

HOUSE AMENDMENTS TO HOUSE BILL 4133

By COMMITTEE ON REVENUE

February 27

- 1 On page 1 of the printed bill, line 3, after “477.232,” insert “477.270.”
- 2 In line 4, after “477.775” delete the rest of the line.
- 3 In line 5, delete “477.880, 477.960 and 477.970” and insert “, 477.777, 477.880 and 477.970”.
- 4 On page 2, delete lines 19 through 23 and insert:
- 5 “(b)(A) The rate set under paragraph (a) of this subsection for any calendar year shall be ad-
- 6 justed by the percentage, if any, by which the monthly averaged Consumer Price Index for All Urban
- 7 Consumers, West Region (All Items) for the 12 consecutive months ending August 31 of the prior
- 8 calendar year exceeds the monthly averaged index for the 12 consecutive months ending August 31,
- 9 2024.
- 10 “(B) The adjustment computed under subparagraph (A) of this paragraph shall be rounded to the
- 11 nearest one-tenth of a cent.”.
- 12 On page 4, after line 29, insert:
- 13 **“SECTION 5a. The amendments to ORS 321.005, 321.011, 321.012, 321.015 and 321.017 by**
- 14 **sections 1 to 5 of this 2024 Act apply to calendar years beginning on or after January 1,**
- 15 **2025.”.**
- 16 Delete lines 33 through 39 and insert:
- 17 **“SECTION 6. (1) The State Forestry Department Large Wildfire Fund is established in**
- 18 **the State Treasury, separate and distinct from the General Fund.**
- 19 **“(2) The State Forestry Department Large Wildfire Fund shall be held by the State**
- 20 **Treasurer as a trust fund for use by the State Forestry Department for wildfire mitigation**
- 21 **and suppression. The State Treasurer shall deposit and invest moneys in the fund as pro-**
- 22 **vided by law, taking into account its uses. Interest earned by the fund shall be credited to**
- 23 **the fund.**
- 24 **“(3) The fund consists of moneys appropriated by the Legislative Assembly for deposit in**
- 25 **the fund and other moneys appropriated to, allocated to, deposited in or transferred to the**
- 26 **fund by the Legislative Assembly or otherwise.”.**
- 27 On page 5, line 6, delete “and”.
- 28 Delete lines 7 and 8 and insert:
- 29 “(b) The following services, provided statewide and in areas of this state by the department:
- 30 “(A) Fire management on forestland;
- 31 “(B) Emergency response and support; and
- 32 “(C) Other services not described in this paragraph; and
- 33 “(c) The procurement of supplies related to purposes described in this subsection.”.
- 34 On page 6, line 29, delete “fire” and insert “forest”.
- 35 Delete lines 36 through 45.

1 On page 7, delete lines 1 through 12 and insert:

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

3 “477.230. (1) The annual cost of protection provided by the [forester] **State Forester** for
4 forestland within a forest protection district shall be as [follows:] **described in this section.**

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

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

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

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

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

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

24 “[*2*] **(4)** The cost of protection described in this section shall be in accordance with a budget
25 for the district approved by the State Board of Forestry.”.

26 In line 23, after “rate” insert “for timberland, as described in ORS 477.230 (4).”.

27 After line 24, insert:

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

29 “477.270. (1) Subject to the forest patrol assessment limitations set forth in ORS 477.230:

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

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

45 “(c) The budgeted cost of the forester in providing protection for forestland owned by the state

1 or by a political subdivision shall be paid to the forester on or before the first day of January of the
2 fiscal year for which such protection is to be provided.

3 “(2) Except as provided in ORS 477.230 [(2)] (4), all moneys received by the forester pursuant
4 to this section shall be paid into the State Treasury, credited to the State Forestry Department
5 Account and used exclusively for the purposes of ORS 477.205 to 477.281.”.

6 On page 8, delete lines 8 through 17 and insert:

7 “**SECTION 12.** ORS 477.281 is amended to read:

8 “477.281. (1) The obligation of an owner of timberland or grazing land for payment of assess-
9 ments and taxes for fire protection of forestland is limited to:

10 “(a) The payment of moneys pursuant to ORS 321.015 (2), 477.277[,] **and** 477.295[, 477.760 (4) and
11 477.880 to maintain] **to** the Oregon Forest Land Protection Fund; [and]

12 “(b) The payment of forest protection district assessments pursuant to ORS 477.205 to
13 477.281[.]; **and**

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

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

19 On page 10, after line 43, insert:

20 “(4) Prior to the beginning of each fiscal year, distribute payments for the fiscal year budgets
21 of forest protection districts to the State Forestry Department and forest protection districts.”.

22 On page 11, delete lines 38 through 45.

23 On page 12, delete lines 1 through 28 and insert:

24 “**SECTION 21.** ORS 477.755 is amended to read:

25 “477.755. (1) As used in this section, ‘annual expenditure’ means the expenses of the Oregon
26 Forest Land Protection Fund obligated in any 12-month period [*designated by the Emergency Fire
27 Cost Committee by rule, corresponding to the policy period of any insurance for emergency fire costs*],
28 **consistent with the fiscal year budgeting of the State Forestry Department.**

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

31 “[*(a) Equalizing emergency fire suppression costs for safeguarding forestland in any forest pro-
32 tecton district;*]

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

35 “(b) Paying necessary [*administrative*] expenses, not to exceed the limit authorized by the Leg-
36 islative Assembly each biennium;

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

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

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

44 “**(d) Issuing loans to the department or forest protection associations that relate to
45 necessary wildfire costs.**

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

4 “[(a) \$13.5 million; or]

5 “[(b) The sum of:]

6 “[(A) The lesser of \$10 million or 50 percent of the eligible annual fire suppression costs deter-
7 mined by the committee;]

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

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

12 “[(D) The lesser of \$3 million or three-fifths of the actual cost of activities described in ORS
13 477.777 (1)(b) and (c); and]

14 “[(E) Any amounts expended for nonroutine purchases described in subsection (2)(e) of this
15 section.]”.

16 In line 32, delete “reserve base” and insert “administration”.

17 On page 13, delete lines 29 through 40 and insert:

18 “**SECTION 24.** ORS 477.770 is amended to read:

19 “477.770. (1) **In addition to the rules described in ORS 477.760**, the Emergency Fire Cost
20 Committee shall promulgate rules relating to the disposition of moneys from the Oregon Forest Land
21 Protection Fund.

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

23 “(a) Require that [prior to the payment of moneys from the fund the forest protection district ex-
24 pend an amount for emergency fire suppression not to exceed a per acre amount determined to be 10
25 percent of the total budgeted amount of all districts as set forth in ORS 477.220 to 477.415 divided by
26 the total protected acres of all districts. However, any such amount per acre shall apply uniformly to
27 each forest protection district], **before receiving a reimbursement for emergency fire costs, for-**
28 **est protection districts expend a specified amount.**

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

30 “(c) **Establish best practices for reviewing:**

31 “(A) **Forest protection district budgets; and**

32 “(B) **Emergency fire suppression costs.**”.

33 On page 14, delete lines 36 through 39 and insert:

34 “(f) Providing funds for centralized administration costs.

35 “(g) For deposit into the State Forestry Department Large Wildfire Fund established by section
36 6 of this 2024 Act, providing funds for costs associated with obligations to the General Fund due to
37 estimated emergency firefighting costs.”.

38 On page 15, line 1, after “suppression” insert “, including moneys expended on resources ac-
39 quired in accordance with subsection (1)(b) and (c) of this section and moneys expended for emer-
40 gency firefighting costs”.

41 On page 16, delete lines 32 through 35 and insert:

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 pur-
7 suant 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**
20 **by paragraph (a) of this subsection shall be adjusted annually for inflation since 2024 based**
21 **on 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**
26 **use; 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**

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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.”.**

1 In line 39, delete "29" and insert "32".

2 In line 45, delete "30" and insert "33".

3
