

**PROPOSED AMENDMENTS TO
HOUSE BILL 4042**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and line 3 and insert “477.755 and 477.777; appropriating money; limiting
3 expenditures; and prescribing an effective date.”.

4 Delete lines 5 through 28 and delete pages 2 and 3 and insert:

5 **“SECTION 1.** ORS 477.755 is amended to read:

6 “477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon
7 Forest Land Protection Fund are **continuously** appropriated [*continuously*]
8 to the Emergency Fire Cost Committee [*and*] **for the purpose of minimiz-**
9 **ing the risk to public and private entities of costs, resource loss and**
10 **environmental damage from wildfires. Subject to the amount limits**
11 **established in subsection (2) of this section, the fund shall be used for:**

12 “(a) Equalizing emergency fire suppression costs [*for*];

13 “(b) Safeguarding forestland in any forest protection district[, *and for*];

14 “(c) **Paying up to 50 percent of costs related to the availability and**
15 **mobilization of emergency fire suppression resources on a statewide**
16 **basis;**

17 “(d) **Paying up to 50 percent of the cost of emergency fire sup-**
18 **pression costs insurance; and**

19 “(e) **Paying** necessary administrative expenses, **not to exceed** [*However,*
20 *such administrative expenses may not exceed*] the limit authorized by the
21 Legislative Assembly each biennium.

22 “(2) Notwithstanding any other provision of law, the annual expenditure

1 from the [*Oregon Forest Land Protection*] fund from revenues received from
2 ORS 321.015 (2), 477.277 (1), 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4)
3 and 477.880 [(2) *may not exceed \$10 million.*] **may not exceed the lesser of:**

4 **“(a) \$12.5 million; or**

5 **“(b) The sum of:**

6 **“(A) The lesser of \$2 million or 50 percent of the costs of activities**
7 **described in ORS 477.777 (1)(b) and (c);**

8 **“(B) Fifty percent of the annual premium for emergency fire sup-**
9 **pression costs insurance purchased under ORS 477.775;**

10 **“(C) The lesser of \$2.5 million or 50 percent of eligible annual**
11 **emergency fire suppression costs as determined by the committee;**

12 **“(D) The lesser of \$7.5 million or the amount by which eligible an-**
13 **ual emergency fire suppression costs exceed \$5 million but do not**
14 **exceed the policy deductible for emergency fire suppression costs in-**
15 **surance; and**

16 **“(E) Necessary administrative expenses as determined by the com-**
17 **mittee and authorized under the limit described in subsection (1)(e)**
18 **of this section.**

19 **“(3) As used in this section, ‘annual expenditure’ means the expenses of**
20 **the [*Oregon Forest Land Protection*] fund obligated in any 12-month period**
21 **designated by the [*Emergency Fire Cost*] committee by rule that corresponds**
22 **to the policy period of any insurance for emergency fire **suppression** costs.**

23 **“SECTION 2.** ORS 477.755, as amended by section 1 of this 2012 Act, is
24 amended to read:

25 **“477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon**
26 **Forest Land Protection Fund are continuously appropriated to the Emer-**
27 **gency Fire Cost Committee for the purpose of minimizing the risk to public**
28 **and private entities of costs, resource loss and environmental damage from**
29 **wildfires. Subject to the amount limits established in subsection (2) of this**
30 **section, the fund shall be used for:**

- 1 “(a) Equalizing emergency fire suppression costs;
2 “(b) Safeguarding forestland in any forest protection district;
3 “(c) Paying up to 50 percent of costs related to the availability and
4 mobilization of emergency fire suppression resources on a statewide basis;
5 “(d) Paying up to 50 percent of the cost of emergency fire suppression
6 costs insurance; and
7 “(e) Paying necessary administrative expenses, not to exceed the limit
8 authorized by the Legislative Assembly each biennium.

9 “(2) Notwithstanding any other provision of law, the annual expenditure
10 from the fund from revenues received from ORS 321.015 (2), 477.277 (1),
11 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4) and 477.880 may not exceed
12 the lesser of:

13 “(a) \$12.5 million; or

14 “(b) The sum of:

15 “(A) The lesser of \$2 million or 50 percent of the costs of activities de-
16 scribed in ORS 477.777 (1)(b) and (c);

17 “(B) Fifty percent of the annual premium for emergency fire suppression
18 costs insurance purchased under ORS 477.775;

19 “(C) The lesser of [~~\$2.5~~] **\$5** million or 50 percent of eligible annual emer-
20 gency fire suppression costs as determined by the committee;

21 “(D) The lesser of [~~\$7.5~~] **\$5** million or the amount by which eligible annual
22 emergency fire suppression costs exceed [~~\$5~~] **\$10** million but do not exceed
23 the policy deductible for emergency fire suppression costs insurance; and

24 “(E) Necessary administrative expenses as determined by the committee
25 and authorized under the limit described in subsection (1)(e) of this section.

26 “(3) As used in this section, ‘annual expenditure’ means the expenses of
27 the fund obligated in any 12-month period designated by the committee by
28 rule that corresponds to the policy period of any insurance for emergency
29 fire suppression costs.

30 “**SECTION 3.** ORS 477.755, as amended by sections 1 and 2 of this 2012

1 Act, is amended to read:

2 "477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon
3 Forest Land Protection Fund are continuously appropriated to the Emer-
4 gency Fire Cost Committee for the purpose of minimizing the risk to public
5 and private entities of costs, resource loss and environmental damage from
6 wildfires. Subject to the amount limits established in subsection (2) of this
7 section, the fund shall be used for:

8 "(a) Equalizing emergency fire suppression costs;

9 "(b) Safeguarding forestland in any forest protection district;

10 "(c) Paying up to 50 percent of costs related to the availability and
11 mobilization of emergency fire suppression resources on a statewide basis;

12 "(d) Paying up to 50 percent of the cost of emergency fire suppression
13 costs insurance; and

14 "(e) Paying necessary administrative expenses, not to exceed the limit
15 authorized by the Legislative Assembly each biennium.

16 "(2) Notwithstanding any other provision of law, the annual expenditure
17 from the fund from revenues received from ORS 321.015 (2), 477.277 (1),
18 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4) and 477.880 may not exceed
19 the lesser of:

20 "(a) \$12.5 million; or

21 "(b) The sum of:

22 "(A) The lesser of \$2 million or 50 percent of the costs of activities de-
23 scribed in ORS 477.777 (1)(b) and (c);

24 "(B) Fifty percent of the annual premium for emergency fire suppression
25 costs insurance purchased under ORS 477.775;

26 "(C) The lesser of [~~\$5~~] **\$7.5** million or 50 percent of eligible annual emer-
27 gency fire suppression costs as determined by the committee;

28 "(D) The lesser of [~~\$5~~] **\$2.5** million or the amount by which eligible an-
29 nual emergency fire suppression costs exceed [~~\$10~~] **\$15** million but do not
30 exceed the policy deductible for emergency fire suppression costs insurance;

1 and

2 “(E) Necessary administrative expenses as determined by the committee
3 and authorized under the limit described in subsection (1)(e) of this section.

4 “(3) As used in this section, ‘annual expenditure’ means the expenses of
5 the fund obligated in any 12-month period designated by the committee by
6 rule that corresponds to the policy period of any insurance for emergency
7 fire suppression costs.

8 **“SECTION 4.** ORS 477.755, as amended by sections 1, 2 and 3 of this 2012
9 Act, is amended to read:

10 “477.755. (1) Notwithstanding ORS 291.238, the moneys in the Oregon
11 Forest Land Protection Fund are continuously appropriated to the Emer-
12 gency Fire Cost Committee for the purpose of minimizing the risk to public
13 and private entities of costs, resource loss and environmental damage from
14 wildfires. Subject to the amount limits established in subsection (2) of this
15 section, the fund shall be used for:

16 “(a) Equalizing emergency fire suppression costs;

17 “(b) Safeguarding forestland in any forest protection district;

18 “(c) Paying up to 50 percent of costs related to the availability and
19 mobilization of emergency fire suppression resources on a statewide basis;

20 “(d) Paying up to 50 percent of the cost of emergency fire suppression
21 costs insurance; and

22 “(e) Paying necessary administrative expenses, not to exceed the limit
23 authorized by the Legislative Assembly each biennium.

24 “(2) Notwithstanding any other provision of law, the annual expenditure
25 from the fund from revenues received from ORS 321.015 (2), 477.277 (1),
26 477.295 (1) and (2), 477.750 (1) and (2), 477.760 (4) and 477.880 may not exceed
27 the lesser of:

28 “(a) \$12.5 million; or

29 “(b) The sum of:

30 “(A) The lesser of \$2 million or 50 percent of the costs of activities de-

1 scribed in ORS 477.777 (1)(b) and (c);

2 “(B) Fifty percent of the annual premium for emergency fire suppression
3 costs insurance purchased under ORS 477.775;

4 “(C) The lesser of [~~\$7.5~~] **\$10** million or 50 percent of eligible annual
5 emergency fire suppression costs as determined by the committee; **and**

6 “[~~(D)~~] *The lesser of \$2.5 million or the amount by which eligible annual*
7 *emergency fire suppression costs exceed \$15 million but do not exceed the policy*
8 *deductible for emergency fire suppression costs insurance; and]*

9 “[~~(E)~~] **(D)** Necessary administrative expenses as determined by the com-
10 mittee and authorized under the limit described in subsection (1)(e) of this
11 section.

12 “(3) As used in this section, ‘annual expenditure’ means the expenses of
13 the fund obligated in any 12-month period designated by the committee by
14 rule that corresponds to the policy period of any insurance for emergency
15 fire suppression costs.

16 “**SECTION 5.** 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*] **for the following**
23 **purposes:**

24 “(a) Providing funds for the purchase of **emergency fire suppression**
25 **costs** insurance under ORS 477.775.

26 “(b) [*Placement of*] **Placing** centrally managed fire suppression resources
27 for statewide use.

28 “(c) [*Acquisition of*] **Acquiring** fast-mobilizing, short-term contingency
29 resources to be used based on predictions of unusually severe fire weather,
30 widespread lightning events or serious resource shortage due to a heavy fire

1 season in this state, in the western region of the United States or na-
2 tionally.

3 “(d) [*Enhancement of*] **Enhancing** forest protection district resources or
4 **mitigating forest patrol assessment rates** in limited cases where land
5 productivity, **fire frequency, fire potential** or other economic factors seri-
6 ously limit the protection district’s ability to provide [*adequate*] funding
7 **adequate and necessary** to meet performance standards.

8 “(2) Unless the Legislative Assembly expressly provides otherwise,
9 the State Forestry Department may not expend more than \$3 million
10 per year to carry out the activities described in subsection (1)(b) to (d)
11 of this section.

12 “[2] (3) The State Forester shall utilize critical discretion in the ex-
13 penditure of the funds provided to the [*State Forestry*] department pursuant
14 to the separate budget request required under subsection (1) of this section.

15 “[3] (4) The State Forester shall report to the Emergency Board, each
16 year, after the close of the fire season, on:

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

18 “(b) The moneys expended on fire suppression;

19 “[c] *The rationale for the expenditures; and*]

20 “[d] (c) The balance remaining from the biennial appropriation[.]; and

21 “(d) Any matters arising out of the fire season that may require
22 attention or warrant future consideration by the board or the Legis-
23 lative Assembly.

24 “SECTION 6. The amendments to ORS 477.755 by section 1 of this
25 2012 Act apply to annual expenditures for periods designated as pro-
26 vided in ORS 477.755 (3) that begin on or after July 1, 2013.

27 “SECTION 7. The amendments to ORS 477.755 by section 2 of this
28 2012 Act apply to annual expenditures for periods designated as pro-
29 vided in ORS 477.755 (3) that begin on or after July 1, 2014.

30 “SECTION 8. The amendments to ORS 477.755 by section 3 of this

1 2012 Act apply to annual expenditures for periods designated as pro-
2 vided in ORS 477.755 (3) that begin on or after July 1, 2015.

3 **“SECTION 9.** The amendments to ORS 477.755 by section 4 of this
4 2012 Act apply to annual expenditures for periods designated as pro-
5 vided in ORS 477.755 (3) that begin on or after July 1, 2016.

6 **“SECTION 10.** The amendments to ORS 477.777 by section 5 of this
7 2012 Act apply to:

8 **“(1)** Budget requests for biennia that begin on or after July 1, 2013;

9 **“(2)** Yearly expenditures from General Fund appropriations for
10 biennia that begin on or after July 1, 2013; and

11 **“(3)** Yearly reports that the State Forester makes to the Emergency
12 Board on or after July 1, 2013.

13 **“SECTION 11.** This 2012 Act takes effect on the 91st day after the
14 date on which the 2012 regular session of the Seventy-sixth Legislative
15 Assembly adjourns sine die.”.

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