

D R A F T

SUMMARY

Reduces limit on forest patrol assessment rates for lands located east of summit of Cascade Mountains and certain other areas. Applies to assessments levied and assessed on or after July 1, 2013.

Changes permissible use of moneys in Oregon Forest Land Protection Fund. Alters and creates statutory limits on expenditures from fund.

Deletes certain mandatory items from State Forester budget request.

Changes required content of annual report by State Forester to Emergency Board.

A BILL FOR AN ACT

1
2 Relating to fire protection; creating new provisions; amending ORS 477.230,
3 477.270, 477.755 and 477.777; and limiting expenditures.

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

5 **SECTION 1.** ORS 477.230 is amended to read:

6 477.230. (1) The annual cost of protection provided by the forester for
7 forestland within a forest protection district shall be as follows:

8 (a) Grazing land within the district shall be protected by the forester at
9 a pro rata cost per acre for all grazing land within the district boundary.

10 However, forest patrol assessments levied and assessed under ORS 477.270
11 against such lands that are not owned by public agencies:

12 **(A) For land that is west of the summit of the Cascade Mountains,**
13 **except as provided in paragraph (c) of this subsection,** may not exceed
14 [*one-half*] **50 percent** of the pro rata cost per acre, exclusive of any assess-
15 ment per acre under ORS 477.880.

16 **(B) For land that is east of the summit of the Cascade Mountains**
17 **and land described in paragraph (c) of this subsection,** may not exceed

1 **40 percent of the pro rata cost per acre, exclusive of any assessment**
2 **per acre under ORS 477.880.**

3 (b) Timberland within the district shall be protected by the forester at a
4 pro rata cost per acre for all timberland within the district boundary. How-
5 ever, forest patrol assessments levied and assessed under ORS 477.270 against
6 such lands that are not owned by public agencies:

7 **(A) For land that is west of the summit of the Cascade Mountains,**
8 **except as provided in paragraph (c) of this subsection, may not exceed**
9 **[one-half] 50 percent** of the pro rata cost per acre, exclusive of any assess-
10 ment per acre under ORS 477.880.

11 **(B) For land that is east of the summit of the Cascade Mountains**
12 **and land described in paragraph (c) of this subsection, may not exceed**
13 **40 percent of the pro rata cost per acre, exclusive of any assessment**
14 **per acre under ORS 477.880.**

15 **(c) The assessment rate limits established in paragraphs (a)(B) and**
16 **(b)(B) of this subsection are applicable to grazing lands and**
17 **timberlands located west of the summit of the Cascade Mountains if**
18 **the lands are:**

19 **(A) Located in Hood River County and within a forest protection**
20 **district; or**

21 **(B) Within a forest protection district that is predominantly com-**
22 **posed of lands in Jackson and Josephine Counties.**

23 (2) The cost of protection described in this section shall be in accordance
24 with a budget for the district approved by the State Board of Forestry.

25 **SECTION 2.** ORS 477.270 is amended to read:

26 477.270. (1) Subject to the forest patrol assessment limitations set forth
27 in ORS 477.230:

28 (a) The budgeted cost of the forester, as provided for in ORS 477.205 to
29 477.281, in providing protection for privately owned forestland shall be a lien
30 upon such property, shall be reported by the forester to the governing body
31 of the county in which the lands are situated on or after July 1 of each fiscal

1 year, and shall be levied and collected by the governing body with the next
 2 taxes on the land in the same manner and with the same interest, penalty
 3 and cost charges as apply to ad valorem property taxes in this state. The
 4 governing body shall instruct the proper officer to extend the amounts on the
 5 assessment roll in a separate account, and the procedure provided by law for
 6 the collection of taxes and delinquent taxes shall apply. Upon collection
 7 thereof, the governing body shall repay the entire amount collected to the
 8 forester.

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

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

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

24 **SECTION 3.** ORS 477.755 is amended to read:

25 477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon For-
 26 est Land Protection Fund are appropriated continuously to the Emergency
 27 Fire Cost Committee [*and shall be used*] for **the purposes of** equalizing
 28 emergency fire suppression costs, [*for*] safeguarding forestland in any forest
 29 protection district, **paying costs related to the availability and**
 30 **mobilization of emergency fire suppression resources on a statewide**
 31 **basis** and [*for*] **paying** necessary administrative expenses. However, [*such*]

1 administrative expenses may not exceed the limit authorized by the Legisla-
2 tive Assembly each biennium.

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

7 (a) \$10 million[.]; or

8 (b) **The sum of 50 percent of the eligible annual emergency fire**
9 **suppression costs determined by the Emergency Fire Cost Committee**
10 **plus 50 percent of the annual premium for emergency fire suppression**
11 **costs insurance purchased under ORS 477.775.**

12 (3) As used in this section, “annual expenditure” means the expenses of
13 the Oregon Forest Land Protection Fund obligated in any 12-month period
14 designated by the Emergency Fire Cost Committee by rule that corresponds
15 to the policy period of any insurance for emergency fire costs.

16 **SECTION 4.** ORS 477.777 is amended to read:

17 477.777. (1) As part of the preparation of the budget forms submitted to
18 the Oregon Department of Administrative Services pursuant to ORS 291.208
19 for the State Forestry Department, the State Forester shall prepare, in ad-
20 dition to any amounts budgeted for forest protection districts pursuant to
21 ORS 477.205 to 477.281, a budget request for a General Fund appropriation
22 that may be used for [*any or all of*] the following:

23 (a) Providing funds for the purchase of insurance under ORS 477.775.

24 [(b) *Placement of centrally managed fire suppression resources for statewide*
25 *use.*]

26 [(c) *Acquisition of fast-mobilizing, short-term contingency resources to be*
27 *used based on predictions of unusually severe fire weather, widespread light-*
28 *ning events or serious resource shortage due to a heavy fire season.*]

29 [(d)] (b) Enhancement of forest protection district resources in limited
30 cases where land productivity or other economic factors seriously limit the
31 protection district’s ability to provide adequate funding to meet performance

1 standards.

2 [(2) *The State Forester shall utilize critical discretion in the expenditure*
3 *of the funds provided to the State Forestry Department pursuant to the sepa-*
4 *rate budget request required under subsection (1) of this section.*]

5 [(3)] (2) The State Forester shall report to the Emergency Board, each
6 year, after the close of the fire season, on:

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

8 (b) The moneys expended on fire suppression;

9 [(c) *The rationale for the expenditures; and*]

10 [(d) *The balance remaining from the biennial appropriation.*]

11 (c) **The specific amounts, if any, determined by the Emergency Fire**
12 **Cost Committee to have been expended as emergency fire suppression**
13 **costs; and**

14 (d) **Any matters arising out of the fire season that may require at-**
15 **tention by the Emergency Board or the Legislative Assembly.**

16 **SECTION 5. (1) The amendments to ORS 477.230 by section 1 of this**
17 **2012 Act apply to assessments levied and assessed on or after July 1,**
18 **2013.**

19 (2) **The amendments to ORS 477.270, 477.755 and 477.777 by sections**
20 **2 to 4 of this 2012 Act become operative July 1, 2013.**

21
