

A-Engrossed
Senate Bill 862

Ordered by the Senate March 19
Including Senate Amendments dated March 19

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for State Fire Marshal)

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 about fire districts. The Act tells an agency to adopt a base fire prevention code. (Flesch Readability Score: 76.9).

Makes certain changes related to rural fire protection districts.

Instructs the Department of the State Fire Marshal to adopt a base fire prevention code.

Makes certain changes related to names for rural fire protection districts.

A BILL FOR AN ACT

1
2 Relating to fire protection; creating new provisions; amending ORS 478.260, 478.270, 478.970, 478.972,
3 478.980 and 478.982; and repealing ORS 478.940.

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

5 **SECTION 1.** ORS 478.260 is amended to read:

6 478.260. (1) The district board shall select a fire chief [*qualified by actual experience as a fire-*
7 *fighter and person who is trained in fire prevention, or otherwise,*] and assistants[, *volunteer or oth-*
8 *erwise,*] and fix their compensation. The fire chief shall be responsible for the equipment and
9 properties of the district. Under the direction of the board, the fire chief shall be responsible for the
10 conduct of the fire department.

11 (2) The board, with advice and counsel of the fire chief, shall select the location of the [*fire*
12 *house or houses or headquarters*] **facilities** of the fire department of the district. Such sites shall
13 be chosen with a view to the best service to the residents and properties of the whole district and
14 may be acquired by purchase or exercise of the powers of eminent domain in the manner provided
15 by ORS chapter 35. The board may purchase apparatus and equipment as needed by the district, and
16 provide a water system, ponds or reservoirs for the storage of water for fire-fighting purposes. Or
17 the board may contract with water companies or districts, or both, for water service and facilities
18 at a rate of compensation mutually agreed upon. The board also may divide the district into zones
19 or subdivisions and provide an adequate system or code of fire alarms or signals by telephone, bell,
20 whistle, siren or other means of communication.

21 (3) A district may:

22 (a) Acquire real property or an easement, by purchase or other voluntary agreement, for the
23 purpose of establishing a fire evacuation route.

24 (b) Construct or maintain a fire evacuation route on property:

25 (A) Owned by the district or over which the district has an easement for the purpose of a fire

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 evacuation route; or

2 (B) Owned by a person or governmental entity or over which a person or governmental entity
3 has an easement for the purpose of a fire evacuation route, with authorization from the person or
4 governmental entity.

5 (c) Participate in an agreement related to the construction, maintenance or use of a fire evac-
6 uation route.

7 (4) A district may operate or acquire and operate, or contract for the operation of, emergency
8 medical service equipment and vehicles both within and without the boundaries of the district. A
9 district may conduct ambulance operations only in conformance with a county plan adopted under
10 ORS 682.062 for ambulance services and ambulance service areas and with rules of the Oregon
11 Health Authority relating to such services and service areas. Service authorized under a county
12 plan includes authorization for a district to provide ambulance services by intergovernmental
13 agreement with any other unit of local government designated by the plan to provide ambulance
14 services.

15 (5) As used in this section, “ambulance services” has the meaning given that term in ORS
16 682.027.

17 **SECTION 2.** ORS 478.270 is amended to read:

18 478.270. (1) The district board shall report [*monthly*] to the State Fire Marshal, upon forms pre-
19 scribed by the State Fire Marshal, information the State Fire Marshal may require, and shall, at any
20 time, upon request furnish further report or information required by the State Fire Marshal.

21 (2) The State Fire Marshal shall cooperate in the formation, operation and administration of
22 districts. The Department of the State Fire Marshal shall prepare and make available uniform forms
23 for reports required by this section and other uniform forms and blanks the State Fire Marshal
24 considers advisable.

25 **SECTION 3.** ORS 478.940 is repealed.

26 **SECTION 4.** (1) **The Department of the State Fire Marshal shall:**

27 (a) **Adopt a base fire prevention code, identified as the Oregon Fire Code;**

28 (b) **Keep the base fire prevention code on file at the state headquarters; and**

29 (c) **Make a copy of the base fire prevention code publicly available electronically.**

30 (2) **If a fire district adopts a fire prevention code that contains provisions in addition to**
31 **the provisions in the base fire prevention code adopted by the department, the fire district**
32 **shall:**

33 (a) **Keep a copy of the fire district’s fire prevention code, and additional provisions, on**
34 **file at the fire district administrative office; and**

35 (b) **Make copies of the fire district’s fire prevention code, and additional provisions, pub-**
36 **licly available electronically.**

37 **SECTION 5.** ORS 478.970 is amended to read:

38 478.970. The purpose of ORS 478.970 to 478.982 is to establish [*an identification name*] **a unique**
39 **identifier** for each district to be used for statistical purposes by the State Fire Marshal and in the
40 process of insurance rating. ORS 478.970 to 478.982 do not alter or add to the corporate title or
41 identification of a district organized or established by law.

42 **SECTION 6.** ORS 478.972 is amended to read:

43 478.972. (1) When a district is organized, the first board **or chief of the district** shall [*notify*]
44 **request, in writing or via electronic communication, that** the State Fire Marshal [*in writing of*
45 *the identification name for the district*] **issue a unique identifier to the district.**

1 (2) Except as provided in this subsection, upon receipt of a *[written notice]* **request** from the
2 board **or chief, as described in subsection (1) of this section**, the State Fire Marshal shall im-
3 mediately assign the district *[the identification name. The fire marshal shall notify the board in writ-*
4 *ing if the name conflicts with the name of another fire district in this state]* **a unique identifier**.

5 (3) The district board **or chief** shall *[notify the fire marshal as provided]* **submit a request de-**
6 **scribed** in subsection (1) of this section within 30 days after the act that completes the organization
7 or establishment of the district.

8 **SECTION 7.** ORS 478.980 is amended to read:

9 478.980. In the event of a consolidation or merger of two or more districts, *[the consolidated*
10 *board shall select a name for the surviving or successor district in the manner provided in ORS*
11 *478.972]* **the State Fire Marshal shall determine a unique identifier for the consolidated or**
12 **merged districts.**

13 **SECTION 8.** ORS 478.982 is amended to read:

14 478.982. In the event of a dissolution of a district, the *[name]* **unique identifier** assigned to the
15 district *[is available for assignment]* **may not be assigned** to another district.

16
