

HOUSE AMENDMENTS TO HOUSE BILL 2328

By COMMITTEE ON ENVIRONMENT

April 4

1 On page 1 of the printed bill, line 3, delete “480.420” and insert “476.060”.

2 Delete lines 10 through 29 and insert:

3 “(2) A local government may not regulate the siting, installation, maintenance or removal of a
4 liquid petroleum gas container or receptacle regulated by the State Fire Marshal pursuant to ORS
5 480.410 to 480.460, except as provided in subsection (3) of this section or ORS 480.450 (7).

6 “(3) A local government may:

7 “(a) Regulate the siting and installation of a liquid petroleum gas container or receptacle with
8 a capacity of more than 1,200 gallons or a group of containers and receptacles with an aggregate
9 capacity of more than 4,000 gallons to protect the public health and safety.

10 “(b) Regulate the siting and installation of liquid petroleum gas containers or receptacles in a
11 flood plain regulated by local ordinance.

12 “(c) Regulate the siting and installation of liquid petroleum gas containers or receptacles that
13 are not accessory to an authorized or authorizable land use.

14 “(d) Prohibit the siting and installation of liquid petroleum gas containers or receptacles of
15 specified types or sizes in specific zones within an urban growth boundary to protect the public
16 health and safety.

17 “(e) Regulate, through the local government’s assistant to the State Fire Marshal as described
18 in ORS 476.060, the placement of liquid petroleum gas containers or receptacles for the purpose of
19 fire prevention.”.

20 On page 2, delete lines 1 through 23.

21 In line 24, delete “4” and insert “3”.

22 On page 3, line 30, delete “as provided in section 2 (3) of this 2005 Act” and insert “pursuant
23 to ORS 480.450 (7)”.

24 In line 31, after “regulated” insert “exclusively”.

25 On page 4, after line 34, insert:

26 “**SECTION 4.** ORS 476.060 is amended to read:

27 “476.060. (1) All fire marshals in those governmental subdivisions having such officers, and
28 where no such officer exists, the chief of the fire department of every city or rural fire protection
29 district in which a fire department is established, the marshal or chief of police, officer of any city
30 in which no fire department exists, and constables, if any, shall be, by virtue of the offices held by
31 them, assistants to the State Fire Marshal without additional recompense, subject to the duties and
32 obligations imposed by law, and shall be subject to the direction of the State Fire Marshal in the
33 execution of the provisions of this section and ORS 476.070, 476.090, 476.150 and 476.210 **and section**
34 **2 of this 2005 Act.**

35 “(2) In addition to other duties under subsection (1) of this section, an individual designated as

1 an assistant to the State Fire Marshal shall aid in the administration and enforcement of ORS
2 480.200 to 480.290 and 480.990 (6) upon the request of the State Fire Marshal.”
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