

HB 4054-1
(LC 169)
2/6/20 (CDT/ps)

Requested by HOUSE COMMITTEE ON NATURAL RESOURCES (at the request of Representative
Brad Witt)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4054**

1 In line 2 of the printed bill, after “wildfires” insert a period and delete
2 the rest of the line.

3 Delete lines 4 through 21 and insert:
4

5 **“LAND USE**
6

7 **“SECTION 1. The Department of Land Conservation and Develop-**
8 **ment shall oversee and coordinate the development and maintenance**
9 **of a comprehensive statewide map of wildfire risk. The map shall be**
10 **sufficiently detailed to allow the assessment of wildfire risk at the**
11 **property-ownership level. The department shall collaborate with the**
12 **State Forestry Department, the State Fire Marshal, other state and**
13 **local governments and officials, other public bodies, insurance com-**
14 **panies and any other information sources that the Department of**
15 **Land Conservation and Development deems appropriate to develop and**
16 **maintain the map. The department shall make the map described in**
17 **this section accessible to the public in electronic form without charge.**

18 **“SECTION 2. (1) The Department of Land Conservation and Devel-**
19 **opment, in consultation with organizations representing cities and**
20 **counties, shall adopt rules consistent with statewide planning goals**
21 **and guidelines regarding areas subject to natural hazards to establish**

1 **minimum standards for city and county wildfire risk reduction plan-**
2 **ning and zoning and wildfire risk reduction.**

3 **“(2) The department, the State Forestry Department and the State**
4 **Fire Marshal shall provide technical assistance and resources to cities**
5 **and counties to facilitate the implementation and maintenance of**
6 **wildfire risk planning and zoning and the development of wildfire risk**
7 **mitigation standards.**

8 **“SECTION 3. The Insurance Commissioner shall order companies**
9 **that issue property insurance policies providing fire damage coverage**
10 **for private property to identify and provide incentives for policyholders**
11 **to undertake wildfire risk reduction measures.**

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13 **“DEFENSIBLE SPACE**

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15 **“SECTION 4. (1) The State Fire Marshal shall establish minimum**
16 **defensible space requirements for wildfire risk reduction on lands in**
17 **areas susceptible to wildfire. The State Fire Marshal may establish**
18 **different minimum defensible space requirements for homes and**
19 **infrastructure on different types of land. Subject to additional local**
20 **requirements, a minimum defensible space requirement that the State**
21 **Fire Marshal establishes for a type of land shall apply statewide for**
22 **all lands of that type that are in areas susceptible to wildfire. The**
23 **State Fire Marshal shall select the minimum defensible space re-**
24 **quirements from the standards set forth in the International**
25 **Wildland-Urban Interface Code (2012 Edition).**

26 **“(2) Except as provided in subsection (3) of this section, a local**
27 **government shall administer and enforce the minimum defensible**
28 **space requirements established by the State Fire Marshal under sub-**
29 **section (1) of this section that are applicable to the lands within the**
30 **jurisdiction of the local government.**

1 **“(3) A local government may adopt and enforce local requirements**
2 **for defensible space on lands that are greater than the minimum**
3 **defensible space requirements established by the State Fire Marshal.**
4 **The local government shall select any local requirements for**
5 **defensible space from the standards set forth in the International**
6 **Wildland-Urban Interface Code (2012 Edition).**

7 **“(4) A local government described in this section shall inspect**
8 **properties within the jurisdiction for compliance with the minimum**
9 **defensible space requirements established by the State Fire Marshal**
10 **that apply to the lands or with any applicable local minimum**
11 **defensible space requirements. If construction or other activities occur**
12 **to change land to a type that is subject to different minimum**
13 **defensible space requirements, the local jurisdiction shall inspect to**
14 **determine whether the land continues to meet minimum defensible**
15 **space requirements.**

16 **“(5) The local jurisdiction shall periodically report to the State Fire**
17 **Marshal regarding whether lands within the jurisdiction of the local**
18 **government are in compliance with the applicable minimum defensible**
19 **space requirements. The reports shall state the extent of compliance**
20 **for each property, the change in degree of compliance since the pre-**
21 **vious report and any other information required by the State Fire**
22 **Marshal by rule. In addition to requiring periodic reports, the State**
23 **Fire Marshal may at any time require a local jurisdiction to report the**
24 **defensible space conditions for any lands within the jurisdiction of the**
25 **local government.**

26 **“(6) The State Fire Marshal shall oversee and coordinate the de-**
27 **velopment and maintenance of a comprehensive statewide map of**
28 **minimum defensible space requirements for lands susceptible to**
29 **wildfire and the degree of compliance on those lands. The State Fire**
30 **Marshal shall base the map on the local government reports described**

1 in subsection (5) of this section.

2 “(7) The State Fire Marshal shall administer and enforce a program
3 to provide financial, administrative, technical or other assistance to
4 a local government to facilitate the administration and enforcement
5 of minimum defensible space requirements within the jurisdiction of
6 the local government. A local government provided with financial as-
7 sistance as described in this subsection shall give priority to the cre-
8 ation of defensible space on lands owned by communities of color,
9 indigenous communities, persons with limited proficiency in English
10 and persons of lower income as defined in ORS 456.055.

11 “SECTION 5. The Wildfire Defensible Space Fund is established in
12 the State Treasury, separate and distinct from the General Fund. In-
13 terest earned by the Wildfire Defensible Space Fund shall be credited
14 to the fund. Moneys in the fund are continuously appropriated to the
15 State Fire Marshal for the purpose of carrying out the local govern-
16 ment financial assistance program described in section 4 of this 2020
17 Act.

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“BUILDING CODE

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21 “SECTION 6. (1) The Department of Land Conservation and Devel-
22 opment shall establish a program to:

23 “(a) Assist counties and cities to adopt, administer and enforce lo-
24 cal building code provisions that address local conditions that increase
25 wildfire risk; and

26 “(b) Assist local governments to adopt, administer and enforce local
27 fire safety requirements that address local conditions that increase
28 wildfire risk.

29 “(2) The department, in consultation with counties, cities and the
30 Department of Consumer and Business Services, shall identify local

1 conditions related to wildfire risk that merit the adoption of special
2 building code requirements within a county or city that reduce that
3 local risk. The Department of Land Conservation and Development
4 shall assist counties and cities to develop local building code require-
5 ments that, based on local risk conditions, provide greater wildfire
6 protection than the requirements imposed by the state building code.

7 “(3) Notwithstanding ORS 455.030 and 455.040, a county or city that
8 has a local condition described in subsection (2) of this section may
9 adopt, administer and enforce a local building code requirement de-
10 veloped in consultation with the department under subsection (2) of
11 this section.

12 “(4) The department, in consultation with local governments as
13 defined in ORS 174.116 and the State Fire Marshal, shall identify local
14 conditions related to wildfire risk that merit the adoption of special
15 fire safety requirements within a county or city. The department shall
16 assist counties and cities to develop local wildfire safety requirements
17 that, based on local risk conditions, provide greater wildfire protection
18 than the requirements imposed by the state fire code.

19 “(5) A local government that has a condition described in subsection
20 (4) of this section may adopt, administer and enforce special fire safety
21 requirements developed in consultation with the department under
22 subsection (4) of this section.

23 **“SECTION 7. The Local Wildfire Risk Response Fund is established**
24 **in the State Treasury, separate and distinct from the General Fund.**
25 **Interest earned by the Local Wildfire Risk Response Fund shall be**
26 **credited to the fund. Moneys in the fund are continuously appropriated**
27 **to the Department of Land Conservation and Development for the**
28 **purpose of carrying out the program described in section 6 of this 2020**
29 **Act including, but not limited to, issuing grants to facilitate the**
30 **adoption, administration and enforcement of county or city building**

1 code and wildfire safety requirements under section 6 of this 2020 Act.

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3 **“COUNCIL**

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5 **“SECTION 8. The Governor may assign duties to the Governor’s**
6 **Council on Wildfire Response as the Governor deems appropriate to**
7 **assist state and local agencies and officials to oversee and assist in the**
8 **implementation of wildfire risk reduction programs. The council’s**
9 **duties may include, but need not be limited to, providing advice, sug-**
10 **gesting priorities, recommending future actions and providing coordi-**
11 **nation with federal agencies.**

12 **“SECTION 9. Section 8 of this 2020 Act is repealed on January 2,**
13 **2022.**

14 **“SECTION 10. (1) As used in this section, ‘sustainable’ means**
15 **short-term and long-term financial stability that provides the ability**
16 **to implement, carry out, expand and maintain activity.**

17 **“(2) The Governor’s Council on Wildfire Response shall report de-**
18 **tailed recommendations of the council for a sustainable model for**
19 **funding a comprehensive wildfire strategy that is consistent with the**
20 **strategy contained in the ‘November 2019: Report and Recommen-**
21 **dations’ of the council.**

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

25 **“(4) In developing recommendations and preparing the report de-**
26 **scribed in this section, the council:**

27 **“(a) Shall cooperate with relevant state agencies including, but not**
28 **limited to, the State Forestry Department, the State Fire Marshal, the**
29 **Oregon Health Authority, the Office of Emergency Management, the**
30 **Department of Land Conservation and Development, the Department**

1 of Consumer and Business Services, the State Department of Fish and
2 Wildlife, the Department of Environmental Quality and the Oregon
3 Department of Administrative Services;

4 “(b) Shall invite comments, advice or assistance from relevant fed-
5 eral agencies including, but not limited to, the United States Forest
6 Service and the Bureau of Land Management;

7 “(c) May contract with outside consultants and experts; and

8 “(d) Shall use the regular meetings of the council as a forum for
9 receiving input from council members and the public regarding con-
10 tent for the report.

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“CAPTIONS

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14 “SECTION 11. The unit captions used in this 2020 Act are provided
15 only for the convenience of the reader and do not become part of the
16 statutory law of this state or express any legislative intent in the
17 enactment of this 2020 Act.”.

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