

Requested by Senator ROBLAN

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1536**

1 On page 2 of the printed A-engrossed bill, line 15, after the first semicolon
2 delete the rest of the line and insert “and declaring an emergency.”.

3 Delete lines 17 through 45 and delete pages 3 through 12 and insert:

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

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

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

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

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

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

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

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

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

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

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

6 “(j) One member who is a representative of environmental inter-
7 ests.

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

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

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

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

12 “(o) One member who is a representative of land and housing de-
13 velopment firms.

14 “(p) One member who is a representative of citizen land use plan-
15 ning organizations.

16 “(q) One member who is a representative of state or regional land
17 use planning organizations.

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

19 “(s) One member who is a representative of small forestland own-
20 ers.

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

22 “(u) One member who is a representative of economic development
23 organizations.

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

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

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

30 “(3) The director and the State Forester shall make the joint ap-

1 **pointments under subsection (2) of this section from nominations**
2 **submitted by entities related to the represented interest or entities.**

3 **The related entities for appointments:**

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

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

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

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

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

14 **“(f) Under subsection (2)(L) of this section is the Oregon Farm Bu-**
15 **reau.**

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

18 **“(h) Under subsection (2)(n) of this section is the Oregon Associ-**
19 **ation of Realtors.**

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

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

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

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

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

30 **“(n) Under subsection (2)(t) of this section is the Oregon Forest &**

1 **Industries Council.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **“SECTION 2. All agencies of state government as defined in ORS**
29 **174.111 are directed to assist the Land Use and Wildfire Policy Advisory**
30 **Committee and the Department of Land Conservation and Develop-**

1 ment in the performance of committee and department duties under
2 sections 3 and 4 of this 2020 Act.

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

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

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

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

1 sponse.

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

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

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

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

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

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

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

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

21 “(h) Identification of revisions to the statewide land use planning
22 program and to local building codes appropriate to minimize wildfire
23 risks, including, but not limited to, provisions regarding sufficient
24 defensible space, safe evacuation, adequate access for wildfire fighting
25 equipment and personnel, and considerations regarding development
26 in areas of high wildfire risk that allow for regional differences in to-
27 pography, vegetation, soil types and other relevant factors.

28 “(i) Funding, staffing and other administrative resources necessary
29 for state, county and city governments to implement wildfire re-
30 duction programs, including, but not limited to, the costs of program

1 development, implementation and ongoing operations and the need for
2 stable long-term funding for the programs.

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

6 “SECTION 5. In addition to and not in lieu of any other appropri-
7 ation, there is appropriated to the Department of Land Conservation
8 and Development, for the biennium ending June 30, 2021, out of the
9 General Fund, the amount of \$350,000, which may be expended for
10 carrying out department activities under sections 1, 3 and 4 of this 2020
11 Act.

12 “SECTION 6. In addition to and not in lieu of any other appropri-
13 ation, there is appropriated to the State Forestry Department, for the
14 biennium ending June 30, 2021, out of the General Fund, the amount
15 of \$100,000, which may be expended for carrying out department ac-
16 tivities under sections 3 and 4 of this 2020 Act.

17 “SECTION 7. In addition to and not in lieu of any other appropri-
18 ation, there is appropriated to Oregon State University, for the
19 biennium ending June 30, 2021, out of the General Fund, the amount
20 of \$50,000, which may be expended for carrying out university activities
21 under section 3 of this 2020 Act.

22 “SECTION 8. (1) The State Forestry Department shall establish not
23 more than 15 projects designed to reduce wildfire danger on public or
24 private forestlands and rangelands through the restoration of land-
25 scape resiliency and the reduction of hazardous fuel levels. The de-
26 partment shall identify, design and oversee the implementation,
27 administration, maintenance and evaluation of the projects. In carry-
28 ing out its functions regarding the projects, the department shall, to
29 the extent practicable, consult and cooperate with state and federal
30 agencies, counties, cities and other units of local government, public

1 and private forestland and rangeland owners, forest collaboratives and
2 other relevant community organizations.

3 “(2) The State Forestry Department shall:

4 “(a) In collaboration with the Oregon State University Extension
5 Service and other entities, identify strategic landscapes that are ready
6 for treatment under the projects, giving priority to projects:

7 “(A) On lands currently approved for treatment projects under the
8 National Environmental Policy Act (42 U.S.C. 4321 et seq.);

9 “(B) On lands within areas identified as high fire risk areas in the
10 Governor’s Council on Wildfire Response November 2019: Report and
11 Recommendations; and

12 “(C) That focus on treatments protective of human life, property,
13 critical infrastructure or other public values;

14 “(b) To the extent practicable, design the projects to:

15 “(A) Evaluate varying types of fuel treatment methods;

16 “(B) Leverage the collective power of public-private partnerships,
17 federal funding and state funding; and

18 “(C) Optimize the receipt of federal government investments that
19 equal or exceed department investments;

20 “(c) Design the projects to involve existing forest-based contracting
21 entities;

22 “(d) Design the projects to involve the Oregon Watershed En-
23 hancement Board or other state agencies as needed;

24 “(e) Affirmatively seek, and enhance opportunities for, collab-
25 oration from stakeholders holding a wide variety of perspectives re-
26 garding forest management and opportunities for significant
27 involvement by communities in proximity to project sites; and

28 “(f) Engage in careful monitoring of the project sites to produce
29 useful information on which to base recommendations to the Legisla-
30 tive Assembly.

1 **“(3) A project under this section may not include commercial**
2 **thinning on:**

3 **“(a) Inventoried roadless areas;**

4 **“(b) Riparian reserves identified in the Northwest Forest Plan or in**
5 **Bureau of Land Management resource management plans;**

6 **“(c) Late successional reserves, except to the extent consistent with**
7 **the 2011 United States Fish and Wildlife Service Revised Recovery Plan**
8 **for the Northern Spotted Owl (*Strix occidentalis caurina*);**

9 **“(d) Areas protected under the federal Wild and Scenic Rivers Act**
10 **(P.L. 90-542), national recreation areas, national monuments or areas**
11 **protected under ORS 390.805 to 390.925;**

12 **“(e) Designated critical habitat for species listed as threatened or**
13 **endangered under the Endangered Species Act of 1973 (P.L. 93-205) or**
14 **by the State Fish and Wildlife Commission under ORS 496.172, unless**
15 **commercial thinning is already allowed under an existing environ-**
16 **mental review or recognized habitat recovery plan; or**

17 **“(f) Federally designated areas of critical environmental concern**
18 **or federally designated wilderness study areas.**

19 **“(4) The department shall give public notice, and allow reasonable**
20 **opportunity for public input, when identifying and selecting projects**
21 **under this section.**

22 **“SECTION 9. Section 8 of this 2020 Act does not expand, diminish**
23 **or otherwise affect any rights, privileges, duties or functions otherwise**
24 **established under federal, state or local laws, rules or regulations that**
25 **pertain to the management of private lands in this state.**

26 **“SECTION 10. (1) The State Forestry Department shall complete the**
27 **operation of projects under section 8 of this 2020 Act no later than**
28 **June 30, 2021.**

29 **“(2) The department shall report regarding progress in carrying out**
30 **projects under section 8 of this 2020 Act and prescribed fire activities**

1 to an interim committee of the Legislative Assembly related to natural
2 resources, in the manner provided by ORS 192.245, and to the Governor
3 no later than December 1, 2020. The report shall include, but need not
4 be limited to:

5 “(a) A summary of project selection, the initial outcome of project
6 implementation activities, anticipated time frames for project com-
7 pletions and any initial findings or recommendations resulting from
8 project identification, design or implementation activities;

9 “(b) A description of the funding source types and amounts secured
10 by the department as matching funds to implement projects; and

11 “(c) A summary of forestland and rangeland treatment activities
12 using prescribed fire to reduce wildfire danger, the initial outcome of
13 the prescribed fire activities, disincentives or other factors affecting
14 the carrying out of the prescribed fire activities, management of the
15 prescribed fire activities and any initial findings or recommendations
16 resulting from the prescribed fire activities.

17 “(3)(a) The department shall report its findings and recommen-
18 dations regarding wildfire danger reduction on forestland and
19 rangeland, based on information obtained from the projects described
20 in section 8 of this 2020 Act and from prescribed fire activities, to an
21 interim committee of the Legislative Assembly related to natural re-
22 sources, in the manner provided by ORS 192.245, and to the Governor
23 no later than September 15, 2021. The report shall include, but need
24 not be limited to:

25 “(A) A qualitative and quantitative summary of the project out-
26 comes that, at a minimum, states the number of acres treated, the
27 treatment actions carried out, the amount and commercial value of
28 timber harvested if not exempt from public disclosure and any result-
29 ing or anticipated changes in landscape conditions related to enhanced
30 resiliency or the mitigation of wildfire risk to public values;

1 **“(B) The identification of barriers to more efficient implementation**
2 **and achievement of goals in future wildfire danger reduction projects;**

3 **“(C) Recommendations for creating optimal working relationships**
4 **with forest collaboratives and other relevant community organizations**
5 **regarding design, implementation and cost recovery for future wildfire**
6 **danger reduction projects;**

7 **“(D) A description of the funding source types and amounts secured**
8 **by the department as matching funds to carry out projects;**

9 **“(E) Recommendations for investment in future wildfire danger re-**
10 **duction projects;**

11 **“(F) A qualitative and quantitative summary of the use of pre-**
12 **scribed fire activities for wildfire danger reduction that, at a mini-**
13 **imum, states the number of acres burned and any resulting or**
14 **anticipated changes in landscape conditions related to enhanced**
15 **resiliency or the mitigation of wildfire risk to public values;**

16 **“(G) The identification of existing disincentives to the use of pre-**
17 **scribed fire;**

18 **“(H) Recommendations regarding the appropriate standard of care**
19 **for the use of prescribed fire;**

20 **“(I) Recommendations for facilitating the establishment of a state-**
21 **wide voluntary Prescribed Burn Manager Certificate program; and**

22 **“(J) Recommendations regarding means for increasing the quantity**
23 **of wildfire danger reduction projects to achieve the scale of reduction**
24 **envisioned as a 20-year goal in the Governor’s Council on Wildfire**
25 **Response November 2019: Report and Recommendations.**

26 **“(b) In developing the report required under this subsection, the**
27 **department shall work in coordination with federal land management**
28 **agencies, institutions of higher education and third parties to develop**
29 **consistent performance measurements and condition-based metrics for**
30 **monitoring and communicating the effectiveness of state investments,**

1 project actions and prescribed fire activities in reducing wildfire dan-
2 ger on public or private forestlands and rangelands.

3 **“SECTION 11. (1) As used in this section, ‘smoke filtration system’**
4 **means an air filtration system capable of removing particulates and**
5 **other harmful components of wildfire smoke.**

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

16 **“(3) The authority may adopt rules establishing standards for**
17 **smoke filtration systems obtained with grant moneys received under**
18 **this section including, but not limited to, minimum acceptable effi-**
19 **ciency for the removal of particulates and other harmful substances**
20 **generated by wildfires.**

21 **“SECTION 12. The Wildfire Smoke Abatement Fund is established**
22 **in the State Treasury, separate and distinct from the General Fund.**
23 **Interest earned by the Wildfire Smoke Abatement Fund shall be**
24 **credited to the fund. Moneys in the fund are continuously appropriated**
25 **to the Oregon Health Authority for the purpose of carrying out the**
26 **program required under section 11 of this 2020 Act.**

27 **“SECTION 13. The Office of Emergency Management shall establish**
28 **six positions within the office whose responsibilities include, but need**
29 **not be limited to, administering the office’s mitigation and recovery**
30 **efforts for wildfire emergencies in assigned regions of this state.**

1 **“SECTION 14. Sections 1, 2, 3 and 4 of this 2020 Act are repealed**
2 **July 1, 2021.**

3 **“SECTION 15. This 2020 Act being necessary for the immediate**
4 **preservation of the public peace, health and safety, an emergency is**
5 **declared to exist, and this 2020 Act takes effect on its passage.”.**

6
