

Senate Bill 287

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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 **as introduced**.

Requires that electric companies and consumer-owned utilities have wildfire plans based on best practices.

Allows insurance policy encouragement of wildfire risk reduction.

Requires comprehensive statewide map of wildfire risk. Requires establishment of minimum defensible space requirements. Provides for funding local facilitation of requirements. Appropriates moneys to State Fire Marshal to provide funding. Requires annual report to Legislative Assembly.

Creates advisory committee. Requires report to interim legislative committee by February 1, 2022, regarding means to implement recommendations of Governor's Council on Wildfire Response.

Requires program generating wildfire smoke level information. Authorizes information program regarding wildfire smoke health risks. Provides for clean air shelters. Requires increased availability of filtration systems.

Requires Office of Emergency Management to include wildfire in statewide emergency plan and coordinate with cities, counties and certain facilities.

Creates Task Force on Wildfire Education Coordination. Requires report to interim committee by September 15, 2022. Sunsets December 31, 2022.

Requires regional analysis of wildfire risks and possible reduction.

Establishes priorities for forestland and rangeland restoration.

Requires analysis of wildfire risk mitigation and response capacity.

Requires cooperation with federal agencies regarding wildfire. Provides for forestland and rangeland fuel load treatment on public and private lands.

Creates reduced assessment rate for small tract forestland undergoing forest health improvement.

Establishes goals for forest resiliency.

Requires adoption of rules for funding wildfire response.

Requires that all areas have baseline level fire protection.

Requires actions to increase wildfire response capacity.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to wildfire; creating new provisions; amending ORS 401.025; and declaring an emergency.

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

TRANSMISSION SYSTEM PLANS

SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter 757.

SECTION 2. The Public Utility Commission shall periodically convene workshops for the purpose of helping electric companies as defined in ORS 757.600, consumer-owned utilities as defined in ORS 757.600 and operators of electrical distribution systems to develop and share information for the identification, adoption and carrying out of best practices regarding wildfires, including, but not limited to, risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.

SECTION 3. (1) As used in this section, "electric company" has the meaning given that

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 term in ORS 757.600.

2 (2) An electric company must have and operate in compliance with a risk-based wildfire
3 protection plan that is based on best practices recommended by the Public Utility Commis-
4 sion and has been evaluated by the commission. The plan must be designed to protect public
5 safety, reduce risk to electric company customers and promote electrical system resilience
6 to wildfire damage.

7 (3) An electric company shall regularly update a risk-based wildfire protection plan on a
8 schedule determined by the commission. The plan must, at a minimum:

9 (a) Identify areas within the service territory of the electric company that are subject
10 to a heightened risk of wildfire.

11 (b) Identify a means for mitigating wildfire risk that is cost effective and reflects a rea-
12 sonable balancing of mitigation costs with the resulting reduction of wildfire risk.

13 (c) Identify preventive actions and programs that the electric company will carry out to
14 minimize the risk of company facilities causing a wildfire.

15 (d) Identify a protocol for the deenergizing of power lines and adjusting of power system
16 operations to mitigate wildfires, promote the safety of the public and first responders and
17 preserve health and communication infrastructure.

18 (e) Describe the procedures, standards and time frames that the electric company will
19 use to inspect company infrastructure in areas that the company identifies under paragraph
20 (a) of this subsection.

21 (f) Describe the procedures, standards and time frames that the electric company will
22 use to carry out vegetation management in areas that the company identifies under para-
23 graph (a) of this subsection.

24 (g) Identify the development, implementation and administration costs for the plan.

25 (h) Identify the community outreach and public awareness efforts that the electric com-
26 pany will use before, during and after a wildfire season.

27 (4) The commission, in consultation with the State Forestry Department and local
28 emergency services agencies, shall evaluate a risk-based wildfire protection plan that an
29 electric company submits under this section. The commission shall:

30 (a) Approve the submitted plan; or

31 (b) Disapprove the submitted plan and inform the electric company of the modifications
32 necessary to obtain approval.

33 (5) The commission shall adopt rules for the implementation of this section. The rules
34 may include, but need not be limited to, procedures and standards regarding vegetation
35 management, pole materials, circuitry and monitoring systems.

36 (6) Nothing in this section prohibits the recovery of costs deferred under ORS 757.259.

37 **SECTION 4.** (1) As used in this section, “consumer-owned utility” and “governing body”
38 have the meanings given those terms in ORS 757.600.

39 (2) A consumer-owned utility must have and operate in compliance with a risk-based
40 wildfire mitigation plan approved by the governing body of the utility. The plan must be de-
41 signed to protect public safety, reduce risk to utility customers and promote electrical sys-
42 tem resilience to wildfire damage.

43 (3) The consumer-owned utility shall regularly update the risk-based wildfire mitigation
44 plan on a schedule the governing body deems consistent with prudent utility practices.

45 (4) A consumer-owned utility shall conduct a wildfire risk assessment of utility facilities.

1 The utility shall review and revise the assessment on a schedule the governing body deems
 2 consistent with prudent utility practices.

3 (5) A consumer-owned utility shall submit a copy of the risk-based wildfire mitigation
 4 plan approved by the utility governing body to the Public Utility Commission to facilitate
 5 commission functions regarding statewide wildfire mitigation planning and wildfire
 6 preparedness.

7 **SECTION 5.** An electric company shall submit the first risk-based wildfire protection plan
 8 required of the company under section 3 of this 2021 Act for Public Utility Commission
 9 evaluation no later than December 31, 2022.

10 **SECTION 6.** A consumer-owned utility shall submit the first risk-based wildfire miti-
 11 gation plan required under section 4 of this 2021 Act to the utility governing body no later
 12 than December 31, 2023.

13
 14 **INSURERS**

15
 16 **SECTION 7.** (1) Issuers of property insurance policies may adopt coverage provisions and
 17 underwriting standards to encourage property protection approaches that:

- 18 (a) Harden structures against wildfire damage;
- 19 (b) Provide for the establishment and maintenance of defensible spaces;
- 20 (c) Create access for emergency vehicles responding to wildfires; or
- 21 (d) Create wildfire evacuation routes.

22 (2) Issuers of property insurance policies may use maps and data developed by the State
 23 Forestry Department or the State Fire Marshal for the purpose of determining terms and
 24 conditions of the policies.

25 (3) The Department of Consumer and Business Services may work with the State Fire
 26 Marshal and issuers of property insurance policies to develop property protection approaches
 27 reflecting best practices for wildfire risk mitigation.

28
 29 **DEFENSIBLE SPACE**

30
 31 **SECTION 8.** The State Forestry Department shall oversee the development and mainte-
 32 nance of a comprehensive statewide map of wildfire risk. The map must be sufficiently de-
 33 tailed to allow the assessment of wildfire risk at the property-ownership level. The
 34 department shall collaborate with the Department of Land Conservation and Development,
 35 the State Fire Marshal, other state and local governments and officials, other public bodies,
 36 insurance companies and any other information sources that the State Forestry Department
 37 deems appropriate to develop and maintain the map. The State Forestry Department shall
 38 make the map described in this section accessible to the public in electronic form.

39 **SECTION 9.** (1) The State Fire Marshal shall establish minimum defensible space re-
 40 quirements for wildfire risk reduction on lands in areas identified on the map described in
 41 section 8 of this 2021 Act as being susceptible to wildfire. The State Fire Marshal may es-
 42 tablish different minimum defensible space requirements for homes and infrastructure on
 43 different types of land. Subject to additional local requirements, a minimum defensible space
 44 requirement that the State Fire Marshal establishes for a type of land shall apply statewide
 45 for all lands of that type that are in areas identified as susceptible to wildfire. Unless the

1 State Fire Marshal finds good reason to impose different requirements, the State Fire Mar-
2 shal shall adopt requirements that are consistent with defensible space requirements set
3 forth in International Wildland-Urban Interface Code standards.

4 (2) Except as otherwise provided in this subsection or subsection (3) of this section, the
5 State Fire Marshal may administer and enforce the minimum defensible space requirements
6 established under subsection (1) of this section that are applicable to the lands within the
7 jurisdiction of a local government. A local government may contract with the State Fire
8 Marshal for the local government to administer and enforce the minimum defensible space
9 requirements established by the State Fire Marshal within the jurisdiction of the local gov-
10 ernment.

11 (3) A local government may adopt and enforce local requirements for defensible space
12 on lands that are greater than the minimum defensible space requirements established by
13 the State Fire Marshal. Any local requirements that a local government adopts for defensible
14 space must be consistent with defensible space requirements set forth in International
15 Wildland-Urban Interface Code standards. If a local government adopts local requirements
16 under this subsection, within the jurisdiction of the local government the State Fire Marshal
17 may administer and enforce the minimum defensible space requirements established by the
18 State Fire Marshal under subsection (1) of this section and the local government may enforce
19 requirements adopted under this subsection that are greater than the minimum defensible
20 space requirements established by the State Fire Marshal. The State Fire Marshal and the
21 local government shall coordinate any inspection and enforcement efforts described in this
22 subsection.

23 (4) If a local government contracts under subsection (2) of this section to administer and
24 enforce minimum defensible space requirements established by the State Fire Marshal within
25 the jurisdiction of the local government, the local government shall periodically report to the
26 State Fire Marshal regarding whether lands within the jurisdiction of the local government
27 are in compliance with the applicable minimum defensible space requirements. The reports
28 shall state the extent of compliance for each property, the change in degree of compliance
29 since the previous report and any other information required by the State Fire Marshal by
30 rule. In addition to requiring periodic reports, the State Fire Marshal may at any time re-
31 quire a local government to report the defensible space conditions for any lands on which
32 minimum defensible space requirements are enforced by the local government.

33 (5) The State Fire Marshal shall oversee and coordinate the development and mainte-
34 nance of a comprehensive statewide map showing lands for which the State Fire Marshal has
35 established minimum defensible space requirements under subsection (1) of this section, the
36 requirements applicable to those lands and the degree of compliance on those lands with the
37 applicable requirements.

38 (6) The State Fire Marshal shall administer and enforce a program to provide financial,
39 administrative, technical or other assistance to a local government to facilitate the admin-
40 istration and enforcement of minimum defensible space requirements within the jurisdiction
41 of the local government. A local government shall expend financial assistance provided by
42 the State Fire Marshal under this subsection to give priority to the creation of defensible
43 space on lands owned by communities of color, indigenous communities, persons with limited
44 proficiency in English and persons of lower income as defined in ORS 456.055.

45 **SECTION 10.** The Wildfire Defensible Space Fund is established in the State Treasury,

1 separate and distinct from the General Fund. Interest earned by the Wildfire Defensible
 2 Space Fund shall be credited to the fund. Moneys in the fund are continuously appropriated
 3 to the State Fire Marshal for the purpose of carrying out the local government financial
 4 assistance program described in section 9 of this 2021 Act.

5 **SECTION 11.** (1) The State Fire Marshal shall annually report regarding the status of
 6 State Fire Marshal and local government activities for carrying out section 9 of this 2021
 7 Act to the Legislative Assembly in the manner provided in ORS 192.245 on or before the date
 8 of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.

9 (2) The report shall include, but need not be limited to:

10 (a) A status report regarding the establishment, administration and enforcement of
 11 defensible space requirements;

12 (b) The amount of moneys expended during the year for the establishment, adminis-
 13 tration or enforcement of defensible space requirements;

14 (c) The amount of moneys expended during the year for the suppression of fires on
 15 forestland-urban interface lands; and

16 (d) Any recommendations of the State Fire Marshal for legislative action, including, but
 17 not limited to, current or future resource needs for establishing, administering or enforcing
 18 defensible space requirements.

19
 20 **LAND USE**

21
 22 **SECTION 12.** (1) The Director of the Department of Land Conservation and Development,
 23 in consultation with counties and cities, shall establish a Land Use and Wildfire Policy Ad-
 24 visory Committee. The committee shall consist of members appointed as described in sub-
 25 sections (2) to (5) of this section.

26 (2) The director and the State Forester, in consultation with counties and cities, shall
 27 jointly appoint the following to be voting members of the committee:

28 (a) One member who is a representative of a city government serving a population of less
 29 than 10,000.

30 (b) One member who is a representative of a city government serving a population of
 31 10,000 or more but less than 25,000.

32 (c) One member who is a representative of a city government serving a population of
 33 25,000 or more.

34 (d) One member who is a representative of a county government serving a population of
 35 less than 30,000.

36 (e) One member who is a representative of a county government serving a population of
 37 30,000 or more but less than 100,000.

38 (f) One member who is a representative of a county government serving a population of
 39 100,000 or more.

40 (g) One member who is a city land use planning director.

41 (h) One member who is a county land use planning director.

42 (i) One member who is a representative of a utility company.

43 (j) One member who is a representative of environmental interests.

44 (k) One member who is a representative of special districts.

45 (L) One member who is a representative of farming landowners.

- 1 (m) One member who is a representative of ranching landowners.
- 2 (n) One member who is a representative of realty interests.
- 3 (o) One member who is a representative of land and housing development firms.
- 4 (p) One member who is a representative of citizen land use planning organizations.
- 5 (q) One member who is a representative of state or regional land use planning organiza-
- 6 tions.
- 7 (r) One member who is a representative of public health interests.
- 8 (s) One member who is a representative of small forestland owners.
- 9 (t) One member who is a representative of large forestland owners.
- 10 (u) One member who is a representative of economic development organizations.
- 11 (v) One member who is a representative of federally recognized Indian tribes.
- 12 (w) One member who is a representative of the Oregon Fire Chiefs Association.
- 13 (x) Additional members as determined by the director in consultation with counties and
- 14 cities.
- 15 (3) The director and the State Forester shall make the joint appointments under sub-
- 16 section (2) of this section from nominations submitted by entities related to the represented
- 17 interest or entities. The related entity for appointments:
- 18 (a) Under subsection (2)(a), (b), (c) and (g) of this section is the League of Oregon Cities.
- 19 (b) Under subsection (2)(d), (e), (f) and (h) of this section is the Association of Oregon
- 20 Counties.
- 21 (c) Under subsection (2)(i) of this section is any one or more of the investor-owned util-
- 22 ities and consumer-owned utilities in this state.
- 23 (d) Under subsection (2)(j) of this section is the Oregon League of Conservation Voters.
- 24 (e) Under subsection (2)(k) of this section is the Special Districts Association of Oregon.
- 25 (f) Under subsection (2)(L) of this section is the Oregon Farm Bureau.
- 26 (g) Under subsection (2)(m) of this section is the Oregon Cattlemen's Association.
- 27 (h) Under subsection (2)(n) of this section is the Oregon Association of Realtors.
- 28 (i) Under subsection (2)(o) of this section is the Oregon Home Builders Association.
- 29 (j) Under subsection (2)(p) of this section is the Oregon Property Owners Association.
- 30 (k) Under subsection (2)(q) of this section is 1000 Friends of Oregon.
- 31 (L) Under subsection (2)(r) of this section is the Oregon Health Authority.
- 32 (m) Under subsection (2)(s) of this section is the Oregon Small Woodlands Association.
- 33 (n) Under subsection (2)(t) of this section is the Oregon Forest and Industries Council.
- 34 (o) Under subsection (2)(u) of this section is Business Oregon.
- 35 (p) Under subsection (2)(v) of this section is one or more of the tribal governing bodies
- 36 for Indian tribes in this state.
- 37 (q) Under subsection (2)(w) of this section is the State Fire Marshal.
- 38 (4) In addition to the members described under subsection (2) of this section, the fol-
- 39 lowing shall serve as nonvoting members of the committee:
- 40 (a) One member appointed by the State Forester.
- 41 (b) One member appointed by the State Fire Marshal.
- 42 (c) One member appointed by the Director of the Oregon Health Authority.
- 43 (d) One member appointed by the Environmental Justice Task Force.
- 44 (e) One member appointed by the director of the Institute for Natural Resources.
- 45 (f) One member appointed by the Director of the Department of Land Conservation and

1 **Development.**

2 (g) One member appointed by the Director of the Department of Consumer and Business
3 Services from the Division of Financial Regulation of the Department of Consumer and
4 Business Services.

5 (h) One member appointed by the Director of the Department of Consumer and Business
6 Services from department staff having expertise in building codes.

7 (5)(a) The President of the Senate, in consultation with the Senate Minority Leader, shall
8 appoint two members from among the members of the Senate to be nonvoting members of
9 the committee. The two members appointed under this paragraph may not be from the same
10 political party.

11 (b) The Speaker of the House of Representatives, in consultation with the House Minority
12 Leader, shall appoint two members from among the members of the House of Represen-
13 tatives to be nonvoting members of the committee. The two members appointed under this
14 paragraph may not be from the same political party.

15 (6) Members of the Legislative Assembly appointed to the committee are nonvoting
16 members of the committee and may act in an advisory capacity only.

17 (7) The members of the committee shall elect a voting member to be chairperson of the
18 committee and a voting member to be vice-chairperson, with all powers appropriate to those
19 offices.

20 (8) The committee shall meet at times and places determined by the chairperson or by
21 the Director of the Department of Land Conservation and Development. A majority of the
22 voting members shall be a quorum for the conducting of business. Official actions by the
23 committee require approval by a majority of the voting members.

24 (9) The Department of Land Conservation and Development shall provide staff services
25 for the committee.

26 (10) Notwithstanding ORS 171.072, members of the committee who are members of the
27 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-
28 teers on the committee. Other members of the committee are not entitled to reimbursement
29 for expenses and serve as volunteers on the committee. However, the Director of the De-
30 partment of Land Conservation and Development may, in the discretion of the director, re-
31 imburse voting members of the committee for unforeseen expenses from moneys available
32 for purposes of carrying out the functions of the committee.

33 **SECTION 13.** (1) The State Forestry Department and Oregon State University, in con-
34 sultation with the Department of Land Conservation and Development, shall for each wildfire
35 risk region of this state jointly consult with fire protection agencies and districts, fire offi-
36 cials and personnel and cities and counties in the region. The departments and the university
37 shall analyze the wildfire risk for each region to develop recommendations for reducing the
38 wildfire risk to people, public and private property, businesses, infrastructure and natural
39 resources in that region.

40 (2) The State Forestry Department and the university, in consultation with the Depart-
41 ment of Land Conservation and Development, shall report the recommendations for regional
42 wildfire risk reduction to the Land Use and Wildfire Policy Advisory Committee no later than
43 October 1, 2021.

44 (3) The departments and the committee shall analyze and evaluate the information to
45 develop recommendations regarding possible means for implementing the final recommen-

1 **dations produced by the Governor’s Council on Wildfire Response through the statewide land**
 2 **use planning system and local governments to minimize the risks from wildfires to people,**
 3 **public and private property, businesses, infrastructure and natural resources.**

4 **SECTION 14. (1) The State Forestry Department, in collaboration with the Department**
 5 **of Land Conservation and Development and the Land Use and Wildfire Policy Advisory**
 6 **Committee, shall report to an interim committee of the Legislative Assembly related to na-**
 7 **tural resources in the manner provided under ORS 192.245 no later than February 1, 2022,**
 8 **regarding possible means for implementing the final recommendations produced by the**
 9 **Governor’s Council on Wildfire Response.**

10 **(2) The report must include, but need not be limited to, the following:**

11 **(a) The recommendations developed under section 13 of this 2021 Act.**

12 **(b) Existing state and local maps that identify wildfire risk.**

13 **(c) To the extent the advisory committee and the departments deem appropriate, new**
 14 **map resources that account for regional differences in factors relevant to wildfire risk.**

15 **(d) Identification of state and local resources needed to develop, maintain and update**
 16 **wildfire risk maps.**

17 **(e) Multiple recommendations regarding possible means for using the statewide land use**
 18 **planning system and local governments, including, but not limited to, recommendations re-**
 19 **garding revisions and updates to the statewide land use planning system and local zoning**
 20 **codes.**

21 **(f) Planning goals related to natural hazards, including but not limited to Goal 7.**

22 **(g) Existing state and local programs that minimize wildfire risk, including, but not lim-**
 23 **ited to, programs that identify wildlife risk through mapping or that define minimum**
 24 **defensible space.**

25 **(h) Identification of revisions to the statewide land use planning system and to local**
 26 **building codes appropriate to minimize wildfire risks, including, but not limited to, provisions**
 27 **regarding sufficient defensible space, safe evacuation, adequate access for wildfire fighting**
 28 **equipment and personnel, and considerations regarding development in areas of high wildfire**
 29 **risk that allow for regional differences in topography, vegetation, soil types and other rele-**
 30 **vant factors.**

31 **(i) Funding, staffing and other administrative resources necessary for state, county and**
 32 **city governments to implement wildfire risk reduction programs, including, but not limited**
 33 **to, the costs of program development, implementation and ongoing operations and the need**
 34 **for stable long-term funding for the programs.**

35 **(j) A description of areas of agreement and disagreement among the departments and**
 36 **members of the Land Use and Wildfire Policy Advisory Committee.**

37 **SECTION 15. All agencies of state government as defined in ORS 174.111 are directed to**
 38 **assist the Land Use and Wildfire Policy Advisory Committee and the Department of Land**
 39 **Conservation and Development in the performance of committee and department duties un-**
 40 **der sections 13 and 14 of this 2021 Act.**

41
 42 **HEALTH SYSTEMS FOR SMOKE**
 43

44 **SECTION 16. (1) The Environmental Quality Commission shall establish a program to:**

45 **(a) Detect wildfire smoke levels through the use of air quality monitoring stations;**

1 (b) Evaluate detected wildfire smoke levels to identify public health risks for vulnerable
2 populations;

3 (c) Forward wildfire smoke public health risk information to local public health authori-
4 ties in affected areas; and

5 (d) Make wildfire smoke public health risk information available in a timely manner to
6 the public by electronic means.

7 (2) The wildfire smoke level monitoring required under this section is in addition to, and
8 not in lieu of, any monitoring requirements applicable to a person in control of an air con-
9 tamination source under a program and rules adopted under ORS 468A.337.

10 (3) The commission shall evaluate public health risks under the program using one of the
11 modelings for health risk evaluation allowed under ORS 468A.337. The commission shall de-
12 termine the public health risk from wildfire smoke based on the combination of wildfire
13 smoke with any other factors affecting air quality in an area, including, but not limited to,
14 air contamination from other sources.

15 (4) The commission shall, to the extent practicable, design the monitoring system to
16 provide timely wildfire smoke information for all areas of this state. However, the commis-
17 sion may give priority to the evaluation of wildfire smoke monitor information in areas
18 where wildfire smoke levels are elevated or changing and in areas with concentrations of
19 vulnerable populations.

20 (5) The commission may enter into agreements with the Oregon Health Authority or
21 other state, federal or local health agencies to provide information and education to the
22 public regarding:

23 (a) Wildfire smoke public health risks;

24 (b) The availability of timely information concerning wildfire smoke levels and resulting
25 public health risks; and

26 (c) The availability and location of clean air shelters described in section 17 of this 2021
27 Act.

28 (6) This section does not limit the collection, evaluation or dissemination of other air
29 quality monitoring station information in addition to wildfire smoke level information.

30 **SECTION 17.** (1) The Oregon Health Authority shall cooperate with local governments
31 to establish clean air shelters within local communities. If a shelter does not have an air
32 filtration system capable of reducing wildfire smoke components to levels that do not present
33 a public health hazard to vulnerable populations, the authority shall provide and install such
34 a filtration system for the shelter.

35 (2) Locations equipped as clean air shelters must be available to the public without
36 charge during periods when wildfire smoke levels present a public health risk. This sub-
37 section does not prohibit the authority from requiring that locations equipped as clean air
38 shelters also be available to the public without charge when a public health risk results from
39 air quality issues not associated with wildfire smoke.

40 **SECTION 18.** (1) As used in this section, "smoke filtration system" means an air
41 filtration system capable of removing particulates and other harmful components of wildfire
42 smoke.

43 (2) The Oregon Health Authority shall establish a program to increase the availability
44 of smoke filtration systems among persons vulnerable to the health effects of wildfire smoke
45 who reside in areas susceptible to wildfire smoke. The authority may issue grants for the

1 **installation of smoke filtration systems in residential buildings, commercial buildings or**
 2 **buildings open to the public in areas susceptible to wildfire smoke. The authority shall give**
 3 **grant priority to installations in residential buildings occupied by persons of lower income,**
 4 **as defined in ORS 456.055, who are vulnerable to the health effects of wildfire smoke.**

5 **(3) The authority may adopt rules establishing standards for smoke filtration systems**
 6 **obtained with grant moneys received under this section, including, but not limited to, mini-**
 7 **imum acceptable efficiency for the removal of particulates and other harmful substances**
 8 **generated by wildfires.**

9
 10 **EMERGENCY RESPONSE AND DISASTER RECOVERY**

11
 12 **SECTION 19.** ORS 401.025 is amended to read:

13 401.025. As used in this chapter:

14 (1) "Emergency" means a human created or natural event or circumstance that causes or
 15 threatens widespread loss of life, injury to person or property, human suffering or financial loss,
 16 including but not limited to:

17 (a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud slides, drought, earth-
 18 quake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous
 19 material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease,
 20 blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

21 (b) A rapid influx of individuals from outside this state, a rapid migration of individuals from
 22 one part of this state to another or a rapid displacement of individuals if the influx, migration or
 23 displacement results from the type of event or circumstance described in paragraph (a) of this sub-
 24 section.

25 (2) "Emergency service agency" means an organization within a local government that performs
 26 essential services for the public's benefit before, during or after an emergency, such as law
 27 enforcement, fire control, health, medical and sanitation services, public works and engineering,
 28 public information and communications.

29 (3) "Emergency services" means activities engaged in by state and local government agencies
 30 to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency,
 31 including but not limited to coordination, preparedness planning, training, interagency liaison, fire
 32 fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforce-
 33 ment, medical, health and sanitation services, engineering and public works, search and rescue ac-
 34 tivities, warning and public information, damage assessment, administration and fiscal management,
 35 and those measures defined as "civil defense" in 50 U.S.C. app. 2252.

36 (4) "Local government" has the meaning given that term in ORS 174.116.

37 (5) "Major disaster" means any event defined as a "major disaster" under 42 U.S.C. 5122(2).

38 **SECTION 20.** (1) **The Office of Emergency Management shall update its statewide emer-**
 39 **gency plan as necessary to prepare for or respond to wildfire emergencies on an area-wide**
 40 **or statewide basis. The plan developed by the office to prepare for or respond to wildfire**
 41 **emergencies shall include, but need not be limited to, wildfire risk mitigation efforts and**
 42 **evacuation planning.**

43 (2) **The office shall coordinate with cities and counties, and with adult foster homes,**
 44 **health care facilities and residential facilities, to establish local or private procedures to**
 45 **prepare for emergencies related to wildfire and ensure that local efforts to prevent, respond**

1 to or recover from an emergency caused by wildfire are conducted in a manner consistent
 2 with the plan developed by the office to prepare for or respond to wildfire emergencies. The
 3 coordinated activities may include, but need not be limited to, providing training, carrying
 4 out exercises and promoting community education.

5
 6 **PUBLIC ENGAGEMENT**
 7

8 **SECTION 21. (1) The Task Force on Wildfire Education Coordination is established.**

9 **(2) The task force consists of nine members appointed as follows:**

10 **(a) The President of the Senate shall appoint two members who have expertise in wildfire**
 11 **prevention, education, communications, disaster recovery, local government or other mat-**
 12 **ters the President deems relevant to wildfire education.**

13 **(b) The Speaker of the House of Representatives shall appoint two members who have**
 14 **expertise in wildfire prevention, education, communications, disaster recovery, local govern-**
 15 **ment or other matters the Speaker deems relevant to wildfire education.**

16 **(c) The Governor shall appoint five members who have expertise in wildfire prevention,**
 17 **education, communications, disaster recovery, local government or other matters the Gov-**
 18 **ernor deems relevant to wildfire education.**

19 **(3) The task force shall review existing programs in this state for engaging the public in**
 20 **issues related to wildfire, including, but not limited to, programs operated by the State**
 21 **Forestry Department, the office of the State Fire Marshal or local governments regarding**
 22 **wildfire prevention, defensible space creation, wildfire risk mitigation, wildfire response and**
 23 **community recovery from wildfire. The task force shall develop recommendations for im-**
 24 **proving the programs in a manner that will assist efforts to:**

25 **(a) Restore and maintain resilient landscapes;**

26 **(b) Foster and grow the number of fire-adapted communities;**

27 **(c) Respond to wildfires; and**

28 **(d) Help communities recover from wildfire.**

29 **(4) The task force may take all lawful actions the task force deems expedient for carrying**
 30 **out the duties of the task force.**

31 **(5) A majority of the members of the task force constitutes a quorum for the transaction**
 32 **of business.**

33 **(6) Official action by the task force requires the approval of a majority of the members**
 34 **of the task force.**

35 **(7) The task force shall elect one of its members to serve as chairperson.**

36 **(8) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
 37 **ment to become immediately effective.**

38 **(9) The task force shall meet at times and places specified by the call of the chairperson**
 39 **or of a majority of the members of the task force.**

40 **(10) The task force may adopt rules necessary for the operation of the task force.**

41 **(11) The task force shall submit a report of its findings and recommendations in the**
 42 **manner provided in ORS 192.245, and may include recommendations for legislation, to an in-**
 43 **terim committee of the Legislative Assembly related to natural resources no later than**
 44 **September 15, 2022.**

45 **(12) The State Forestry Department shall provide staff support to the task force.**

1 (13) Members of the task force are not entitled to compensation or reimbursement for
 2 expenses and serve as volunteers on the task force.

3 (14) All agencies of state government, as defined in ORS 174.111, are directed to assist
 4 the task force in the performance of the duties of the task force and, to the extent permitted
 5 by laws relating to confidentiality, to furnish information and advice the members of the task
 6 force consider necessary to perform their duties.

7 SECTION 22. Section 21 of this 2021 Act is repealed on December 31, 2022.

8
 9 **RESTORATION PRIORITIZATION**

10
 11 SECTION 23. (1) The State Forestry Department shall carry out a program of fuel re-
 12 duction treatments on forestlands and rangelands, giving priority to treating forestlands and
 13 rangelands that are in the four highest relative importance categories identified in the
 14 United States Forest Service report titled “Pacific Northwest Quantitative Wildfire Risk
 15 Assessment: Methods and Results” and dated April 9, 2018, or on which treatment would
 16 provide a substantial benefit to this state. The department shall coordinate with managers
 17 of federal lands to implement fuel reduction treatments on federal forestlands. For treat-
 18 ment projects on private lands, the department shall work with landowners and nongovern-
 19 mental entities to identify forestlands and rangelands that are in the four highest relative
 20 importance categories and provide financial assistance for those treatments.

21 (2) The department shall give priority to treating forestlands and rangelands in the four
 22 highest relative importance categories that have received treatment approval under the Na-
 23 tional Environmental Policy Act (42 U.S.C. 4321 et seq.).

24 (3) The department shall ensure that forestland and rangeland treatment projects under
 25 the program described in this section are carried out in coordination with local collaborative
 26 groups, if any, Oregon State University and affected cities and counties.

27
 28 **RESTORATION CAPACITY**

29
 30 SECTION 24. (1) The State Forestry Department, in collaboration with the Department
 31 of Land Conservation and Development, shall carry out a program that uses the compre-
 32 hensive statewide map of wildfire risk described in section 8 of this 2021 Act and the relative
 33 importance categories described in section 23 of this 2021 Act to:

34 (a) Identify state and local resource needs for mitigating wildfire risk.

35 (b) Develop recommendations regarding revisions and updates to local zoning codes.

36 (c) Identify revisions to the statewide land use planning system and to local building
 37 codes appropriate to minimize wildfire risks, including, but not limited to, provisions re-
 38 garding sufficient defensible space, safe evacuation, adequate access for wildfire fighting
 39 equipment and personnel, and considerations regarding development in areas of high wildfire
 40 risk that allow for regional differences in topography, vegetation, soil types and other rele-
 41 vant factors.

42 (d) Estimate funding, staffing and other administrative resources necessary for state,
 43 county and city governments to implement wildfire risk reduction programs, including, but
 44 not limited to, the costs of program development, implementation and ongoing operations
 45 and the amounts needed for stable long-term funding for the programs.

1 (2) The State Forestry Department shall determine whether state policy presents barri-
 2 ers to undertaking increased implementation of fuel reduction treatment projects on private
 3 lands.

4 (3) The department shall develop consistent performance measures and condition-based
 5 metrics for monitoring and communicating the effectiveness of state investments and project
 6 actions in mitigating the risk of wildfire.

7 (4) The program described in subsection (1) of this section must provide for the depart-
 8 ment to identify workforce development needs and develop funding proposals for those needs,
 9 including, but not limited to, program funding proposals to ensure adequate contracting ca-
 10 pacity for undertaking increased implementation of the program.

11
 12 **FEDERAL PARTNERSHIP**

13
 14 **SECTION 25.** (1) The State Forestry Department shall cooperate with federal agencies
 15 to develop and implement a program to treat forestlands and rangelands in this state for the
 16 reduction of fuel load levels and reduction of other wildfire risks. The department shall, to
 17 the greatest extent practicable, carry out the program in consultation and cooperation with
 18 forestland and rangeland stakeholders, which may include, but need not be limited to:

- 19 (a) The United States Department of Agriculture;
- 20 (b) The United States Forest Service; and
- 21 (c) The Bureau of Land Management.

22 (2) The program described in subsection (1) of this section must:

- 23 (a) Specify types and levels of treatment and fuel load levels appropriate for achieving
 24 program goals;
- 25 (b) Provide for, but not be limited to, an expansion of State Forestry Department activ-
 26 ities for the restoration of federal forestlands within this state, including, but not limited to,
 27 activities under ORS 526.274 and 526.275;
- 28 (c) Be designed to evaluate and prioritize the carrying out of treatment on any public
 29 forestlands and rangelands in this state without regard to federal or state ownership;
- 30 (d) Maximize the use of state and federal resources to improve coordination and expedite
 31 implementation of public forestland and rangeland treatments;
- 32 (e) Identify for biennial budget requests the capacity that must exist within state gov-
 33 ernment in order to meet the treatment goals of the program; and
- 34 (f) Identify the appropriate state agency to coordinate and oversee public rangeland
 35 treatments.

36
 37 **SMALL TRACT FORESTLAND INCENTIVE**

38
 39 **SECTION 26.** (1) As used in this section:

- 40 (a) “Forest health” means a reduction in the fuel load of forestland that achieves eco-
 41 logical goals, reduces fuel loads and reduces potential wildfire suppression costs.
- 42 (b) “Small tract forestland” has the meaning given that term in ORS 321.700.

43 (2) A small tract forestland owner may submit to the State Board of Forestry a plan for
 44 the owner to restore the forest health on the forestland. The board shall review a plan sub-
 45 mitted under this subsection to determine whether and to what extent the plan may rea-

sonably be expected to improve forest health on the forestland. If the board approves the plan, upon the forestland owner presenting evidence satisfactory to the board that the plan has been timely completed, the board shall certify to the county assessor that the forestland qualifies for a credit against the specially assessed valuation of the forestland under ORS 321.722. The assessor shall apply the credit certified by the board to the specially assessed value of the forestland in the first property tax year beginning on or after the date of the certification. The credit may not exceed:

(a) _____ percent of the specially assessed value per acre determined under ORS 321.354, if located in western Oregon; or

(b) _____ percent of the specially assessed value per acre determined under ORS 321.833, if located in eastern Oregon.

(3) A credit claimed under this section does not reduce the assessed value of the small tract forestland for purposes of determining the maximum tax assessment in a subsequent year under ORS 321.722 (2).

RESILIENCY GOAL

SECTION 27. Section 28 of this 2021 Act is added to and made a part of ORS 527.610 to 527.770.

SECTION 28. It is the policy of this state to maximize forest resiliency, including, but not limited to, the achievement of ecological goals, reduction in fuel loads and reduction in wildfire suppression costs. The State Board of Forestry shall adopt rules for maximizing forest resiliency through the use of fuel load management on forestlands, including, but not limited to, the use of managed wildfire and prescribed burns and commercial and noncommercial harvesting.

FOREST FINANCIAL OVERSIGHT

SECTION 29. The State Forestry Department shall adopt rules for the purpose of ensuring efficient and effective funding of wildfire response. Matters addressed by the rules must include, but need not be limited to:

(1) Means for addressing delays in the receipt of federal payments associated with wildfire costs;

(2) Department structural changes designed to expedite and standardize the processing of financial transactions associated with wildfire costs;

(3) Department structural changes to better manage seasonal borrowing costs to support wildfire costs; and

(4) Department structural changes to facilitate the assignment of additional personnel to wildfire risk mitigation and wildfire response programs when needed.

SECTION 30. The State Forestry Department shall base the rules adopted under section 29 of this 2021 Act on the recommendations of the Forestry Financial Oversight Team created by the Governor on October 18, 2019. The department shall adopt any rules based on team recommendations publicly reported on or before January 1, 2023, to become effective no later than June 30, 2023.

SECTION 31. Section 30 of this 2021 Act is repealed January 2, 2024.

PROTECTED AREAS

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2
3 **SECTION 32.** (1) The State Forester, in collaboration with the State Fire Marshal, state
4 agencies and local governments as defined in ORS 174.116, shall adopt rules establishing
5 baseline levels of wildfire protection for lands that are outside of forest protection districts
6 and susceptible to wildfire. When establishing the baseline levels for lands, the State
7 Forester shall ensure that the levels are adapted to reflect regional conditions. A county, in
8 collaboration with the State Forester and the State Fire Marshal, may work to ensure that
9 all lands within the county that are outside of forest protection districts and susceptible to
10 wildfire are provided with wildfire protection services at the applicable baseline level or a
11 higher level. As used in this subsection, “forest protection districts” means lands designated
12 in State Forester rules as provided under ORS 477.225.

13 (2) A county, in collaboration with the State Forester and the State Fire Marshal, may
14 assist:

15 (a) Landowners, individuals and businesses with forming jurisdictions to provide wildfire
16 protection;

17 (b) Landowners, individuals, businesses and jurisdictions with obtaining expansion of or
18 other changes to boundaries or facility locations of jurisdictions that provide wildfire pro-
19 tection;

20 (c) Jurisdictions to expand or adjust jurisdiction service boundaries to ensure adequate
21 wildfire protection for lands; and

22 (d) Jurisdictions in developing wildfire protection facilities, equipment, training and other
23 resources adequate to ensure that the jurisdiction provides timely and effective wildfire
24 protection at the baseline level or higher on lands described in subsection (1) of this section
25 throughout the jurisdiction.

26 (3) The State Forester may provide financial assistance to counties for carrying out
27 county duties under subsection (2) of this section from any funds made available to the State
28 Forester and designated for that purpose.

29 **SECTION 33.** A county shall ensure no later than January 1, 2026, that all lands described
30 in section 32 (1) of this 2021 Act within the county have baseline level or higher wildfire
31 protection as described in section 32 of this 2021 Act.

WILDFIRE RESPONSE CAPACITY

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33
34
35 **SECTION 34.** (1) The State Forestry Department shall consult and coordinate with fed-
36 eral agencies, private stakeholders and other state agencies to determine the adequacy of
37 state, federal and private wildfire response capacity. The department shall act to facilitate
38 wildfire prevention and wildfire response communication and coordination between federal,
39 state, local and private entities.

40 (2) The department shall, to the extent practicable, seek to leverage state moneys to
41 obtain an increase in federal wildfire resources available to Oregon for effective initial re-
42 sponse purposes.

43 (3) The department shall consult with the office of the State Fire Marshal and with local
44 fire defense board chiefs to assess the adequacy of available mutual aid to provide wildfire
45 response on forestland-urban interface lands and to identify means for providing additional

1 resources from the state or other entities to enhance wildfire response capacity on
2 forestland-urban interface lands.

3 (4) The department shall identify workforce development needs associated with wildfire
4 risk mitigation and wildfire response and develop funding proposals for meeting those needs
5 on a sustained basis.

6 (5) The department may enter into cooperative agreements or contracts with a local or
7 private entity for the purpose of assisting the entity to organize for purposes of wildfire risk
8 mitigation or wildfire response, including, but not limited to, facilitating wildfire training and
9 the acquisition of firefighting equipment for the entity and assisting with payment for li-
10 ability insurance and other administrative expenses of the entity associated with wildfire risk
11 mitigation or wildfire response.

12
13 **CAPTIONS**

14
15 **SECTION 35.** The unit captions used in this 2021 Act are provided only for the conven-
16 ience of the reader and do not become part of the statutory law of this state or express any
17 legislative intent in the enactment of this 2021 Act.

18
19 **EMERGENCY**

20
21 **SECTION 36.** This 2021 Act being necessary for the immediate preservation of the public
22 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
23 on its passage.
24
