

House Bill 2983

Sponsored by Representative GRAYBER

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 **as introduced**.

Requires paid firefighters to undertake training consistent with National Fire Protection Association standard 1710 (2020 ed.). Requires volunteer firefighters to undertake training consistent with National Fire Protection Association standard 1720 (2020 ed.).

A BILL FOR AN ACT

1
2 Relating to firefighters; creating new provisions; and amending ORS 476.280, 476.310, 477.409,
3 478.260, 478.300, 478.990 and 526.041.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 181A.355 to**
6 **181A.670.**

7 **SECTION 2. In addition to minimum standards or minimum training recommended pur-**
8 **suant to ORS 181A.410, a fire service professional shall undertake training consistent with**
9 **National Fire Protection Association standard 1710 (2020 ed.), if the fire service professional**
10 **serves in a paid capacity, or National Fire Protection Association standard 1720 (2020 ed.),**
11 **if the fire service professional serves in a volunteer capacity.**

12 **SECTION 3. ORS 476.280 is amended to read:**

13 476.280. (1) The fire chief, or the representative of the fire chief, of any duly organized municipal
14 or rural fire protection district may extinguish any uncontrolled fire found to be burning in any
15 unprotected area, if:

16 (a) The governing body of the city or the district board of the rural fire protection district, as
17 the case may be, has authorized the fire chief and the representatives of the fire chief to extinguish
18 uncontrolled fires that are found to be burning in unprotected areas situated outside of the bound-
19 aries of the city or district and that are causing or may cause an undue jeopardy to life or property;
20 and

21 (b) The fire chief or the representative of the fire chief believes that such fire is causing or may
22 cause undue jeopardy to life or property.

23 (2) In extinguishing a fire pursuant to subsection (1) of this section, the fire chief and the rep-
24 resentatives of the fire chief may employ the same means and resources used by them to extinguish
25 similar fires within their jurisdiction.

26 **(3) A governing body of a city or a district board of a rural fire protection district that**
27 **provides or contracts for the provision of fire protection services under this section shall**
28 **ensure that:**

29 **(a) Paid firefighters undertake training consistent with National Fire Protection Associ-**
30 **ation standard 1710 (2020 ed.).**

31 **(b) Volunteer firefighters undertake training consistent with National Fire Protection**

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 **Association standard 1720 (2020 ed.).**

2 **SECTION 4.** ORS 476.310 is amended to read:

3 476.310. (1) The governing body of each county may, in cooperation with the State Board of
 4 Forestry, zone and, as often as necessary, rezone any lands within the county lying outside the
 5 boundaries of incorporated cities, organized rural fire protection districts, federal and state-owned
 6 lands, lands protected under ORS chapter 477 and railroad rights of way, except that railroad rights
 7 of way may be zoned or rezoned if the owners of such rights of way file their written consent with
 8 the governing body. Lands, when zoned or rezoned, shall be divided into two zones as follows:

9 (a) Zone 1 shall be composed of forest, range, grass or undeveloped lands, or any of such lands
 10 intermingled with grazing and agricultural lands.

11 (b) Zone 2 shall be composed of rural lands not included in zone 1.

12 (2) During the season of the year when there is danger of fire, every owner of zone 1 land shall
 13 provide adequate protection against the starting or spread of fire thereon or therefrom, which pro-
 14 tection shall meet with the approval of the governing body of the county in which the zone 1 land
 15 is located.

16 (3) An owner shall be deemed to have complied with the requirements of subsection (2) of this
 17 section if, on January 1 of each year, the owner files with the governing body of the county a bona
 18 fide fire protection plan that meets with the approval of the county governing body. The governing
 19 body of the county, or its appointed representative, shall periodically inspect the protection facilities
 20 provided under such a plan in order to confirm compliance by the owner.

21 (4) If any owner of zone 1 land fails or neglects to file a fire protection plan, or to comply with
 22 the standard of protection approved by the county governing body, the governing body shall provide
 23 for forest protection pursuant to ORS 476.320.

24 (5) Nothing contained in ORS 476.310 to 476.340 shall prevent interested property owners in any
 25 nonzoned territory from petitioning the governing body and State Board of Forestry to hold a
 26 hearing on the matter of zoning the territory if a majority of the landowners within the territory file
 27 such petition. The governing body, cooperating with the State Board of Forestry, shall give full
 28 consideration to the wishes of the landowners as shown by the hearing.

29 **(6) A governing body of a county that provides or contracts for the provision of fire
 30 protection services under this section shall ensure that:**

31 **(a) Paid firefighters undertake training consistent with National Fire Protection Associ-
 32 ation standard 1710 (2020 ed.).**

33 **(b) Volunteer firefighters undertake training consistent with National Fire Protection
 34 Association standard 1720 (2020 ed.).**

35 **SECTION 5.** Section 6 of this 2021 Act is added to and made a part of ORS chapter 477.

36 **SECTION 6.** (1) As used in this section:

37 **(a) "Firefighter" means an employee of the State Forestry Department or of a forest
 38 protective association whose duties include the abatement of uncontrolled fire as described
 39 in ORS 477.064.**

40 **(b) "Voluntarily" has the meaning given that term in ORS 477.123.**

41 **(c) "Wildfire" has the meaning given that term in ORS 477.123.**

42 **(2) A firefighter shall undertake training consistent with National Fire Protection Asso-
 43 ciation standard 1710 (2020 ed.).**

44 **(3) A person who intends to voluntarily fight a wildfire shall undertake training consist-
 45 ent with National Fire Protection Association standard 1720 (2020 ed.).**

SECTION 7. ORS 477.409 is amended to read:

477.409. (1) The Department of Transportation and the Douglas Forest Protective Association, the Coos Forest Protective Association, the Walker Range Forest Protective Association or any successor association may enter into contracts that provide for seasonal fire prevention and suppression personnel employed by an association to render off-season services to the Department of Transportation. Services provided under a contract described in this section must be off-season services that State Forestry Department personnel were authorized to perform under one or more contracts or agreements between the Department of Transportation and the State Forestry Department entered into on or before January 1, 2012.

(2) A contract under this section shall specify the functions or activities to be performed and by what means the functions or activities are to be performed. The contract shall provide for:

(a) Identifying the responsibilities of the parties in ensuring payment of wages to the personnel for the off-season services.

(b) The term or duration of the contract.

(c) The rights of the parties to terminate the contract.

(3) A contract under this section shall require that:

(a) Paid firefighters acting under the contract must undertake training consistent with National Fire Protection Association standard 1710 (2020 ed.).

(b) Volunteer firefighters acting under the contract must undertake training consistent with National Fire Protection Association standard 1720 (2020 ed.).

[(3)] (4) A contract under this section may exclude any clause or condition required by ORS 279B.220, 279B.225, 279B.230, 279B.235, 279B.270 or 279C.500 to 279C.530 from the contract.

[(4)] (5) If the Department of Transportation enters into a contract under this section, the department shall submit a summary of the contract to the Oregon Department of Administrative Services within the 30-day period immediately following the effective date of the contract. The summary must include the following information:

(a) Names of the parties to the contract.

(b) Date of the contract.

(c) Subject matter of the contract.

(d) The location at which a person may obtain a copy of the contract.

[(5)] (6) The Department of Transportation shall submit a summary under subsection [(4)] (5) of this section to the Oregon Department of Administrative Services through electronic means.

SECTION 8. ORS 478.260 is amended to read:

478.260. (1)(a) The district board shall select a fire chief qualified by actual experience as a firefighter [*and fire precautionist*] **or training in fire prevention**, or otherwise, and assistants, volunteer or otherwise, and fix their compensation. The fire chief shall be responsible for the equipment and properties of the district. Under the direction of the board, the fire chief shall be responsible for the conduct of the fire department.

(b) A fire chief or assistant who serves in a paid capacity shall undertake training consistent with National Fire Protection Association standard 1710 (2020 ed.).

(c) A fire chief or assistant who serves in a volunteer capacity shall undertake training consistent with National Fire Protection Association standard 1720 (2020 ed.).

(2) The board, with advice and counsel of the fire chief, shall select the location of the fire house or houses or headquarters of the fire department of the district. Such sites shall be chosen with a view to the best service to the residents and properties of the whole district and may be acquired

1 by purchase or exercise of the powers of eminent domain in the manner provided by ORS chapter
 2 35. The board may purchase apparatus and equipment as needed by the district, and provide a water
 3 system, ponds or reservoirs for the storage of water for fire-fighting purposes. Or the board may
 4 contract with water companies or districts, or both, for water service and facilities at a rate of
 5 compensation mutually agreed upon. The board also may divide the district into zones or subdi-
 6 visions and provide an adequate system or code of fire alarms or signals by telephone, bell, whistle,
 7 siren or other means of communication.

8 (3) A district may operate or acquire and operate, or contract for the operation of, emergency
 9 medical service equipment and vehicles both within and without the boundaries of the district. A
 10 district may conduct ambulance operations only in conformance with a county plan adopted under
 11 ORS 682.062 for ambulance services and ambulance service areas and with rules of the Oregon
 12 Health Authority relating to such services and service areas. Service authorized under a county
 13 plan includes authorization for a district to provide ambulance services by intergovernmental
 14 agreement with any other unit of local government designated by the plan to provide ambulance
 15 services.

16 (4) As used in this section, “ambulance services” has the meaning given that term in ORS
 17 682.027.

18 **SECTION 9.** ORS 478.300 is amended to read:

19 478.300. (1) In addition to the authority to enter into intergovernmental agreements under ORS
 20 chapter 190, a rural fire protection district or other public body as defined in ORS 174.109 may
 21 contract with any person for the purpose of affording fire fighting, protection or prevention facilities
 22 or road-lighting facilities and services, or both, to such person.

23 **(2) A rural fire protection district or other public body that enters into an agreement or**
 24 **contract pursuant to ORS chapter 190 or subsection (1) of this section to provide fire pro-**
 25 **tection service shall ensure that:**

26 **(a) Paid firefighters who provide the fire protection service undertake training consistent**
 27 **with National Fire Protection Association standard 1710 (2020 ed.).**

28 **(b) Volunteer firefighters who provide the fire protection service undertake training**
 29 **consistent with National Fire Protection Association standard 1720 (2020 ed.).**

30 [(2)] (3) When any agreement or contract is entered into pursuant to ORS chapter 190 or sub-
 31 section (1) of this section to provide fire protection service, the rural fire protection district or other
 32 public body providing such service shall have authority over open burning and the issuance of fire
 33 permits in the area served, and may in accordance with this chapter make reasonable rules and
 34 regulations relating thereto.

35 **SECTION 10.** ORS 478.990 is amended to read:

36 478.990. (1) Violation of any provision of ORS 478.930 is a Class D violation. Each day’s refusal
 37 to remove fire hazards after notice by the inspecting officer to the owner of the premises where the
 38 hazard exists is a separate offense.

39 (2) Burning without a permit required under ORS 478.960 (1) or in violation of a condition
 40 thereof is a misdemeanor.

41 (3) Violation of ORS 478.960 (4) is a misdemeanor.

42 (4) Subject to ORS 153.022 and 153.025, violation of any rule or regulation made by a rural fire
 43 protection district or other public body, as defined in ORS 174.109, pursuant to ORS 478.300 [(2)] (3)
 44 is a misdemeanor.

45 **SECTION 11.** ORS 526.041 is amended to read:

1 526.041. The forester, under the general supervision of the State Board of Forestry, shall:

2 (1) In compliance with ORS chapter 183, promulgate rules consistent with law for the enforce-
3 ment of the state forest laws relating directly to the protection of forestland and the conservation
4 of forest resources.

5 (2) Appoint and instruct fire wardens as provided in ORS chapter 477.

6 (3) Direct the improvement and protection of forestland owned by the State of Oregon.

7 (4) Collect data relative to forest conditions.

8 (5) Take action authorized by law to prevent and extinguish forest, brush and grass fires.

9 (6) Enforce all laws pertaining to forestland and prosecute violations of such laws.

10 (7) Cooperate with landowners, political subdivisions, private associations and agencies and
11 others in forest protection.

12 (8) Advise and encourage reforestation.

13 (9) Publish such information on forestry as the forester determines to be in the public interest.

14 (10) Enter into contracts and cooperative agreements pertaining to experiments and research in
15 forestry.

16 (11) Sell, exchange or otherwise dispose of any real property heretofore or hereafter acquired
17 by the board for administrative purposes and no longer needed.

18 (12) Coordinate any activities of the State Forestry Department related to a watershed en-
19 hancement project approved by the Oregon Watershed Enhancement Board under ORS 541.932 with
20 activities of other cooperating state and federal agencies participating in the project.

21 (13) Prescribe uniform state standards for certification of wildland fire training courses and ed-
22 ucational programs. **The standards shall be consistent with National Fire Protection Associ-**
23 **ation standard 1710 (2020 ed.) for individuals who undertake paid wildland fire-fighting and**
24 **with National Fire Protection Association standard 1720 (2020 ed.) for individuals who**
25 **undertake wildland fire-fighting voluntarily.**

26 (14) Serve as the Governor's authorized representative for the purpose of initiating the fire
27 management assistance declaration process with the Federal Emergency Management Agency and
28 administering Federal Emergency Management Agency fire management assistance grants.

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