

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2379**

1 On page 1 of the printed bill, line 4, after “321.991,” insert “477.230,” and
2 delete “477.880, 477.960, 477.970,” and insert “477.777,”.

3 In line 7, delete “and 477.777” and insert “, 477.880, 477.960 and 477.970”.

4 Delete lines 13 through 23 and insert:

5 **“SECTION 1. (1) As used in sections 1 to 5 of this 2021 Act, ‘pond**
6 **value’ means the amount a mill will pay for a log delivered to the mill**
7 **location.**

8 **“(2) A severance tax is imposed at the time of the harvest of timber**
9 **from forestland other than small tract forestland as defined in ORS**
10 **321.700.**

11 **“(3) The tax is imposed on the owner of timber at the time of har-**
12 **vest, and remains a liability of the owner of timber until paid.**

13 **“(4) The tax is imposed at the following rates multiplied by the pond**
14 **value of the timber at the time of harvest, regardless of whether the**
15 **forestland of the owner is contiguous:**

16 **“(a) 3 percent, for owners of 100 acres of forestland or less.**

17 **“(b) 4 percent, for owners of more than 100 acres, but not more than**
18 **640 acres, of forestland.**

19 **“(c) 5 percent, for owners of more than 640 acres of forestland.**

20 **“(d) The percentage set forth in paragraphs (a) to (c) of this sub-**
21 **section, reduced by one percentage point, for owners described in**

1 paragraphs (a) to (c) of this subsection, respectively, whose forestland
2 management is certified by the Forest Stewardship Council.

3 “(5)(a) The first 25,000 feet, board measure, of timber harvested
4 annually by any taxpayer during each calendar year, regardless of the
5 species or variety of the trees, shall be excluded from the total quan-
6 tity of timber subject to the tax imposed under this section.

7 “(b) The taxpayer may select the species and varieties of trees ex-
8 cluded under this subsection.

9 “(6) Timber subject to the severance tax imposed under this section
10 is not taxable personal property for purposes of ORS 308.105.”.

11 In line 24, delete “mail” and insert “send”.

12 In line 28, delete “mailed” and insert “sent”.

13 On page 2, line 3, delete “the last day of January” and insert “April 15”.

14 In line 5, delete “the last day of”.

15 In line 6, delete “January” and insert “April 15”.

16 In line 9, after “The” insert “pond”.

17 In line 14, before “deliver” insert “otherwise”.

18 In line 18, delete “the last day”.

19 In line 19, delete “of January” and insert “April 15”.

20 In line 20, delete “the last day of January” and insert “April 15”.

21 Delete lines 28 through 45.

22 On page 3, delete lines 1 and 2 and insert:

23 **“SECTION 4. (1) After withholding amounts equal to the actual**
24 **expenses incurred by the Department of Revenue in collecting the**
25 **severance tax imposed under section 1 of this 2021 Act, the department**
26 **shall pay over the balance of the revenue to the State Treasurer for**
27 **deposit in a suspense account established under ORS 293.445.**

28 **“(2) After the payment of refunds, the balance of the suspense ac-**
29 **count shall be distributed as follows:**

30 **“(a) 40 percent to the Emergency Wildfire Fund established under**

1 **section 5 of this 2021 Act.**

2 **“(b) 30 percent to the general fund of each county in the proportion,**
3 **determined as of the time of harvest, that the pond value of the timber**
4 **harvested in the county bears to the total pond value of all timber**
5 **harvested in all counties. Counties shall use the moneys for the pur-**
6 **poses of wildfire emergency preparedness and public safety as it relates**
7 **to wildfire.**

8 **“(c) 10 percent to the State Forestry Department Account estab-**
9 **lished under ORS 526.060. Notwithstanding ORS 291.238, the moneys**
10 **transferred to the State Forestry Department Account under this**
11 **paragraph are continuously appropriated to the State Forester, under**
12 **the supervision and direction of the State Board of Forestry, for the**
13 **purposes of administering the Oregon Forest Practices Act and the**
14 **forest practices monitoring program.**

15 **“(d) 5 percent to the Forest Research and Experiment Account es-**
16 **tablished under ORS 321.185 to be used for the forest resource re-**
17 **search, experimentation and studies described in ORS 526.215 and for**
18 **the Forest Research Laboratory established under ORS 526.225.**

19 **“(e) 7.5 percent to each rural fire protection district that has an**
20 **annual budget of less than \$50 million, in the proportion that the total**
21 **acreage of forestland within the boundaries of the district bears to the**
22 **total acreage of forestland within the boundaries of all rural fire pro-**
23 **tection districts described in this paragraph.**

24 **“(f) 7.5 percent to the Watershed Conservation Grant Fund estab-**
25 **lished under ORS 541.947.”.**

26 Delete line 11 and insert:

27 **“(e) Other moneys or property of any kind received for the fund from any**
28 **source.”.**

29 Delete lines 15 and 16 and insert “\$125 million, the amount in excess shall
30 be distributed in the same manner as described in section 4 (2)(f) of this 2021

1 Act.”.

2 Delete line 19.

3 In line 23, delete the period and insert “; and

4 “(c) The acquisition of equipment, and the operational costs, associated
5 with the creation of defensible space to protect structures situated on or
6 adjacent to forestland.”.

7 On page 7, line 28, delete “and 477.777” and insert “, 477.880, 477.960 and
8 477.970”.

9 On page 18, line 18, delete “ORS 477.880 and”.

10 Delete lines 38 through 45.

11 On page 19, delete line 1.

12 In line 2, delete “29” and insert “28”.

13 In line 11, delete “30” and insert “29”.

14 In line 16, delete “31” and insert “30”.

15 On page 20, delete lines 32 through 45.

16 On page 21, delete lines 1 through 4.

17 In line 5, delete “33” and insert “31”.

18 Delete lines 15 through 18.

19 In line 19, delete “35” and insert “32”.

20 After line 40, insert:

21 **“SECTION 33.** ORS 477.230 is amended to read:

22 “477.230. (1) The annual cost of protection provided by the forester for
23 forestland within a forest protection district shall be as follows:

24 “(a) Grazing land within the district shall be protected by the forester at
25 a pro rata cost per acre for all grazing land within the district boundary.
26 However, forest patrol assessments levied and assessed under ORS 477.270
27 against such lands that are not owned by public agencies may not exceed
28 one-half of the pro rata cost per acre[, *exclusive of any assessment per acre*
29 *under ORS 477.880*].

30 “(b) Timberland within the district shall be protected by the forester at

1 a pro rata cost per acre for all timberland within the district boundary.
2 However, forest patrol assessments levied and assessed under ORS 477.270
3 against such lands that are not owned by public agencies may not exceed
4 one-half of the pro rata cost per acre[, *exclusive of any assessment per acre*
5 *under ORS 477.880*].

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

8 **“SECTION 34.** ORS 477.777 is amended to read:

9 “477.777. (1) As part of the preparation of the agency request budget
10 submitted to the Oregon Department of Administrative Services pursuant to
11 ORS 291.208 for the State Forestry Department, the State Forester shall
12 prepare, in addition to any amounts budgeted for forest protection districts
13 pursuant to ORS 477.205 to 477.281, a request for a General Fund appropri-
14 ation for [*the following purposes:*]

15 “[*(a)*] Providing funds for the purchase of emergency fire suppression
16 costs insurance under ORS 477.775.

17 “[*(b)* *Acquiring and placing centrally managed fire suppression resources*
18 *for statewide use.*]

19 “[*(c)* *Acquiring fast-mobilizing, short-term contingency resources to be used*
20 *based on predictions of severe fire weather, widespread lightning events or*
21 *serious resource shortage due to a heavy fire season in this state, in the west-*
22 *ern region of the United States or nationally.*]

23 “[*(d)* *Enhancing forest protection district resources in cases where land*
24 *productivity or other economic factors seriously limit the ability of the forester*
25 *to perform fire protection responsibilities.*]

26 “[*(e)* *Mitigating forest patrol assessment rates in cases where land produc-*
27 *tivity or other economic factors seriously limit the ability of the owners of*
28 *forestlands in the forest protection district to comply with ORS 477.210 (1).*]

29 “(2) The State Forester shall utilize critical discretion in the expenditure
30 of the funds provided to the State Forestry Department pursuant to the sep-

1 arate request required under subsection (1) of this section.

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

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

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

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

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

9 “(4) When reporting the nature and severity of the fire season under
10 subsection (3) of this section, for each fire consuming 1,000 or more acres,
11 the State Forester shall provide information regarding the resulting losses
12 on private lands of timber, buildings, fencing and livestock and of grazing
13 land capacity if the land is expected to be unavailable for two or more
14 grazing seasons.”.

15 In line 44 delete “36” and insert “35”.

16 On page 22, line 5, delete “37” and insert “36”.

17 In line 6, delete “35” and insert “34”.

18 In line 8, delete “38” and insert “37”.

19 In line 9, delete “37” and insert “36”.

20 In line 12, delete “39” and insert “38”.

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