

Senate Bill 83

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Natural Resources and Wildfire)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes related to reducing wildfire risk. The Act makes changes related to fire protection. The Act gives money as a match for certain funds. (Flesch Readability Score: 72.3).

Makes changes related to building code standards for wildfire hazard mitigation.

Makes changes to consultations that are required for a certain grant process.

Makes changes related to fire protection for lands outside of forest protection districts.

Makes certain changes related to a program to reduce wildfire risk.

Appropriates moneys out of the General Fund to the Higher Education Coordinating Commission for funding certain grant-supported projects.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wildfire; creating new provisions; amending ORS 455.612, 476.696, 477.161 and 477.503;
3 repealing section 29, chapter 592, Oregon Laws 2021; and declaring an emergency.

4 Whereas state agencies may respond to wildfires on any nonfederal lands in this state, to the
5 extent that doing so is consistent with the statutory authority of the state agencies, and to the ex-
6 tent that the state agencies have capacity to do so; now, therefore,

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

8 **SECTION 1.** ORS 455.612 is amended to read:

9 455.612. (1) For the high wildfire hazard zone in the wildland-urban interface that is identified
10 pursuant to ORS 477.490, the Department of Consumer and Business Services shall adopt wildfire
11 hazard mitigation building code standards that apply to new dwellings and the accessory structures
12 of dwellings, as described in section R327 of the 2021 Oregon Residential Specialty Code.

13 (2) The department shall amend section R327 of the Oregon Residential Specialty Code to in-
14 clude standards for additions to existing dwellings and accessory structures and for replacement of
15 existing exterior elements covered in section R327 of the 2021 Oregon Residential Specialty Code.

16 (3) The department shall incorporate the standards described in subsections (1) and (2) of this
17 section into any updates to the Oregon Residential Specialty Code.

18 (4) **The wildfire hazard mitigation building code standards described in subsection (1) of**
19 **this section do not apply to new dwellings and the accessory structures of dwellings that are**
20 **subject to:**

21 (a) **Wildfire hazard mitigation building code standards, as described in section R327 of the**
22 **2021 Oregon Residential Specialty Code, that were adopted before, and have been in effect**
23 **since, July 19, 2021; and**

24 (b) **The most current version of section R327 of the Oregon Residential Specialty Code.**

25 **SECTION 2.** ORS 476.696 is amended to read:

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.

1 476.696. (1) As used in this section[.],

2 [(a)] “eligible organization” includes Oregon-based nonprofit youth development organizations,
 3 federally recognized Indian tribes in this state, nonprofit associations engaged in workforce devel-
 4 opment and public entities that provide programs of job training, skill development and forest-
 5 related or rangeland-related career path training.

6 [(b)] “Tribe” means a federally recognized Indian tribe in Oregon.]

7 (2) The Oregon Youth Works Advisory Board created under ORS 660.320 shall, in collaboration
 8 with a qualified nonprofit foundation, actively seek and source private donations to support the
 9 Oregon Conservation Corps Program.

10 (3) The advisory board may direct the expenditure of moneys from the Oregon Conservation
 11 Corps Fund for a promotional website and materials to solicit private funds.

12 (4) The advisory board shall advise the Higher Education Coordinating Commission on the im-
 13 plementation of a grant process that:

14 (a) Provides funding to support the work conducted by the Oregon Conservation Corps Program.

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

18 (c) Awards grants to eligible organizations.

19 (d) Ensures that grant awards support activities described in ORS 476.694 (1) and subsection (5)
 20 of this section.

21 (e) Establishes guidelines for prioritizing grant-supported projects to reduce community fire
 22 risks, promote youth and young adult workforce development and educational experiences and re-
 23 duce hazardous fuels.

24 (5) The commission shall consult with the State Forestry Department **and the Department of**
 25 **the State Fire Marshal** to ensure that the grant process awards funds to proposals that[.]

26 [(a)] protect at-risk communities and infrastructure within the wildland-urban interface, as de-
 27 scribed in ORS 477.503.

28 [(b)] **(6) The commission shall consult with the State Forestry Department to ensure that**
 29 **the grant process awards funds to proposals that** meet standards for fuel treatment established
 30 by the department.

31 [(6)] **(7)** The advisory board shall biennially submit a report, on the timeline described in ORS
 32 293.640, to an appropriate committee or interim committee of the Legislative Assembly, as described
 33 in ORS 192.245, and to the State Wildfire Programs Director and Wildfire Programs Advisory
 34 Council, regarding the expenditure of moneys deposited in the Oregon Conservation Corps Fund.

35 **SECTION 3.** ORS 477.161 is amended to read:

36 477.161. (1) *[The State Forester, in collaboration with the State Fire Marshal, state agencies and*
 37 *local governments as defined in ORS 174.116, shall adopt rules establishing baseline levels of wildfire*
 38 *protection for lands that are outside of forest protection districts and susceptible to wildfire. When es-*
 39 *tablishing the baseline levels for lands, the State Forester shall ensure that the levels are adapted to*
 40 *reflect regional conditions.]* A county, in collaboration with the State Forester and the State Fire
 41 Marshal, may work to ensure that all lands within the county that are outside of forest protection
 42 districts, **as designated by rule pursuant to ORS 477.225**, and susceptible to wildfire are provided
 43 with wildfire protection services *[at the applicable baseline level or a higher level. As used in this*
 44 *subsection, “forest protection districts” means lands designated in State Forester rules as provided*
 45 *under ORS 477.225]* **in accordance with the purpose and policy set forth in ORS 401.032.**

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

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

(b) Landowners, individuals, businesses and jurisdictions with obtaining expansion of or other changes to boundaries or facility locations of jurisdictions that provide wildfire protection;

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

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

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

SECTION 4. Section 29, chapter 592, Oregon Laws 2021, is repealed.

SECTION 5. ORS 477.503 is amended to read:

477.503. (1)(a) The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure.

(b) The department shall ensure that the program is consistent with the objectives described in this section and biennially select, administer and evaluate projects consistent with the objectives described in this subsection.

(c) When developing program and project selection criteria, the department shall, to the extent practicable, consult and cooperate with state and federal agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forest and rangeland collaboratives and other relevant community organizations and ensure consistency with the priorities described in subsection (3) of this section.

(2) The department shall develop a 20-year strategic plan, as described in the Shared Stewardship Agreement signed on August 13, 2019, that prioritizes restoration actions and geographies for wildfire risk reduction. The plan must be able to be used to direct federal, state and private investments in a tangible way.

(3) In selecting and administering projects, the department shall:

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

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

(B) Inclusive of federal lands with treatment projects currently approved under the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

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

(D) Part of a collaborative partnership with agreements across diverse forestland or rangeland stakeholders that use an expansive, landscape-scale approach to address underlying causes of poor

1 wildfire resilience and elevated risk of wildfire or that establish innovative approaches to addressing
2 the underlying causes that could be implemented on a larger scale.

3 (b) To the extent practicable, identify and support projects that are designed to:

4 (A) Evaluate varying types of fuel treatment methods;

5 (B) Leverage the collective power of public-private partnerships and federal and state funding,
6 including leverage of the coordination of funding to support collaborative initiatives that address the
7 underlying causes of elevated forestland and rangeland wildfire risk across ownerships; and

8 (C) Optimize the receipt of federal government investments that equal or exceed department
9 investments.

10 (c) Design the projects to involve existing forest-based and range-based contracting entities.

11 (d) Design the projects to complement programs and projects of the Oregon Watershed En-
12 hancement Board or other state agencies as needed.

13 (e) Design the projects to involve the Oregon Conservation Corps Program established by ORS
14 476.694, to the maximum extent possible, for community protection projects located in the
15 wildland-urban interface, subject to funding available in the Oregon Conservation Corps Fund es-
16 tablished by ORS 476.698.

17 **(f) Consult with the Department of the State Fire Marshal to ensure that projects in-**
18 **volving the Oregon Conservation Corps Program are consistent with objectives of the De-**
19 **partment of the State Fire Marshal.**

20 [(f)] (g) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders
21 holding a wide variety of perspectives regarding forest and rangeland management and opportunities
22 for significant involvement by communities in proximity to project sites.

23 [(g)] (h) Engage in monitoring of the projects to produce useful information on which to base
24 recommendations to the Legislative Assembly.

25 (4) A project under this section may not include commercial thinning on:

26 (a) Inventoried roadless areas;

27 (b) Riparian reserves identified in the Northwest Forest Plan or in federal Bureau of Land
28 Management resource management plans;

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

32 (d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national recre-
33 ation areas, national monuments or areas protected under ORS 390.805 to 390.925;

34 (e) Designated critical habitat for species listed as threatened or endangered under the Endan-
35 gered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission under ORS
36 496.172, unless commercial thinning is already allowed under an existing environmental review or
37 recognized habitat recovery plan; or

38 (f) Federally designated areas of critical environmental concern or federally designated
39 wilderness study areas.

40 (5) The **State Forestry** Department shall give public notice, and allow reasonable opportunity
41 for public input, when identifying and selecting landscapes under this section.

42 **SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-**
43 **ated to the Higher Education Coordinating Commission, for the biennium beginning July 1,**
44 **2025, out of the General Fund:**

45 (1) The amount of \$____, for the purpose of funding grant-supported projects related to

1 **the Oregon Conservation Corps Program established by ORS 476.694.**

2 **(2) The amount of \$____, to match dollar-for-dollar funds secured from sources other**
3 **than state government that are dedicated for the purpose of funding grant-supported**
4 **projects related to the Oregon Conservation Corps Program.**

5 **SECTION 7. This 2025 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
7 **on its passage.**

8
