2026.

CAPTIONS

1
2
3 **SECTION 32.** The unit captions used in this 2024 Act are provided only for the conven-
4 ience of the reader and do not become part of the statutory law of this state or express any
5 legislative intent in the enactment of this 2024 Act.

6
7 **EFFECTIVE DATE**

8
9 **SECTION 33.** This 2024 Act takes effect on the 91st day after the date on which the 2024
10 regular session of the Eighty-second Legislative Assembly adjourns sine die.
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