A-Engrossed

Senate Bill 762

Ordered by the Senate April 23
Including Senate Amendments dated April 23

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY (at the request of Senate Committee on Natural Resources and Wildfire Recovery, Governor Kate Brown)

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.

[Directs Legislative Policy and Research Office to study strategies to promote wildfire response and recovery and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.]

[Sunsets January 2, 2023.]

Directs Public Utility Commission to convene workshops.

Requires public utility that provides electricity to have wildfire protection plan. Provides that violation is subject to civil penalty not to exceed $10,000. Requires consumer-owned utility to have wildfire mitigation plan.

Directs State Board of Forestry to establish criteria for developing statewide map of wildfire risk, establish Certified Burn Manager program and report to Legislative Assembly on or before December 1, 2021.

Directs State Fire Marshal to establish defensible space requirements, administer community risk reduction program and annually report to Legislative Assembly. Establishes Community Risk Reduction Fund in State Treasury.

Directs Department of Land Conservation and Development to identify certain land use updates and report to interim committee of Legislative Assembly on or before October 1, 2022.

Directs Department of Consumer and Business Services to adopt certain building code standards.

Directs Department of Environmental Quality to undertake programs concerning impacts of wildfire smoke, readiness and mitigation capacity for smoke and ambient air quality.

Directs Oregon Health Authority to establish programs related to clean air shelter grants and smoke filtration systems. Directs Department of Human Services to take certain actions concerning clean air shelter operations.

Directs Office of Emergency Management to update statewide emergency plan to prepare for or respond to wildfire emergencies.

Directs State Forestry Department to implement program to reduce wildfire risk, report to Legislative Assembly and Governor no later than January 15, 2022, and July 15, 2023, establish small woodland grant program, adopt certain rules concerning prescribed fires and assess and improve wildfire response capacity.


Directs Governor to appoint State Wildfire Programs Director. Establishes Wildfire Programs Advisory Council. Requires council to annually report to Governor and Legislative Assembly.

Appropriates moneys from General Fund to certain entities for specified purposes. Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to wildfire; creating new provisions; amending ORS 197.716, 205.130, 401.025, 477.015,
2 477.025, 477.027, 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029, 477.031,
3 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061; and declaring an emergency.

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

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.

LC 3470
ELECTRIC SYSTEM PLANS

SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter 757.

SECTION 2. The Public Utility Commission shall periodically convene workshops for the purpose of helping public utilities that provide electricity, municipal electric utilities, people's utility districts organized under ORS chapter 261 that sell electricity, electric cooperatives organized under ORS chapter 62 and operators of electrical transmission and distribution systems to develop and share information for the identification, adoption and carrying out of best practices regarding wildfires, including, but not limited to, risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.

SECTION 3. (1) A public utility that provides electricity must have and operate in compliance with a risk-based wildfire protection plan that is filed with the Public Utility Commission and has been evaluated by the commission. The plan must be based on reasonable and prudent practices identified through workshops conducted by the commission pursuant to section 2 of this 2021 Act and on commission standards adopted by rule. The public utility must design the plan in a manner that seeks to protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage.

(2) A public utility that provides electricity shall regularly update a risk-based wildfire protection plan on a schedule determined by the commission. The plan must, at a minimum:

(a) Identify areas that are subject to a heightened risk of wildfire and are:

(A) Within the service territory of the public utility; and

(B) Outside the service territory of the public utility but within a reasonable distance, as determined by the commission, of the public utility’s generation or transmission assets.

(b) Identify a means for mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.

(c) Identify preventive actions and programs that the public utility will carry out to minimize the risk of utility facilities causing a wildfire.

(d) After seeking information from regional, state and local entities, including municipalities, identify a protocol for the deenergizing of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.

(e) Describe the procedures, standards and time frames that the public utility will use to inspect utility infrastructure in areas that the public utility identifies under paragraph (a) of this subsection.

(f) Describe the procedures, standards and time frames that the public utility will use to carry out vegetation management in areas that the public utility identifies under paragraph (a) of this subsection.

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

(h) Identify the community outreach and public awareness efforts that the public utility will use before, during and after a wildfire season.

(3) To develop a plan described in subsection (2) of this section, a public utility may consult with and consider information from regional, state and local entities, including municipalities.

(4) The commission, in consultation with the State Forestry Department and local
emergency services agencies, shall evaluate a public utility’s wildfire protection plan and plan
updates through a public process.

(5) Not more than 180 days after receiving a wildfire protection plan or plan update from
a public utility, the commission shall approve or approve with conditions the plan or update
if the commission finds that the plan or update is based on reasonable and prudent practices
identified through workshops pursuant to section 2 of this 2021 Act and designed to meet all
applicable rules and standards adopted by the commission.

(6) The commission’s approval of a wildfire protection plan does not establish a defense
to any enforcement action for violation of a commission decision, order or rule or relieve a
public utility from proactively managing wildfire risk, including by monitoring emerging
practices and technologies.

(7) The commission shall adopt rules for the implementation of this section. The rules
may include, but need not be limited to, procedures and standards regarding vegetation
management, public power safety shutoffs and restorations, pole materials, circuitry and
monitoring systems.

(8) All reasonable operating costs incurred by, and prudent investments made by, a public
utility to develop, implement or operate a wildfire protection plan under this section are re-
coverable in the rates of the public utility from all customers through a filing under ORS
757.210 to 757.220. The commission shall establish an automatic adjustment clause, as defined
in ORS 757.210, or another method to allow timely recovery of the costs.

SECTION 3a. (1) In addition to all other penalties provided by law, violation of section 3
of this 2021 Act or a rule adopted pursuant to section 3 of this 2021 Act is subject to a civil
penalty not to exceed $10,000.

(2) Notwithstanding ORS 183.315 (6), 183.745 (7)(d) and 756.500 to 756.610, civil penalties
under this section must be imposed by the Public Utility Commission as provided in ORS
183.745.

(3) Civil penalties collected under this section must be paid into the General Fund and
credited to the Public Utility Commission Account as described in ORS 756.990 (7).

SECTION 4. (1) As used in this section, “consumer-owned utility” and “governing body”
have the meanings given those terms in ORS 757.600.

(2) A consumer-owned utility must have and operate a risk-based
wildfire mitigation plan approved by the governing body of the utility. The plan must be de-
dsigned to protect public safety, reduce risk to utility customers and promote electrical sys-
tem resilience to wildfire damage.

(3) The consumer-owned utility shall regularly update the risk-based wildfire mitigation
plan on a schedule the governing body deems consistent with prudent utility practices.

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

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

SECTION 5. A public utility that provides electricity shall submit the first risk-based
wildfire protection plan required of the public utility under section 3a of this 2021 Act for
SECTION 6. A consumer-owned utility shall submit the first risk-based wildfire mitigation plan required under section 4 of this 2021 Act to the utility governing body no later than June 30, 2022.

SECTION 6a. (1) As used in this section, “electric utility” has the meaning given that term in ORS 757.600.

(2) Sections 3 and 4 of this 2021 Act do not affect the terms or conditions of easement held by an electric utility over private land as of the effective date of this 2021 Act.

SECTION 6b. Sections 3 and 3a of this 2021 Act do not apply to municipally owned utilities organized under ORS chapter 225.

STATEWIDE MAP OF WILDFIRE RISK

SECTION 7. (1) The State Board of Forestry shall establish by rule criteria by which the State Forestry Department must develop and maintain the map described in subsection (2) of this section using the most current wildfire assessments.

(2) The department shall oversee the development and maintenance of a comprehensive statewide map of wildfire risk. The map must:
   (a) Be based on wildfire risk classes identified pursuant to subsection (3) of this section.
   (b) Be sufficiently detailed to allow the assessment of wildfire risk at the property-ownership level.
   (c) Include the boundaries of the wildland-urban interface, as defined in ORS 477.015, consistent with national standards.
   (d) Be used to populate an Oregon Explorer Wildfire Risk Portal. The portal must be the official wildfire planning and risk classification mapping tool for the State of Oregon.
   (e) Include a layer that geospatially displays the locations of socially and economically vulnerable communities.

(3) To inform the map, the department shall identify statewide wildfire risk classes, consistent with ORS 477.027, based on weather, climate, topography and vegetation.

(4) To develop and maintain the map, the department shall collaborate with Oregon State University, other state agencies, the State Fire Marshal, local governments, federally recognized Indian tribes in this state, other public bodies and any other information sources that the department deems appropriate.

(5) In maintaining the map, the department shall make technical and other adjustments as needed over time.

(6) The department shall make the map accessible to the public in electronic form.

(7) The department shall provide technical assistance to representatives of state and local government that use the map.

SECTION 7a. (1) On or before December 31, 2021, the State Forestry Department shall report to an interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, on the department’s progress in complying with the requirements of section 7 of this 2021 Act.

(2) On or before June 30, 2022, the department must finish all actions required of the department by section 7 of this 2021 Act.
SECTION 8. (1) The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the map described in section 7 of this 2021 Act as within the wildland-urban interface. In establishing the requirements, the State Fire Marshal shall consult with the Oregon Fire Code Advisory Board and select standards from the framework set forth in the International Wildland-Urban Interface Code (2020 ed.) published by the International Code Council. Subject to additional local requirements, the requirements shall apply statewide for all lands of the type identified in the map. In consultation with the Oregon Fire Code Advisory Board, the State Fire Marshal shall periodically reexamine the standards set forth in the International Wildland-Urban Interface Code (2020 ed.) and update the State Fire Marshal’s standards to reflect current best practices.

(2) Except as otherwise provided in this subsection or subsection (3) of this section, the State Fire Marshal may administer and enforce the minimum defensible space requirements established under subsection (1) of this section that are applicable to the lands within the jurisdiction of a local government. A local government may administer and enforce the minimum defensible space requirements established by the State Fire Marshal within the jurisdiction of the local government.

(3) A local government may adopt and enforce local requirements for defensible space on lands that are greater than the minimum defensible space requirements established by the State Fire Marshal. Any local requirements that a local government adopts for defensible space must be defensible space standards selected from the framework set forth in the International Wildland-Urban Interface Code (2020 ed.). If a local government adopts local requirements under this subsection, within the jurisdiction of the local government the State Fire Marshal may administer and enforce the minimum defensible space requirements established by the State Fire Marshal under subsection (1) of this section and the local government may enforce requirements adopted under this subsection that are greater than the minimum defensible space requirements established by the State Fire Marshal. The State Fire Marshal and the local government shall coordinate any inspection and enforcement efforts described in this subsection.

(4) If a local government administers and enforces minimum defensible space requirements established by the State Fire Marshal within the jurisdiction of the local government, the local government shall periodically report to the State Fire Marshal regarding whether lands within the jurisdiction of the local government are in compliance with the applicable minimum defensible space requirements. The reports shall state the extent of compliance for each property, the change in degree of compliance since the previous report and any other information required by the State Fire Marshal by rule. In addition to requiring periodic reports, the State Fire Marshal may at any time require a local government to report the defensible space conditions for any lands on which minimum defensible space requirements are enforced by the local government.

(5) The State Fire Marshal shall administer a community risk reduction program that emphasizes education and methods of prevention with respect to wildfire risk, defensible space enforcement, response planning and community preparedness for wildfires. The State Fire Marshal may provide financial, administrative, technical or other assistance to a local
government to facilitate the administration and enforcement of minimum defensible space requirements within the jurisdiction of the local government. A local government shall expend financial assistance provided by the State Fire Marshal under this subsection to give priority to the creation of defensible space:

(a) On lands owned by members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income as defined in ORS 456.055.

(b) For critical or emergency infrastructure.

(c) For schools, hospitals and facilities that serve seniors.

SECTION 8a. The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the map described in section 7 of this section on or before December 31, 2022.

SECTION 9. The Community Risk Reduction Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Community Risk Reduction Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Fire Marshal for the purpose of carrying out community risk reduction and the local government financial assistance described in section 8 of this 2021 Act.

SECTION 10. (1) The State Fire Marshal shall annually report regarding the status of State Fire Marshal and local government activities for carrying out section 8 of this 2021 Act to the Legislative Assembly in the manner provided in ORS 192.245 on or before the date of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.

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

(a) A status report regarding community risk reduction and the establishment, administration and enforcement of defensible space requirements;

(b) The amount of moneys expended during the year for community risk reduction and the establishment, administration or enforcement of defensible space requirements;

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

(d) Any recommendations of the State Fire Marshal for legislative action, including, but not limited to, current or future resource and funding needs for community risk reduction and establishing, administering or enforcing defensible space requirements.

LAND USE

SECTION 11. (1) The Department of Land Conservation and Development shall identify updates to the statewide land use planning program and local comprehensive plans and zoning codes that are needed in order to incorporate wildfire risk maps and minimize wildfire risk, including the appropriate levels of state and local resources necessary for effective implementation.

(2) Updates may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation and development considerations in areas of high wildfire risk, allowing for regional differences.

(3) As necessary to identify needed updates and develop the recommendations required by subsection (5) of this section, the department may consult with the State Fire Marshal, the State Forestry Department, the Department of Consumer and Business Services and lo-
(4) The Department of Land Conservation and Development shall complete the actions required by this section on or before October 1, 2022.

(5) The Department of Land Conservation and Development shall report to an interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, on or before October 1, 2022. The report must include recommendations concerning the updates.

BUILDING CODES

SECTION 12. (1) For high wildfire risk classes identified pursuant to section 7 of this 2021 Act, the Department of Consumer and Business Services shall adopt wildfire hazard mitigation building code standards for new construction, as described in section R327 of the 2019 amendments to the 2017 Oregon Residential Specialty Code.

(2) The department shall incorporate the standards described in subsection (1) of this section into any updates to the Oregon residential specialty code.

SECTION 12a. Section 12 of this 2021 Act becomes operative on December 31, 2022.

SECTION 12b. On or before December 31, 2022, the Department of Consumer and Business Services shall submit a report to an appropriate committee or interim committee of the Legislative Assembly, in the manner described in ORS 192.245, that provides information on the number and general location of dwellings that have been built to the R327 standards since the standards were implemented in 2019, along with any other relevant information.

HEALTH SYSTEMS FOR SMOKE

SECTION 13. The Department of Environmental Quality shall develop and implement a program for supporting local communities, in detecting, preparing for, communicating or mitigating the environmental and public health impacts of wildfire smoke.

SECTION 13a. The Department of Environmental Quality shall establish a program for supporting local communities through intergovernmental agreements, grants, contracts or cooperative agreements to develop and implement community response plans to enhance the communities’ readiness and mitigation capacity for smoke.

SECTION 13b. (1) The Department of Environmental Quality shall establish and implement a program to support communities across this state in monitoring, interpreting and communicating data related to ambient air quality conditions.

(2) As part of the program, the department shall:

(a) Conduct community outreach in areas of this state that are prone to poor air quality attributable to elevated levels of particulate matter.

(b) Deploy air quality monitoring equipment in a manner sufficient to evaluate an increased prevalence of poor air quality attributable to elevated levels of particulate matter.

(c) Monitor meteorological conditions in a manner sufficient to forecast occurrences of poor air quality.

SECTION 14. In consultation and coordination with the Department of Human Services, the Oregon Business Development Department and local governments, the Oregon Health Authority shall establish and implement a clean air shelter grant program. The authority
shall require grant recipients to provide access to clean air shelters at no charge.

SECTION 14a. The Department of Human Services is the lead state agency for clean air shelter operations. The department shall:

(1) Consult and collaborate with the Oregon Health Authority to align practices for voluntary evacuations and emergency sheltering operations.

(2) Coordinate with the authority in setting priorities for awarding grants described in subsection (1) of this section.

(3) Provide support to local agencies that take lead roles in operating and planning clean air shelters in the local agencies' jurisdictions.

SECTION 15. (1) As used in this section, “smoke filtration system” means an air filtration system capable of removing particulates and other harmful components of wildfire smoke.

(2) The Oregon Health Authority shall establish a program to increase the availability of smoke filtration systems among persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke.

(3) The authority may issue grants for the installation of smoke filtration systems, the installation of replacement filters and housing interventions that facilitate effective smoke filtration systems, such as weather proofing, in residential buildings, commercial buildings or buildings open to the public in areas susceptible to wildfire smoke. The authority shall give grant priority to installations in residential buildings occupied by persons who qualify for the Oregon Health Plan or Medicaid and are vulnerable to the health effects of wildfire smoke.

(4) The authority may adopt rules establishing standards for smoke filtration systems obtained with grant moneys received under this section, including, but not limited to, minimum acceptable efficiency for the removal of particulates and other harmful substances generated by wildfires.

SECTION 15a. The Oregon Health Authority shall periodically report to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, on:

(1) The use of clean air shelters funded under section 14 of this 2021 Act, including use of the clean air shelters by vulnerable and underserved communities.

(2) The use of smoke filtration systems funded under section 15 of this 2021 Act, including use of the smoke filtration systems by vulnerable and underserved communities.

(3) The effectiveness of the programs described in sections 14 and 15 of this 2021 Act.

(4) Areas for improvement.

(5) Public health impacts during smoke events.

(6) Whether funding described in sections 14 and 15 of this 2021 Act has provided a public health return on investment.

EMERGENCY RESPONSE AND DISASTER RECOVERY

SECTION 16. ORS 401.025 is amended to read:

401.025. As used in this chapter:

(1) “Emergency” means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss,
including but not limited to:

(a) Fire, wildfire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

(b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement results from the type of event or circumstance described in paragraph (a) of this subsection.

(2) “Emergency service agency” means an organization within a local government that performs essential services for the public’s benefit before, during or after an emergency, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering, public information and communications.

(3) “Emergency services” means activities engaged in by state and local government agencies to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency, including but not limited to coordination, preparedness planning, training, interagency liaison, fire fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures defined as “civil defense” in 50 U.S.C. app. 2252.

(4) “Local government” has the meaning given that term in ORS 174.116.

(5) “Major disaster” means any event defined as a “major disaster” under 42 U.S.C. 5122(2).

SECTION 17. (1) The Office of Emergency Management shall update its statewide emergency plan as necessary to prepare for or respond to wildfire emergencies on an area-wide or statewide basis. The plan developed by the office to prepare for or respond to wildfire emergencies shall include, but need not be limited to, wildfire risk mitigation efforts and evacuation planning.

(2) The office shall coordinate with cities, counties, adult foster homes, health care facilities and residential facilities and the Oregon Health Authority to establish local or private procedures to prepare for emergencies related to wildfire and ensure that local efforts to prevent, respond to or recover from an emergency caused by wildfire are conducted in a manner consistent with the plan developed by the office to prepare for or respond to wildfire emergencies. The coordinated activities may include, but need not be limited to, providing training, carrying out exercises and promoting community education.

SECTION 17a. The Office of Emergency Management shall conduct the update required by section 17 (1) of this 2021 Act on or before December 31, 2021.

REDUCTION OF WILDFIRE RISK

SECTION 18. (1)(a) The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure.

(b) The department shall select, administer and evaluate projects consistent with the objectives described in this subsection.
(c) When developing project selection criteria, the department shall, to the extent practicable, consult and cooperate with state and federal agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forest collaboratives and other relevant community organizations and ensure consistency with the priorities described in subsection (2) of this section.

(2) The department shall:

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

(A) On all lands in the four highest eNVC risk classes identified in the United States Forest Service report titled “Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results” and dated April 9, 2018;

(B) On federal lands currently approved for treatment projects under the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(C) Focusing on treatments protective of human life, property, critical infrastructure, watershed health and forest and rangeland habitat restoration;

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

(A) Evaluate varying types of fuel treatment methods;

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

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

(c) Design the projects to involve existing forest-based and range-based contracting entities;

(d) Design the projects to complement programs and projects of the Oregon Watershed Enhancement Board or other state agencies as needed;

(e) Design the projects to involve the Oregon Wildfire Workforce Corps Program established by section 21 of this 2021 Act, to the maximum extent possible, for community protection projects located in the wildland-urban interface, subject to funding available in the Oregon Wildfire Workforce Corps Fund established by section 23 of this 2021 Act;

(f) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders holding a wide variety of perspectives regarding forest and rangeland management and opportunities for significant involvement by communities in proximity to project sites; and

(g) Engage in monitoring of the project to produce useful information on which to base recommendations to the Legislative Assembly.

(3) A project under this section may not include commercial thinning on:

(a) Inventoried roadless areas;

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

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

(d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national recreation areas, national monuments or areas protected under ORS 390.805 to 390.925;
(e) Designated critical habitat for species listed as threatened or endangered under the
Endangered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission
under ORS 496.172, unless commercial thinning is already allowed under an existing envi-
ronmental review or recognized habitat recovery plan; or

(f) Federally designated areas of critical environmental concern or federally designated
wilderness study areas.

(4) The department shall give public notice, and allow reasonable opportunity for public
input, when identifying and selecting landscapes under this section.

SECTION 19. Section 18 of this 2021 Act does not expand, diminish or otherwise affect a
right, privilege, duty or function established under federal, state or local laws or rules that
pertain to the management of private lands in this state.

SECTION 20. (1) The State Forestry Department shall complete the operation of projects
under section 18 of this 2021 Act no later than June 30, 2023.

(2) The department shall report regarding progress in carrying out projects under section
18 of this 2021 Act to an interim committee of the Legislative Assembly related to natural
resources, in the manner provided by ORS 192.245, and to the Governor no later than Janu-
ary 15, 2022. The report shall include, but need not be limited to:

(a) An explanation of how landscapes were selected, a summary of the selected projects,
a description of initial outcomes from projects selected under the requirements established
by section 18 of this 2021 Act, anticipated time frames for completion of the projects and any
initial recommendations concerning landscape identification and projects selected under the
requirements established by section 18 of this 2021 Act;

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

(c) A summary of outreach and coordination with relevant federal and state agencies,
counties, cities and other units of local government, federally recognized Indian tribes in this
state, public and private forestland and rangeland owners, forest collaboratives and other
relevant community organizations to identify and select landscapes for treatment and de-
velop selection criteria for projects.

(3)(a) The department shall report its findings and recommendations regarding wildfire
risk reduction on forestland and rangeland and in communities, based on information ob-
tained from the projects described in section 18 of this 2021 Act, to an interim committee
of the Legislative Assembly related to natural resources, in the manner provided by ORS
192.245, and to the Governor no later than July 15, 2023. The report shall include, but need
not be limited to:

(A) A qualitative and quantitative summary of the project outcomes that, at a minimum,
states the number of acres treated, the treatment actions carried out and any resulting or
anticipated changes in landscape conditions related to enhanced resiliency or the mitigation
of wildfire risk to public values;

(B) The identification of barriers to more efficient implementation and achievement of
goals in future wildfire risk reduction projects;

(C) A qualitative and quantitative summary of the use of prescribed fire activities and
invasive annual grass treatments for wildfire risk reduction that, at a minimum, states the
number of acres burned and any resulting or anticipated changes in landscape conditions
related to enhanced resiliency or the mitigation of wildfire risk to public values;
(D) The identification of existing disincentives to, and recommendation for reducing barriers to, the use of prescribed fire;

(E) Recommendations for creating optimal working relationships with forest collaboratives and other relevant community organizations regarding future wildfire risk reduction projects;

(F) A description of the funding source types and amounts secured by the department as matching funds to carry out projects; and

(G) Recommendations for investment in future wildfire risk reduction projects to be carried out in the 2023-2025 biennium.

(b) In developing the report required under this subsection, the department shall work in coordination with federal land management agencies, institutions of higher education and third parties to develop consistent performance measurements and condition-based metrics for monitoring and communicating the effectiveness of state investments and project actions in reducing wildfire risk on public or private forestlands and rangelands and in communities.

OREGON WILDFIRE WORKFORCE CORPS

SECTION 21. (1) The Oregon Wildfire Workforce Corps Program is established for the purposes of:

(a) Reducing the risk wildfire poses to communities and critical infrastructure.

(b) Helping to create fire-adapted communities.

(c) Engaging youth and young adults in workforce training.

(2) Youth and young adults between 13 years of age and 26 years of age who have been qualified by a youth development organization may participate in projects undertaken by the corps.

(3) Notwithstanding an contrary provision of law, participants in projects undertaken by the corps:

(a) Are not employees of the corps.

(b) Are exempt from prevailing wage laws.

(c) Must receive compensation for their participation of at least minimum wage or an allowance or stipend that, when combined with other sources of payment the participant is eligible to receive, including academic credit or an AmeriCorps education award, is equivalent to the value of minimum wage.

SECTION 22. (1) As used in this section, “eligible organization” includes Oregon-based nonprofit youth development organizations and public entities that provide programs of job training, skill development and forest-related career path training.

(2) The Oregon Wildfire Workforce Advisory Committee is established within the Higher Education Coordinating Commission for the purpose of managing the Oregon Wildfire Workforce Corps Program.

(3) The Governor shall determine the number of members on the committee and appoint the members.

(4) The committee shall, in collaboration with a nonprofit foundation, actively seek and source private donations to increase donations to the Oregon Community Foundation.

(5) The committee may direct the expenditure of moneys from the Oregon Wildfire Workforce Corps Fund for a promotional website and materials to solicit private funds.
(6) Members may not receive compensation for service on the committee, but, subject
to any applicable laws regulating travel and other expenses of state officers and employees,
may be reimbursed for actual and necessary travel and other expenses incurred in the per-
formance of committee duties with moneys available to the commission for the purpose of
reimbursing the members.

(7) The committee shall administer a grant process that:

(a) Provides funding to support the work conducted by the Oregon Wildfire Workforce
Corps Program.

(b) Defines and uses an equity lens in awarding grants by identifying and supporting
populations with greater vulnerability including communities of color, indigenous communi-
ties, communities with members who have limited proficiency in English and communities
with lower-income members.

(c) Awards grants to eligible organizations.

(d) Ensures that grant awards support activities described in subsection (6) of this sec-
tion.

(e) Establishes guidelines for prioritizing grant-supported projects to reduce community
fire risks, promote youth and young adult workforce development and educational experi-
ences and reduce hazardous fuels.

(8) The committee shall consult with the State Forestry Department to ensure that the
grant process awards funds to proposals that:

(a) Protect at-risk communities and infrastructure within the wildland-urban interface,

(b) Meet standards for fuel treatment established by the department.

(9) The committee shall biennially submit a report, on the timeline described in ORS
293.640, to an appropriate committee or interim committee of the Legislative Assembly, as
described in ORS 192.245, regarding the expenditure of moneys deposited in the Oregon
Wildfire Workforce Corps Fund.

SECTION 23. (1) The Oregon Wildfire Workforce Corps Fund is established in the State
Treasury, separate and distinct from the General Fund. Interest earned by the Oregon
Wildfire Workforce Corps Fund shall be credited to the fund.

(2) The fund may receive contributions from individuals and private organizations.

(3) Moneys in the fund are continuously appropriated to the Higher Education Coordinat-
ing Commission to be used as directed by the Oregon Wildfire Workforce Advisory Com-
mittee and for related administrative expenses of the commission.

(4) The commission shall keep records of all moneys credited to and deposited in the fund
and the activity or program against which each withdrawal from the fund is charged.

SMALL WOODLAND GRANT PROGRAM

SECTION 24. (1) As used in this section, “small woodland owner” means an individual,
group, federally recognized Indian tribe in Oregon or association that owns between one and
160 acres of forestland, as defined in ORS 526.005.

(2) The State Forestry Department shall establish a small woodland grant program for
the purpose of providing grants, on a competitive basis, to support small woodland owners
in reducing wildfire risk through the restoration of landscape resiliency and the reduction
of hazardous fuels on the owners' small woodlands.

(3) The department shall set criteria for assessing grant applications and awarding grants.

**PRESCRIBED FIRE**

**SECTION 25.** The State Forestry Department shall adopt rules to clarify that a person may:

(1) Conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit for the fire as described in ORS 477.515 or 477.625 and complies with the conditions of the permit.

(2) Obtain a single permit under ORS 477.515 or 477.625 for a prescribed fire that burns across land ownership boundaries if the person demonstrates to the department that the person has obtained consent to conduct the fire from all persons on whose lands the fire is planned to burn.

**SECTION 25a.** The State Forestry Department shall initiate the rulemaking described in section 25 of this 2021 Act on or before November 30, 2021, and finalize the rulemaking on or before November 30, 2022.

**SECTION 26.** ORS 526.360 is amended to read:

526.360. (1) The State Board of Forestry, [and the forester] the State Forester and forest protective associations may assist to the extent possible practical in developing, for forestry, grazing or agricultural uses, all forestland classified pursuant to ORS 526.328 or 526.340 for such uses, including the burning of brush or other flammable material for the purpose of:

(a) Removing a fire hazard to any property;

(b) Preparing seed beds;

(c) Removing obstructions to or interference with the proper seeding or agricultural or grazing development or use of that land;

(d) Promoting the establishment of new forest crops on cutover, denuded or underproductive lands;

(e) Implementing pest prevention and suppression activities, as provided in ORS 527.310 to 527.370; or

(f) Promoting improvements to forest health, including improvements to fish and wildlife habitat.

(2) Upon request of the owner or the agent of the owner of any forestland classified pursuant to ORS 526.328 or 526.340, the forester or a forest protective association may perform or supervise burning operations thereon for any of the purposes stated in subsection (1) of this section. The owner or the agent of the owner shall supply such personnel and equipment and shall perform such fire control actions and activities as the forester or forest protective association may require while there is danger of the fire spreading. The forester or forest protective association may refuse to perform or supervise burning or to issue any burning permit when, in the judgment of the forester or forest protective association, conditions so warrant.

(3) To accomplish the purposes set forth in subsection (1) of this section, the [State Board of Forestry may] board shall establish by rule a Certified Burn Manager program.

(4) The rules shall include:

(a) Certification standards, requirements and procedures;

(b) Standards, requirements and procedures to revoke certification;
(c) Actions and activities that a Certified Burn Manager must perform;
(d) Actions and activities that a Certified Burn Manager may not allow or perform;
(e) Limitations on the use of a Certified Burn Manager; and
(f) Any other standard, requirement or procedure that the board considers necessary for the safe
and effective administration of the program.

(5) The rules may establish and impose fees for participation in the program.

(6) When any burning for any of the purposes stated in subsection (1) of this section on
forested land classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and
supervised by the forester, a forest protective association or a Certified Burn Manager, no a
person shall be held liable for property damage resulting from that burning unless the
damage is caused by the negligence of the person.

SECTION 27. By December 1, 2021, the State Board of Forestry shall:
(1) Consult with the Oregon Prescribed Fire Council concerning best practices for con-
ducting the Certified Burn Manager program described in ORS 526.360;
(2) Initiate rulemaking to establish the program; and
(3) Report in the manner provided in ORS 192.245 to an appropriate committee or interim
committee of the Legislative Assembly on progress the board has made in establishing and
implementing the program and when the board expects to launch the program.

PROTECTED AREAS

SECTION 28. (1) The State Forester, in collaboration with the State Fire Marshal, state
agencies and local governments as defined in ORS 174.116, shall adopt rules establishing
baseline levels of wildfire protection for lands that are outside of forest protection districts
and susceptible to wildfire. When establishing the baseline levels for lands, the State
Forester shall ensure that the levels are adapted to reflect regional conditions. A county, in
 collaboration with the State Forester and the State Fire Marshal, may work to ensure that
all lands within the county that are outside of forest protection districts and susceptible to
wildfire are provided with wildfire protection services at the applicable baseline level or a
higher level. As used in this subsection, “forest protection districts” means lands designated
in State Forester rules as provided under ORS 477.225.
(2) A county, in collaboration with the State Forester and the State Fire Marshal, may
assist:
(a) Landowners, individuals and businesses with forming jurisdictions to provide wildfire
protection;
(b) Landowners, individuals, businesses and jurisdictions with obtaining expansion of or
other changes to boundaries or facility locations of jurisdictions that provide wildfire pro-
tection;
(c) Jurisdictions to expand or adjust jurisdiction service boundaries to ensure adequate
wildfire protection for lands; and
(d) Jurisdictions in developing wildfire protection facilities, equipment, training and other
resources adequate to ensure that the jurisdiction provides timely and effective wildfire
protection at the baseline level or higher on lands described in subsection (1) of this section
throughout the jurisdiction.
(3) The State Forester may provide financial assistance to counties for carrying out
county duties under subsection (2) of this section from any funds made available to the State Forester and designated for that purpose.

SECTION 29. A county shall ensure no later than January 1, 2026, that all lands described in section 28 (1) of this 2021 Act within the county have baseline level or higher wildfire protection as described in section 28 of this 2021 Act.

WILDFIRE RESPONSE CAPACITY

SECTION 30. (1) The State Forestry Department shall consult and coordinate with federal agencies, private stakeholders and other state agencies to determine the adequacy of state, federal and private wildfire response capacity. The department shall act to facilitate wildfire prevention and wildfire response communication and coordination between federal, state, local and private entities.

(2) The department shall, to the extent practicable, seek to leverage state moneys to obtain an increase in federal wildfire resources available to Oregon for effective initial response purposes.

(3) The department shall consult with the office of the State Fire Marshal and with local fire defense board chiefs to assess the adequacy of available mutual aid to provide wildfire response on wildland-urban interface lands and to identify means for providing additional resources from the state or other entities to enhance wildfire response capacity on wildland-urban interface lands.

(4) The department shall continually identify workforce development needs associated with wildfire risk mitigation and wildfire response and develop funding proposals for meeting those needs on a sustained basis. The identified workforce development needs must align with wildfire risk to provide an adequate level of wildfire protection, as described in ORS 477.062.

(5) The department may enter into cooperative agreements or contracts with a local or private entity for the purpose of assisting the entity to organize for purposes of wildfire risk mitigation or wildfire response, including, but not limited to, facilitating wildfire training and the acquisition of firefighting equipment for the entity and assisting with payment for liability insurance and other administrative expenses of the entity associated with wildfire risk mitigation or wildfire response.

SECTION 30a. The State Fire Marshal may enter into contracts with other states for fire suppression, coordination and response.

WILDLAND-URBAN INTERFACE FIRE PROTECTION

SECTION 31. ORS 477.015 is amended to read:

477.015. [(1)] As used in this section and ORS [477.015 to 477.061] 477.025 and 477.027, unless the context otherwise requires, “[forestland] wildland-urban interface” means an area in which humans or human development meets or intermixes with wildland fuels. [a geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.]

[(2) As used in ORS 477.015 to 477.057, unless the context requires otherwise:]

[(a) “Committee” means a county forestland-urban interface classification committee.]
[(b) “Governing body” means the board of county commissioners or county court of a county, as the case may be.]

SECTION 32. ORS 477.025 is amended to read:

477.025. The Legislative Assembly recognizes that the [forestland] wildland-urban interface in Oregon varies by condition, situation, fire hazard and risk, that different [forestland] wildland-urban interface fire protection problems exist across the state because of this variability, and that these different problems necessitate varied fire prevention and protection practices. [and that, in order to give recognition to such differences and their effect on the accomplishment of the public policy stated in ORS 477.023, certain classifications of the forestland-urban interface within the State of Oregon are established by ORS 477.027 to 477.057.]

SECTION 33. ORS 477.027 is amended to read:

477.027. (1) By administrative rule, the State Board of Forestry shall establish criteria by which the [forestland] wildland-urban interface shall be identified and classified. The criteria shall recognize differences across the state in fire hazard, fire risk and structural characteristics within the [forestland] wildland-urban interface.

(2) The criteria shall include board shall establish not less than three nor more than five classes of [forestland] wildland-urban interface based on the criteria.

(3) The classes must be integrated into the comprehensive statewide map described in section 7 of this 2021 Act.

SECTION 34. ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061 are repealed.

STATE WILDFIRE PROGRAMS DIRECTOR

SECTION 35. (1) The Governor shall appoint a State Wildfire Programs Director to serve at the pleasure of the Governor.

(2) The duties of the director shall include:

(a) Overseeing implementation of requirements and authorization provided by this 2021 Act.

(b) Coordinating and integrate activities of state agencies and other entities that are required or authorized by this 2021 Act in order to optimize the efficiency and effectiveness of the activities.

(c) Ensuring compliance with deadlines set out in this 2021 Act.

(d) Monitoring and assessing any financial impacts of the activities on local jurisdictions and the equity of those financial impacts among the jurisdictions.

(e) Supervising staffing of the Wildfire Programs Advisory Council.

(f) Reporting at least every 60 days to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of relevant committees and interim committees of the Legislative Assembly to summarize progress on implementing the activities, note obstacles and opportunities, catalog possibilities for future improvements to further reduce wildfire risk in this state.

(g) Exploring additional opportunities to reduce wildfire risk, including but not limited to engaging with:

(A) Insurance companies regarding insurance policy coverage provisions, underwriting standards, insurance rates and any other topics relevant to enhancing the protection of
property from wildfire at a reasonable cost.

(B) Electric utilities regarding further actions to protect public safety, reduce risk to
electric company customers and promote electrical system resilience to wildfire damage.

(C) Congressional delegations and federal agencies to expand opportunities for cost-share
partnerships for wildfire mitigation and develop strategies for improvements to federal fire
management policies.

WILDFIRE PROGRAMS ADVISORY COUNCIL

SECTION 36. (1) There is established a Wildfire Programs Advisory Council to advise and
assist the State Wildfire Programs Director by:

(a) Closely monitoring implementation of activities undertaken pursuant to this 2021 Act,
including implementation of aspects of activities that include defensible space, building codes
and land use applications of any comprehensive map of statewide wildfire risk.

(b) Providing advice on needed changes to the activities in order to fulfill the goal of
dramatically reducing wildfire risk in this state and ensuring that regional defensible space,
building codes and land use applications are appropriate.

(c) Developing strategies to ensure promotion of the activities and buy-in from regions
and communities.

(d) Reviewing Department of Land Conservation and Development findings and recom-
mendations in the report required by section 11 of this 2021 Act, identifying the recommend-
ations that the council believes should be advanced to the Legislative Assembly for
consideration in a future legislative session and making additional recommendations related
to needed updates to the statewide land use planning program and local comprehensive plans
and zoning codes to incorporate wildfire risk maps and minimize wildfire risk to people,
public and private property, businesses, infrastructure and natural resources.

(2) The council shall consist of 18 members appointed as follows:

(a) Five members appointed by the Governor with diverse geographic representation.

(b) Five members appointed by the Association of Oregon Counties.

(c) Three members appointed by the League of Oregon Cities.

(d) Two members appointed by the Special Districts Association of Oregon.

(e) Two members appointed by the Oregon Fire Chiefs Association.

(f) One member appointed by the Oregon Fire District Directors Association.

(3) The term of service for each member is three years.

(4) The members are eligible for reappointment.

(5) The council shall elect a chair and vice-chair to serve for one-year terms.

(6) The members shall serve on the council as volunteers and are not entitled to re-
imbursment for expenses.

(7) The Department of Consumer and Business Services, Department of Land Conserva-
tion and Development, Office of the State Fire Marshal and State Forestry Department shall
each provide 0.15 of the time of a full-time equivalent employee to:

(a) Cooperatively staff the council.

(b) Attend council meetings as informational resources.

(c) Assist with drafting reports at the request of the council.

(d) Support the work of the State Wildfire Programs Director.
(8) Each December the council shall submit a report to the Governor and appropriate
committees or interim committees of the Legislative Assembly that describes progress on
implementing program activities related to defensible space, building codes, land use and
community emergency preparedness and that recommends improvements.

SECTION 37. (1) On or before September 1, 2021, members of the Wildfire Programs
Advisory Council must be appointed as described in section 36 (2) of this 2021 Act.
(2) After September 1, 2021, any appointments not made as described in section 36 (2) of
this 2021 Act must be made by the Governor.

SECTION 38. The Wildfire Programs Advisory Council must make the first report de-
scribed in section 36 (8) of this 2021 Act in December 2022.

SECTION 39. (1) The Wildfire Programs Advisory Council shall submit a report on the
recommendations described in section 36 (1)(d) of this 2021 Act to an appropriate committee
or interim committee of the Legislative Assembly, as described in ORS 192.245, on or before
(2) The report shall be in addition to any other report required by section 36 of this 2021
Act.

CONFORMING AMENDMENTS

SECTION 40. For purposes of the sellers' property disclosure statements described in
ORS 105.464, “forestland-urban interface” has the same meaning as “wildland-urban inter-
face,” as defined in ORS 477.015.

SECTION 41. ORS 197.716 is amended to read:

197.716. (1) As used in this section:
(a) “Economic opportunity analysis” means an analysis performed by a county that:
(A) Identifies the major categories of industrial uses or other employment uses that could rea-
sonably be expected to expand or locate in the county based on a review of trends on a national,
state, regional or county level;
(B) Identifies the number of sites by type reasonably expected to be needed to accommodate the
expected employment growth based on the site characteristics typical of expected uses;
(C) Estimates the types and amounts of industrial uses and other employment uses likely to oc-
cur in the county based on subparagraphs (A) and (B) of this paragraph and considering the county’s
economic advantages and disadvantages, including:
(i) Location, size and buying power of markets;
(ii) Availability of transportation facilities for access and freight mobility;
(iii) Public facilities and public services;
(iv) Labor market factors;
(v) Access to suppliers and utilities;
(vi) Necessary support services;
(vii) Limits on development due to federal and state environmental protection laws; and
(viii) Educational and technical training programs;
(D) Assesses community economic development potential through a public process in conjunction
with state agencies and consistent with any categories or particular types of industrial uses and
other employment uses desired by the community as identified in an existing comprehensive plan;
(E) Examines existing firms in the county to identify the types of sites that may require expan-
tion;
(F) Includes an inventory of vacant and developed lands within the county designated for indus-
trial use or other employment use, including:
(i) The description, including site characteristics, of vacant or developed sites within each plan
or zoning district; and
(ii) A description of any development constraints or infrastructure needs that affect the
buildable area of sites in the inventory; and
(G) Identifies additional potential sites for designation and rezoning that could reasonably ac-
 commodate expected industrial uses and other employment uses that cannot be met by existing in-
ventories.
(b) “Industrial use” means industrial employment activities, including manufacturing, assembly,
fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment
and research and development.
(c) “Listed county” means Baker, Gilliam, Grant, Harney, Lake, Malheur, Sherman, Union,
Wallowa or Wheeler County.
(d) “Other employment use” means all nonindustrial employment activities, including small scale
commercial use, wholesale, service, nonprofit, business headquarters, administrative, governmental
or employment activities that serve the medical, educational, social service, recreational or security
industries and that occupy retail, office or flexible building types of any size or multibuilding cam-
puses.
(e) “Reasonably be expected to expand or locate in the county” means that the county possesses
the appropriate locational factors for the use or category of use.
(f)(A) “Small scale commercial use” means the low-impact use of land primarily for the retail
sale of products or services, including offices.
(B) “Small scale commercial use” does not include use of land for factories, warehouses, freight
terminals or wholesale distribution centers.
(2) A listed county that has adopted an economic opportunity analysis as part of its com-pre-
hensive plan may amend its comprehensive plan, land use regulations and zoning map to designate
not more than 10 sites outside an urban growth boundary that cumulatively total not more than 50
acres of land if the sites were identified in any economic opportunity analysis as additional potential
sites for industrial uses or other employment uses in order to allow for industrial uses and other
employment uses without requiring an exception under ORS 197.732 to any statewide land use
planning goals related to:
(a) Agriculture;
(b) Forest use; or
(c) Urbanization.
(3) A county may not designate a site under subsection (2) of this section:
(a) On any lands designated as high-value farmland as defined in ORS 195.300;
(b) Unless the county complies with ORS 197.714; and
(c) If any portion of the proposed site is for lands designated for forest use, unless the county:
(A) Notifies the State Forester in writing not less than 21 days before designating the site; and
(B) Cooperates with the State Forester in:
(i) Updating and classifying [forestland] wildland-urban interface lands in and around the site;
(ii) Taking necessary steps to implement or update the [forestland] wildland-urban interface fire
 protection system in and around the site as described in ORS [477.015 to 477.061] 477.027; and
(iii) Implementing other fire protection measures authorized by the State Forester.

(4) A county may not amend its comprehensive plan, land use regulations or zoning map under this section to allow a use that would conflict with an administrative rule adopted for the purpose of implementing the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

SECTION 42. ORS 205.130 is amended to read:

205.130. The county clerk shall:

(1) Have the custody of, and safely keep and preserve, all files and records of deeds and mortgages of real property and a record of all maps, plats, contracts, powers of attorney and other interests affecting the title to real property required or permitted by law to be recorded.

(2) Record, or cause to be recorded, in a legible and permanent manner, and keep in the office of the county clerk, all:

(a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property required or permitted by law to be recorded;

(b) Certificates of sale of real property under execution or order of court, or assignments of previously recorded certificates or of any interest in real property, when properly acknowledged or proved;

(c) Certified copies of death records of any person appearing in the county records as owning or having a claim or interest in land in the county. A certified copy of a death record recorded in the deed records of a county under this subsection is a public record and is not subject to the disclosure limitations under ORS 432.350;

(d) Instruments presented for recording by the United States or the State of Oregon, or a political subdivision of either, that affect title to or an interest in real property or that lawfully concern real property; and

(e) Instruments recognized under state law or rule or federal law or regulation as affecting title to or an interest in real property if the instrument is properly acknowledged or proved.

[if] Orders from a county forestland-urban interface classification committee filed under ORS 477.052.

(3) Keep and maintain:

(a) Deed and mortgage records;

(b) Statutory lien records;

(c) A record called the County Clerk Lien Record in which the following shall be recorded:

(A) The warrants and orders of officers and agencies that are required or permitted by law to be recorded; and

(B) All instruments presented for recordation when required or permitted by law to be recorded that affect the title to or an interest in real property, other than instruments recorded in the deed and mortgage records or the statutory lien records;

(d) Releases, satisfactions, assignments, amendments and modifications of recorded instruments; and

(e) Other instruments required or permitted by law to be recorded not affecting interests in real property.

(4) Perform all the duties in regard to the recording and indexing of deeds and mortgages of real property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other interests when required or permitted by law to be recorded that affect the title of real property, and
in regard to the entry of satisfaction and discharge of the same, together with other documents re-
quired or permitted by law to be recorded.

(5) Incur no civil or criminal liability, either personally or in an official capacity, for recording
an instrument that does not comply with the provisions of law that require or allow the recording
of the instrument.

SECTION 43. ORS 477.281 is amended to read:

477.281. (1) The obligation of an owner of timberland or grazing land for payment of assessments
and taxes for fire protection of forestland is limited to:

(a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295, 477.760 (4) and 477.880
to maintain the Oregon Forest Land Protection Fund; and

(b) The payment of forest protection district assessments pursuant to ORS 477.060 and 477.205
to 477.281.

(2) As used in this section, “obligation of an owner of timberland or grazing land for payment
of assessments and taxes for fire protection of forestland” does not include the duties or obligations
of the owner under ORS 477.066, 477.068 or 477.120 or the obligations of an owner of land included
in a rural fire protection district pursuant to ORS 478.010.

APPROPRIATIONS

SECTION 44. In addition to and not in lieu of any other appropriation, there is appro-
riated $150,000,000, for the biennium beginning July 1, 2021, out of the General Fund, the
following amounts to the following entities for the following purposes:

(1) The Public Utility Commission for
purposes described in sections
2 and 3 of this 2021 Act .......... $ _____

(2) The State Board of Forestry for
purposes of developing and
maintaining the map described
in section 7 of this 2021 Act ..... $ _____

(3) Oregon State University for the
purpose of collaborating on the
map described in section 7 of
this 2021 Act ......................... $ _____

(4) The State Fire Marshal for the
purpose of activities related
to the community risk reduction
program described in section 9
of this 2021 Act..................... $ _____

(5) The State Fire Marshal for
deposit in the Community Risk
Reduction Fund established by
section 9 of this 2021 Act........... $ _____

(6) The Department of Land
Conservation and Development
for purposes described in
section 11 of this 2021 Act........... $ 

(7) The Department of Consumer and
Business Services for
purposes described in
section 12 of this 2021 Act........... $ 

(8) The Department of Environmental
Quality for purposes
described in section 13 of
this 2021 Act ......................... $ 

(9) The Department of Environmental
Quality for purposes
described in section 13a of
this 2021 Act ......................... $ 

(10) The Department of Environmental
Quality for purposes
described in section 13b of
this 2021 Act ......................... $ 

(11) The Oregon Health Authority
for purposes described in
section 14 of this 2021 Act........ $ 

(12) The Oregon Health Authority
Quality for purposes
for purposes described in
sections 15 and 15a of this
2021 Act............................... $ 

(13) The Office of Emergency
Management for purposes
described in section 17 of
this 2021 Act ......................... $ 

(14) The State Forestry Department
for purposes described in
sections 18 and 20 of this
2021 Act............................... $ 

(15) The State Forestry Department
for the wildfire aviation
program, staffing for fire
protection, department
administration and expansion
of partnership and planning
programs, including the
forest health programs for
activities described in
sections 18, 20, 25
and 30 of this 2021 Act............ $ _____

(16) The Higher Education
Coordiating Commission for
purposes described in section
22 of this 2021 Act ..................... $ _____

(17) The Higher Education
Coordiating Commission for
deposit in the Oregon Wildfire
Workforce Corps Fund
established by section 23 of
this 2021 Act ............................. $ 1,000,000

(18) The Higher Education
Coordiating Commission to
match private donations that
are donated for the purpose
of funding grant-supported
projects related to the
Oregon Wildfire Workforce
Corps Program, up to the
donated amount of $10,000,000.. $ _____

(19) The State Forestry Department
for purposes described in
section 25 of this 2021 Act....... $ _____

(20) The State Board of Forestry
for the purpose of establishing
and implementing the Certified
Burn Manager program described
in ORS 526.360............................ $ _____

(21) The State Forestry Department
for purposes described in
section 28 of this 2021 Act....... $ _____

(22) The State Forestry Department
for purposes of workforce
development needs associated
with wildfire risk mitigation
and response required by
section 30 of this 2021 Act....... $ _____

CAPTIONS

SECTION 45. The unit captions used in this 2021 Act are provided only for the conven-
ience of the reader and do not become part of the statutory law of this state or express any
legislative intent in the enactment of this 2021 Act.
EMERGENCY CLAUSE

SECTION 46. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.