

A-Engrossed
House Bill 3160

Ordered by the House June 2
Including House Amendments dated June 2

Sponsored by Representative MARSH, Senator FREDERICK; Representative GRAYBER

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.

Establishes Oregon Wildfire Preparedness and Community Protection Fund. **Continuously appropriates moneys in fund to State Fire Marshal**, and directs **State Treasurer, at request of State Fire Marshal, to transfer moneys from fund to State Fire Marshal**, State Forestry Department and Oregon Watershed Enhancement Board to make expenditures [*from fund*] of moneys for various activities related to restoration, protection and recovery from wildfires.

[*Requires insurer each year to remit to Director of Department of Consumer and Business Services surcharge of \$10 for each policy of insurance that is casualty insurance or property insurance. Permits insurer each year to recoup from insureds amount insurer remitted to director. Requires director to deposit proceeds of surcharge into Oregon Wildfire Preparedness and Community Protection Fund.*]

A BILL FOR AN ACT

1
2 Relating to wildfire recovery.

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

4 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS**
5 **chapter 477.**

6 **SECTION 2. (1) The Oregon Wildfire Preparedness and Community Protection Fund is**
7 **established in the State Treasury, separate and distinct from the General Fund. Moneys in**
8 **the Oregon Wildfire Preparedness and Community Protection Fund are continuously appro-**
9 **propriated to the State Fire Marshal for the purposes specified in this section and section 3 of**
10 **this 2021 Act.**

11 **(2)(a) At the written request of the State Fire Marshal, the State Treasurer shall trans-**
12 **fer moneys from the balance available in the Oregon Wildfire Preparedness and Community**
13 **Protection Fund on August 1 of each year to the following funds in accordance with the**
14 **specified allocations:**

15 **(A) Fifty percent to the State Fire Marshal Fund. The State Fire Marshal shall retain the**
16 **transferred moneys in a special account and expend the moneys as provided in section 3 (1)**
17 **of this 2021 Act.**

18 **(B) Twenty-five percent to the State Forestry Department Account. The State Forester**
19 **shall retain the transferred moneys in a special subaccount and expend the moneys as pro-**
20 **vided in section 3 (2) of this 2021 Act.**

21 **(C) Twenty-five percent to the Watershed Conservation Grant Fund. The Oregon**
22 **Watershed Enhancement Board shall retain the transferred moneys in a special account and**
23 **expend the moneys as provided in section 3 (3) of this 2021 Act.**

24 **(b) Each agency that receives a transfer of funds from the Oregon Wildfire Preparedness**

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 and Community Protection Fund under paragraph (a) of this subsection shall keep a record
2 of the account or subaccount into which the agency deposits the transferred moneys, indi-
3 cating the source of the transfer and the activity or program against which the agency
4 charges any withdrawal. An agency may invest the moneys in the applicable account or
5 subaccount described in paragraph (a)(A), (B) or (C) of this subsection in the same manner
6 as other state moneys. The agency must credit any interest earned on investments to the
7 appropriate account or subaccount.

8 (c) Each agency that receives a transfer of funds from the Oregon Wildfire Preparedness
9 and Community Protection Fund under paragraph (a) of this subsection may retain a portion
10 of the transferred moneys to pay the agency's costs in administering the account or subac-
11 count into which the agency deposits the transferred moneys.

12 (d) If moneys credited to an account or subaccount are withdrawn, transferred or oth-
13 erwise used for a program other than a program or activity described in section 3 of this 2021
14 Act, interest accrues at the rate specified in ORS 82.010 on the amount withdrawn from the
15 date of the withdrawal until the moneys are restored.

16 (3) The total amount that all agencies listed in subsection (2)(a) of this section may re-
17 tain from the moneys in the Oregon Wildfire Preparedness and Community Protection Fund
18 to pay costs associated with administering a fund, account, subaccount, expenditure, grant
19 or program described in this section or section 3 of this 2021 Act may not exceed, in the
20 aggregate, more than 10 percent of the balance of the Oregon Wildfire Preparedness and
21 Community Protection Fund on August 1 of each year.

22 (4) The State Fire Marshal, the Oregon Watershed Enhancement Board and the State
23 Forestry Department may accept, from whatever source, gifts or grants of moneys given for
24 the purposes set forth in section 3 of this 2021 Act. Each agency shall deposit any such
25 moneys into the Oregon Wildfire Preparedness and Community Protection Fund. All moneys
26 deposited in this manner are available for allocation as described in subsection (2)(a) of this
27 section, unless the donor or grantor of the moneys specifies a condition for the use of the
28 moneys, in which case the agency that received the gift or grant shall use the moneys in
29 conformance with the condition the donor or grantor specified.

30 **SECTION 3.** (1)(a) The State Fire Marshal shall expend moneys or provide grants from
31 the Oregon Wildfire Preparedness and Community Protection Fund established under section
32 2 of this 2021 Act to assist communities in:

33 (A) Preparing for and protecting against wildfires;

34 (B) Funding full-time firefighters; and

35 (C) Developing and implementing community wildfire protection plans and programs that
36 are based upon or that comply with standards promulgated by the National Fire Protection
37 Association's Firewise USA and the Fire Adapted Communities Learning Network or that
38 otherwise serve community needs for protection against wildfires.

39 (b) The State Fire Marshal shall adopt rules to guide the State Fire Marshal's imple-
40 mentation of the programs described in this subsection. At a minimum, the rules must:

41 (A) Specify the purposes, goals and criteria for funding projects under paragraph (a) of
42 this subsection, along with criteria for evaluating the success of each project;

43 (B) Specify the purposes, goals and eligibility criteria for grants under paragraph (a) of
44 this subsection, along with criteria for determining whether a grant recipient has made use
45 of grant moneys in accordance with the purposes and goals; and

1 (C) Provide forms and specify application procedures by means of which a community
2 may apply for a grant under paragraph (a) of this subsection.

3 (2)(a) The State Forestry Department shall use moneys from the Oregon Wildfire
4 Preparedness and Community Protection Fund to:

5 (A) Restore landscape resiliency;

6 (B) Reduce hazardous fuel levels to improve forest health; and

7 (C) Reduce forest vulnerability to drought, insect infestation and disease by taking ap-
8 propriate forest management actions such as thinning and prescribed burning.

9 (b) In implementing the programs described in paragraph (a) of this subsection, the State
10 Forestry Department shall give priority to programs, activities or projects that protect lives,
11 communities and infrastructure, that improve and enhance watershed health, water quality
12 and resiliency in response to changes in the climate and that achieve reductions in wildfire
13 risk. After seeking and receiving necessary permissions and cooperation, the State Forestry
14 Department may conduct programs on federal, state, local and private lands.

15 (c) The State Forestry Department shall adopt rules to guide the department's imple-
16 mentation of the programs described in this subsection.

17 (3) The Oregon Watershed Enhancement Board shall use moneys from the Oregon
18 Wildfire Preparedness and Community Protection Fund to conduct or fund recovery activ-
19 ities, such as reforestation, watershed rehabilitation, drinking water protection, slope sta-
20 bilization and erosion control, in areas that have been subjected to wildfires.

21 (4) The State Fire Marshal, the State Forestry Department and the Oregon Watershed
22 Enhancement Board shall jointly:

23 (a) Consult and cooperate with each of the other agencies identified in this subsection in
24 adopting rules to implement the areas of responsibility each agency has under this section;
25 and

26 (b) Coordinate with each of the other agencies in developing and implementing programs
27 and activities to the maximum extent practicable in order to reduce duplication and over-
28 lapping or redundant efforts. At a minimum, coordination must consist of cooperatively de-
29 veloping and implementing:

30 (A) Work plans;

31 (B) Programs and activities; and

32 (C) Monitoring and reporting activities.

33 (5) By December 31 of each year, the State Fire Marshal, the State Forester and the
34 executive director of the Oregon Watershed Enhancement Board shall submit a joint report
35 to the Governor and an interim committee of the Legislative Assembly with oversight over
36 forestry issues that details the agencies' activities under this section. The report, at a min-
37 imum, must include:

38 (a) A list of the amounts the agencies expended from the Oregon Wildfire Preparedness
39 and Community Protection Fund during the previous 12 months;

40 (b) A list of the projects the agencies funded or conducted in the previous 12 months,
41 together with the cost of each project and a summary of the goals and results of each
42 project;

43 (c) A list of all grants the State Fire Marshal awarded within the previous 12 months
44 under subsection (1)(a) of this section, along with a list of the grant recipients, the amount
45 each grant recipient received and the purpose and goals of each grant; and

1 (d) A list of projects, grants and other activities the agencies have planned for the up-
2 coming calendar year.

3 SECTION 4. There is appropriated to the State Fire Marshal, for the biennium beginning
4 July 1, 2021, out of the General Fund, the amount of \$45,000,000 for the purpose of carrying
5 out the provisions of sections 2 and 3 of this 2021 Act.
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