

HOUSE AMENDMENTS TO HOUSE BILL 4054

By COMMITTEE ON NATURAL RESOURCES

February 18

1 In line 2 of the printed bill, after “wildfires” delete the rest of the line and insert “; and de-
2 claring an emergency.”.

3 Delete lines 4 through 21 and insert:
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“LAND USE AND WILDFIRE POLICY ADVISORY COMMITTEE

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7 “**SECTION 1. (1) The Director of the Department of Land Conservation and Development,**
8 **in consultation with counties and cities, shall organize a Land Use and Wildfire Policy Advi-**
9 **sory Committee. The committee shall consist of members appointed as described in sub-**
10 **sections (2) to (5) of this section.**

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

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

15 “(b) One member who is a representative of a city government serving a population of
16 10,000 or more but less than 25,000.

17 “(c) One member who is a representative of a city government serving a population of
18 25,000 or more.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 “(q) One member who is a representative of state or regional land use planning organ-

1 **izations.**

2 **“(r) One member who is a representative of public health interests.**

3 **“(s) One member who is a representative of small forestland owners.**

4 **“(t) One member who is a representative of large forestland owners.**

5 **“(u) One member who is a representative of economic development organizations.**

6 **“(v) One member who is a representative of federally recognized Indian tribes.**

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

8 **“(x) Additional members as determined by the director in consultation with counties and**
9 **cities.**

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

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

14 **“(b) Under subsection (2)(d), (e), (f) and (h) of this section is the Association of Oregon**
15 **Counties.**

16 **“(c) Under subsection (2)(i) of this section is any one or more of the investor-owned**
17 **utilities and consumer-owned utilities in this state.**

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

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

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

21 **“(g) Under subsection (2)(m) of this section is the Oregon Cattlemen’s Association.**

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

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

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

25 **“(k) Under subsection (2)(q) of this section is 1000 Friends of Oregon.**

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

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

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

29 **“(o) Under subsection (2)(u) of this section is Business Oregon.**

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

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

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

35 **“(a) One member appointed by the State Forester.**

36 **“(b) One member appointed by the State Fire Marshal.**

37 **“(c) One member appointed by the Director of the Oregon Health Authority.**

38 **“(d) One member appointed by the Environmental Justice Task Force.**

39 **“(e) One member appointed by the director of the Institute for Natural Resources.**

40 **“(f) One member appointed by the Director of the Department of Land Conservation and**
41 **Development.**

42 **“(g) One member appointed by the Director of the Department of Consumer and Business**
43 **Services from the Division of Financial Regulation of the Department of Consumer and**
44 **Business Services.**

45 **“(h) One member appointed by the Director of the Department of Consumer and Business**

1 Services from department staff having expertise in building codes.

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

6 “(b) The Speaker of the House of Representatives, in consultation with the House Mi-
7 nority Leader, shall appoint two members from among the members of the House of Repre-
8 sentatives to be nonvoting members of the committee. The two members appointed under
9 this paragraph may not be from the same political party.

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

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

14 “(8) The committee shall meet at times and places determined by the chair or by the
15 Director of the Department of Land Conservation and Development. A majority of the voting
16 members shall be a quorum for the conducting of business. Official actions by the committee
17 require approval by a majority of the voting members.

18 “(9) The Department of Land Conservation and Development shall provide staff services
19 for the committee.

20 “(10) Notwithstanding ORS 171.072, members of the committee who are members of the
21 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-
22 teers on the committee. Other members of the committee are not entitled to reimbursement
23 for expenses and serve as volunteers on the committee. However, the Director of the De-
24 partment of Land Conservation and Development may, in the discretion of the director, re-
25 imburse voting members of the committee for unforeseen expenses from moneys available
26 for purposes of carrying out the functions of the committee.

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

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32 “REGIONAL WILDFIRE RISK
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34 “SECTION 3. (1) The State Forestry Department and Oregon State University, in con-
35 sultation with the Department of Land Conservation and Development, shall for each wildfire
36 risk region of this state jointly consult with fire protection agencies and districts, fire offi-
37 cials and personnel and cities and counties in the region. The departments and the university
38 shall analyze the wildfire risk for each region to develop recommendations for reducing the
39 wildfire risk to people, public and private property, businesses, infrastructure and natural
40 resources in that region.

41 “(2) The State Forestry Department and the university, in consultation with the De-
42 partment of Land Conservation and Development, shall report the recommendations for re-
43 gional wildfire risk reduction to the Land Use and Wildfire Policy Advisory Committee no
44 later than October 1, 2020.

45 “(3) The departments and the committee shall analyze and evaluate the material to de-

1 velop recommendations regarding possible means for implementing the final recommen-
2 dations produced by the Governor’s Council on Wildfire Response through the statewide land
3 use planning program and local governments to minimize the risks from wildfires to people,
4 public and private property, businesses, infrastructure and natural resources.

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6 “IMPLEMENTATION OF COUNCIL RECOMMENDATIONS
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8 “SECTION 4. (1) The Department of Land Conservation and Development, in collab-
9 oration with the State Forestry Department and the Land Use and Wildfire Policy Advisory
10 Committee, shall report to an interim committee of the Legislative Assembly relating to
11 natural resources in the manner provided under ORS 192.245 no later than February 1, 2021,
12 regarding possible means for implementing the final recommendations produced by the
13 Governor’s Council on Wildfire Response.

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

15 “(a) The recommendations developed under section 3 of this 2020 Act.

16 “(b) Existing state and local maps that identify wildfire risk.

17 “(c) To the extent the Land Use and Wildfire Policy Advisory Committee and the de-
18 partments deem appropriate, new map resources that account for regional differences in
19 program information.

20 “(d) Identification of state and local resources needed to develop, maintain and update
21 wildfire risk maps.

22 “(e) Multiple recommendations regarding possible means for using the statewide planning
23 program and local governments including, but not limited to, recommendations regarding
24 revisions and updates to the statewide land use planning program and local zoning codes.

25 “(f) Planning goals related to natural hazards, including but not limited to Goal 7.

26 “(g) Existing state and local programs that minimize wildfire risk, including, but not
27 limited to, programs that identify wildlife risk through mapping or that define minimum
28 defensible space.

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

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

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

41
42 “COUNCIL
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44 “SECTION 5. The Governor may assign duties to the Governor’s Council on Wildfire
45 Response as the Governor deems appropriate to assist state and local agencies and officials

1 to oversee and assist in the implementation of wildfire risk reduction programs. The
2 council's duties may include, but need not be limited to, providing advice, suggesting priori-
3 ties, recommending future actions and providing coordination with federal agencies.

4 **"SECTION 6.** (1) As used in this section, 'sustainable' means short-term and long-term
5 financial stability that provides the ability to implement, carry out, expand and maintain
6 activity.

7 **"(2)** The Governor's Council on Wildfire Response shall report detailed recommendations
8 of the council for a sustainable model for funding a comprehensive wildfire strategy that is
9 consistent with the strategy contained in the 'November 2019: Report and
10 Recommendations' of the council.

11 **"(3)** The council shall report its recommendations to the Legislative Assembly as pro-
12 vided in ORS 192.245, and to the Governor, no later than October 31, 2020.

13 **"(4)** In developing recommendations and preparing the report described in this section,
14 the council:

15 **"(a)** Shall cooperate with relevant state agencies including, but not limited to, the State
16 Forestry Department, the State Fire Marshal, the Oregon Health Authority, the Office of
17 Emergency Management, the Department of Land Conservation and Development, the De-
18 partment of Consumer and Business Services, the State Department of Fish and Wildlife, the
19 Department of Environmental Quality and the Oregon Department of Administrative Ser-
20 vices;

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

23 **"(c)** May contract with outside consultants and experts; and

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

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

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

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

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

38 **"(c)** Must be capable of conducting the study in conformance with transparency require-
39 ments and other requirements of Oregon law.

40 **"(3)** The department shall award a contract commissioning the study no later than Au-
41 gust 31, 2020. The amount of the contract may not exceed \$500,000.

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

44 **"(5)** The Director of the State Department of Energy shall appoint an advisory committee
45 to provide advice to the commissioned entity in conducting the study and to act as a re-

1 viewing body for the study results. To the extent practicable, the director shall appoint ad-
2 visory committee members representing a diverse range of stakeholder interests, expertise
3 and education, racial, ethnic and economic groups and geographic areas of the state. The
4 director shall appoint the advisory committee members on or before July 31, 2020.

5 “(6) Members of the advisory committee are entitled to compensation and expenses in-
6 curred by them in the performance of their official duties in the manner and amounts pro-
7 vided in ORS 292.495. Claims for compensation and expenses shall be paid out of funds
8 appropriated to the department for that purpose.

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

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

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

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

24 “SECTION 9. In addition to and not in lieu of any other appropriation, there is appro-
25 priated to the State Forestry Department, for the biennium ending June 30, 2021, out of the
26 General Fund, the amount of \$100,000, which may be expended for carrying out department
27 activities under sections 3 and 4 of this 2020 Act.

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

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

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

37 “(2) Not more than \$5,000 to cover department costs associated with the advisory com-
38 mittee appointed by the Director of the State Department of Energy under section 7 of this
39 2020 Act.

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41 “SUNSETS
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43 “SECTION 12. Sections 1, 2, 3, 4 and 6 of this 2020 Act are repealed on July 1, 2021.

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

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

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“CAPTIONS

“SECTION 15. The unit captions used in this 2020 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 2020 Act.

“EMERGENCY

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