

HB 4054-5  
(LC 169)  
2/13/20 (CDT/ps)

Requested by HOUSE COMMITTEE ON NATURAL RESOURCES (at the request of Representatives  
Brad Witt and David Brock Smith)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4054**

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

3 Delete lines 4 through 21 and insert:  
4

5 **“LAND USE AND WILDFIRE POLICY ADVISORY COMMITTEE**  
6

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

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

15 **“(a) One member who is a representative of a city government**  
16 **-serving a population of less than 10,000.**

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

19 **“(c) One member who is a representative of a city government**  
20 **-serving a population of 25,000 or more.**

21 **“(d) One member who is a representative of a county government**

- 1 **-serving a population of less than 30,000.**
- 2 **“(e) One member who is a representative of a county government**  
3 **-serving a population of 30,000 or more but less than 100,000.**
- 4 **“(f) One member who is a representative of a county government**  
5 **-serving a population of 100,000 or more.**
- 6 **“(g) One member who is a city land use planning director.**
- 7 **“(h) One member who is a county land use planning director.**
- 8 **“(i) One member who is a representative of a utility company.**
- 9 **“(j) One member who is a representative of environmental inter-**  
10 **ests.**
- 11 **“(k) One member who is a representative of special districts.**
- 12 **“(L) One member who is a representative of farming landowners.**
- 13 **“(m) One member who is a representative of ranching landowners.**
- 14 **“(n) One member who is a representative of realty interests.**
- 15 **“(o) One member who is a representative of land and housing de-**  
16 **velopment firms.**
- 17 **“(p) One members who is a representative of citizen land use plan-**  
18 **ning organizations.**
- 19 **“(q) One member who is a representative of state or regional land**  
20 **use planning organizations.**
- 21 **“(r) One member who is a representative of public health interests.**
- 22 **“(s) One member who is a representative of small forestland own-**  
23 **ers.**
- 24 **“(t) One member who is a representative of large forestland owners.**
- 25 **“(u) One member who is a representative of economic development**  
26 **organizations.**
- 27 **“(v) One member who is a representative of federally recognized**  
28 **Indian tribes.**
- 29 **“(w) One member who is a representative of the Oregon Fire Chiefs**  
30 **Association.**

1       “(x) Additional members as determined by the director in consul-  
2       tation with counties and cities.

3       “(3) The director and the State Forester shall make the joint ap-  
4       pointments under subsection (2) of this section from nominations  
5       submitted by entities related to the represented interest or entities.  
6       The related entities for appointments:

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

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

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

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

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

17      “(f) Under subsection (2)(L) of this section is the Oregon Farm Bu-  
18      reau.

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

21      “(h) Under subsection (2)(n) of this section is the Oregon Associ-  
22      ation of Realtors.

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

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

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

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

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

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

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

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

8       **“(q) Under subsection (2)(w) of this section is the State Fire Mar-**  
9 **shal.**

10       **“(4) In addition to the members described under subsection (2) of**  
11 **this section, the following shall serve as nonvoting members of the**  
12 **committee:**

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

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

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

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

19       **“(e) One member appointed by the director of the Institute for Na-**  
20 **tural Resources.**

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

23       **“(g) One member appointed by the Director of the Department of**  
24 **Consumer and Business Services from the Division of Financial Reg-**  
25 **ulation of the Department of Consumer and Business Services.**

26       **“(h) One member appointed by the Director of the Department of**  
27 **Consumer and Business Services from department staff having exper-**  
28 **tise in building codes.**

29       **“(5)(a) The President of the Senate, in consultation with the Senate**  
30 **Minority Leader, shall appoint two members from among the members**

1 of the Senate to be nonvoting members of the committee. The two  
2 members appointed under this paragraph may not be from the same  
3 political party.

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

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

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

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

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

22 “(10) Notwithstanding ORS 171.072, members of the committee who  
23 are members of the Legislative Assembly are not entitled to mileage  
24 expenses or a per diem and serve as volunteers on the committee.  
25 Other members of the committee are not entitled to reimbursement  
26 for expenses and serve as volunteers on the committee. However, the  
27 Director of the Department of Land Conservation and Development  
28 may, in the discretion of the director, reimburse voting members of  
29 the committee for unforeseen expenses from moneys available for  
30 purposes of carrying out the functions of the committee.

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

6  
7                               **“REGIONAL WILDFIRE RISK**

8  
9       **“SECTION 3. (1) The State Forestry Department and Oregon State**  
10 **University, in consultation with the Department of Land Conservation**  
11 **and Development, shall for each wildfire risk region of this state**  
12 **jointly consult with fire protection agencies and districts, fire officials**  
13 **and personnel and cities and counties in the region. The departments**  
14 **and the university shall analyze the wildfire risk for each region to**  
15 **develop recommendations for reducing the wildfire risk to people,**  
16 **public and private property, businesses, infrastructure and natural**  
17 **resources in that region.**

18       **“(2) The State Forestry Department and the university, in consul-**  
19 **tation with the Department of Land Conservation and Development,**  
20 **shall report the recommendations for regional wildfire risk reduction**  
21 **to the Land Use and Wildfire Policy Advisory Committee no later than**  
22 **October 1, 2020.**

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

30

1           **“IMPLEMENTATION OF COUNCIL RECOMMENDATIONS**

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3           **“SECTION 4. (1) The Department of Land Conservation and Devel-**  
4 **opment, in collaboration with the State Forestry Department and the**  
5 **Land Use and Wildfire Policy Advisory Committee, shall report to an**  
6 **interim committee of the Legislative Assembly relating to natural re-**  
7 **sources in the manner provided under ORS 192.245 no later than Feb-**  
8 **ruary 1, 2021, regarding possible means for implementing the final**  
9 **recommendations produced by the Governor’s Council on Wildfire Re-**  
10 **sponse.**

11           **“(2) The report must include, but need not be limited to, the fol-**  
12 **lowing:**

13           **“(a) The recommendations developed under section 3 of this 2020**  
14 **Act.**

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

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

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

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

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

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

30           **“(h) Identification of revisions to the statewide land use planning**

1 program and to local building codes appropriate to minimize wildfire  
2 risks, including, but not limited to, provisions regarding sufficient  
3 defensible space, safe evacuation, adequate access for wildfire fighting  
4 equipment and personnel, and considerations regarding development  
5 in areas of high wildfire risk that allow for regional differences in to-  
6 pography, vegetation, soil types and other relevant factors.

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

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

15

16

## “COUNCIL

17

18 “SECTION 5. The Governor may assign duties to the Governor’s  
19 Council on Wildfire Response as the Governor deems appropriate to  
20 assist state and local agencies and officials to oversee and assist in the  
21 implementation of wildfire risk reduction programs. The council’s  
22 duties may include, but need not be limited to, providing advice, sug-  
23 gesting priorities, recommending future actions and providing coordi-  
24 nation with federal agencies.

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

28 “(2) The Governor’s Council on Wildfire Response shall report de-  
29 tailed recommendations of the council for a sustainable model for  
30 funding a comprehensive wildfire strategy that is consistent with the



1 strategy contained in the ‘November 2019: Report and Recommen-  
2 dations’ of the council.

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

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

8 “(a) Shall cooperate with relevant state agencies including, but not  
9 limited to, the State Forestry Department, the State Fire Marshal, the  
10 Oregon Health Authority, the Office of Emergency Management, the  
11 Department of Land Conservation and Development, the Department  
12 of Consumer and Business Services, the State Department of Fish and  
13 Wildlife, the Department of Environmental Quality and the Oregon  
14 Department of Administrative Services;

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

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

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

22

23 **“FUEL LOAD DISPOSAL STUDY**

24

25 **“SECTION 7. (1) The State Department of Energy shall commission**  
26 **a study to determine whether renewable energy generation is a feasible**  
27 **means for disposing of materials from wildfire fuel load reduction**  
28 **projects. The study shall include, but need not be limited to, an eval-**  
29 **uation of the financial and operational feasibility of using the materi-**  
30 **als for renewable energy generation instead of disposing of the**

1 materials through controlled fires or other means.

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

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

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

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

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

11 “(4) The department shall require the commissioned entity to com-  
12 plete the study no later than January 15, 2021.

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

21 “(6) Members of the advisory committee are entitled to compen-  
22 sation and expenses incurred by them in the performance of their of-  
23 ficial duties in the manner and amounts provided in ORS 292.495.  
24 Claims for compensation and expenses shall be paid out of funds ap-  
25 propriated to the department for that purpose.

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

29 “(8) The advisory committee shall meet at times and places deter-  
30 mined by the chair or by the director. A majority of the advisory

1 committee members shall be a quorum for the conducting of business.  
2 Official actions by the advisory committee require approval by a ma-  
3 jority of the members.

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

6  
7 **“APPROPRIATIONS**

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

15 **“SECTION 9. In addition to and not in lieu of any other appropri-**  
16 **ation, there is appropriated to the State Forestry Department, for the**  
17 **biennium ending June 30, 2021, out of the General Fund, the amount**  
18 **of \$100,000, which may be expended for carrying out department ac-**  
19 **tivities under sections 3 and 4 of this 2020 Act.**

20 **“SECTION 10. In addition to and not in lieu of any other appropri-**  
21 **ation, there is appropriated to Oregon State University, for the**  
22 **biennium ending June 30, 2021, out of the General Fund, the amount**  
23 **of \$50,000, which may be expended for carrying out university activities**  
24 **under section 3 of this 2020 Act.**

25 **“SECTION 11. In addition to and not in lieu of any other appropri-**  
26 **ation, there is appropriated to the State Department of Energy, for the**  
27 **biennium ending June 30, 2021, out of the General Fund, the amount**  
28 **of \$61,900, which may be expended as follows:**

29 **“(1) Not more than \$56,900 to cover additional personnel costs of the**  
30 **department in carrying out department duties, functions and powers**

1 related to section 7 of this 2020 Act; and

2 “(2) Not more than \$5,000 to cover department costs associated with  
3 the advisory committee appointed by the Director of the State De-  
4 partment of Energy under section 7 of this 2020 Act.

5  
6 “SUNSETS

7  
8 “SECTION 12. Sections 1, 2, 3, 4 and 6 of this 2020 Act are repealed  
9 on July 1, 2021.

10 “SECTION 13. Section 5 of this 2020 Act is repealed on January 2,  
11 2022.

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

13  
14 “CAPTIONS

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

20  
21 “EMERGENCY

22  
23 “SECTION 16. This 2020 Act being necessary for the immediate  
24 preservation of the public peace, health and safety, an emergency is  
25 declared to exist, and this 2020 Act takes effect on its passage.”.