

SB 762-3
(LC 3470)
4/9/21 (AG/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY
(at the request of Governor Kate Brown)

**PROPOSED AMENDMENTS TO
SENATE BILL 762**

1 In line 2 of the printed bill, after “wildfire” insert “; creating new pro-
2 visions; amending ORS 197.716, 205.130, 401.025, 477.015, 477.025, 477.027,
3 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029, 477.031,
4 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061; and declaring an emer-
5 gency”.

6 Delete lines 4 through 8 and insert:

7

8

“ELECTRIC SYSTEM PLANS

9

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

12 **“SECTION 2. The Public Utility Commission shall periodically con-**
13 **vene workshops for the purpose of helping public utilities that provide**
14 **electricity, municipal electric utilities, people’s utility districts organ-**
15 **ized under ORS chapter 261 that sell electricity, electric cooperatives**
16 **organized under ORS chapter 62 and operators of electrical trans-**
17 **mission and distribution systems to develop and share information for**
18 **the identification, adoption and carrying out of best practices regard-**
19 **ing wildfires, including, but not limited to, risk-based wildfire pro-**
20 **tection and risk-based wildfire mitigation procedures and standards.**

21 **“SECTION 3. (1) A public utility that provides electricity must have**

1 and operate in compliance with a risk-based wildfire protection plan
2 that is filed with the Public Utility Commission and has been evalu-
3 ated by the commission. The plan must be based on reasonable and
4 prudent practices identified through workshops conducted by the
5 commission pursuant to section 2 of this 2021 Act and on commission
6 standards adopted by rule. The public utility must design the plan in
7 a manner that seeks to protect public safety, reduce risk to utility
8 customers and promote electrical system resilience to wildfire damage.

9 “(2) A public utility that provides electricity shall regularly update
10 a risk-based wildfire protection plan on a schedule determined by the
11 commission. The plan must, at a minimum:

12 “(a) Identify areas that are subject to a heightened risk of wildfire
13 and are:

14 “(A) Within the service territory of the public utility; and

15 “(B) Outside the service territory of the public utility but within a
16 reasonable distance, as determined by the commission, of the public
17 utility’s generation or transmission assets.

18 “(b) Identify a means for mitigating wildfire risk that reflects a
19 reasonable balancing of mitigation costs with the resulting reduction
20 of wildfire risk.

21 “(c) Identify preventive actions and programs that the public utility
22 will carry out to minimize the risk of utility facilities causing a
23 wildfire.

24 “(d) After seeking information from regional, state and local enti-
25 ties, including municipalities, identify a protocol for the deenergizing
26 of power lines and adjusting of power system operations to mitigate
27 wildfires, promote the safety of the public and first responders and
28 preserve health and communication infrastructure.

29 “(e) Describe the procedures, standards and time frames that the
30 public utility will use to inspect utility infrastructure in areas that the

1 **public utility identifies under paragraph (a) of this subsection.**

2 **“(f) Describe the procedures, standards and time frames that the**
3 **public utility will use to carry out vegetation management in areas**
4 **that the public utility identifies under paragraph (a) of this subsection.**

5 **“(g) Identify the development, implementation and administration**
6 **costs for the plan.**

7 **“(h) Identify the community outreach and public awareness efforts**
8 **that the public utility will use before, during and after a wildfire sea-**
9 **son.**

10 **“(3) To develop a plan described in subsection (2) of this section, a**
11 **public utility may consult with and consider information from re-**
12 **gional, state and local entities, including municipalities.**

13 **“(4) The commission, in consultation with the State Forestry De-**
14 **partment and local emergency services agencies, shall evaluate a**
15 **public utility’s wildfire protection plan and plan updates through a**
16 **public process.**

17 **“(5) Not more than 180 days after receiving a wildfire protection**
18 **plan or plan update from a public utility, the commission shall approve**
19 **or approve with conditions the plan or update if the commission finds**
20 **that the plan or update is based on reasonable and prudent practices**
21 **identified through workshops pursuant to section 2 of this 2021 Act and**
22 **designed to meet all applicable rules and standards adopted by the**
23 **commission.**

24 **“(6) The commission’s approval of a wildfire protection plan does**
25 **not establish a defense to any enforcement action for violation of a**
26 **commission decision, order or rule or relieve a public utility from**
27 **proactively managing wildfire risk, including by monitoring emerging**
28 **practices and technologies.**

29 **“(7) The commission shall adopt rules for the implementation of**
30 **this section. The rules may include, but need not be limited to, pro-**

1 **cedures and standards regarding vegetation management, public power**
2 **safety shutoffs and restorations, pole materials, circuitry and moni-**
3 **toring systems.**

4 **“(8) All reasonable operating costs incurred by, and prudent in-**
5 **vestments made by, a public utility to develop, implement or operate**
6 **a wildfire protection plan under this section are recoverable in the**
7 **rates of the public utility from all customers through a filing under**
8 **ORS 757.210 to 757.220. The commission shall establish an automatic**
9 **adjustment clause, as defined in ORS 757.210, or another method to**
10 **allow timely recovery of the costs.**

11 **“SECTION 3a. (1) In addition to all other penalties provided by law,**
12 **violation of section 3 of this 2021 Act or a rule adopted pursuant to**
13 **section 3 of this 2021 Act is subject to a civil penalty not to exceed**
14 **\$10,000.**

15 **“(2) Notwithstanding ORS 183.315 (6), 183.745 (7)(d) and 756.500 to**
16 **756.610, civil penalties under this section must be imposed by the**
17 **Public Utility Commission as provided in ORS 183.745.**

18 **“(3) Civil penalties collected under this section must be paid into**
19 **the General Fund and credited to the Public Utility Commission Ac-**
20 **count as described in ORS 756.990 (7).**

21 **“SECTION 4. (1) As used in this section, ‘consumer-owned utility’**
22 **and ‘governing body’ have the meanings given those terms in ORS**
23 **757.600.**

24 **“(2) A consumer-owned utility must have and operate in compliance**
25 **with a risk-based wildfire mitigation plan approved by the governing**
26 **body of the utility. The plan must be designed to protect public safety,**
27 **reduce risk to utility customers and promote electrical system**
28 **resilience to wildfire damage.**

29 **“(3) The consumer-owned utility shall regularly update the risk-**
30 **based wildfire mitigation plan on a schedule the governing body deems**

1 consistent with prudent utility practices.

2 “(4) A consumer-owned utility shall conduct a wildfire risk assess-
3 ment of utility facilities. The utility shall review and revise the as-
4 sessment on a schedule the governing body deems consistent with
5 prudent utility practices.

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

10 “SECTION 5. A public utility that provides electricity shall submit
11 the first risk-based wildfire protection plan required of the public
12 utility under section 3a of this 2021 Act for Public Utility Commission
13 evaluation no later than December 31, 2021.

14 “SECTION 6. A consumer-owned utility shall submit the first risk-
15 based wildfire mitigation plan required under section 4 of this 2021 Act
16 to the utility governing body no later than June 30, 2022.

17 “SECTION 6a. (1) As used in this section, ‘electric utility’ has the
18 meaning given that term in ORS 757.600.

19 “(2) Sections 3 and 4 of this 2021 Act do not affect the terms or
20 conditions of easement held by an electric utility over private land as
21 of the effective date of this 2021 Act.

22 “SECTION 6b. Sections 3 and 3a of this 2021 Act do not apply to
23 municipally owned utilities organized under ORS chapter 225.

24

25 “STATEWIDE MAP OF WILDFIRE RISK

26

27 “SECTION 7. (1) The State Board of Forestry shall establish by rule
28 criteria by which the State Forestry Department must develop and
29 maintain the map described in subsection (2) of this section using the
30 most current wildfire assessments.

1 **“(2) The department shall oversee the development and mainte-**
2 **nance of a comprehensive statewide map of wildfire risk. The map**
3 **must:**

4 **“(a) Be based on wildfire risk classes identified pursuant to sub-**
5 **section (3) of this section.**

6 **“(b) Be sufficiently detailed to allow the assessment of wildfire risk**
7 **at the property-ownership level.**

8 **“(c) Include the boundaries of the wildland-urban interface, as de-**
9 **defined in ORS 477.015, consistent with national standards.**

10 **“(d) Be used to populate an Oregon Explorer Wildfire Risk Portal.**
11 **The portal must be the official wildfire planning and risk classification**
12 **mapping tool for the State of Oregon.**

13 **“(e) Include a layer that geospatially displays the locations of so-**
14 **cially and economically vulnerable communities.**

15 **“(3) To inform the map, the department shall identify statewide**
16 **wildfire risk classes, consistent with ORS 477.027, based on weather,**
17 **climate, topography and vegetation.**

18 **“(4) To develop and maintain the map, the department shall col-**
19 **laborate with Oregon State University, other state agencies, the State**
20 **Fire Marshal, local governments, federally recognized Indian tribes in**
21 **this state, other public bodies and any other information sources that**
22 **the department deems appropriate.**

23 **“(5) In maintaining the map, the department shall make technical**
24 **and other adjustments as needed over time.**

25 **“(6) The department shall make the map accessible to the public in**
26 **electronic form.**

27 **“(7) The department shall provide technical assistance to represen-**
28 **tatives of state and local government that use the map.**

29 **“SECTION 7a. (1) On or before December 31, 2021, the State**
30 **Forestry Department shall report to an interim committee of the**

1 Legislative Assembly related to wildfire, in the manner provided in
2 ORS 192.245, on the department’s progress in complying with the re-
3 quirements of section 7 of this 2021 Act.

4 “(2) On or before June 30, 2022, the department must finish all
5 actions required of the department by section 7 of this 2021 Act.

6

7

“DEFENSIBLE SPACE

8

9 **“SECTION 8. (1) The State Fire Marshal shall establish minimum**
10 **defensible space requirements for wildfire risk reduction on lands in**
11 **areas identified on the map described in section 7 of this 2021 Act as**
12 **within the wildland-urban interface. In establishing the requirements,**
13 **the State Fire Marshal shall consult with the Oregon Fire Code Advi-**
14 **sory Board and select standards from the framework set forth in the**
15 **International Wildland-Urban Interface Code (2020 ed.) published by**
16 **the International Code Council. Subject to additional local require-**
17 **ments, the requirements shall apply statewide for all lands of the type**
18 **identified in the map. In consultation with the Oregon Fire Code Ad-**
19 **visory Board, the State Fire Marshal shall periodically reexamine the**
20 **standards set forth in the International Wildland-Urban Interface Code**
21 **(2020 ed.) and update the State Fire Marshal’s standards to reflect**
22 **current best practices.**

23 **“(2) Except as otherwise provided in this subsection or subsection**
24 **(3) of this section, the State Fire Marshal may administer and enforce**
25 **the minimum defensible space requirements established under sub-**
26 **section (1) of this section that are applicable to the lands within the**
27 **jurisdiction of a local government. A local government may administer**
28 **and enforce the minimum defensible space requirements established**
29 **by the State Fire Marshal within the jurisdiction of the local govern-**
30 **ment.**

1 **“(3) A local government may adopt and enforce local requirements**
2 **for defensible space on lands that are greater than the minimum**
3 **defensible space requirements established by the State Fire Marshal.**
4 **Any local requirements that a local government adopts for defensible**
5 **space must be defensible space standards selected from the framework**
6 **set forth in the International Wildland-Urban Interface Code (2020 ed.).**
7 **If a local government adopts local requirements under this subsection,**
8 **within the jurisdiction of the local government the State Fire Marshal**
9 **may administer and enforce the minimum defensible space require-**
10 **ments established by the State Fire Marshal under subsection (1) of**
11 **this section and the local government may enforce requirements**
12 **adopted under this subsection that are greater than the minimum**
13 **defensible space requirements established by the State Fire Marshal.**
14 **The State Fire Marshal and the local government shall coordinate any**
15 **inspection and enforcement efforts described in this subsection.**

16 **“(4) If a local government administers and enforces minimum**
17 **defensible space requirements established by the State Fire Marshal**
18 **within the jurisdiction of the local government, the local government**
19 **shall periodically report to the State Fire Marshal regarding whether**
20 **lands within the jurisdiction of the local government are in compliance**
21 **with the applicable minimum defensible space requirements. The re-**
22 **ports shall state the extent of compliance for each property, the**
23 **change in degree of compliance since the previous report and any**
24 **other information required by the State Fire Marshal by rule. In ad-**
25 **dition to requiring periodic reports, the State Fire Marshal may at any**
26 **time require a local government to report the defensible space condi-**
27 **tions for any lands on which minimum defensible space requirements**
28 **are enforced by the local government.**

29 **“(5) The State Fire Marshal shall administer a community risk re-**
30 **duction program that emphasizes education and methods of prevention**

1 with respect to wildfire risk, defensible space enforcement, response
2 planning and community preparedness for wildfires. The State Fire
3 Marshal may provide financial, administrative, technical or other as-
4 sistance to a local government to facilitate the administration and
5 enforcement of minimum defensible space requirements within the
6 jurisdiction of the local government. A local government shall expend
7 financial assistance provided by the State Fire Marshal under this
8 subsection to give priority to the creation of defensible space:

9 “(a) On lands owned by members of socially and economically vul-
10 nerable communities, persons with limited proficiency in English and
11 persons of lower income as defined in ORS 456.055.

12 “(b) For critical or emergency infrastructure.

13 “(c) For schools, hospitals and facilities that serve seniors.

14 “SECTION 8a. The State Fire Marshal shall establish minimum
15 defensible space requirements for wildfire risk reduction on lands in
16 areas identified on the map described in section 7 of this section on
17 or before December 31, 2022.

18 “SECTION 9. The Community Risk Reduction Fund is established
19 in the State Treasury, separate and distinct from the General Fund.
20 Interest earned by the Community Risk Reduction Fund shall be
21 credited to the fund. Moneys in the fund are continuously appropriated
22 to the State Fire Marshal for the purpose of carrying out community
23 risk reduction and the local government financial assistance described
24 in section 8 of this 2021 Act.

25 “SECTION 10. (1) The State Fire Marshal shall annually report re-
26 garding the status of State Fire Marshal and local government activ-
27 ities for carrying out section 8 of this 2021 Act to the Legislative
28 Assembly in the manner provided in ORS 192.245 on or before the date
29 of convening of the regular session of the Legislative Assembly as
30 specified in ORS 171.010.

1 local governments.

2 “(4) The Department of Land Conservation and Development shall
3 complete the actions required by this section on or before October 1,
4 2022.

5 “(5) The Department of Land Conservation and Development shall
6 report to an interim committee of the Legislative Assembly related to
7 wildfire, in the manner provided in ORS 192.245, on or before October
8 1, 2022. The report must include recommendations concerning the up-
9 dates.

10

11

“BUILDING CODES

12

13 “SECTION 12. (1) For high wildfire risk classes identified pursuant
14 to section 7 of this 2021 Act, the Department of Consumer and Busi-
15 ness Services shall adopt wildfire hazard mitigation building code
16 standards for new construction, as described in section R327 of the 2019
17 amendments to the 2017 Oregon Residential Specialty Code.

18 “(2) The department shall incorporate the standards described in
19 subsection (1) of this section into any updates to the Oregon residen-
20 tial specialty code.

21 “SECTION 12a. Section 12 of this 2021 Act becomes operative on
22 December 31, 2022.

23 “SECTION 12b. On or before December 31, 2022, the Department of
24 Consumer and Business Services shall submit a report to an appro-
25 priate committee or interim committee of the Legislative Assembly,
26 in the manner described in ORS 192.245, that provides information on
27 the number and general location of dwellings that have been built to
28 the R327 standards since the standards were implemented in 2019,
29 along with any other relevant information.

30

1 **“HEALTH SYSTEMS FOR SMOKE**

2
3 **“SECTION 13. The Department of Environmental Quality shall de-**
4 **velop and implement a program for supporting local communities, in**
5 **detecting, preparing for, communicating or mitigating the environ-**
6 **mental and public health impacts of wildfire smoke.**

7 **“SECTION 13a. The Department of Environmental Quality shall**
8 **establish a program for supporting local communities through inter-**
9 **governmental agreements, grants, contracts or cooperative agree-**
10 **ments to develop and implement community response plans to**
11 **enhance the communities’ readiness and mitigation capacity for**
12 **smoke.**

13 **“SECTION 13b. (1) The Department of Environmental Quality shall**
14 **establish and implement a program to support communities across**
15 **this state in monitoring, interpreting and communicating data related**
16 **to ambient air quality conditions.**

17 **“(2) As part of the program, the department shall:**

18 **“(a) Conduct community outreach in areas of this state that are**
19 **prone to poor air quality attributable to elevated levels of particulate**
20 **matter.**

21 **“(b) Deploy air quality monitoring equipment in a manner sufficient**
22 **to evaluate an increased prevalence of poor air quality attributable to**
23 **elevated levels of particulate matter.**

24 **“(c) Monitor meteorological conditions in a manner sufficient to**
25 **forecast occurrences of poor air quality.**

26 **“SECTION 14. (1) In consultation and coordination with the De-**
27 **partment of Human Services, the Oregon Business Development De-**
28 **partment and local governments, the Oregon Health Authority shall**
29 **establish and implement a clean air shelter grant program. The au-**
30 **thority shall require grant recipients to provide access to clean air**

1 shelters at no charge.

2 **“SECTION 14a.** The Department of Human Services is the lead state
3 agency for clean air shelter operations. The department shall:

4 **“(1) Consult and collaborate with the Oregon Health Authority to**
5 **align practices for voluntary evacuations and emergency sheltering**
6 **operations.**

7 **“(2) Coordinate with the authority in setting priorities for awarding**
8 **grants described in subsection (1) of this section.**

9 **“(3) Provide support to local agencies that take lead roles in oper-**
10 **ating and planning clean air shelters in the local agencies’ jurisdic-**
11 **tions.**

12 **“SECTION 15. (1) As used in this section, ‘smoke filtration system’**
13 **means an air filtration system capable of removing particulates and**
14 **other harmful components of wildfire smoke.**

15 **“(2) The Oregon Health Authority shall establish a program to in-**
16 **crease the availability of smoke filtration systems among persons**
17 **vulnerable to the health effects of wildfire smoke who reside in areas**
18 **susceptible to wildfire smoke.**

19 **“(3) The authority may issue grants for the installation of smoke**
20 **filtration systems, the installation of replacement filters and housing**
21 **interventions that facilitate effective smoke filtration systems, such**
22 **as weather proofing, in residential buildings, commercial buildings or**
23 **buildings open to the public in areas susceptible to wildfire smoke. The**
24 **authority shall give grant priority to installations in residential**
25 **buildings occupied by persons who qualify for the Oregon Health Plan**
26 **or Medicaid and are vulnerable to the health effects of wildfire smoke.**

27 **“(4) The authority may adopt rules establishing standards for**
28 **smoke filtration systems obtained with grant moneys received under**
29 **this section, including, but not limited to, minimum acceptable effi-**
30 **ciency for the removal of particulates and other harmful substances**

1 generated by wildfires.

2 **“SECTION 15a. The Oregon Health Authority shall periodically re-**
3 **port to an appropriate committee or interim committee of the Legis-**
4 **lative Assembly, as described in ORS 192.245, on:**

5 **“(1) The use of clean air shelters funded under section 14 of this 2021**
6 **Act, including use of the clean air shelters by vulnerable and under-**
7 **served communities.**

8 **“(2) The use of smoke filtration systems funded under section 15**
9 **of this 2021 Act, including use of the smoke filtration systems by vul-**
10 **nerable and underserved communities.**

11 **“(3) The effectiveness of the programs described in sections 14 and**
12 **15 of this 2021 Act.**

13 **“(4) Areas for improvement.**

14 **“(5) Public health impacts during smoke events.**

15 **“(6) Whether funding described in sections 14 and 15 of this 2021 Act**
16 **has provided a public health return on investment.**

17

18 **“EMERGENCY RESPONSE AND DISASTER RECOVERY**

19

20 **“SECTION 16. ORS 401.025 is amended to read:**

21 **“401.025. As used in this chapter:**

22 **“(1) ‘Emergency’ means a human created or natural event or circumstance**
23 **that causes or threatens widespread loss of life, injury to person or property,**
24 **human suffering or financial loss, including but not limited to:**

25 **“(a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud**
26 **slides, drought, earthquake, volcanic activity, tsunamis or other oceanic**
27 **phenomena, spills or releases of oil or hazardous material as defined in ORS**
28 **466.605, contamination, utility or transportation emergencies, disease, blight,**
29 **infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and**

30 **“(b) A rapid influx of individuals from outside this state, a rapid mi-**

1 gration of individuals from one part of this state to another or a rapid dis-
2 placement of individuals if the influx, migration or displacement results from
3 the type of event or circumstance described in paragraph (a) of this sub-
4 section.

5 “(2) ‘Emergency service agency’ means an organization within a local
6 government that performs essential services for the public’s benefit before,
7 during or after an emergency, such as law enforcement, fire control, health,
8 medical and sanitation services, public works and engineering, public infor-
9 mation and communications.

10 “(3) ‘Emergency services’ means activities engaged in by state and local
11 government agencies to prepare for an emergency and to prevent, minimize,
12 respond to or recover from an emergency, including but not limited to coor-
13 dination, preparedness planning, training, interagency liaison, fire fighting,
14 oil or hazardous material spill or release cleanup as defined in ORS 466.605,
15 law enforcement, medical, health and sanitation services, engineering and
16 public works, search and rescue activities, warning and public information,
17 damage assessment, administration and fiscal management, and those meas-
18 ures defined as ‘civil defense’ in 50 U.S.C. app. 2252.

19 “(4) ‘Local government’ has the meaning given that term in ORS 174.116.

20 “(5) ‘Major disaster’ means any event defined as a ‘major disaster’ under
21 42 U.S.C. 5122(2).

22 **“SECTION 17. (1) The Office of Emergency Management shall up-
23 date its statewide emergency plan as necessary to prepare for or re-
24 spond to wildfire emergencies on an area-wide or statewide basis. The
25 plan developed by the office to prepare for or respond to wildfire
26 emergencies shall include, but need not be limited to, wildfire risk
27 mitigation efforts and evacuation planning.**

28 **“(2) The office shall coordinate with cities, counties, adult foster
29 homes, health care facilities and residential facilities and the Oregon
30 Health Authority to establish local or private procedures to prepare**

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

7 **“SECTION 17a. The Office of Emergency Management shall conduct**
8 **the update required by section 17 (1) of this 2021 Act on or before De-**
9 **cember 31, 2021.**

10
11 **“REDUCTION OF WILDFIRE RISK**
12

13 **“SECTION 18. (1)(a) The State Forestry Department shall design**
14 **and implement a program to reduce wildfire risk through the resto-**
15 **ration of landscape resiliency and the reduction of hazardous fuel on**
16 **public or private forestlands and rangelands and in communities near**
17 **homes and critical infrastructure.**

18 **“(b) The department shall select, administer and evaluate projects**
19 **consistent with the objectives described in this subsection.**

20 **“(c) When developing project selection criteria, the department**
21 **shall, to the extent practicable, consult and cooperate with state and**
22 **federal agencies, counties, cities and other units of local government,**
23 **federally recognized Indian tribes in this state, public and private**
24 **forestland and rangeland owners, forest collaboratives and other rele-**
25 **vant community organizations and ensure consistency with the prior-**
26 **ities described in subsection (2) of this section.**

27 **“(2) The department shall:**

28 **“(a) In collaboration with the Oregon State University Extension**
29 **Service and other entities, identify strategic landscapes that are ready**
30 **for treatment, giving priority to projects within the landscapes that**

1 are:

2 “(A) On all lands in the four highest eNVC risk classes identified
3 in the United States Forest Service report titled ‘Pacific Northwest
4 Quantitative Wildfire Risk Assessment: Methods and Results’ and
5 dated April 9, 2018;

6 “(B) On federal lands currently approved for treatment projects
7 under the National Environmental Policy Act (42 U.S.C. 4321 et seq.);
8 and

9 “(C) Focusing on treatments protective of human life, property,
10 critical infrastructure, watershed health and forest and rangeland
11 habitat restoration;

12 “(b) To the extent practicable, design the projects to:

13 “(A) Evaluate varying types of fuel treatment methods;

14 “(B) Leverage the collective power of public-private partnerships,
15 federal funding and state funding; and

16 “(C) Optimize the receipt of federal government investments that
17 equal or exceed department investments;

18 “(c) Design the projects to involve existing forest-based and range-
19 based contracting entities;

20 “(d) Design the projects to complement programs and projects of
21 the Oregon Watershed Enhancement Board or other state agencies as
22 needed;

23 “(e) Design the projects to involve the Oregon Wildfire Workforce
24 Corps Program established by section 21 of this 2021 Act, to the maxi-
25 mum extent possible, for community protection projects located in the
26 wildland-urban interface, subject to funding available in the Oregon
27 Wildfire Workforce Corps Fund established by section 23 of this 2021
28 Act;

29 “(f) Affirmatively seek, and enhance opportunities for, collab-
30 oration from stakeholders holding a wide variety of perspectives re-

1 **garding forest and rangeland management and opportunities for**
2 **significant involvement by communities in proximity to project sites;**
3 **and**

4 **“(g) Engage in monitoring of the project to produce useful infor-**
5 **mation on which to base recommendations to the Legislative Assem-**
6 **bly.**

7 **“(3) A project under this section may not include commercial**
8 **thinning on:**

9 **“(a) Inventoried roadless areas;**

10 **“(b) Riparian reserves identified in the Northwest Forest Plan or in**
11 **federal Bureau of Land Management resource management plans;**

12 **“(c) Late successional reserves, except to the extent consistent with**
13 **the 2011 United States Fish and Wildlife Service Revised Recovery Plan**
14 **for the Northern Spotted Owl (*Strix occidentalis caurina*);**

15 **“(d) Areas protected under the federal Wild and Scenic Rivers Act**
16 **(P.L. 90-542), national recreation areas, national monuments or areas**
17 **protected under ORS 390.805 to 390.925;**

18 **“(e) Designated critical habitat for species listed as threatened or**
19 **endangered under the Endangered Species Act of 1973 (P.L. 93-205) or**
20 **by the State Fish and Wildlife Commission under ORS 496.172, unless**
21 **commercial thinning is already allowed under an existing environ-**
22 **mental review or recognized habitat recovery plan; or**

23 **“(f) Federally designated areas of critical environmental concern**
24 **or federally designated wilderness study areas.**

25 **“(4) The department shall give public notice, and allow reasonable**
26 **opportunity for public input, when identifying and selecting landscapes**
27 **under this section.**

28 **“SECTION 19. Section 18 of this 2021 Act does not expand, diminish**
29 **or otherwise affect a right, privilege, duty or function established un-**
30 **der federal, state or local laws or rules that pertain to the manage-**

1 **ment of private lands in this state.**

2 **“SECTION 20. (1) The State Forestry Department shall complete the**
3 **operation of projects under section 18 of this 2021 Act no later than**
4 **June 30, 2023.**

5 **“(2) The department shall report regarding progress in carrying out**
6 **projects under section 18 of this 2021 Act to an interim committee of**
7 **the Legislative Assembly related to natural resources, in the manner**
8 **provided by ORS 192.245, and to the Governor no later than January**
9 **15, 2022. The report shall include, but need not be limited to:**

10 **“(a) An explanation of how landscapes were selected, a summary**
11 **of the selected projects, a description of initial outcomes from projects**
12 **selected under the requirements established by section 18 of this 2021**
13 **Act, anticipated time frames for completion of the projects and any**
14 **initial recommendations concerning landscape identification and**
15 **projects selected under the requirements established by section 18 of**
16 **this 2021 Act;**

17 **“(b) A description of the funding source types and amounts secured**
18 **by the department as matching funds to implement projects; and**

19 **“(c) A summary of outreach and coordination with relevant federal**
20 **and state agencies, counties, cities and other units of local govern-**
21 **ment, federally recognized Indian tribes in this state, public and pri-**
22 **ivate forestland and rangeland owners, forest collaboratives and other**
23 **relevant community organizations to identify and select landscapes for**
24 **treatment and develop selection criteria for projects.**

25 **“(3)(a) The department shall report its findings and recommen-**
26 **dations regarding wildfire risk reduction on forestland and rangeland**
27 **and in communities, based on information obtained from the projects**
28 **described in section 18 of this 2021 Act, to an interim committee of the**
29 **Legislative Assembly related to natural resources, in the manner pro-**
30 **vided by ORS 192.245, and to the Governor no later than July 15, 2023.**

1 **The report shall include, but need not be limited to:**

2 **“(A) A qualitative and quantitative summary of the project out-**
3 **comes that, at a minimum, states the number of acres treated, the**
4 **treatment actions carried out and any resulting or anticipated changes**
5 **in landscape conditions related to enhanced resiliency or the miti-**
6 **gation of wildfire risk to public values;**

7 **“(B) The identification of barriers to more efficient implementation**
8 **and achievement of goals in future wildfire risk reduction projects;**

9 **“(C) A qualitative and quantitative summary of the use of pre-**
10 **scribed fire activities and invasive annual grass treatments for wildfire**
11 **risk reduction that, at a minimum, states the number of acres burned**
12 **and any resulting or anticipated changes in landscape conditions re-**
13 **lated to enhanced resiliency or the mitigation of wildfire risk to public**
14 **values;**

15 **“(D) The identification of existing disincentives to, and recommen-**
16 **dation for reducing barriers to, the use of prescribed fire;**

17 **“(E) Recommendations for creating optimal working relationships**
18 **with forest collaboratives and other relevant community organizations**
19 **regarding future wildfire risk reduction projects;**

20 **“(F) A description of the funding source types and amounts secured**
21 **by the department as matching funds to carry out projects; and**

22 **“(G) Recommendations for investment in future wildfire risk re-**
23 **duction projects to be carried out in the 2023-2025 biennium.**

24 **“(b) In developing the report required under this subsection, the**
25 **department shall work in coordination with federal land management**
26 **agencies, institutions of higher education and third parties to develop**
27 **consistent performance measurements and condition-based metrics for**
28 **monitoring and communicating the effectiveness of state investments**
29 **and project actions in reducing wildfire risk on public or private**
30 **forestlands and rangelands and in communities.**

1 **“OREGON WILDFIRE WORKFORCE CORPS**

2
3 **“SECTION 21. (1) The Oregon Wildfire Workforce Corps Program**
4 **is established for the purposes of:**

5 **“(a) Reducing the risk wildfire poses to communities and critical**
6 **infrastructure.**

7 **“(b) Helping to create fire-adapted communities.**

8 **“(c) Engaging youth and young adults in workforce training.**

9 **“(2) Youth and young adults between 13 years of age and 26 years**
10 **of age who have been qualified by a youth development organization**
11 **may participate in projects undertaken by the corps.**

12 **“(3) Notwithstanding an contrary provision of law, participants in**
13 **projects undertaken by the corps:**

14 **“(a) Are not employees of the corps.**

15 **“(b) Are exempt from prevailing wage laws.**

16 **“(c) Must receive compensation for their participation of at least**
17 **minimum wage or an allowance or stipend that, when combined with**
18 **other sources of payment the participant is eligible to receive, includ-**
19 **ing academic credit or an AmeriCorps education award, is equivalent**
20 **to the value of minimum wage.**

21 **“SECTION 22. (1) As used in this section, ‘eligible organization’ in-**
22 **cludes Oregon-based nonprofit youth development organizations and**
23 **public entities that provide programs of job training, skill development**
24 **and forest-related career path training.**

25 **“(2) The Oregon Wildfire Workforce Advisory Committee is estab-**
26 **lished within the Higher Education Coordinating Commission for the**
27 **purpose of managing the Oregon Wildfire Workforce Corps Program.**

28 **“(3) The Governor shall determine the number of members on the**
29 **committee and appoint the members.**

30 **“(4) The committee shall, in collaboration with a nonprofit founda-**

1 tion, actively seek and source private donations to increase donations
2 to the Oregon Community Foundation.

3 “(5) The committee may direct the expenditure of moneys from the
4 Oregon Wildfire Workforce Corps Fund for a promotional website and
5 materials to solicit private funds.

6 “(6) Members may not receive compensation for service on the
7 committee, but, subject to any applicable laws regulating travel and
8 other expenses of state officers and employees, may be reimbursed for
9 actual and necessary travel and other expenses incurred in the per-
10 formance of committee duties with moneys available to the commis-
11 sion for the purpose of reimbursing the members.

12 “(7) The committee shall administer a grant process that:

13 “(a) Provides funding to support the work conducted by the Oregon
14 Wildfire Workforce Corps Program.

15 “(b) Defines and uses an equity lens in awarding grants by identi-
16 fying and supporting populations with greater vulnerability including
17 communities of color, indigenous communities, communities with
18 members who have limited proficiency in English and communities
19 with lower-income members.

20 “(c) Awards grants to eligible organizations.

21 “(d) Ensures that grant awards support activities described in sub-
22 section (6) of this section.

23 “(e) Establishes guidelines for prioritizing grant-supported projects
24 to reduce community fire risks, promote youth and young adult
25 workforce development and educational experiences and reduce haz-
26 ardous fuels.

27 “(8) The committee shall consult with the State Forestry Depart-
28 ment to ensure that the grant process awards funds to proposals that:

29 “(a) Protect at-risk communities and infrastructure within the
30 wildland-urban interface, as described in section 18 of this 2021 Act.

1 **“(b) Meet standards for fuel treatment established by the depart-**
2 **ment.**

3 **“(9) The committee shall biennially submit a report, on the timeline**
4 **described in ORS 293.640, to an appropriate committee or interim**
5 **committee of the Legislative Assembly, as described in ORS 192.245,**
6 **regarding the expenditure of moneys deposited in the Oregon Wildfire**
7 **Workforce Corps Fund.**

8 **“SECTION 23. (1) The Oregon Wildfire Workforce Corps Fund is**
9 **established in the State Treasury, separate and distinct from the**
10 **General Fund. Interest earned by the Oregon Wildfire Workforce**
11 **Corps Fund shall be credited to the fund.**

12 **“(2) The fund may receive contributions from individuals and pri-**
13 **ivate organizations.**

14 **“(3) Moneys in the fund are continuously appropriated to the Higher**
15 **Education Coordinating Commission to be used as directed by the**
16 **Oregon Wildfire Workforce Advisory Committee and for related ad-**
17 **ministrative expenses of the commission.**

18 **“(4) The commission shall keep records of all moneys credited to**
19 **and deposited in the fund and the activity or program against which**
20 **each withdrawal from the fund is charged.**

21

22 **“SMALL WOODLAND GRANT PROGRAM**

23

24 **“SECTION 24. (1) As used in this section, ‘small woodland owner’**
25 **means an individual, group, federally recognized Indian tribe in**
26 **Oregon or association that owns between one and 160 acres of**
27 **forestland, as defined in ORS 526.005.**

28 **“(2) The State Forestry Department shall establish a small**
29 **woodland grant program for the purpose of providing grants, on a**
30 **competitive basis, to support small woodland owners in reducing**

1 wildfire risk through the restoration of landscape resiliency and the
2 reduction of hazardous fuels on the owners' small woodlands.

3 “(3) The department shall set criteria for assessing grant applica-
4 tions and awarding grants.

5
6 “PRESCRIBED FIRE

7
8 “SECTION 25. The State Forestry Department shall adopt rules to
9 clarify that a person may:

10 “(1) Conduct a prescribed fire that burns across land ownership
11 boundaries if the person obtains a permit for the fire as described in
12 ORS 477.515 or 477.625 and complies with the conditions of the permit.

13 “(2) Obtain a single permit under ORS 477.515 or 477.625 for a pre-
14 scribed fire that burns across land ownership boundaries if the person
15 demonstrates to the department that the person has obtained consent
16 to conduct the fire from all persons on whose lands the fire is planned
17 to burn.

18 “SECTION 25a. The State Forestry Department shall initiate the
19 rulemaking described in section 25 of this 2021 Act on or before No-
20 vember 30, 2021, and finalize the rulemaking on or before November
21 30, 2022.

22 “SECTION 26. ORS 526.360 is amended to read:

23 “526.360. (1) The State Board of Forestry, [*and the forester*] **the State**
24 **Forester and forest protective associations** may assist to the extent
25 [*possible*] **practical** in developing, for forestry, grazing or agricultural uses,
26 all forestland classified pursuant to ORS 526.328 or 526.340 for such uses,
27 including the burning of brush or other flammable material for the purpose
28 of:

29 “(a) Removing a fire hazard to any property;

30 “(b) Preparing seed beds;

1 “(c) Removing obstructions to or interference with the proper seeding or
2 agricultural or grazing development or use of that land;

3 “(d) Promoting the establishment of new forest crops on cutover, denuded
4 or underproductive lands;

5 “(e) Implementing pest prevention and suppression activities, as provided
6 in ORS 527.310 to 527.370; or

7 “(f) Promoting improvements to forest health, including improvements to
8 fish and wildlife habitat.

9 “(2) Upon request of the owner or the agent of the owner of any
10 forestland classified pursuant to ORS 526.328 or 526.340, the forester **or a**
11 **forest protective association** may perform or supervise burning operations
12 thereon for any of the purposes stated in subsection (1) of this section. The
13 owner or the agent of the owner shall supply such personnel and equipment
14 and shall perform such fire control actions and activities as the forester **or**
15 **forest protective association** may require while there is danger of the fire
16 spreading. The forester **or forest protective association** may refuse to
17 perform or supervise burning or to issue any burning permit when, in the
18 judgment of the forester **or forest protective association**, conditions so
19 warrant.

20 “(3) To accomplish the purposes set forth in subsection (1) of this section,
21 the [*State Board of Forestry may*] **board shall** establish by rule a Certified
22 Burn Manager program.

23 “(4) The rules shall include:

24 “(a) Certification standards, requirements and procedures;

25 “(b) Standards, requirements and procedures to revoke certification;

26 “(c) Actions and activities that a Certified Burn Manager must perform;

27 “(d) Actions and activities that a Certified Burn Manager may not allow
28 or perform;

29 “(e) Limitations on the use of a Certified Burn Manager; and

30 “(f) Any other standard, requirement or procedure that the board consid-

1 ers necessary for the safe and effective administration of the program.

2 “(5) The rules may establish and impose fees for participation in the
3 program.

4 “[4] (6) When [any] a burning for any of the purposes stated in sub-
5 section (1) of this section on forestland classified pursuant to ORS 526.328
6 or 526.340 is started under the supervision of and supervised by the
7 forester, a forest protective association or a Certified Burn Manager,
8 [no] a person [shall] may not be held liable for property damage resulting
9 from that burning unless the damage is caused by the negligence of the
10 person.

11 “SECTION 27. By December 1, 2021, the State Board of Forestry
12 shall:

13 “(1) Consult with the Oregon Prescribed Fire Council concerning
14 best practices for conducting the Certified Burn Manager program
15 described in ORS 526.360;

16 “(2) Initiate rulemaking to establish the program; and

17 “(3) Report in the manner provided in ORS 192.245 to an appropriate
18 committee or interim committee of the Legislative Assembly on
19 progress the board has made in establishing and implementing the
20 program and when the board expects to launch the program.

21

22 “PROTECTED AREAS

23

24 “SECTION 28. (1) The State Forester, in collaboration with the
25 State Fire Marshal, state agencies and local governments as defined
26 in ORS 174.116, shall adopt rules establishing baseline levels of wildfire
27 protection for lands that are outside of forest protection districts and
28 susceptible to wildfire. When establishing the baseline levels for lands,
29 the State Forester shall ensure that the levels are adapted to reflect
30 regional conditions. A county, in collaboration with the State Forester

1 and the State Fire Marshal, may work to ensure that all lands within
2 the county that are outside of forest protection districts and suscep-
3 tible to wildfire are provided with wildfire protection services at the
4 applicable baseline level or a higher level. As used in this subsection,
5 ‘forest protection districts’ means lands designated in State Forester
6 rules as provided under ORS 477.225.

7 “(2) A county, in collaboration with the State Forester and the
8 State Fire Marshal, may assist:

9 “(a) Landowners, individuals and businesses with forming jurisdic-
10 tions to provide wildfire protection;

11 “(b) Landowners, individuals, businesses and jurisdictions with ob-
12 taining expansion of or other changes to boundaries or facility lo-
13 cations of jurisdictions that provide wildfire protection;

14 “(c) Jurisdictions to expand or adjust jurisdiction service bounda-
15 ries to ensure adequate wildfire protection for lands; and

16 “(d) Jurisdictions in developing wildfire protection facilities, equip-
17 ment, training and other resources adequate to ensure that the juris-
18 diction provides timely and effective wildfire protection at the baseline
19 level or higher on lands described in subsection (1) of this section
20 throughout the jurisdiction.

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

25 “SECTION 29. A county shall ensure no later than January 1, 2026,
26 that all lands described in section 28 (1) of this 2021 Act within the
27 county have baseline level or higher wildfire protection as described
28 in section 28 of this 2021 Act.

29
30 “WILDFIRE RESPONSE CAPACITY

1 **“SECTION 30. (1) The State Forestry Department shall consult and**
2 **coordinate with federal agencies, private stakeholders and other state**
3 **agencies to determine the adequacy of state, federal and private**
4 **wildfire response capacity. The department shall act to facilitate**
5 **wildfire prevention and wildfire response communication and coordi-**
6 **nation between federal, state, local and private entities.**

7 **“(2) The department shall, to the extent practicable, seek to lever-**
8 **age state moneys to obtain an increase in federal wildfire resources**
9 **available to Oregon for effective initial response purposes.**

10 **“(3) The department shall consult with the office of the State Fire**
11 **Marshal and with local fire defense board chiefs to assess the adequacy**
12 **of available mutual aid to provide wildfire response on wildland-urban**
13 **interface lands and to identify means for providing additional re-**
14 **sources from the state or other entities to enhance wildfire response**
15 **capacity on wildland-urban interface lands.**

16 **“(4) The department shall continually identify workforce develop-**
17 **ment needs associated with wildfire risk mitigation and wildfire re-**
18 **sponse and develop funding proposals for meeting those needs on a**
19 **sustained basis. The identified workforce development needs must**
20 **align with wildfire risk to provide an adequate level of wildfire pro-**
21 **tection, as described in ORS 477.062.**

22 **“(5) The department may enter into cooperative agreements or**
23 **contracts with a local or private entity for the purpose of assisting the**
24 **entity to organize for purposes of wildfire risk mitigation or wildfire**
25 **response, including, but not limited to, facilitating wildfire training**
26 **and the acquisition of firefighting equipment for the entity and as-**
27 **sisting with payment for liability insurance and other administrative**
28 **expenses of the entity associated with wildfire risk mitigation or**
29 **wildfire response.**

30 **“SECTION 30a. The State Fire Marshal may enter into contracts**

1 **with other states for fire suppression, coordination and response.**

2
3 **“WILDLAND-URBAN INTERFACE FIRE PROTECTION**

4
5 **“SECTION 31.** ORS 477.015 is amended to read:

6 “477.015. [(1)] As used in **this section and** ORS [477.015 to 477.061] **477.025**
7 **and 477.027,** unless the context otherwise requires, ‘[forestland]
8 **wildland-urban interface’** means **an area in which humans or human**
9 **development meets or intermixes with wildland fuels.** [a geographic area
10 of forestland inside a forest protection district where there exists a concen-
11 tration of structures in an urban or suburban setting.]

12 “[2) As used in ORS 477.015 to 477.057, unless the context requires other-
13 wise:]

14 “[a) ‘Committee’ means a county forestland-urban interface classification
15 committee.]

16 “[b) ‘Governing body’ means the board of county commissioners or county
17 court of a county, as the case may be.]

18 **“SECTION 32.** ORS 477.025 is amended to read:

19 “477.025. The Legislative Assembly recognizes that the [forestland]
20 **wildland-urban interface** in Oregon varies by condition, situation, fire haz-
21 ard and risk, that different [forestland] **wildland-urban interface** fire pro-
22 tection problems exist across the state because of this variability, **and** that
23 these different problems necessitate varied fire prevention and protection
24 practices. [and that, in order to give recognition to such differences and their
25 effect on the accomplishment of the public policy stated in ORS 477.023, certain
26 classifications of the forestland-urban interface within the State of Oregon are
27 established by ORS 477.027 to 477.057.]

28 **“SECTION 33.** ORS 477.027 is amended to read:

29 “477.027. (1) By administrative rule, the State Board of Forestry shall
30 establish criteria by which the [forestland] **wildland-urban interface** shall

1 be identified and classified. The criteria shall recognize differences across
2 the state in fire hazard, fire risk and structural characteristics within the
3 [*forestland*] **wildland**-urban interface.

4 “(2) The [*criteria shall include*] **board shall establish** not less than three
5 nor more than five classes of [*forestland*] **wildland**-urban interface **based on**
6 **the criteria.**

7 “(3) **The classes must be integrated into the comprehensive state-**
8 **wide map described in section 7 of this 2021 Act.**

9 “**SECTION 34. ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052,**
10 **477.054, 477.057, 477.059, 477.060 and 477.061 are repealed.**

11

12 “**STATE WILDFIRE PROGRAMS DIRECTOR**

13

14 “**SECTION 35. (1) The Governor shall appoint a State Wildfire Pro-**
15 **grams Director to serve at the pleasure of the Governor.**

16 “(2) **The duties of the director shall include:**

17 “(a) **Overseeing implementation of requirements and authorization**
18 **provided by this 2021 Act.**

19 “(b) **Coordinating and integrate activities of state agencies and**
20 **other entities that are required or authorized by this 2021 Act in order**
21 **to optimize the efficiency and effectiveness of the activities.**

22 “(c) **Ensuring compliance with deadlines set out in this 2021 Act.**

23 “(d) **Monitoring and assessing any financial impacts of the activities**
24 **on local jurisdictions and the equity of those financial impacts among**
25 **the jurisdictions.**

26 “(e) **Supervising staffing of the Wildfire Programs Advisory Council.**

27 “(f) **Reporting at least every 60 days to the Governor, the President**
28 **of the Senate, the Speaker of the House of Representatives and the**
29 **chairs of relevant committees and interim committees of the Legisla-**
30 **tive Assembly to summarize progress on implementing the activities,**

1 note obstacles and opportunities, catalog possibilities for future im-
2 provements to further reduce wildfire risk in this state.

3 “(g) Exploring additional opportunities to reduce wildfire risk, in-
4 cluding but not limited to engaging with:

5 “(A) Insurance companies regarding insurance policy coverage pro-
6 visions, underwriting standards, insurance rates and any other topics
7 relevant to enhancing the protection of property from wildfire at a
8 reasonable cost.

9 “(B) Electric utilities regarding further actions to protect public
10 safety, reduce risk to electric company customers and promote elec-
11 trical system resilience to wildfire damage.

12 “(C) Congressional delegations and federal agencies to expand op-
13 portunities for cost-share partnerships for wildfire mitigation and de-
14 velop strategies for improvements to federal fire management policies.

15

16 “WILDFIRE PROGRAMS ADVISORY COUNCIL

17

18 “SECTION 36. (1) There is established a Wildfire Programs Advisory
19 Council to advise and assist the State Wildfire Programs Director by:

20 “(a) Closely monitoring implementation of activities undertaken
21 pursuant to this 2021 Act, including implementation of aspects of ac-
22 tivities that include defensible space, building codes and land use ap-
23 plications of any comprehensive map of statewide wildfire risk.

24 “(b) Providing advice on needed changes to the activities in order
25 to fulfill the goal of dramatically reducing wildfire risk in this state
26 and ensuring that regional defensible space, building codes and land
27 use applications are appropriate.

28 “(c) Developing strategies to ensure promotion of the activities and
29 buy-in from regions and communities.

30 “(d) Reviewing Department of Land Conservation and Development

1 findings and recommendations in the report required by section 11 of
2 this 2021 Act, identifying the recommendations that the council be-
3 lieves should be advanced to the Legislative Assembly for consider-
4 ation in a future legislative session and making additional
5 recommendations related to needed updates to the statewide land use
6 planning program and local comprehensive plans and zoning codes to
7 incorporate wildfire risk maps and minimize wildfire risk to people,
8 public and private property, businesses, infrastructure and natural
9 resources.

10 “(2) The council shall consist of 18 members appointed as follows:

11 “(a) Five members appointed by the Governor with diverse ge-
12 ographic representation.

13 “(b) Five members appointed by the Association of Oregon Coun-
14 ties.

15 “(c) Three members appointed by the League of Oregon Cities.

16 “(d) Two members appointed by the Special Districts Association
17 of Oregon.

18 “(e) Two members appointed by the Oregon Fire Chiefs Association.

19 “(f) One member appointed by the Oregon Fire District Directors
20 Association.

21 “(3) The term of service for each member is three years.

22 “(4) The members are eligible for reappointment.

23 “(5) The council shall elect a chair and vice-chair to serve for one-
24 year terms.

25 “(6) The members shall serve on the council as volunteers and are
26 not entitled to reimbursement for expenses.

27 “(7) The Department of Consumer and Business Services, Depart-
28 ment of Land Conservation and Development, Office of the State Fire
29 Marshal and State Forestry Department shall each provide 0.15 of the
30 time of a full-time equivalent employee to:

1 **the same meaning as ‘wildland-urban interface,’ as defined in ORS**
2 **477.015.**

3 **“SECTION 41.** ORS 197.716 is amended to read:

4 “197.716. (1) As used in this section:

5 “(a) ‘Economic opportunity analysis’ means an analysis performed by a
6 county that:

7 “(A) Identifies the major categories of industrial uses or other employ-
8 ment uses that could reasonably be expected to expand or locate in the
9 county based on a review of trends on a national, state, regional or county
10 level;

11 “(B) Identifies the number of sites by type reasonably expected to be
12 needed to accommodate the expected employment growth based on the site
13 characteristics typical of expected uses;

14 “(C) Estimates the types and amounts of industrial uses and other em-
15 ployment uses likely to occur in the county based on subparagraphs (A) and
16 (B) of this paragraph and considering the county’s economic advantages and
17 disadvantages, including:

18 “(i) Location, size and buying power of markets;

19 “(ii) Availability of transportation facilities for access and freight mobil-
20 ity;

21 “(iii) Public facilities and public services;

22 “(iv) Labor market factors;

23 “(v) Access to suppliers and utilities;

24 “(vi) Necessary support services;

25 “(vii) Limits on development due to federal and state environmental pro-
26 tection laws; and

27 “(viii) Educational and technical training programs;

28 “(D) Assesses community economic development potential through a pub-
29 lic process in conjunction with state agencies and consistent with any cate-
30 gories or particular types of industrial uses and other employment uses

1 desired by the community as identified in an existing comprehensive plan;

2 “(E) Examines existing firms in the county to identify the types of sites
3 that may require expansion;

4 “(F) Includes an inventory of vacant and developed lands within the
5 county designated for industrial use or other employment use, including:

6 “(i) The description, including site characteristics, of vacant or developed
7 sites within each plan or zoning district; and

8 “(ii) A description of any development constraints or infrastructure needs
9 that affect the buildable area of sites in the inventory; and

10 “(G) Identifies additional potential sites for designation and rezoning that
11 could reasonably accommodate expected industrial uses and other employ-
12 ment uses that cannot be met by existing inventories.

13 “(b) ‘Industrial use’ means industrial employment activities, including
14 manufacturing, assembly, fabrication, processing, storage, logistics, ware-
15 housing, importation, distribution and transshipment and research and de-
16 velopment.

17 “(c) ‘Listed county’ means Baker, Gilliam, Grant, Harney, Lake, Malheur,
18 Sherman, Union, Wallowa or Wheeler County.

19 “(d) ‘Other employment use’ means all nonindustrial employment activ-
20 ities, including small scale commercial use, wholesale, service, nonprofit,
21 business headquarters, administrative, governmental or employment activ-
22 ities that serve the medical, educational, social service, recreational or se-
23 curity industries and that occupy retail, office or flexible building types of
24 any size or multibuilding campuses.

25 “(e) ‘Reasonably be expected to expand or locate in the county’ means
26 that the county possesses the appropriate locational factors for the use or
27 category of use.

28 “(f)(A) ‘Small scale commercial use’ means the low-impact use of land
29 primarily for the retail sale of products or services, including offices.

30 “(B) ‘Small scale commercial use’ does not include use of land for facto-

1 ries, warehouses, freight terminals or wholesale distribution centers.

2 “(2) A listed county that has adopted an economic opportunity analysis
3 as part of its comprehensive plan may amend its comprehensive plan, land
4 use regulations and zoning map to designate not more than 10 sites outside
5 an urban growth boundary that cumulatively total not more than 50 acres
6 of land if the sites were identified in any economic opportunity analysis as
7 additional potential sites for industrial uses or other employment uses in
8 order to allow for industrial uses and other employment uses without re-
9 quiring an exception under ORS 197.732 to any statewide land use planning
10 goals related to:

11 “(a) Agriculture;

12 “(b) Forest use; or

13 “(c) Urbanization.

14 “(3) A county may not designate a site under subsection (2) of this sec-
15 tion:

16 “(a) On any lands designated as high-value farmland as defined in ORS
17 195.300;

18 “(b) Unless the county complies with ORS 197.714; and

19 “(c) If any portion of the proposed site is for lands designated for forest
20 use, unless the county:

21 “(A) Notifies the State Forester in writing not less than 21 days before
22 designating the site; and

23 “(B) Cooperates with the State Forester in:

24 “(i) Updating and classifying [*forestland*] **wildland**-urban interface lands
25 in and around the site;

26 “(ii) Taking necessary steps to implement or update the [*forestland*]
27 **wildland**-urban interface fire protection system in and around the site as
28 described in ORS [477.015 to 477.061] **477.027**; and

29 “(iii) Implementing other fire protection measures authorized by the State
30 Forester.

1 “(4) A county may not amend its comprehensive plan, land use regulations
2 or zoning map under this section to allow a use that would conflict with an
3 administrative rule adopted for the purpose of implementing the Oregon
4 Sage-Grouse Action Plan and Executive Order 15-18.

5 **“SECTION 42.** ORS 205.130 is amended to read:

6 “205.130. The county clerk shall:

7 “(1) Have the custody of, and safely keep and preserve, all files and re-
8 cords of deeds and mortgages of real property and a record of all maps, plats,
9 contracts, powers of attorney and other interests affecting the title to real
10 property required or permitted by law to be recorded.

11 “(2) Record, or cause to be recorded, in a legible and permanent manner,
12 and keep in the office of the county clerk, all:

13 “(a) Deeds and mortgages of real property, powers of attorney and con-
14 tracts affecting the title to real property, authorized by law to be recorded,
15 assignments thereof and of any interest therein when properly acknowledged
16 or proved and other interests affecting the title to real property required or
17 permitted by law to be recorded;

18 “(b) Certificates of sale of real property under execution or order of court,
19 or assignments of previously recorded certificates or of any interest in real
20 property, when properly acknowledged or proved;

21 “(c) Certified copies of death records of any person appearing in the
22 county records as owning or having a claim or interest in land in the county.
23 A certified copy of a death record recorded in the deed records of a county
24 under this subsection is a public record and is not subject to the disclosure
25 limitations under ORS 432.350;

26 “(d) Instruments presented for recording by the United States or the State
27 of Oregon, or a political subdivision of either, that affect title to or an in-
28 terest in real property or that lawfully concern real property; **and**

29 “(e) Instruments recognized under state law or rule or federal law or
30 regulation as affecting title to or an interest in real property if the instru-

1 ment is properly acknowledged or proved[; *and*].

2 “[*f*) *Orders from a county forestland-urban interface classification commit-*
3 *tee filed under ORS 477.052.*]

4 “(3) Keep and maintain:

5 “(a) Deed and mortgage records;

6 “(b) Statutory lien records;

7 “(c) A record called the County Clerk Lien Record in which the following
8 shall be recorded:

9 “(A) The warrants and orders of officers and agencies that are required
10 or permitted by law to be recorded; and

11 “(B) All instruments presented for recordation when required or permitted
12 by law to be recorded that affect the title to or an interest in real property,
13 other than instruments recorded in the deed and mortgage records or the
14 statutory lien records;

15 “(d) Releases, satisfactions, assignments, amendments and modifications
16 of recorded instruments; and

17 “(e) Other instruments required or permitted by law to be recorded not
18 affecting interests in real property.

19 “(4) Perform all the duties in regard to the recording and indexing of
20 deeds and mortgages of real property, contracts, abstracts of judgments, no-
21 tices of pendency, powers of attorney and other interests when required or
22 permitted by law to be recorded that affect the title of real property, and in
23 regard to the entry of satisfaction and discharge of the same, together with
24 other documents required or permitted by law to be recorded.

25 “(5) Incur no civil or criminal liability, either personally or in an official
26 capacity, for recording an instrument that does not comply with the pro-
27 visions of law that require or allow the recording of the instrument.

28 “**SECTION 43.** ORS 477.281 is amended to read:

29 “477.281. (1) The obligation of an owner of timberland or grazing land for
30 payment of assessments and taxes for fire protection of forestland is limited

1 to:

2 “(a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295,
3 477.760 (4) and 477.880 to maintain the Oregon Forest Land Protection Fund;
4 and

5 “(b) The payment of forest protection district assessments pursuant to
6 ORS [~~477.060 and~~] 477.205 to 477.281.

7 “(2) As used in this section, ‘obligation of an owner of timberland or
8 grazing land for payment of assessments and taxes for fire protection of
9 forestland’ does not include the duties or obligations of the owner under ORS
10 477.066, 477.068 or 477.120 or the obligations of an owner of land included in
11 a rural fire protection district pursuant to ORS 478.010.

12

13 **“APPROPRIATIONS**

14

15 **“SECTION 44. In addition to and not in lieu of any other appropri-**
16 **ation, there is appropriated to the Public Utility Commission, for the**
17 **biennium beginning July 1, 2021, out of the General Fund, the amount**
18 **of \$_____ for purposes described in sections 2 and 3 of this 2021 Act.**

19 **“SECTION 45. In addition to and not in lieu of any other appropri-**
20 **ation, there is appropriated to the State Board of Forestry, for the**
21 **biennium beginning July 1, 2021, out of the General Fund, the amount**
22 **of \$_____ for the purpose of developing and maintaining the map de-**
23 **scribed in section 7 of this 2021 Act.**

24 **“SECTION 46. In addition to and not in lieu of any other appropri-**
25 **ation, there is appropriated to Oregon State University, for the**
26 **biennium beginning July 1, 2021, out of the General Fund, the amount**
27 **of \$_____ for the purpose of collaborating on the map described in**
28 **section 7 of this 2021 Act.**

29 **“SECTION 47. In addition to and not in lieu of any other appropri-**
30 **ation, there is appropriated to the State Fire Marshal, for the**

1 biennium beginning July 1, 2021, out of the General Fund, the amount
2 of \$_____ for the purpose of activities related to the community risk
3 reduction program described in sections 8 and 10 of this 2021 Act.

4 **“SECTION 48.** In addition to and not in lieu of any other appropri-
5 ation, there is appropriated to the State Fire Marshal, for the
6 biennium beginning July 1, 2021, out of the General Fund, the amount
7 of \$_____ for deposit in the Community Risk Reduction Fund estab-
8 lished by section 9 of this 2021 Act.

9 **“SECTION 49.** In addition to and not in lieu of any other appropri-
10 ation, there is appropriated to the Department of Land Conservation
11 and Development, for the biennium beginning July 1, 2021, out of the
12 General Fund, the amount of \$_____ for purposes described in section
13 11 of this 2021 Act.

14 **“SECTION 50.** In addition to and not in lieu of any other appropri-
15 ation, there is appropriated to the Department of Consumer and
16 Business Services, for the biennium beginning July 1, 2021, out of the
17 General Fund, the amount of \$_____ for purposes described in section
18 12 of this 2021 Act.

19 **“SECTION 51.** In addition to and not in lieu of any other appropri-
20 ation, there is appropriated to the Department of Environmental
21 Quality, for the biennium beginning July 1, 2021, out of the General
22 Fund, the amount of \$_____ for purposes described in section 13 of this
23 2021 Act.

24 **“SECTION 52.** In addition to and not in lieu of any other appropri-
25 ation, there is appropriated to the Department of Environmental
26 Quality, for the biennium beginning July 1, 2021, out of the General
27 Fund, the amount of \$_____ for purposes described in section 13a of
28 this 2021 Act.

29 **“SECTION 53.** In addition to and not in lieu of any other appropri-
30 ation, there is appropriated to the Department of Environmental

1 Quality, for the biennium beginning July 1, 2021, out of the General
2 Fund, the amount of \$_____ for purposes described in section 13b of
3 this 2021 Act.

4 **SECTION 54.** In addition to and not in lieu of any other appropri-
5 ation, there is appropriated to the Oregon Health Authority, for the
6 biennium beginning July 1, 2021, out of the General Fund, the amount
7 of \$_____ for purposes described in section 14 of this 2021 Act.

8 **SECTION 55.** In addition to and not in lieu of any other appropri-
9 ation, there is appropriated to the Oregon Health Authority, for the
10 biennium beginning July 1, 2021, out of the General Fund, the amount
11 of \$_____ for purposes described in sections 15 and 15a of this 2021 Act.

12 **SECTION 56.** In addition to and not in lieu of any other appropri-
13 ation, there is appropriated to the Office of Emergency Management,
14 for the biennium beginning July 1, 2021, out of the General Fund, the
15 amount of \$_____ for purposes described in section 17 of this 2021 Act.

16 **SECTION 57.** In addition to and not in lieu of any other appropri-
17 ation, there is appropriated to the State Forestry Department, for the
18 biennium beginning July 1, 2021, out of the General Fund, the amount
19 of \$_____ for purposes described in sections 18 and 20 of this 2021 Act.

20 **SECTION 58.** In addition to and not in lieu of any other appropri-
21 ation, there is appropriated to the State Forestry Department, for the
22 biennium beginning July 1, 2021, out of the General Fund, the amount
23 of \$_____ for the wildfire aviation program, staffing for fire pro-
24 tection, department administration and expansion of partnership and
25 planning programs, including the forest health programs for activities
26 described in sections 18, 19, 20, 25 and 30 of this 2021 Act.

27 **SECTION 59.** In addition to and not in lieu of any other appropri-
28 ation, there is appropriated to the Higher Education Coordinating
29 Commission, for the biennium beginning July 1, 2021, out of the Gen-
30 eral Fund, the amount of \$_____ for purposes described in section 22

1 of this 2021 Act.

2 **“SECTION 60.** In addition to and not in lieu of any other appropri-
3 ation, there is appropriated to the Higher Education Coordinating
4 Commission, for the biennium beginning July 1, 2021, out of the Gen-
5 eral Fund, for deposit in the Oregon Wildfire Workforce Corps Fund
6 established by section 24 of this 2021 Act:

7 **“(1)** The amount of \$1,000,000.

8 **“(2)** The amount of \$_____ to match private donations that are do-
9 nated for the purpose of funding grant-support projects related to the
10 Oregon Wildfire Workforce Corps Program. The executive director of
11 the commission may request that the commission release the fund
12 appropriated by this subsection in increments that match donations.

13 **“SECTION 61.** In addition to and not in lieu of any other appropri-
14 ation, there is appropriated to the State Forestry Department, for the
15 biennium beginning July 1, 2021, out of the General Fund, the amount
16 of \$_____ for purposes described in section 25 of this 2021 Act.

17 **“SECTION 62.** In addition to and not in lieu of any other appropri-
18 ation, there is appropriated to the State Board of Forestry, for the
19 biennium beginning July 1, 2021, out of the General Fund, the amount
20 of \$_____ for the purpose of establishing and implementing the Certi-
21 fied Burn Manager program described in ORS 526.360.

22 **“SECTION 63.** In addition to and not in lieu of any other appropri-
23 ation, there is appropriated to the State Forestry Department, for the
24 biennium beginning July 1, 2021, out of the General Fund, the amount
25 of \$_____ for purposes described in section 28 of this 2021 Act.

26 **“SECTION 64.** In addition to and not in lieu of any other appropri-
27 ation, there is appropriated to the State Forestry Department, for the
28 biennium beginning July 1, 2021, out of the General Fund, the amount
29 of \$_____ for purposes of workforce development needs associated with
30 wildfire risk mitigation and response required by section 30 of this 2021

1 **Act.**

2

3

“CAPTIONS

4

5 **“SECTION 65. The unit captions used in this 2021 Act are provided**
6 **only for the convenience of the reader and do not become part of the**
7 **statutory law of this state or express any legislative intent in the**
8 **enactment of this 2021 Act.**

9

10

“EMERGENCY CLAUSE

11

12 **“SECTION 66. This 2021 Act being necessary for the immediate**
13 **preservation of the public peace, health and safety, an emergency is**
14 **declared to exist, and this 2021 Act takes effect on its passage.”.**

15
