

A-Engrossed House Bill 4054

Ordered by the House February 18
Including House Amendments dated February 18

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Natural Resources for Representative Brad Witt)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Moves provision regarding giving notification of wildfire to forestland owner.]

Creates Land Use and Wildfire Policy Advisory Committee. Sunsets advisory committee July 1, 2021.

Requires State Forestry Department, Oregon State University and Department of Land Conservation and Development to conduct study of regional wildfire risk within state.

Requires departments and advisory committee to report to interim committee of Legislative Assembly no later than February 1, 2021, regarding possible means for implementing final recommendations produced by Governor's Council on Wildfire Response. Requires inclusion of regional wildfire risk information in report.

Authorizes assignment of council to assist state and local agencies and officials regarding implementation of wildfire risk reduction programs.

Requires council to report to Legislative Assembly no later than October 31, 2020, with detailed recommendations regarding sustainable financing model for funding comprehensive wildfire strategy.

Requires State Department of Energy to commission study of feasibility of using materials from wildfire fuel reduction projects for renewable energy generation. Requires appointment of advisory committee to assist with study. Requires study to be completed by January 15, 2021.

Appropriates moneys to Department of Land Conservation and Development, State Forestry Department, Oregon State University and State Department of Energy for 2019-2021 biennium to carry out Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to wildfires; and declaring an emergency.

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

LAND USE AND WILDFIRE POLICY ADVISORY COMMITTEE

SECTION 1. (1) The Director of the Department of Land Conservation and Development, in consultation with counties and cities, shall organize a Land Use and Wildfire Policy Advisory Committee. The committee shall consist of members appointed as described in subsections (2) to (5) of this section.

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) One member who is a representative of a city government serving a population of
2 25,000 or more.

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

5 (e) One member who is a representative of a county government serving a population of
6 30,000 or more but less than 100,000.

7 (f) One member who is a representative of a county government serving a population of
8 100,000 or more.

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

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

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

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

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

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

15 (m) One member who is a representative of ranching landowners.

16 (n) One member who is a representative of realty interests.

17 (o) One member who is a representative of land and housing development firms.

18 (p) One member who is a representative of citizen land use planning organizations.

19 (q) One member who is a representative of state or regional land use planning organiza-
20 tions.

21 (r) One member who is a representative of public health interests.

22 (s) One member who is a representative of small forestland owners.

23 (t) One member who is a representative of large forestland owners.

24 (u) One member who is a representative of economic development organizations.

25 (v) One member who is a representative of federally recognized Indian tribes.

26 (w) One member who is a representative of the Oregon Fire Chiefs Association.

27 (x) Additional members as determined by the director in consultation with counties and
28 cities.

29 (3) The director and the State Forester shall make the joint appointments under sub-
30 section (2) of this section from nominations submitted by entities related to the represented
31 interest or entities. The related entities for appointments:

32 (a) Under subsection (2)(a), (b), (c) and (g) of this section is the League of Oregon Cities.

33 (b) Under subsection (2)(d), (e), (f) and (h) of this section is the Association of Oregon
34 Counties.

35 (c) Under subsection (2)(i) of this section is any one or more of the investor-owned util-
36 ities and consumer-owned utilities in this state.

37 (d) Under subsection (2)(j) of this section is the Oregon League of Conservation Voters.

38 (e) Under subsection (2)(k) of this section is the Special Districts Association of Oregon.

39 (f) Under subsection (2)(L) of this section is the Oregon Farm Bureau.

40 (g) Under subsection (2)(m) of this section is the Oregon Cattlemen's Association.

41 (h) Under subsection (2)(n) of this section is the Oregon Association of Realtors.

42 (i) Under subsection (2)(o) of this section is the Oregon Home Builders Association.

43 (j) Under subsection (2)(p) of this section is the Oregon Property Owners Association.

44 (k) Under subsection (2)(q) of this section is 1000 Friends of Oregon.

45 (L) Under subsection (2)(r) of this section is the Oregon Health Authority.

1 (m) Under subsection (2)(s) of this section is the Oregon Small Woodlands Association.

2 (n) Under subsection (2)(t) of this section is the Oregon Forest & Industries Council.

3 (o) Under subsection (2)(u) of this section is Business Oregon.

4 (p) Under subsection (2)(v) of this section is one or more of the tribal governing bodies
5 for Indian tribes in this state.

6 (q) Under subsection (2)(w) of this section is the State Fire Marshal.

7 (4) In addition to the members described under subsection (2) of this section, the fol-
8 lowing shall serve as nonvoting members of the committee:

9 (a) One member appointed by the State Forester.

10 (b) One member appointed by the State Fire Marshal.

11 (c) One member appointed by the Director of the Oregon Health Authority.

12 (d) One member appointed by the Environmental Justice Task Force.

13 (e) One member appointed by the director of the Institute for Natural Resources.

14 (f) One member appointed by the Director of the Department of Land Conservation and
15 Development.

16 (g) One member appointed by the Director of the Department of Consumer and Business
17 Services from the Division of Financial Regulation of the Department of Consumer and
18 Business Services.

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

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

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

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

31 (7) The members of the committee shall elect a voting member to be chair of the com-
32 mittee and a voting member to be vice-chair, with all powers appropriate to those offices.

33 (8) The committee shall meet at times and places determined by the chair or by the Di-
34 rector of the Department of Land Conservation and Development. A majority of the voting
35 members shall be a quorum for the conducting of business. Official actions by the committee
36 require approval by a majority of the voting members.

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

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

SECTION 2. All agencies of state government as defined in ORS 174.111 are directed to assist the Land Use and Wildfire Policy Advisory Committee and the Department of Land Conservation and Development in the performance of committee and department duties under sections 3 and 4 of this 2020 Act.

REGIONAL WILDFIRE RISK

SECTION 3. (1) The State Forestry Department and Oregon State University, in consultation with the Department of Land Conservation and Development, shall for each wildfire risk region of this state jointly consult with fire protection agencies and districts, fire officials and personnel and cities and counties in the region. The departments and the university shall analyze the wildfire risk for each region to develop recommendations for reducing the wildfire risk to people, public and private property, businesses, infrastructure and natural resources in that region.

(2) The State Forestry Department and the university, in consultation with the Department of Land Conservation and Development, shall report the recommendations for regional wildfire risk reduction to the Land Use and Wildfire Policy Advisory Committee no later than October 1, 2020.

(3) The departments and the committee shall analyze and evaluate the material to develop recommendations regarding possible means for implementing the final recommendations produced by the Governor’s Council on Wildfire Response through the statewide land use planning program and local governments to minimize the risks from wildfires to people, public and private property, businesses, infrastructure and natural resources.

IMPLEMENTATION OF COUNCIL RECOMMENDATIONS

SECTION 4. (1) The Department of Land Conservation and Development, in collaboration with the State Forestry Department and the Land Use and Wildfire Policy Advisory Committee, shall report to an interim committee of the Legislative Assembly relating to natural resources in the manner provided under ORS 192.245 no later than February 1, 2021, regarding possible means for implementing the final recommendations produced by the Governor’s Council on Wildfire Response.

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

- (a) The recommendations developed under section 3 of this 2020 Act.
- (b) Existing state and local maps that identify wildfire risk.
- (c) To the extent the Land Use and Wildfire Policy Advisory Committee and the departments deem appropriate, new map resources that account for regional differences in program information.
- (d) Identification of state and local resources needed to develop, maintain and update wildfire risk maps.
- (e) Multiple recommendations regarding possible means for using the statewide planning program and local governments including, but not limited to, recommendations regarding revisions and updates to the statewide land use planning program and local zoning codes.
- (f) Planning goals related to natural hazards, including but not limited to Goal 7.
- (g) Existing state and local programs that minimize wildfire risk, including, but not limited to

1 ited to, programs that identify wildlife risk through mapping or that define minimum
2 defensible space.

3 (h) Identification of revisions to the statewide land use planning program and to local
4 building codes appropriate to minimize wildfire risks, including, but not limited to, provisions
5 regarding sufficient defensible space, safe evacuation, adequate access for wildfire fighting
6 equipment and personnel, and considerations regarding development in areas of high wildfire
7 risk that allow for regional differences in topography, vegetation, soil types and other rele-
8 vant factors.

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

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

15
16 **COUNCIL**
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18 **SECTION 5.** The Governor may assign duties to the Governor’s Council on Wildfire Re-
19 sponse as the Governor deems appropriate to assist state and local agencies and officials to
20 oversee and assist in the implementation of wildfire risk reduction programs. The council’s
21 duties may include, but need not be limited to, providing advice, suggesting priorities, re-
22 commending future actions and providing coordination with federal agencies.

23 **SECTION 6.** (1) As used in this section, “sustainable” means short-term and long-term
24 financial stability that provides the ability to implement, carry out, expand and maintain
25 activity.

26 (2) The Governor’s Council on Wildfire Response shall report detailed recommendations
27 of the council for a sustainable model for funding a comprehensive wildfire strategy that is
28 consistent with the strategy contained in the “November 2019: Report and
29 Recommendations” of the council.

30 (3) The council shall report its recommendations to the Legislative Assembly as provided
31 in ORS 192.245, and to the Governor, no later than October 31, 2020.

32 (4) In developing recommendations and preparing the report described in this section, the
33 council:

34 (a) Shall cooperate with relevant state agencies including, but not limited to, the State
35 Forestry Department, the State Fire Marshal, the Oregon Health Authority, the Office of
36 Emergency Management, the Department of Land Conservation and Development, the De-
37 partment of Consumer and Business Services, the State Department of Fish and Wildlife, the
38 Department of Environmental Quality and the Oregon Department of Administrative Ser-
39 vices;

40 (b) Shall invite comments, advice or assistance from relevant federal agencies including,
41 but not limited to, the United States Forest Service and the Bureau of Land Management;

42 (c) May contract with outside consultants and experts; and

43 (d) Shall use the regular meetings of the council as a forum for receiving input from
44 council members and the public regarding content for the report.

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FUEL LOAD DISPOSAL STUDY

SECTION 7. (1) The State Department of Energy shall commission a study to determine whether renewable energy generation is a feasible means for disposing of materials from wildfire fuel load reduction projects. The study shall include, but need not be limited to, an evaluation of the financial and operational feasibility of using the materials for renewable energy generation instead of disposing of the materials through controlled fires or other means.

(2) The entity commissioned by the department to conduct the study:

(a) Must have expertise in western United States energy markets;

(b) Must have expertise related to wildfire fuel load reduction; and

(c) Must be capable of conducting the study in conformance with transparency requirements and other requirements of Oregon law.

(3) The department shall award a contract commissioning the study no later than August 31, 2020. The amount of the contract may not exceed \$500,000.

(4) The department shall require the commissioned entity to complete the study no later than January 15, 2021.

(5) The Director of the State Department of Energy shall appoint an advisory committee to provide advice to the commissioned entity in conducting the study and to act as a reviewing body for the study results. To the extent practicable, the director shall appoint advisory committee members representing a diverse range of stakeholder interests, expertise and education, racial, ethnic and economic groups and geographic areas of the state. The director shall appoint the advisory committee members on or before July 31, 2020.

(6) Members of the advisory committee are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided in ORS 292.495. Claims for compensation and expenses shall be paid out of funds appropriated to the department for that purpose.

(7) The members of the advisory committee shall elect one of the members to be chair of the advisory committee and one member to be vice-chair, with all powers appropriate to those offices.

(8) The advisory committee shall meet at times and places determined by the chair or by the director. A majority of the advisory committee members shall be a quorum for the conducting of business. Official actions by the advisory committee require approval by a majority of the members.

(9) The department shall provide staff services for the advisory committee.

APPROPRIATIONS

SECTION 8. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium ending June 30, 2021, out of the General Fund, the amount of \$350,000, which may be expended for carrying out department activities under sections 1, 3 and 4 of this 2020 Act.

SECTION 9. In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium ending June 30, 2021, out of the General Fund, the amount of \$100,000, which may be expended for carrying out department

1 activities under sections 3 and 4 of this 2020 Act.

2 **SECTION 10.** In addition to and not in lieu of any other appropriation, there is appro-
3 priated to Oregon State University, for the biennium ending June 30, 2021, out of the General
4 Fund, the amount of \$50,000, which may be expended for carrying out university activities
5 under section 3 of this 2020 Act.

6 **SECTION 11.** In addition to and not in lieu of any other appropriation, there is appro-
7 priated to the State Department of Energy, for the biennium ending June 30, 2021, out of the
8 General Fund, the amount of \$61,900, which may be expended as follows:

9 (1) Not more than \$56,900 to cover additional personnel costs of the department in car-
10 rying out department duties, functions and powers related to section 7 of this 2020 Act; and

11 (2) Not more than \$5,000 to cover department costs associated with the advisory com-
12 mittee appointed by the Director of the State Department of Energy under section 7 of this
13 2020 Act.

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15 **SUNSETS**

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17 **SECTION 12.** Sections 1, 2, 3, 4 and 6 of this 2020 Act are repealed on July 1, 2021.

18 **SECTION 13.** Section 5 of this 2020 Act is repealed on January 2, 2022.

19 **SECTION 14.** Section 7 of this 2020 Act is repealed on July 1, 2021.

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21 **CAPTIONS**

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23 **SECTION 15.** The unit captions used in this 2020 Act are provided only for the conven-
24 ience of the reader and do not become part of the statutory law of this state or express any
25 legislative intent in the enactment of this 2020 Act.

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27 **EMERGENCY**

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29 **SECTION 16.** This 2020 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
31 on its passage.
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