

A-Engrossed

Senate Bill 1536

Ordered by the Senate February 14
Including Senate Amendments dated February 14

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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.

Requires electric company to operate in compliance with risk-based wildfire protection plan [*acknowledged*] **approved** by Public Utility Commission. Requires periodic submission of new plan. Specifies minimum required contents for plan. **Creates plan exception.** Requires submission of initial plan no later than December 31, 2020.

[Makes reasonable and prudent investment that electric company incurs to develop, implement or operate wildfire protection plan or to mitigate risk, severity or extent of wildfire recoverable as rates charged by company.]

Requires consumer-owned utility to operate in compliance with risk-based wildfire mitigation plan approved by governing body of utility. Requires periodic submission of new plan. **Creates plan exception.** Requires submission of initial plan no later than December 31, 2021.

Requires consumer-owned utility to conduct wildfire risk assessment of utility facilities. Requires review and revision of assessment as required by governing body of utility.

[Requires consumer-owned utility to construct, maintain and operate electrical lines and equipment in manner designed to reduce likelihood of wildfire.]

Requires Public Utility Commission workshops to develop and share information for best practices regarding wildfire.

[Requires Department of Land Conservation and Development to oversee and coordinate development and maintenance of comprehensive statewide map of wildfire risk. Requires department to establish minimum standards and provide consultation to cities and counties to implement and maintain wildfire risk planning and zoning and to develop wildfire risk mitigation standards. Requires Insurance Commissioner to order insurers to identify and provide incentives for policyholder actions to reduce wildfire risk.]

Authorizes insurer to use maps and data of, and work in cooperation with, Department of Land Conservation and Development and State Fire Marshal.

Requires State Forestry Department to develop and maintain statewide map of wildfire risk.

Requires State Fire Marshal to establish minimum defensible space requirements. *[Requires local government to administer and enforce applicable State Fire Marshal defensible space requirements.]* Allows local government to adopt local defensible space requirements in excess of State Fire Marshal requirements.

Authorizes State Fire Marshal to contract for local government enforcement of minimum defensible space requirements. Requires **contracting** local government to periodically report to State Fire Marshal regarding compliance with defensible space requirements. Requires State Fire Marshal to maintain map of defensible space requirements and compliance.

Requires State Fire Marshal to administer and enforce program to provide assistance to local governments for administration and enforcement of defensible space requirements. Establishes Wildfire Defensible Space Fund. Establishes creation of defensible space on lands of certain underserved populations as priority use of financial assistance.

[Requires Department of Land Conservation and Development to establish program to assist counties and cities to adopt local building code provisions and local wildfire safety requirements that exceed state requirements. Creates Local Wildfire Response Fund.]

Requires Oregon Health Authority to establish standards for [*residential*] smoke filtration systems **in certain buildings.** Requires authority to establish program to increase availability of systems among vulnerable persons residing in areas susceptible to wildfire smoke. Authorizes authority to issue grants to increase availability of systems. Creates Wildfire Smoke Abatement Fund.

Establishes task force to identify barriers to installation of smoke filtration systems in areas susceptible to wildfire smoke **and provide advice to Oregon Health Authority.** Requires task force report no later than September 15, 2021. Sunsets task force December 31, 2021.

Requires Office of Emergency Management to establish personnel positions related to

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 **wildfire.**

2 **Expresses state policy and goals for reduction of fuel loads on forestlands and**
3 **rangelands.** Requires State Forestry Department to establish program for reducing fuel load on
4 **forestlands and rangelands.** Establishes Forestland **and Rangeland** Treatment Fund.

5 Requires State Forester to establish baseline [*level*] **levels** of wildfire protection for lands sus-
6 ceptible to wildfire.

7 [*Requires*] **Authorizes county, State Forester and State Fire Marshal** to assist landowners
8 and jurisdictions to form, expand or change boundaries of jurisdiction that provides wildfire
9 protection[. *Requires county to*] **and** assist jurisdiction in developing adequate wildfire protection
10 facilities, equipment, training and other resources. Requires that county ensure lands susceptible to
11 wildfire are provided with wildfire protection meeting or exceeding baseline level no later than
12 January 1, 2025.

13 Requires State Forestry Department to contract for services of private consultant to evaluate
14 and make recommendations on specified issues regarding wildfires. Requires consultant to report to
15 Governor and legislative committee no later than September 15, 2022.

16 Allows Governor to authorize joint state-federal partnerships to direct wildfire strategy based
17 on recommendations of Governor's Council on Wildfire Response. **Authorizes council duties. Re-**
18 **quires council to report recommendations for stable funding to implement council wildfire**
19 **strategy no later than October 31, 2020.**

20 Declares emergency, effective on passage.

21 **A BILL FOR AN ACT**

22 Relating to wildfires; creating new provisions; amending ORS 477.315; and declaring an emergency.

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

24 **UTILITIES**

25 **SECTION 1. Sections 2 to 8 of this 2020 Act are added to and made a part of ORS chapter**
26 **757.**

27 **SECTION 2. (1) As used in this section, "electric company" has the meaning given that**
28 **term in ORS 757.600.**

29 **(2) An electric company must have and operate in compliance with a risk-based wildfire**
30 **protection plan approved by the Public Utility Commission.**

31 **(3) An electric company shall submit a risk-based wildfire protection plan to the com-**
32 **mission every three years. The plan must, at a minimum:**

33 **(a) Identify areas within the service territory of the electric company that are subject**
34 **to a heightened risk of wildfire.**

35 **(b) Identify a means for mitigating wildfire risk that is cost effective and reflects a rea-**
36 **sonable balancing of mitigation costs with the resulting reduction of wildfire risk.**

37 **(c) Identify preventive actions and programs that the electric company will carry out to**
38 **minimize the risk of company facilities causing a wildfire.**

39 **(d) Identify a protocol for the deenergizing of power lines and adjusting power system**
40 **operations to mitigate wildfires, promote the safety of the public and first responders and**
41 **preserve health and communication infrastructure.**

42 **(e) Describe the procedures, standards and time frames that the electric company will**
43 **use to inspect company infrastructure in areas that the company identifies under paragraph**
44 **(a) of this subsection.**

45 **(f) Describe the procedures, standards and time frames that the electric company will**
46 **use to carry out vegetation management in areas that the company identifies under para-**
47 **graph (a) of this subsection.**

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

49 **(h) Identify the community outreach and public awareness efforts that the electric com-**
50 **pany will use before, during and after a wildfire season.**

1 (4) The commission, in consultation with the State Forestry Department and local
2 emergency services agencies, shall review a wildfire protection plan that an electric company
3 submits under this section. The commission shall:

4 (a) Approve the submitted plan; or

5 (b) Disapprove the submitted plan and inform the electric company of the modifications
6 necessary to obtain approval.

7 (5) The commission shall adopt rules for the implementation of this section.

8 (6) Nothing in this section prohibits the recovery of costs deferred under ORS 757.259.

9 **SECTION 3.** (1) As used in this section, “consumer-owned utility” and “governing body”
10 have the meanings given those terms in ORS 757.600.

11 (2) A consumer-owned utility must have and operate in compliance with a risk-based
12 wildfire mitigation plan approved by the governing body of the utility. The utility shall reg-
13 ularly update the risk-based wildfire mitigation plan on a schedule the governing body deems
14 consistent with prudent utility practices.

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

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

22 **SECTION 4.** The Public Utility Commission shall periodically convene workshops for the
23 purpose of helping electric companies as defined in ORS 757.600, consumer-owned utilities as
24 defined in ORS 757.600 and operators of electrical distribution systems to develop and share
25 information for the identification, adoption and carrying out of best practices regarding
26 wildfires, including but not limited to risk-based wildfire protection and risk-based wildfire
27 mitigation procedures and standards.

28 **SECTION 5.** An electric company shall submit the first risk-based wildfire protection plan
29 required of the company under section 2 of this 2020 Act no later than December 31, 2020.

30 **SECTION 6.** A consumer-owned utility shall submit the first risk-based wildfire miti-
31 gation plan required under section 3 of this 2020 Act to the utility governing body no later
32 than December 31, 2021.

33 **SECTION 7.** (1) As used in this section, “electric utility” has the meaning given that term
34 in ORS 757.600.

35 (2) The provisions of sections 2 and 3 of this 2020 Act do not affect the terms or condi-
36 tions of easements held by an electric utility over private land as of the effective date of this
37 2020 Act.

38 **SECTION 8.** (1) As used in this section, “electric utility” has the meaning given that term
39 in ORS 757.600.

40 (2) Sections 9, 11, 23 and 26 of this 2020 Act do not affect the terms or conditions of
41 easements held by an electric utility over private land as of the effective date of this 2020
42 Act.

43
44 **INSURANCE**
45

1 **SECTION 9. (1) Insurers may adopt coverage provisions and underwriting standards to**
2 **encourage property protection approaches that:**

- 3 **(a) Harden structures against wildfire damage;**
- 4 **(b) Provide for the establishment and maintenance of defensible spaces;**
- 5 **(c) Create access for emergency vehicles responding to wildfires; or**
- 6 **(d) Create wildfire evacuation routes.**

7 **(2) Issuers of property insurance policies may use maps and data developed by the De-**
8 **partment of Land Conservation and Development or the State Fire Marshal for the purpose**
9 **of determining terms and conditions of the policies.**

10 **(3) The Department of Consumer and Business Services may work with the State Fire**
11 **Marshal and issuers of property insurance policies to develop property protection approaches**
12 **reflecting best practices for wildfire risk mitigation.**

13
14 **DEFENSIBLE SPACE**

15
16 **SECTION 10. The State Forestry Department shall oversee the development and main-**
17 **tenance of a comprehensive statewide map of wildfire risk. The map must be sufficiently**
18 **detailed to allow the assessment of wildfire risk at the property-ownership level. The de-**
19 **partment shall collaborate with the Department of Land Conservation and Development, the**
20 **State Fire Marshal, other state and local governments and officials, other public bodies, in-**
21 **surance companies and any other information sources that the State Forestry Department**
22 **deems appropriate to develop and maintain the map. The department shall make the map**
23 **described in this section accessible to the public in electronic form.**

24 **SECTION 11. (1) The State Fire Marshal shall establish minimum defensible space re-**
25 **quirements for wildfire risk reduction on lands in areas identified on the map described in**
26 **section 10 of this 2020 Act as being susceptible to wildfire. The State Fire Marshal may es-**
27 **tablish different minimum defensible space requirements for homes and infrastructure on**
28 **different types of land. Subject to additional local requirements, a minimum defensible space**
29 **requirement that the State Fire Marshal establishes for a type of land shall apply statewide**
30 **for all lands of that type that are in areas identified as susceptible to wildfire. Unless the**
31 **State Fire Marshal finds good reason to impose different requirements, the State Fire Mar-**
32 **shal shall adopt requirements that are consistent with defensible space requirements set**
33 **forth in International Wildland-Urban Interface Code standards.**

34 **(2) Except as provided in this subsection or subsection (3) of this section, the State Fire**
35 **Marshal may administer and enforce the minimum defensible space requirements established**
36 **under subsection (1) of this section that are applicable to the lands within the jurisdiction**
37 **of a local government. A local government may contract with the State Fire Marshal for the**
38 **local government to administer and enforce the minimum defensible space requirements es-**
39 **tablished by the State Fire Marshal within the jurisdiction of the local government.**

40 **(3) A local government may adopt and enforce local requirements for defensible space**
41 **on lands that are greater than the minimum defensible space requirements established by**
42 **the State Fire Marshal. Any local requirements that a local government adopts for defensible**
43 **space must be consistent with defensible space requirements set forth in International**
44 **Wildland-Urban Interface Code standards. If a local government adopts local requirements**
45 **under this subsection, within the jurisdiction of the local government the State Fire Marshal**

1 may administer and enforce the minimum defensible space requirements established by the
2 State Fire Marshal under subsection (1) of this section and the local government may enforce
3 requirements adopted under this subsection that are greater than the minimum defensible
4 space requirements established by the State Fire Marshal. The State Fire Marshal and the
5 local government shall coordinate any inspection and enforcement efforts described in this
6 subsection.

7 (4) If a local government contracts under subsection (2) of this section to administer and
8 enforce minimum defensible space requirements established by the State Fire Marshal within
9 the jurisdiction of the local government, the local government shall periodically report to the
10 State Fire Marshal regarding whether lands within the jurisdiction of the local government
11 are in compliance with the applicable minimum defensible space requirements. The reports
12 shall state the extent of compliance for each property, the change in degree of compliance
13 since the previous report and any other information required by the State Fire Marshal by
14 rule. In addition to requiring periodic reports, the State Fire Marshal may at any time re-
15 quire a local jurisdiction to report the defensible space conditions for any lands on which
16 minimum defensible space requirements are enforced by the local government.

17 (5) The State Fire Marshal shall oversee and coordinate the development and mainte-
18 nance of a comprehensive statewide map showing lands for which the State Fire Marshal has
19 established minimum defensible space requirements under subsection (1) of this section, the
20 requirements applicable to those lands and the degree of compliance on those lands with the
21 applicable requirements.

22 (6) The State Fire Marshal shall administer and enforce a program to provide financial,
23 administrative, technical or other assistance to a local government to facilitate the admin-
24 istration and enforcement of minimum defensible space requirements within the jurisdiction
25 of the local government. A local government shall expend financial assistance provided by
26 the State Fire Marshal under this subsection to give priority to the creation of defensible
27 space on lands owned by communities of color, indigenous communities, persons with limited
28 proficiency in English and persons of lower income as defined in ORS 456.055.

29 SECTION 12. The Wildfire Defensible Space Fund is established in the State Treasury,
30 separate and distinct from the General Fund. Interest earned by the Wildfire Defensible
31 Space Fund shall be credited to the fund. Moneys in the fund are continuously appropriated
32 to the State Fire Marshal for the purpose of carrying out the local government financial
33 assistance program described in section 11 of this 2020 Act.

34 SECTION 13. (1) The State Fire Marshal shall annually report regarding the status of
35 State Fire Marshal and local government activities for carrying out section 11 of this 2020
36 Act to the Legislative Assembly in the manner provided in ORS 192.245 on or before the date
37 of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.

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

39 (a) A status report regarding the establishment, administration and enforcement of
40 defensible space requirements;

41 (b) The amount of moneys expended during the year for the establishment, adminis-
42 tration or enforcement of defensible space requirements;

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

45 (d) Any recommendations of the State Fire Marshal for legislative action, including but

1 not limited to current or future resource needs for establishing, administering or enforcing
2 defensible space requirements.

3
4 **HEALTH EFFECTS**

5
6 **SECTION 14.** (1) As used in this section, “smoke filtration system” means an air
7 filtration system capable of removing particulates and other harmful components of wildfire
8 smoke.

9 (2) The Oregon Health Authority shall establish a program to increase the availability
10 of smoke filtration systems among persons vulnerable to the health effects of wildfire smoke
11 who reside in areas susceptible to wildfire smoke. The authority may issue grants for the
12 installation of smoke filtration systems in residential buildings, commercial buildings or
13 buildings open to the public in areas susceptible to wildfire smoke. The authority shall give
14 grant priority to installations in residential buildings occupied by persons of lower income
15 as defined in ORS 456.055 who are vulnerable to the health effects of wildfire smoke.

16 (3) The authority may adopt rules establishing standards for smoke filtration systems
17 obtained with grant moneys received under this section including, but not limited to, mini-
18 mum acceptable efficiency for the removal of particulates and other harmful substances
19 generated by wildfires. The authority shall obtain information and advice from the Task
20 Force on Wildfire Smoke Health Effects established under section 19 of this 2020 Act.

21 **SECTION 15.** Section 14 of this 2020 Act is amended to read:

22 **Sec. 14.** (1) As used in this section, “smoke filtration system” means an air filtration system
23 capable of removing particulates and other harmful components of wildfire smoke.

24 (2) The Oregon Health Authority shall establish a program to increase the availability of smoke
25 filtration systems among persons vulnerable to the health effects of wildfire smoke who reside in
26 areas susceptible to wildfire smoke. The authority may issue grants for the installation of smoke
27 filtration systems in residential buildings, commercial buildings or buildings open to the public in
28 areas susceptible to wildfire smoke. The authority shall give grant priority to installations in resi-
29 dential buildings occupied by persons of lower income as defined in ORS 456.055 who are vulnerable
30 to the health effects of wildfire smoke.

31 (3) The authority may adopt rules establishing standards for smoke filtration systems obtained
32 with grant moneys received under this section including, but not limited to, minimum acceptable
33 efficiency for the removal of particulates and other harmful substances generated by wildfires. [*The*
34 *authority shall obtain information and advice from the Task Force on Wildfire Smoke Health Effects*
35 *established under section 19 of this 2020 Act.*]

36 **SECTION 16.** The amendments to section 14 of this 2020 Act by section 15 of this 2020
37 Act become operative on December 31, 2021.

38 **SECTION 17.** The Wildfire Smoke Abatement Fund is established in the State Treasury,
39 separate and distinct from the General Fund. Interest earned by the Wildfire Smoke Abate-
40 ment Fund shall be credited to the fund. Moneys in the fund are continuously appropriated
41 to the Oregon Health Authority for the purpose of carrying out the program required under
42 section 14 of this 2020 Act.

43 **SECTION 18.** In addition to and not in lieu of any other appropriation, there is appro-
44 priated to the Oregon Health Authority, for the biennium ending June 30, 2021, out of the
45 General Fund, the amount of \$1,000,000 for deposit in the Wildfire Smoke Abatement Fund.

SECTION 19. (1) The Task Force on Wildfire Smoke Health Effects is established.

(2) The task force consists of seven members appointed by the Director of the Oregon Health Authority and having such qualifications as the director deems appropriate.

(3) The task force shall identify and consult with stakeholders to:

(a) Identify barriers to the installation of smoke filtration systems in areas susceptible to wildfire smoke, and potential solutions to identified barriers;

(b) Determine the extent to which renters are able to take advantage of smoke filtration systems; and

(c) Address other issues relevant to making smoke filtration systems available to persons of lower income in areas susceptible to wildfire smoke.

(4) The task force shall provide information and advice to the Oregon Health Authority regarding standards for smoke filtration systems described in section 14 of this 2020 Act.

(5) A majority of the members of the task force constitutes a quorum for the transaction of business.

(6) Official action by the task force requires the approval of a majority of the members of the task force.

(7) The task force shall elect one of its members to serve as chairperson.

(8) If there is a vacancy for any cause, the director shall make an appointment to become immediately effective.

(9) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.

(10) The task force may adopt rules necessary for the operation of the task force.

(11) The task force shall submit a report in the manner provided in ORS 192.245, and may include recommendations for legislation, to the Governor, the director and a legislative committee related to natural resources no later than September 15, 2021.

(12) The Oregon Health Authority shall provide staff support to the task force.

(13) Members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

SECTION 20. Section 19 of this 2020 Act is repealed on December 31, 2021.

EMERGENCY MANAGEMENT

SECTION 21. The Office of Emergency Management shall establish six positions within the office whose responsibilities include, but need not be limited to, administering the office's mitigation and recovery efforts for wildfire emergencies in assigned regions of this state.

TREATMENT PROGRAM

SECTION 22. The Legislative Assembly finds and declares that:

(1) Fuel reduction is a critical and urgent need for much of the forestland and rangeland in this state.

(2) Fuel reduction on forestland and rangeland in this state is necessary to reduce wildfire risk to communities, habitats and the economy.

(3)(a) It is the goal of this state to address accumulated fuel on forestland and rangeland during a 20-year period.

1 (b) It is the policy of this state that state agencies are to work in coordination and
2 partnership with federal agencies having land management duties to prioritize and assist in
3 the achievement of the goal established in this subsection.

4 (c) Significant public investment will be necessary to achieve the goal established in this
5 subsection.

6 (d) State agencies and federal agencies are encouraged to seek and identify public funding
7 and to leverage public funding with other revenue sources to carry out the goal established
8 in this subsection.

9 (e) The development of a plan to achieve the goal established in this subsection requires
10 a strong partnership among state agencies, federal agencies, nongovernmental entities and
11 landowners. The State Forestry Department is the appropriate agency to have primary re-
12 sponsibility for fostering that partnership and facilitating the development of the plan.

13 (4) Short-term opportunities exist for making reductions in fuel levels and reductions of
14 other wildfire risks. This state should invest in those opportunities while engaged in the
15 program development process described in section 23 of this 2020 Act.

16 **SECTION 23.** (1) The State Forestry Department shall cooperate with other state agen-
17 cies, federal agencies, nongovernmental entities and landowners to develop and implement a
18 program to treat forestlands and rangelands in this state for the reduction of fuel load levels
19 and reduction of other wildfire risks.

20 (2) The program described in subsection (1) of this section must:

21 (a) Specify types and levels of treatment and fuel load levels appropriate for achieving
22 program goals;

23 (b) Provide for, but not be limited to, an expansion of department activities for the res-
24 toration of federal forestlands within this state including, but not limited to, activities under
25 ORS 526.274 and 526.275;

26 (c) Be designed to evaluate and prioritize the carrying out of treatment on any
27 forestlands and rangelands in this state without regard to ownership;

28 (d) Maximize the use of state and federal resources to improve coordination and expedite
29 implementation of forestland and rangeland treatments;

30 (e) Identify for biennial budget requests the capacity that must exist within state gov-
31 ernment in order to meet the treatment goals of the program; and

32 (f) Identify the appropriate state agency to coordinate and oversee rangeland treatments.

33 (3) The program described in subsection (1) of this section must provide for the depart-
34 ment to coordinate with managers of federal lands and private landowners to implement fuel
35 reduction treatments on lands that are in the four highest relative importance categories
36 identified in the United States Forest Service report titled "Pacific Northwest Quantitative
37 Wildfire Risk Assessment: Methods and Results" and dated April 9, 2018, or on which treat-
38 ment would provide a substantial benefit to this state.

39 (4) The program described in subsection (1) of this section must provide that for projects
40 on federal land:

41 (a) Treatment must be in conformance with federal law including, but not limited to, the
42 National Environmental Policy Act of 1973 (16 U.S.C. 4321 et seq.), the Endangered Species
43 Act of 1973 (16 U.S.C. 1531 et seq.) and the Clean Water Act (33 U.S.C. 1251 et seq.).

44 (b) Treatment may not include commercial thinning on:

45 (A) Inventoried roadless areas;

1 (B) Riparian reserves identified in the Northwest Forest Plan or in Bureau of Land
2 Management resource management plans;

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

6 (D) Areas protected under the federal Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.),
7 national recreation areas, national monuments or areas protected under ORS 390.805 to
8 390.925;

9 (E) Designated critical habitat for species listed as threatened or endangered under the
10 Endangered Species Act of 1973 or by the State Fish and Wildlife Commission under ORS
11 496.172, unless commercial thinning is already allowed under an existing environmental re-
12 view or recognized habitat recovery plan; or

13 (F) Federally designated areas of critical environmental concern or federally designated
14 wilderness study areas.

15 (c) Priority is to be given to:

16 (A) Treatments that have received approval under the National Environmental Policy
17 Act (42 U.S.C. 4321 et seq.);

18 (B) The completion of restoration treatment on lands where commercial harvesting has
19 occurred; and

20 (C) The treatment of lands on which there are insufficient commercial timber resources
21 to offset the cost of restoration activities.

22 (5) For treatment projects on private lands, the program described in subsection (1) of
23 this section must provide for the department to work with landowners and nongovernmental
24 entities to identify appropriate treatments and provide financial assistance for those treat-
25 ments.

26 (6) The department shall determine whether state policy presents barriers to undertaking
27 increased implementation of treatment projects on private lands.

28 (7) The department shall ensure that forestland and rangeland treatment projects under
29 the program described in subsection (1) of this section are carried out in coordination with
30 local collaborative groups, if any, Oregon State University and affected cities and counties.

31 (8) The department shall develop consistent performance measures and condition-based
32 metrics for monitoring and communicating the effectiveness of state investments and project
33 actions in mitigating the risk of wildfire.

34 (9) The program described in subsection (1) of this section must provide for the depart-
35 ment to identify workforce development needs and develop funding proposals for those needs,
36 including but not limited to program funding proposals to ensure adequate contracting ca-
37 pacity for undertaking increased implementation of the program.

38 **SECTION 24.** The Forestland and Rangeland Treatment Fund is established in the State
39 Treasury, separate and distinct from the General Fund. Interest earned by the Forestland
40 and Rangeland Treatment Fund shall be credited to the fund. Moneys in the fund are con-
41 tinuously appropriated to the State Forestry Department for the purpose of carrying out
42 oversight of and forestland and rangeland treatment under the program described in section
43 23 of this 2020 Act.

44 **SECTION 25.** The State Forestry Department shall report regarding the status of pro-
45 gram development and implementation under section 23 of this 2020 Act to an interim com-

1 mittee of the Legislative Assembly related to natural resources, in the manner provided
2 under ORS 192.245, no later than December 1, 2020. The report must include, but need not
3 be limited to, a summary of progress in developing program components regarding project
4 selection.

5
6 **PROTECTION OF LAND**
7

8 **SECTION 26.** (1) The State Forester, in collaboration with the State Fire Marshal, state
9 agencies and local governments as defined in ORS 174.116, shall adopt rules establishing
10 baseline levels of wildfire protection for lands that are outside of forest protection districts
11 and susceptible to wildfire. When establishing the baseline levels for lands, the State
12 Forester shall ensure that the levels are adapted to reflect regional conditions. A county, in
13 collaboration with the State Forester and the State Fire Marshal, may work to ensure that
14 all lands within the county that are outside of forest protection districts and susceptible to
15 wildfire are provided with wildfire protection services at the applicable baseline level or a
16 higher level. As used in this subsection, “forest protection districts” means lands designated
17 in State Forester rules as provided under ORS 477.225.

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

19 (a) Assist landowners, individuals and businesses with forming jurisdictions to provide
20 wildfire protection;

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

24 (c) Assist jurisdictions to expand or adjust jurisdiction service boundaries to ensure ad-
25 equate wildfire protection for lands; and

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

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

33 **SECTION 27.** A county shall ensure no later than January 1, 2025, that all lands described
34 in section 26 (1) of this 2020 Act within the county have baseline level or higher wildfire
35 protection as described in section 26 of this 2020 Act.

36 **SECTION 28.** ORS 477.315 is amended to read:

37 477.315. As used in ORS 477.315 to 477.325:

38 (1) “Rangeland” means any land:

39 (a) That is located in that part of the state lying easterly of the summit of the Cascade Moun-
40 tains;

41 (b) That has not been classified as Class 1, Class 2 or Class 3 forestland under ORS 526.305 to
42 526.370; and

43 (c) That [contains] **may contain** isolated tracts of forestland not so classified or not within a
44 forest protection district, or that is primarily **land used for cultivating crops**, rangeland, unde-
45 veloped land or undeveloped area containing sagebrush, juniper and similar growths.

1 (2) "Rangeland protection association" means an entity that has the purpose of protecting
2 rangeland from fire and is:

3 (a) Organized by owners of rangeland that is located within a rangeland protection system es-
4 tablished under ORS 477.320 and lies wholly outside any forest protection district; or

5 (b) Organized with the approval of a county governing body to be a cost-neutral part of the
6 emergency management program in a county having 200,000 or more acres of rangeland that are
7 outside any forest protection district and are not protected by an association formed under para-
8 graph (a) of this subsection.

9
10 **FUNDING STUDY**

11
12 **SECTION 29. (1) The State Forestry Department shall contract for the services of a pri-
13 vate consultant to evaluate and make findings regarding:**

14 (a) **Wildfire protection and suppression information, including but not limited to the
15 availability, accuracy and utility of the information;**

16 (b) **The relative value delivered to public and private sectors from state-funded wildfire
17 suppression services, including but not limited to social, ecological and economic benefits;**

18 (c) **Costs of Oregon wildfire protection and wildfire protection in similarly situated states,
19 adjusted to common bases suitable for comparison; and**

20 (d) **Economic aspects of wildfire protection and suppression that vary within regions of
21 this state.**

22 (2) **The consultant shall develop recommendations that include but need not be limited
23 to:**

24 (a) **Possible means for producing wildfire protection and suppression information in a
25 manner that maximizes the value of the information without undue burdens on information
26 suppliers; and**

27 (b) **Possible methods for allocating wildfire protection and suppression costs to achieve
28 equity in the distribution of costs and benefits.**

29 (3) **The consultant shall report the findings and recommendations described in this sec-
30 tion to the Governor and an interim committee of the Legislative Assembly related to na-
31 tural resources in the manner provided by ORS 192.245 no later than September 15, 2022.**

32 **SECTION 30. Section 29 of this 2020 Act is repealed on December 31, 2022.**

33
34 **JOINT PARTNERSHIPS**

35
36 **SECTION 31. The Governor may, as the Governor deems appropriate, authorize joint
37 partnerships between state and federal agencies to administer and enforce a wildfire strategy
38 program based on the recommendations contained in the "November 2019: Report and Rec-
39 ommendations" of the Governor's Council on Wildfire Response.**

40
41 **COUNCIL**

42
43 **SECTION 32. The Governor may assign duties to the Governor's Council on Wildfire
44 Response as the Governor deems appropriate to assist state and local agencies and officials
45 to oversee and assist in the implementation of sections 2 to 27 and 29 to 31 of this 2020 Act**

1 and the amendments to ORS 477.315 by section 28 of this 2020 Act or of other wildfire risk
2 reduction programs. The council’s duties may include, but need not be limited to, providing
3 advice, suggesting priorities, recommending future actions and providing coordination with
4 federal agencies.

5 **SECTION 33.** Section 32 of this 2020 Act is repealed on January 2, 2022.

6 **SECTION 34.** (1) As used in this section, “sustainable” means short-term and long-term
7 financial stability that provides the ability to implement, carry out, expand and maintain
8 activity.

9 (2) The Governor’s Council on Wildfire Response shall report detailed recommendations
10 of the council for a sustainable model for funding a comprehensive wildfire strategy hat is
11 consistent with the recommendations contained in the “November 2019: Report and Recom-
12 mendations” of the council.

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

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

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

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

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

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

28
29 **CAPTIONS**

30
31 **SECTION 35.** The unit captions used in this 2020 Act are provided only for the conven-
32 ience of the reader and do not become part of the statutory law of this state or express any
33 legislative intent in the enactment of this 2020 Act.

34
35 **EMERGENCY CLAUSE**

36
37 **SECTION 36.** This 2020 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
39 on its passage.

