

SB 1536 A STAFF MEASURE SUMMARY**Senate Committee On Wildfire Reduction and Recovery**

Action Date: 02/12/20**Action:** Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).**Vote:** 3-2-0-0**Yeas:** 3 - Frederick, Golden, Prozanski**Nays:** 2 - Baertschiger Jr, Thatcher**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Laura Kentnesse, LPRO Analyst**Meeting Dates:** 2/3, 2/5, 2/10, 2/12

WHAT THE MEASURE DOES:

Requires **electric companies** to have a **risk-based wildfire protection plan** approved by the Public Utilities Commission (PUC). Specifies plan requirements, and requires the first plan to be submitted by December 31, 2020. Requires **consumer-owned utilities (COUs)** to create, and operate in compliance with, a **risk-based wildfire mitigation plan** approved by the utility's governing body. Requires COUs to submit the first plan by December 31, 2021, and to submit a copy of the approved plan to the PUC. Requires COUs to conduct a periodic wildfire risk assessment of utility facilities. Requires the **PUC to periodically convene workshops** for electric companies, COUs, and electrical distribution system operators to develop and share information related to wildfire. States that the utility provisions do not affect the terms and conditions of easements held by an electric utility over private land. Allows **insurers** to adopt coverage provisions and underwriting standards to encourage certain property protection approaches. Allows issuers of property insurance policies to use maps and data developed by state agencies for the purpose of determining terms and conditions of the policies. Allows the Department of Consumer and Business Services to work with the State Fire Marshal and issuers of property insurance policies to develop property protection approaches reflecting best practices for wildfire risk mitigation. Requires that the **Oregon Department of Forestry (ODF)**, in collaboration with others, oversee the development, implementation, and maintenance of a publicly accessible, **comprehensive statewide map of wildfire risk**. Requires the **State Fire Marshal** to establish **minimum defensible space requirements** consistent with the International Wildland-Urban Interface Code standards, by land type. Requires that defensible space requirements for a type of land will apply statewide for all lands of that type. Allows **local governments** to adopt more stringent defensible space requirements, but requires that they be consistent with the same code. Allows the State Fire Marshal to administer and enforce standards, and allows local governments to contract with the State Fire Marshal to administer and enforce requirements in their jurisdiction. Allows local government to administer and enforce their more stringent standards, if created. Requires the State Fire Marshal to develop and maintain a **statewide defensible space map**. Requires the State Fire Marshal to provide financial, administrative, technical, or other assistance to local governments, and requires local governments to prioritize creating defensible space on land owned by communities of color, indigenous communities, persons with limited English proficiency, and persons of lower income. Establishes the Wildfire Defensible Space Fund to carry out the local government financial assistance program. Authorizes the **Oregon Health Authority (OHA)** to adopt rules establishing standards for **smoke filtration systems**. Requires OHA to create a program to increase the availability of smoke filtration systems in areas susceptible to wildfire smoke for persons vulnerable to the health effects of smoke. Authorizes OHA to issue grants to install smoke filtration systems in residential and commercial buildings, and buildings open to the public, and requires OHA to prioritize residential buildings occupied by lower income persons who are vulnerable to health effects of smoke. Establishes the Wildfire Smoke Abatement Fund and appropriates \$1 million to the Fund. Creates the seven-member **Task Force on Wildfire Smoke Health Effects** to: identify barriers

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to, and solutions for, the installation of smoke filtration systems; determine the extent to which renters are able to take advantage of smoke filtration systems; and consider other topics related to making air filtration accessible to lower income Oregonians. Requires the **Office of Emergency Management** to establish six positions to administer the office's mitigation and recovery efforts for wildfire emergencies in assigned regions of the state. Establishes legislative findings, goals, and policies of the state related to a **20-year fuel reduction vision**. Requires ODF to develop and implement a **treatment program** to treat forestlands and rangelands for reduction of fuel load and other wildfire risks. Requires that the program treat any prioritized forestlands and rangelands without regard to ownership, specify the types and levels of treatment and fuel load levels needed to achieve goals, and maximize state and federal resources. Requires ODF to coordinate with federal land managers and private landowners to implement fuel reduction treatments on lands flagged as high importance categories under the Quantitative Risk Assessment. Prohibits commercial thinning on specified protected lands. Requires ODF to develop performance measures and condition-based metrics for monitoring and communicating the effectiveness of state investments in mitigating wildfire risk. Requires ODF to report regarding the status of the program development and implementation by December 1, 2020. Establishes the Forestland and Rangeland Treatment Fund, and requires moneys be used by ODF for forest and rangeland treatments. Requires the State Forester in collaboration with others to adopt rules establishing a **baseline level of wildfire protection** for lands outside of forest protection districts that are susceptible to wildfire. States that the baseline level is not intended to be a uniform, statewide standard, but adaptable based on regional conditions. Authorizes a **county**, in collaboration with the State Forester and State Fire Marshal, to ensure these lands are provided with wildfire protection services at the baseline level or higher. Authorizes a county, in collaboration with the State Forester and State Fire Marshal, to assist landowners, individuals, and businesses with forming wildfire protection jurisdictions or modifying existing boundaries to ensure adequate protection. Allows counties to also assist jurisdictions in developing wildfire protection facilities, equipment, training, and other resources. Authorizes the State Forester to provide financial assistance to counties for carrying out county duties. Includes land used primarily for cultivating crops within the **definition of "rangeland"** related to organizing a rangeland protection association and providing fire protection. Requires ODF to contract with a **private consultant to study and evaluate**: wildfire protection and suppression information, including accuracy; the relative value to public and private sectors from state-funded wildfire suppression; the cost of wildfire protection in Oregon and similar states, adjusted for suitable comparison; and economic aspects of wildfire protection and suppression that vary within regions of state. Requires the consultant to develop recommendations and report to the legislature and Governor by September 15, 2022. Requires that recommendations include: possible means for producing wildfire protection and suppression information in a way that maximizes value and minimizes burdens; and possible methods to allocate cost to achieve equity in the distribution of costs and benefits. Allows the Governor to authorize **joint partnerships between state and federal agencies** to administer and enforce a wildfire strategy program based on the 2019 Governor's Council on Wildfire Response (Wildfire Council) report and recommendations. Authorizes the Wildfire Council to continue through January 2, 2022, and allows the Governor to assign duties to the Wildfire Council to oversee and assist in Act implementation, including but not limited to, providing advice, suggesting priorities, recommending future actions, and providing coordination with federal agencies. Requires the Wildfire Council to develop a **sustainable model for funding a comprehensive wildfire strategy** that is consistent with 2019 Wildfire Council report and recommendations. Allows the Wildfire Council to contract with outside consultants and experts, and requires the Wildfire Council to coordinate with state and federal agencies and report to legislature and Governor by October 31, 2020 on recommendations. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Wildfire threats to lives, human health, property, critical infrastructure, economies, and the natural environment
- Governor's Council on Wildfire Response

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- Scope and scale of proposed adaptation, mitigation, and suppression efforts
- Baseline level of fire protection for all lands and all Oregonians

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Oregon Governor Kate Brown created the Governor's Council on Wildfire Response by executive order in January of 2019. The Council was tasked with reviewing Oregon's current model for wildfire prevention, preparedness, and response, and analyzing whether the current model is sustainable given increasing wildfire risks. The Council met regularly for nine months and formed three active subcommittees that focused on mitigation, fire suppression, and adaptation and recovery. The product of the Council's extensive work was a final report that concluded that some or all of the current models are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations, many of which are included in Senate Bill 1536-A.

Senate Bill 1536-A would require: electric companies and utilities to create and operate under approved risk-based wildfire protection plans; the Oregon Department of Forestry (ODF) to develop and maintain a comprehensive statewide map of wildfire risk; the State Fire Marshal to establish minimum defensible space requirements; the Oregon Health Authority to create a smoke filtration system program and establish a Task Force on Wildfire Smoke Health Effects; the Office of Emergency Management to establish six positions to administer the office's regional mitigation and recovery efforts for wildfire emergencies; ODF to develop and implement a program to treat forestlands and rangelands for fuel load reduction; the State Forester to establish a baseline level of wildfire protection for lands outside of forest protection districts that are susceptible to wildfire; a private consultant to conduct a wildfire funding study; and the Governor's Council on Wildfire Response to develop a sustainable model for funding a comprehensive wildfire strategy.