

**Enrolled**  
**Senate Bill 762**

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY (at the request of Senate Committee on Natural Resources and Wildfire Recovery, Governor Kate Brown)

CHAPTER .....

AN ACT

Relating to wildfire; creating new provisions; amending ORS 197.716, 205.130, 401.025, 477.015, 477.025, 477.027, 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061; and declaring an emergency.

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

**ELECTRIC 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 public utilities that provide electricity, municipal electric utilities, people’s utility districts organized under ORS chapter 261 that sell electricity, electric cooperatives organized under ORS chapter 62 and operators of electrical transmission and 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) A public utility that provides electricity must have and operate in compliance with a risk-based wildfire protection plan that is filed with the Public Utility Commission and has been evaluated by the commission. The plan must be based on reasonable and prudent practices identified through workshops conducted by the commission pursuant to section 2 of this 2021 Act and on commission standards adopted by rule. The public utility must design the plan in a manner that seeks to protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage.

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

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

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

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

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

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

(d) After seeking information from regional, state and local entities, including municipalities, identify a protocol for the deenergizing of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.

(e) Describe the procedures, standards and time frames that the public utility will use to inspect utility infrastructure in areas that the public utility identifies under paragraph (a) of this subsection.

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

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

(h) Identify the community outreach and public awareness efforts that the public utility will use before, during and after a wildfire season.

(3) To develop a plan described in subsection (2) of this section, a public utility may consult with and consider information from regional, state and local entities, including municipalities.

(4) The commission, in consultation with the State Forestry Department and local emergency services agencies, shall evaluate a public utility's wildfire protection plan and plan updates through a public process.

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

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

(7) The commission shall adopt rules for the implementation of this section. The rules may include, but need not be limited to, procedures and standards regarding vegetation management, public power safety shutoffs and restorations, pole materials, circuitry and monitoring systems.

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

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

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

(3) Civil penalties collected under this section must be paid into the General Fund and credited to the Public Utility Commission Account as described in ORS 756.990 (7).

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

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

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

(4) A consumer-owned utility shall conduct a wildfire risk assessment of utility facilities. The utility shall review and revise the assessment on a schedule the governing body deems consistent with prudent utility practices.

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

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

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

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

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

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

## STATEWIDE MAP OF WILDFIRE RISK

**SECTION 7.** (1) The State Forestry Department shall oversee the development and maintenance of a comprehensive statewide map of wildfire risk that displays the wildfire risk classes described in subsection (4) of this section and populates the Oregon Wildfire Risk Explorer.

(2) The Oregon Wildfire Risk Explorer must be the official wildfire planning and risk classification mapping tool for the State of Oregon.

(3) The State Board of Forestry shall establish by rule criteria by which the map must be developed and maintained, including criteria concerning the use of the most current wildfire assessments.

(4) In consultation with Oregon State University, the department shall establish five statewide wildfire risk classes of extreme, high, moderate, low and no risk. The classes must be:

(a) Consistent with ORS 477.027.

(b) Based on weather, climate, topography and vegetation.

(5) The department shall enter into an agreement with the university that provides that the university will develop and maintain the map and make the map publicly available in electronic form through the Oregon Wildfire Risk Explorer.

(6) The board shall adopt rules that:

(a) Provide opportunities for public input into the assignment of properties to the wildfire risk classes described in subsection (4) of this section.

(b) Require the department to provide notice and information about how a property owner may appeal an assignment of the property owner’s property to the extreme or high wildfire risk classes.

(c) Allow affected property owners and local governments to appeal the assignment of properties to the wildfire risk classes after the map is developed, after any updates to the map and within a reasonable time after delivery of the notice and information described in paragraph (b) of this subsection.

(d) Establish a specific process for appeals through which a requested change in assignment is assessed based on:

(A) Whether the assignment is consistent with the criteria described in subsection (3) of this section;

(B) Any pertinent facts that may justify a change in the assignment; and

(C) Any error in the data the department used to determine the assignment, if the error justifies a change in the assignment.

(7) The map must:

(a) Be based on the wildfire risk classes.

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

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

(d) Include a layer that geospatially displays the locations of socially and economically vulnerable communities.

(8) To develop and maintain the map, the university shall collaborate with the department, the State Fire Marshal, other state agencies, local governments, federally recognized Indian tribes in this state, other public bodies and any other information sources that the university deems appropriate.

(9) In maintaining the map, the university shall make technical adjustments as needed and update the map consistent with the results of appeals described in subsection (6)(b) of this section.

(10) The university shall provide technical assistance to representatives of state and local government, and to landowners, that use the map.

**SECTION 7a.** (1) On or before December 31, 2021, the State Forestry Department shall report to an interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildlife Programs Advisory Council on the progress of the department and Oregon State University in complying with the requirements of section 7 of this 2021 Act.

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

(3) Notwithstanding any contrary provision of law, the State Board of Forestry may adopt temporary rules to help ensure the requirements described in subsection (2) of this section are met.

## **DEFENSIBLE SPACE**

**SECTION 8.** As used in sections 8a, 8b and 8c of this 2021 Act, “defensible space” means a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.

**SECTION 8a.** (1) The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the statewide map of wildfire risk described in section 7 of this 2021 Act as within the wildland-urban interface.

(2) The State Fire Marshal:

(a) Shall consult with the Oregon Fire Code Advisory Board to establish the requirements.

(b) Shall establish requirements that are consistent with and do not exceed the standards pertaining only to defensible space that are set forth in the International Wildland-Urban Interface Code published by the International Code Council, including the standards pertaining only to defensible space that are set forth in sections 603 and 604 of the code.

(c) May consider best practices specific to Oregon in order to establish the requirements.

(d) Shall periodically reexamine the standards set forth in the International Wildland-Urban Interface Code and update the requirements to reflect current best practices, in consultation with the Oregon Fire Code Advisory Board.

(e) Shall enforce the requirements that are applicable to lands within the jurisdiction of a local government.

(f) Shall adopt rules governing administration of the requirements.

(g) May develop and apply a graduated fee structure for use in assessing penalties on property owners for noncompliance with the requirements.

(h) Shall consult on implementation of the requirements.

(i) May adopt rules concerning reports by local governments described in subsection (4)(a) of this section.

(3) Subject to additional local requirements, the requirements shall apply statewide for all lands in the wildland-urban interface that are designated as extreme or high risk, as identified on the map.

(4) Notwithstanding subsection (2) of this section, a local government may:

(a) Administer, consult on and enforce the requirements established by the State Fire Marshal, within the jurisdiction of the local government. A local government that administers or enforces the requirements established by the State Fire Marshal shall periodically report to the State Fire Marshal regarding compliance with the requirements, including the extent of compliance for each property within the jurisdiction of the local government, any change in the degree of compliance since the last report and any other information required by the State Fire Marshal by rule.

(b) Adopt and enforce local requirements for defensible space that are greater than the requirements established by the State Fire Marshal. Any local requirements that a local government adopts for defensible space must be defensible space standards selected from the framework set forth in the International Wildland-Urban Interface Code or other best practices specific to Oregon.

(c) Designate local fire districts, fire departments or fire agencies to enforce the requirements established by the State Fire Marshal or the local government pursuant to paragraph (b) of this subsection. A local government that designates enforcement must comply with the reporting requirements in paragraph (a) of this subsection.

(5) The State Fire Marshal shall administer a community risk reduction program that emphasizes education and methods of prevention with respect to wildfire risk, enforcement of defensible space requirements, response planning and community preparedness for wildfires.

(6) The State Fire Marshal may provide financial, administrative, technical or other assistance to a local government to facilitate the administration and enforcement of requirements within the jurisdiction of the local government. A local government shall expend financial assistance provided by the State Fire Marshal under this subsection to give priority to the creation of defensible space:

(a) On lands owned by members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income as defined in ORS 456.055.

(b) For critical or emergency infrastructure.

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

**SECTION 8b.** (1) The minimum defensible space requirements established by the State Fire Marshal pursuant to section 8a of this 2021 Act may not be used as criteria to approve or deny:

(a) An amendment to a local government's acknowledged comprehensive plan or land use regulations.

(b) A permit, as defined in ORS 215.402 or 227.160.

(c) A limited land use decision, as defined in ORS 197.015.

(d) An expedited land division, as defined in ORS 197.360.

(2) Notwithstanding subsection (1) of this section, a local government may:

(a) Amend the acknowledged comprehensive plan or land use regulations of the local government to include the requirements; and

(b) Use the requirements that are included in the amended acknowledged comprehensive plan or land use regulations as a criterion for a land use decision.

**SECTION 8c.** The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the map described in section 7 of this 2021 Act on or before December 31, 2022.

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

**SECTION 10.** (1) The State Fire Marshal shall biannually report regarding the status of State Fire Marshal and local government activities for carrying out section 8a of this 2021 Act to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council:

(a) On or before the date of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.

(b) Approximately six months after the date described in paragraph (a) of this subsection.

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

(a) A status report regarding community risk reduction and the establishment, administration and enforcement of defensible space requirements;

(b) The amount of moneys expended during the year for community risk reduction and the establishment, administration or enforcement of defensible space requirements;

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

(d) Any recommendations of the State Fire Marshal for legislative action, including, but not limited to, current or future resource and funding needs for community risk reduction and establishing, administering or enforcing defensible space requirements.

## LAND USE

**SECTION 11.** (1) As used in this section, “defensible space” has the meaning given that term in section 8 of this 2021 Act.

(2) The Department of Land Conservation and Development shall identify updates to the statewide land use planning program and local comprehensive plans and zoning codes that are needed in order to incorporate wildfire risk maps and minimize wildfire risk, including the appropriate levels of state and local resources necessary for effective implementation.

(3) Updates may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation and development considerations in areas of extreme and high wildfire risk, allowing for regional differences.

(4) On or before October 1, 2022, the Department of Land Conservation and Development shall:

(a) Complete the updates.

(b) Report to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on the updates. The report must include recommendations concerning the updates.

(5) As necessary to identify needed updates and develop the recommendations required by subsection (4)(b) of this section, the department may consult with the State Fire Marshal, the State Forestry Department, the Department of Consumer and Business Services and local governments.

## BUILDING CODES

**SECTION 12.** (1) For extreme and high wildfire risk classes in the wildland-urban interface that are identified pursuant to section 7 of this 2021 Act, the Department of Consumer and Business Services shall adopt wildfire hazard mitigation building code standards that apply to new dwellings and the accessory structures of dwellings, as described in section R327 of the 2021 Oregon Residential Specialty Code.

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

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

**SECTION 12a.** (1) The Department of Consumer and Business Services shall take the actions required by section 12 (1) and (2) of this 2021 Act not later than October 1, 2022.

(2) The standards described in section 12 (1) and (2) of this 2021 Act may not become operative before April 1, 2023.

**SECTION 12b.** Not more than two years after the standards described in section 12 (1) and (2) of this 2021 Act are adopted, the Department of Consumer and Business Services shall update section R327 of the Oregon Residential Specialty Code to:

(1) Ensure that the code incorporates the standards described in section 12 (1) and (2) of this 2021 Act; and

(2) Make any necessary adjustments to the applicability of the standards and permitting requirements in the code.

**SECTION 12c.** The Department of Consumer and Business Services:

(1) Shall develop and maintain an interactive mapping tool that displays, at the property level, wildfire hazard mitigation standards covered in section R327 of the Oregon Residential Specialty Code. The tool must be designed to support future inclusion of snow load, seismic and wind building code standards at the property level.

(2) Shall collaborate with Oregon State University to obtain any needed information from the Oregon Wildfire Risk Explorer and national or science-based sources in order to develop the tool.

(3) Shall ensure that the tool is displayed in an electronic format and available to the public at no charge.

(4) Shall periodically update the tool when the relevant building code is updated.

(5) May enter into an agreement with the university concerning services required to develop and maintain the tool.

**SECTION 12d.** (1) The Department of Consumer and Business Services shall develop the interactive mapping tool described in section 12c of this 2021 Act not more than 60 days after the statewide map of wildfire risk described in section 7 of this 2021 Act is developed.

(2) Any delay in developing the tool may not affect a deadline concerning the map.

## HEALTH SYSTEMS FOR SMOKE

**SECTION 13.** The Department of Environmental Quality shall develop and implement a program for supporting local communities, in detecting, preparing for, communicating or mitigating the environmental and public health impacts of wildfire smoke.

**SECTION 13a.** The Department of Environmental Quality shall establish a program for supporting local communities through intergovernmental agreements, grants, contracts or cooperative agreements to develop and implement community response plans to enhance the communities' readiness and mitigation capacity for smoke.

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

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

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

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

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

**SECTION 14.** (1) As used in this section, "smoke filtration system" means an air filtration system capable of removing particulates and other harmful components of wildfire smoke in a public building.

(2) In consultation and coordination with the Oregon Health Authority, the Department of Human Services shall establish and implement a grant program that allows local governments to:

(a) Establish emergency clean air shelters.

(b) Equip public buildings with smoke filtration systems so the public buildings may serve as cleaner air spaces during wildfire smoke and other poor air quality events.

(3) The department shall require grantees to provide access to the clean air shelters at no charge.

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

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

(2) Coordinate with the authority in setting priorities for awarding grants described in section 14 of this 2021 Act.

(3) Provide support to local agencies that take lead roles in operating and planning clean air shelters in the local agencies' jurisdictions.

**SECTION 14b.** No later than June 30, 2023, in consultation with the Oregon Health Authority, the Department of Human Services shall report to an appropriate committee or interim committee of the Legislative Assembly, in the manner described in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on:

(1) The grants administered pursuant to section 14 of this 2021 Act, including information about which local governments received grants.

(2) Any barriers to administering the grants.

(3) Areas for improving the grant program described in section 14 of this 2012 Act.

(4) Public health impacts from wildfire smoke events.

**SECTION 15.** (1) As used in this section, "smoke filtration device" means portable air cleaners and furnace, heating, ventilation and air conditioning filters that are intended to remove contaminants, including particulates and other harmful components of wildfire smoke, from the air in a room to improve indoor air quality.

(2) The Oregon Health Authority shall establish a program to increase the availability of residential smoke filtration devices among persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke.

(3) The authority may award grants for the purchase of smoke filtration devices.

(4) If the authority awards grants described in this section, the authority shall give priority to funding for smoke filtration devices in residential buildings occupied by persons who

qualify for the Oregon Health Plan or Medicaid and are vulnerable to the health effects of wildfire smoke.

(5) The authority may adopt rules establishing standards for smoke filtration devices obtained with grant moneys received under this section, including, but not limited to, minimum acceptable efficiency for the removal of particulates and other harmful substances generated by wildfires.

(6) The authority may provide information and refer service providers to grantees that need housing interventions to facilitate effective use of smoke filtration devices, including interventions such as weather proofing.

**SECTION 15a.** The Oregon Health Authority shall periodically report to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on:

(1) The use of smoke filtration devices funded under section 15 of this 2021 Act, including use of the smoke filtration devices by vulnerable and underserved communities.

(2) The effectiveness of the programs described in section 15 of this 2021 Act.

(3) Areas for improvement.

(4) Public health impacts during wildfire smoke events.

(5) Whether funding described in section 15 of this 2021 Act has provided a public health return on investment.

## EMERGENCY RESPONSE AND DISASTER RECOVERY

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

401.025. As used in this chapter:

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

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

(b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement results from the type of event or circumstance described in paragraph (a) of this subsection.

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

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

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

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

**SECTION 17.** (1) **The Office of Emergency Management shall update its statewide emergency plan as necessary to prepare for or respond to wildfire emergencies on an area-wide or statewide basis. The plan developed by the office to prepare for or respond to wildfire**

emergencies shall include, but need not be limited to, wildfire risk mitigation efforts and evacuation planning.

(2) The office shall coordinate with cities, counties, adult foster homes, health care facilities and residential facilities, the Department of Human Services and the Oregon Health Authority to establish local or private procedures to prepare for emergencies related to wildfire and ensure that local efforts to prevent, respond to or recover from an emergency caused by wildfire are conducted in a manner consistent with the plan developed by the office to prepare for or respond to wildfire emergencies. The coordinated activities may include, but need not be limited to, providing training, carrying out exercises and promoting community education.

**SECTION 17a.** The Office of Emergency Management shall conduct the update required by section 17 (1) of this 2021 Act on or before December 31, 2021.

## **REDUCTION OF WILDFIRE RISK**

**SECTION 18.** (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 wildfire resilience and elevated risk of wildfire or that establish innovative approaches to addressing the underlying causes that could be implemented on a larger scale.

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

(A) Evaluate varying types of fuel treatment methods;

(B) Leverage the collective power of public-private partnerships and federal and state funding, including leverage of the coordination of funding to support collaborative initiatives

that address the underlying causes of elevated forestland and rangeland wildfire risk across ownerships; and

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

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

(d) Design the projects to complement programs and projects of the Oregon Watershed Enhancement Board or other state agencies as needed.

(e) Design the projects to involve the Oregon Conservation Corps Program established by section 21 of this 2021 Act, to the maximum extent possible, for community protection projects located in the wildland-urban interface, subject to funding available in the Oregon Conservation Corps Fund established by section 23 of this 2021 Act.

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

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

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

(a) Inventoried roadless areas;

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

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

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

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

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

(5) The department shall give public notice, and allow reasonable opportunity for public input, when identifying and selecting landscapes under this section.

**SECTION 19.** Section 18 of this 2021 Act does not expand, diminish or otherwise affect a right, privilege, duty or function established under federal, state or local laws or rules that pertain to the management of private lands in this state.

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

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

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

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

(c) A summary of outreach and coordination with relevant federal and state agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forestland and rangeland collaboratives and other relevant community organizations to identify and select landscapes for treatment and develop selection criteria for projects.

(3)(a) The department shall report its findings and recommendations regarding wildfire risk reduction on forestland and rangeland and in communities, based on information obtained from the projects described in section 18 of this 2021 Act, to an interim committee of the Legislative Assembly related to natural resources, in the manner provided by ORS 192.245, and to the Governor, State Wildfire Programs Director and Wildfire Programs Advisory Council no later than July 15, 2023. The report shall include, but need not be limited to:

(A) A qualitative and quantitative summary of the project outcomes that, at a minimum, states the number of acres treated, the treatment actions carried out and any resulting or anticipated changes in landscape conditions related to enhanced resiliency or the mitigation of wildfire risk to public values;

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

(C) A qualitative and quantitative summary of the use of prescribed fire activities and invasive annual grass treatments for wildfire risk reduction that, at a minimum, states the number of acres burned or treated and any resulting or anticipated changes in landscape conditions related to enhanced resiliency or the mitigation of wildfire risk to public values;

(D) The identification of existing disincentives to, and recommendation for reducing barriers to, the use of prescribed fire;

(E) Recommendations for creating optimal working relationships with forestland or rangeland collaboratives and other relevant community organizations regarding future wildfire risk reduction projects;

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

(G) Recommendations for investment in future wildfire risk reduction projects to be carried out in the 2023-2025 biennium.

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

## **OREGON CONSERVATION CORPS**

**SECTION 21.** (1) The Oregon Conservation Corps Program is established for the purposes of:

(a) Reducing the risk wildfire poses to communities and critical infrastructure.

(b) Helping to create fire-adapted communities.

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

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

(3) Notwithstanding any contrary provision of law, participants in projects undertaken by the corps:

(a) Are not employees of the corps.

(b) Are exempt from prevailing wage laws.

(c) Must receive compensation for their participation of at least minimum wage or an allowance or stipend that, when combined with other sources of payment the participant is eligible to receive, including academic credit or an AmeriCorps education award, is equivalent to the value of minimum wage.

**SECTION 22.** (1) As used in this section, “eligible organization” includes Oregon-based nonprofit youth development organizations and public entities that provide programs of job training, skill development and forest-related or rangeland-related career path training.

(2) The Oregon Conservation Corps Advisory Committee is established within the Higher Education Coordinating Commission for the purpose of managing the Oregon Conservation Corps Program.

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

(4) The committee shall, in collaboration with a qualified nonprofit foundation, actively seek and source private donations to support the Oregon Conservation Corps Program.

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

(6) Members may not receive compensation for service on the committee, but, subject to any applicable laws regulating travel and other expenses of state officers and employees, may be reimbursed for actual and necessary travel and other expenses incurred in the performance of committee duties with moneys available to the commission for the purpose of reimbursing the members.

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

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

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

(c) Awards grants to eligible organizations.

(d) Ensures that grant awards support activities described in section 21 (1) of this 2021 Act and subsection (8) of this section.

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

(8) The committee shall consult with the State Forestry Department to ensure that the grant process awards funds to proposals that:

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

(b) Meet standards for fuel treatment established by the department.

(9) The committee shall biennially submit a report, on the timeline described in ORS 293.640, to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, and to the State Wildfire Programs Director and Wildfire Programs Advisory Council, regarding the expenditure of moneys deposited in the Oregon Conservation Corps Fund.

**SECTION 23.** (1) The Oregon Conservation Corps Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Conservation Corps Fund shall be credited to the fund.

(2) The fund may receive contributions from individuals and private organizations.

(3) Moneys in the fund are continuously appropriated to the Higher Education Coordinating Commission to be used as directed by the Oregon Conservation Corps Advisory Committee and for related administrative expenses of the commission.

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

#### SMALL FORESTLAND GRANT PROGRAM

**SECTION 24.** (1) As used in this section, “small forestland owner” means an individual, group, federally recognized Indian tribe in Oregon or association that owns:

(a) Up to 160 acres of nonindustrial private forestland west of the crest of the Cascade Mountains; or

(b) Up to 640 acres of nonindustrial private forestland east of the crest of the Cascade Mountains.

(2) The State Forestry Department shall establish a small forestland grant program for the purpose of providing grants, on a competitive basis, to support small forestland owners in reducing wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuels on the owners’ property.

(3) In consultation with partners and stakeholders, the department shall set criteria for assessing grant applications and awarding grants. The criteria may include, but need not be limited to:

(a) Prioritization of projects on forestland in extreme or high wildfire risk classes described in section 7 of this 2021 Act.

(b) Owner commitment to maintaining fuel reduction treatments.

(c) Owner possession of a forest management plan.

(d) Project proximity to current or past fuel mitigation efforts, supported by any owner or funding source, that would contribute to cross-boundary, landscape-scale forest resiliency.

(e) Whether the project addresses additional resource concerns, such as insect and disease management.

(f) Whether critical facilities and infrastructure may receive enhanced protection due to project outcomes.

#### PRESCRIBED FIRE

**SECTION 25.** The State Forestry Department shall adopt rules to clarify that a person may:

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

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

**SECTION 25a.** The State Forestry Department shall initiate the rulemaking described in section 25 of this 2021 Act on or before November 30, 2021, and finalize the rulemaking on or before November 30, 2022.

**SECTION 26.** ORS 526.360 is amended to read:

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

(a) Removing a fire hazard to any property;

(b) Preparing seed beds;

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

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

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

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

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

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

(4) The rules shall include:

(a) Certification standards, requirements and procedures;

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

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

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

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

(f) Any other standard, requirement or procedure that the board considers necessary for the safe and effective administration of the program.

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

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

**SECTION 27. By December 1, 2021, the State Board of Forestry shall:**

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

**(2) Initiate rulemaking to establish the program; and**

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

## FEDERAL PARTNERSHIPS

**SECTION 27a.** The State Forestry Department shall cooperate with federal agencies to increase the effectiveness of activities undertaken pursuant to ORS 526.271, 526.274 and 526.275.

## PROTECTED AREAS

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

wildfire are provided with wildfire protection services at the applicable baseline level or a higher level. As used in this subsection, “forest protection districts” means lands designated in State Forester rules as provided under ORS 477.225.

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

#### **WILDFIRE RESPONSE CAPACITY**

**SECTION 30.** (1) The State Forestry Department shall establish and maintain an expanded system of automated smoke detection cameras that includes staffing in detection centers to monitor and alert fire suppression staff when fires are detected.

(2) The system must serve the purposes of quickly detecting, locating and extinguishing fires and keeping fires as small as possible.

**SECTION 30a.** The State Forestry Department:

(1) Shall consult and coordinate with federal agencies, private stakeholders and other state agencies to determine the adequacy of state, federal and private wildfire response capacity. The department shall act to facilitate wildfire prevention and wildfire response communication and coordination between federal, state, local and private entities.

(2) Shall increase the department’s wildfire readiness and response capacity, including increases to fire suppression response personnel, aviation assets and necessary administrative support personnel, to the extent the department receives funding for the increase.

(3) Shall, to the extent practicable, seek to leverage state moneys to obtain an increase in federal wildfire resources available to Oregon for effective initial response purposes.

(4) Shall consult with the office of the State Fire Marshal and with local fire defense board chiefs to assess the adequacy of available mutual aid to provide wildfire response on wildland-urban interface lands and to identify means for providing additional resources from the state or other entities to enhance wildfire response capacity on wildland-urban interface lands.

(5) Shall continually identify workforce development needs associated with wildfire risk mitigation and wildfire response and develop funding proposals for meeting those needs on a sustained basis. The identified workforce development needs must align with wildfire risk to provide an adequate level of wildfire protection, as described in ORS 477.062.

(6) May enter into cooperative agreements or contracts with a local or private entity for the purpose of assisting the entity to organize for purposes of wildfire risk mitigation or wildfire response, including, but not limited to, facilitating wildfire training and the acquisi-

tion of firefighting equipment for the entity and assisting with payment for liability insurance and other administrative expenses of the entity associated with wildfire risk mitigation or wildfire response.

**SECTION 30b.** (1) The office of the State Fire Marshal shall increase the office's wildfire readiness and response capacity to the extent the office receives funding for the increase, by means including:

(a) Increasing fire prevention and response personnel and fire administrative support personnel to address planning, communications, training, deployment and safety.

(b) Implementing innovative technologies and modernizing systems to expedite fire resource deployment in an efficient and safe manner.

(2) The State Fire Marshal may:

(a) Designate funding intended for the Oregon fire mutual aid system to support prepositioning of resources and costs.

(b) Enter into contracts with federal or state agencies, other states, political subdivisions, corporations and authorities having fire suppression jurisdiction for fire prevention, suppression, coordination and response.

### WILDLAND-URBAN INTERFACE FIRE PROTECTION

**SECTION 31.** ORS 477.015 is amended to read:

477.015. [(1)] As used in **this section and** ORS [477.015 to 477.061] **477.025 and 477.027**, [unless the context otherwise requires,] "[forestland-urban] **wildland-urban** interface" [means] **has the meaning given that term in rule by the State Board of Forestry.** [a geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.]

[(2) As used in ORS 477.015 to 477.057, unless the context requires otherwise:]

[(a) "Committee" means a county forestland-urban interface classification committee.]

[(b) "Governing body" means the board of county commissioners or county court of a county, as the case may be.]

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

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

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

477.027. (1) By [administrative] rule, **considering national best practices**, the State Board of Forestry shall establish:

(a) **A definition of "wildland-urban interface."**

(b) Criteria by which the [forestland-urban] **wildland-urban** interface [shall] **must** be identified and classified.

(2) The criteria [shall]:

(a) **Must** recognize differences across the state in fire hazard, fire risk and structural characteristics within the [forestland-urban] **wildland-urban** interface.

(b) **May not exclude a category of land from inclusion in the wildland-urban interface.**

(3) **Based on** the criteria [shall include not less than three nor more than], **the board shall establish** five classes of [forestland-urban] **wildland-urban** interface.

(4) **The classes must be integrated into the comprehensive statewide map described in section 7 of this 2021 Act.**

**SECTION 33a.** The State Board of Forestry shall adopt by rule the definition described in ORS 477.027 (1)(a), as amended by section 33 of this 2021 Act, not later than 100 days after the effective date of this 2021 Act.

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

#### **STATE WILDFIRE PROGRAMS DIRECTOR**

**SECTION 35.** (1) The Governor shall appoint a State Wildfire Programs Director to serve at the pleasure of the Governor.

(2) The duties of the director shall include:

(a) Overseeing implementation of requirements and authorization provided by this 2021 Act.

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

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

(d) Monitoring and assessing any financial impacts of the activities on local jurisdictions and the equity of those financial impacts among the jurisdictions.

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

(f) Reporting at least every 60 days to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of relevant committees and interim committees of the Legislative Assembly to summarize progress on implementing the activities, note obstacles and opportunities and catalog possibilities for future improvements to further reduce wildfire risk in this state.

(g) Exploring additional opportunities to reduce wildfire risk, including but not limited to engaging with:

(A) Insurance companies regarding insurance policy coverage provisions, underwriting standards, insurance rates and any other topics relevant to enhancing the protection of property from wildfire at a reasonable cost.

(B) Electric utilities regarding further actions to protect public safety, reduce risk to electric company customers and promote electrical system resilience to wildfire damage.

(C) Congressional delegations and federal agencies to expand opportunities for cost-share partnerships for wildfire mitigation and develop strategies for improvements to federal fire management policies.

(h) Collaborating with the State Resilience Officer and participating in any relevant emergency preparedness advisory councils.

#### **WILDFIRE PROGRAMS ADVISORY COUNCIL**

**SECTION 36.** (1) As used in this section, “defensible space” has the meaning given that term in section 8 of this 2021 Act.

(2) There is established a Wildfire Programs Advisory Council to advise and assist the State Wildfire Programs Director by:

(a) Closely monitoring implementation of activities related to wildfire prevention and response, including receiving and evaluating agency reports related to wildfire prevention and response.

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

(c) Strengthening intergovernmental and multiparty collaboration and enhancing collaboration between governments and stakeholders on an ongoing basis.

(d) Developing strategies to enhance collaboration among governmental bodies and the general public.

(e) Assessing ways the statewide map of wildfire risk described in section 7 of this 2021 Act may inform development of building codes and land use laws, rules and decisions, in a regionally appropriate manner.

(f) Assessing the application of defensible space requirements to vineyards, crops and other cultivated vegetation.

(g) Reviewing Department of Land Conservation and Development findings and recommendations in the report required by section 11 of this 2021 Act and making additional recommendations related to potential updates to the statewide land use planning program, local comprehensive plans and zoning codes to incorporate wildfire risk maps and minimize wildfire risk to people, public and private property, businesses, infrastructure and natural resources.

(3) The council is not a decision-making body but instead is established to provide advice, assistance, perspective, ideas and recommendations to the State Wildfire Programs Director.

(4) The President of the Senate and Speaker of the House of Representatives shall jointly appoint 19 members to the council as follows:

(a) One member who represents county government.

(b) One member who is a land use planning director of a county that is wholly or partially within the wildland-urban interface.

(c) One member who represents city government.

(d) One member who is a land use planning director of a city that is wholly or partially within the wildland-urban interface.

(e) One member who represents fire chiefs and has experience with managing, fighting or preventing fire within the wildland-urban interface.

(f) One member who represents fire marshals and has experience with managing, fighting or preventing fire within the wildland-urban interface.

(g) One member who represents firefighters and has experience with managing, fighting or preventing fire within the wildland-urban interface.

(h) One member who represents rural residential property owners whose property is wholly or partially within the wildland-urban interface.

(i) One member who represents farming property owners whose property is wholly or partially within the wildland-urban interface.

(j) One member who represents ranching property owners whose property is wholly or partially within the wildland-urban interface.

(k) One member who represents forestland owners whose property is wholly or partially within the wildland-urban interface.

(L) One member who represents federally recognized Indian tribes with land wholly or partially within the wildland-urban interface.

(m) One member who represents a utility company.

(n) One member who represents environmental interests.

(o) One member who represents forest resiliency interests.

(p) One member who represents state or regional land use planning organizations.

(q) One member who represents land and housing development interests or real estate industry interests.

(r) One member who represents public health professionals.

(s) One member who represents the environmental justice community.

(5) The presiding officers shall provide public notice of an opportunity for interested parties to submit names of interest for appointment to the council.

(6) At least 30 days before appointing a member, the presiding officers shall consult in good faith with the minority leaders of the Senate and House of Representatives on the appointment.

(7) The term of service for each member is four years.  
(8) The members are eligible for reappointment.  
(9) The council shall elect a chairperson and vice chairperson to serve for one-year terms.

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

(11) The Department of Consumer and Business Services, Department of Land Conservation and Development, office of the State Fire Marshal and State Forestry Department shall each provide 15 percent of the time of a full-time equivalent employee to:

- (a) Cooperatively staff the council.
- (b) Attend council meetings as informational resources.
- (c) Assist with drafting reports at the request of the council.
- (d) Support the work of the State Wildfire Programs Director.

(12) The Oregon State University Extension Service shall designate a person to serve as staff for the council.

(13) Each October the council shall submit a report to the Governor and appropriate committees or interim committees of the Legislative Assembly that describes progress on implementing program activities related to defensible space, building codes, land use and community emergency preparedness and that recommends improvements.

**SECTION 37.** (1) On or before September 1, 2021, members of the Wildfire Programs Advisory Council must be appointed as described in section 36 (4) of this 2021 Act.

(2) On or before November 1, 2021, the council must begin meeting regularly.

**SECTION 38.** Notwithstanding section 36 (7) of this 2021 Act, the term of service for the members first appointed from each category described in section 36 (4)(a), (c), (e), (g), (i), (k), (m), (o), (q) and (s) of this 2021 Act is three years.

**SECTION 39.** The Wildfire Programs Advisory Council must make the first report described in section 36 (13) of this 2021 Act in October 2022.

#### CONFORMING AMENDMENTS

**SECTION 40.** For purposes of the sellers' property disclosure statements described in ORS 105.464, "forestland-urban interface" has the same meaning as "wildland-urban interface," as defined in ORS 477.015.

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

197.716. (1) As used in this section:

(a) "Economic opportunity analysis" means an analysis performed by a county that:

(A) Identifies the major categories of industrial uses or other employment uses that could reasonably be expected to expand or locate in the county based on a review of trends on a national, state, regional or county level;

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

(C) Estimates the types and amounts of industrial uses and other employment uses likely to occur in the county based on subparagraphs (A) and (B) of this paragraph and considering the county's economic advantages and disadvantages, including:

- (i) Location, size and buying power of markets;
- (ii) Availability of transportation facilities for access and freight mobility;
- (iii) Public facilities and public services;
- (iv) Labor market factors;
- (v) Access to suppliers and utilities;
- (vi) Necessary support services;
- (vii) Limits on development due to federal and state environmental protection laws; and
- (viii) Educational and technical training programs;

(D) Assesses community economic development potential through a public process in conjunction with state agencies and consistent with any categories or particular types of industrial uses and other employment uses desired by the community as identified in an existing comprehensive plan;

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

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

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

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

(G) Identifies additional potential sites for designation and rezoning that could reasonably accommodate expected industrial uses and other employment uses that cannot be met by existing inventories.

(b) "Industrial use" means industrial employment activities, including manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(c) "Listed county" means Baker, Gilliam, Grant, Harney, Lake, Malheur, Sherman, Union, Wallowa or Wheeler County.

(d) "Other employment use" means all nonindustrial employment activities, including small scale commercial use, wholesale, service, nonprofit, business headquarters, administrative, governmental or employment activities that serve the medical, educational, social service, recreational or security industries and that occupy retail, office or flexible building types of any size or multibuilding campuses.

(e) "Reasonably be expected to expand or locate in the county" means that the county possesses the appropriate locational factors for the use or category of use.

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

(B) "Small scale commercial use" does not include use of land for factories, warehouses, freight terminals or wholesale distribution centers.

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

(a) Agriculture;

(b) Forest use; or

(c) Urbanization.

(3) A county may not designate a site under subsection (2) of this section:

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

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

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

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

(B) Cooperates with the State Forester in:

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

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

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

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

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

205.130. The county clerk shall:

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

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

(a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property required or permitted by law to be recorded;

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

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

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

(e) Instruments recognized under state law or rule or federal law or regulation as affecting title to or an interest in real property if the instrument is properly acknowledged or proved[; *and*].

[*f Orders from a county forestland-urban interface classification committee filed under ORS 477.052.*]

(3) Keep and maintain:

(a) Deed and mortgage records;

(b) Statutory lien records;

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

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

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

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

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

(4) Perform all the duties in regard to the recording and indexing of deeds and mortgages of real property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other interests when required or permitted by law to be recorded that affect the title of real property, and in regard to the entry of satisfaction and discharge of the same, together with other documents required or permitted by law to be recorded.

(5) Incur no civil or criminal liability, either personally or in an official capacity, for recording an instrument that does not comply with the provisions of law that require or allow the recording of the instrument.

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

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

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

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

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

## **APPROPRIATIONS** **(State Forestry Department)**

**SECTION 44.** Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (2), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for fire protection, is increased by \$10,611,235, for carrying out the provisions of section 30a of this 2021 Act.

**SECTION 45.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for fire protection, is increased by \$11,514,649, for carrying out the provisions of section 30a of this 2021 Act.

**SECTION 46.** Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (3), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for federal forest restoration, is increased by \$27,990,713, for carrying out the provisions of sections 7, 18, 20, 24 and 30a of this 2021 Act.

**SECTION 47.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for agency administration, is increased by \$1,467,358, for carrying out the provisions of sections 7, 18, 20 and 30a of this 2021 Act.

**SECTION 48.** In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$15,000,000, for the purpose of offsetting potential increases in landowner forest patrol assessments under ORS 477.270 due to the implementation of the provisions of section 30a of this 2021 Act.

**SECTION 49.** Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (6), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for the equipment pool, is increased by \$474,884, for carrying out the provisions of section 30a of this 2021 Act.

## **(Public Utility Commission)**

**SECTION 50.** Notwithstanding any other law limiting expenditures, the amount of \$324,286 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Utility Commission, for carrying out the provisions of sections 2 and 3 of this 2021 Act.

(Department of State Police,  
Office of the State Fire Marshal)

**SECTION 51.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$13,506,889, for carrying out the provisions of sections 8a, 10 and 30b (1) of this 2021 Act.

**SECTION 52.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$7,000,000, for carrying out the provisions of section 8a (5) of this 2021 Act.

**SECTION 53.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of State Police, office of the State Fire Marshal, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$25,000,000, for deposit in the Community Risk Reduction Fund established by section 9 of this 2021 Act.

**SECTION 54.** Notwithstanding any other law limiting expenditures, the amount of \$25,000,000 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses by the Department of State Police, office of the State Fire Marshal, from the Community Risk Reduction Fund established by section 9 of this 2021 Act for the purpose of carrying out the provisions of section 8a (6) of this 2021 Act.

**SECTION 55.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$55,000,000, for carrying out the provisions of section 30b of this 2021 Act that are related to the Oregon fire mutual aid system.

(Department of Environmental Quality)

**SECTION 56.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5516), for the biennium beginning July 1, 2021, for air quality, is increased by \$3,322,828, for carrying out the provisions of sections 13, 13a and 13b of this 2021 Act.

(Department of Human Services)

**SECTION 57.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5529), for the biennium beginning July 1, 2021, for central services, is increased by \$5,187,411, for carrying out the provisions of sections 14, 14a and 14b of this 2021 Act.

(Oregon Health Authority)

**SECTION 58.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled House Bill 5024), for the biennium beginning July 1, 2021, for health systems, health policy and analytics and public health, is increased by \$4,768,812, for carrying out the provisions of sections 14, 14a, 14b, 15 and 15a of this 2021 Act.

(Oregon Military Department)

**SECTION 59.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (3), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5535), for the biennium beginning July 1, 2021, for emergency management, is increased by \$700,003, for carrying out the provisions of section 17 of this 2021 Act.

(Higher Education Coordinating Commission,  
Oregon State University)

**SECTION 60.** Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (11), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2021, for distribution to public university statewide programs, is increased by \$1,138,040, for distribution to Oregon State University for carrying out the provisions of sections 7, 12c and 18 of this 2021 Act.

**SECTION 61.** Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2021, for Higher Education Coordinating Commission programs, is increased by \$643,668, for carrying out the provisions of section 22 of this 2021 Act.

**SECTION 62.** In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$10,000,000, for deposit in the Oregon Conservation Corps Fund established by section 23 of this 2021 Act.

**SECTION 63.** In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$1,000,000, to match private donations that are donated for the purposes of funding grant-supported projects related to the Oregon Conservation Corps Program established by section 21 of this 2021 Act.

(Office of the Governor)

**SECTION 64.** Notwithstanding any other provision of law, the General Fund appropriation made to the Office of the Governor by section 1, chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5520), for the biennium beginning July 1, 2021, is increased by \$497,541, for carrying out the provisions of section 35 of this 2021 Act.

CAPTIONS

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

**EMERGENCY CLAUSE**

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

**Passed by Senate June 25, 2021**

.....  
Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 26, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2021

**Approved:**

.....M,....., 2021

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2021

.....  
Shemia Fagan, Secretary of State