PROPOSED AMENDMENTS TO
SENATE BILL 248

In line 2 of the printed bill, after “wildfire;” delete the rest of the line and insert “creating new provisions; amending ORS 105.464, 197.716, 205.130, 401.025, 477.015, 477.025, 477.027, 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061; and declaring an emergency.”.

Delete lines 4 through 11 and insert:

“TRANSMISSION 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 electric companies as defined in ORS 757.600, consumer-owned utilities as defined in ORS 757.600 and operators of electrical 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) As used in this section, ‘electric company’ has the meaning given that term in ORS 757.600.
“(2) An electric company must have and operate in compliance with a risk-based wildfire protection plan that is based on best practices recommended by the Public Utility Commission and has been evaluated by the commission. The plan must be designed to protect public safety, reduce risk to electric company customers and promote electrical system resilience to wildfire damage.

“(3) An electric company 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 within the service territory of the electric company that are subject to a heightened risk of wildfire.

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

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

“(d) 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 electric company will use to inspect company infrastructure in areas that the company identifies under paragraph (a) of this subsection.

“(f) Describe the procedures, standards and time frames that the electric company will use to carry out vegetation management in areas that the company 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 electric company will use before, during and after a wildfire season.

“(4) The commission, in consultation with the State Forestry Department and local emergency services agencies, shall evaluate a risk-based wildfire protection plan that an electric company submits under this section. The commission shall:

“(a) Approve the submitted plan; or

“(b) Disapprove the submitted plan and inform the electric company of the modifications necessary to obtain approval.

“(5) 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, pole materials, circuitry and monitoring systems.

“(6) Nothing in this section prohibits the recovery of costs deferred under ORS 757.259.

“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 in compliance with a risk-based wildfire mitigation plan approved by the governing body of the utility. The plan must be designed to protect public safety, reduce risk to utility customers and promote electrical system 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. An electric company shall submit the first risk-based wildfire protection plan required of the company under section 3 of this 2021 Act for Public Utility Commission evaluation no later than December 31, 2021.

“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.

“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. The criteria must direct the department to incorporate input from local governments when developing the map.

“(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.

“(3) To inform the map, the department shall identify statewide wildfire risk classes, consistent with ORS 477.027, based on weather, 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, insurance companies 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. The adjustments must incorporate consideration of socially and economically vulnerable communities.

“(6) The State Forestry 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.

“DEFENSIBLE SPACE

“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 being susceptible to wildfire. The State Fire Marshal may establish different minimum defensible space requirements for homes and infrastructure on different types of land. Subject to additional local requirements, a minimum defensible space requirement that the State Fire Marshal establishes for a type of land shall apply statewide for all lands of that type that are in areas identified as susceptible to wildfire. Unless the State Fire Marshal finds good reason to impose different requirements, the State Fire Marshal shall adopt requirements that are consistent with defensible space requirements set forth in International Wildland-Urban Interface Code standards.

“(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 contract with the State Fire Marshal for the local government to 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 consistent with defensible space requirements set forth in International Wildland-Urban Interface Code standards. 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 contracts under subsection (2) of this section to administer and enforce 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 and enforce a program to 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 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.

“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 Wildfire Defensible Space Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Wildfire Defensible Space 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 the local government financial assistance program 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 the establishment, administration and enforcement of defensible space requirements;

"(b) The amount of moneys expended during the year for 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 needs for 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 land use codes that are needed in order to incorporate wildfire risk maps and minimize wildfire risk.

“(2) Updates may include, but need not be limited to, provisions regarding sufficient defensible space, building codes 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 and the Department of Consumer and Business Services.

“(4) The Department of Land Conservation and Development shall complete the actions required by this section on or before December 31, 2022.

“(5) The department shall report to an interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, on or before December 31, 2022. The report must include recommendations concerning the updates.

“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 13. (1) The Environmental Quality Commission shall establish a program to:

“(a) Detect wildfire smoke levels through the use of air quality monitoring stations;

“(b) Evaluate detected wildfire smoke levels to identify public health risks for vulnerable populations;

“(c) Forward wildfire smoke public health risk information to local public health authorities in affected areas; and

“(d) Make wildfire smoke public health risk information available in a timely manner to the public by electronic means.

“(2) The wildfire smoke level monitoring required under this section is in addition to, and not in lieu of, any monitoring requirements applicable to a person in control of an air contamination source under a program and rules adopted under ORS 468A.337.

“(3) The commission shall evaluate public health risks under the program using one of the modelings for health risk evaluation allowed under ORS 468A.337. The commission shall determine the public health risk from wildfire smoke based on the combination of wildfire smoke with any other factors affecting air quality in an area, including, but not limited to, air contamination from other sources.

“(4) The commission shall, to the extent practicable, design the monitoring system to provide timely wildfire smoke information for all areas of this state. However, the commission may give priority to the evaluation of wildfire smoke monitoring information in areas where wildfire smoke levels are elevated or changing and in areas with concentrations of vulnerable populations.

“(5) The commission may enter into agreements with the Oregon Health Authority or other state, federal or local health agencies to
provide information and education to the public regarding:

“(a) Wildfire smoke public health risks;
“(b) The availability of timely information concerning wildfire smoke levels and resulting public health risks; and
“(c) The availability and location of clean air shelters described in section 14 of this 2021 Act.
“(d) This section does not limit the collection, evaluation or dissemination of other air quality monitoring station information in addition to wildfire smoke level information.

“SECTION 14. (1) The Oregon Health Authority shall cooperate with local governments to establish clean air shelters within local communities. If a shelter does not have an air filtration system capable of reducing wildfire smoke components to levels that do not present a public health hazard to vulnerable populations, the authority shall provide and install such a filtration system for the shelter.
“(2) Locations equipped as clean air shelters must be available to the public without charge during periods when wildfire smoke levels present a public health risk. This subsection does not prohibit the authority from requiring that locations equipped as clean air shelters also be available to the public without charge when a public health risk results from air quality issues not associated with wildfire smoke.

“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. The authority may issue grants for the installation of smoke filtration systems in residential buildings, commercial buildings or buildings open to the public in areas susceptible
to wildfire smoke. The authority shall give grant priority to installa-
tions in residential buildings occupied by persons of lower income, as
defined in ORS 456.055, who are vulnerable to the health effects of
wildfire smoke.

“(3) 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 effi-
ciency for the removal of particulates and other harmful substances
generated by wildfires.

“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 mi-
gration of individuals from one part of this state to another or a rapid dis-
placement of individuals if the influx, migration or displacement results from
the type of event or circumstance described in paragraph (a) of this sub-
section.

“(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 and counties, and with adult foster homes, health care facilities and residential facilities, 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.
“REDUCTION OF WILDFIRE DANGER

SECTION 18. (1)(a) The State Forestry Department shall design and implement a program to reduce wildfire danger on public or private forestlands and rangelands through the restoration of landscape resiliency and the reduction of hazardous fuel levels.

(b) The department shall identify, design and oversee the implementation, administration, maintenance and evaluation of projects consistent with the objectives described in this subsection.

(c) In carrying out its functions regarding the projects, the department shall, to the extent practicable, consult and cooperate with state and federal agencies, counties, cities and other units of local government, public and private forestland and rangeland owners, forest collaboratives and other relevant community organizations.

(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, as described in subparagraph (B) of this paragraph, giving priority to projects within the landscapes that are:

(A) In the four highest relative importance categories 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 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) 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
“(f) Engage in careful monitoring of the project sites 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 environ-
mental 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 un-
der federal, state or local laws or rules that pertain to the manage-
ment 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

“(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 January
15, 2022. The report shall include, but need not be limited to:

“(a) An explanation of how project landscapes were selected, a
summary of the projects, a description of initial outcomes from im-
plementation of 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 de-
sign and implementation of 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 govern-
ment, public and private forestland and rangeland owners, forest
collaboratives and other relevant community organizations to identify
and select landscapes for treatment.

“(3)(a) The department shall report its findings and recommen-
dations regarding wildfire danger reduction on forestland and
rangeland, based on information obtained from the projects described
in section 18 of this 2021 Act, to an interim committee of the Legisla-
tive Assembly related to natural resources, in the manner provided by
ORS 192.245, and to the Governor no later than July 15, 2022. The re-
port shall include, but need not be limited to:

“(A) A qualitative and quantitative summary of the project out-
comes 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 miti-
gation of wildfire risk to public values;

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

“(C) A qualitative and quantitative summary of the use of pre-
scribed fire activities for wildfire danger reduction that, at a mini-
mum, 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 the use of pre-
scribed fire;

“(E) Recommendations for creating optimal working relationships
with forest collaboratives and other relevant community organizations
regarding design, implementation and cost recovery for future wildfire
danger 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 danger
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 danger on public or private
forestlands and rangelands.

“CERTIFIED BURN MANAGER PROGRAM

“SECTION 21. ORS 526.360 is amended to read:
“526.360. (1) The State Board of Forestry and the [forester] State
Forester may assist to the extent possible 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 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 may require while there is danger of the fire spreading. The forester may refuse to perform or supervise burning or to issue any burning permit when, in the judgment of the forester, 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 required by subsection (3) of this section 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 required by subsection (3) of this section may establish and impose fees for participation in the program.

“[44] (6) When [any] a burning for any of the purposes stated in subsection (1) of this section on forestland classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and supervised by the forester or a Certified Burn Manager, [no] a person [shall] may not be held liable for property damage resulting from that burning unless the damage is caused by the negligence of the person.

“SECTION 22. By December 1, 2021, the State Board of Forestry shall:
“(1) Consult with the Oregon Prescribed Fire Council concerning best practices for conducting 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 subcommittee 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.

“RESILIENCY GOAL

“SECTION 23. Section 24 of this 2021 Act is added to and made a part of ORS 527.610 to 527.770.
“SECTION 24. (1) It is the policy of this state to maximize forest resiliency, including, but not limited to, the achievement of ecological goals, reduction in fuel loads and reduction in wildfire suppression costs.
“(2) The State Board of Forestry shall adopt rules that maximize forest resiliency through the use of fuel load management on forestlands, including, but not limited to, the use of:
“(a) Managed wildfire;
“(b) Prescribed burns; and
“(c) Commercial and noncommercial harvesting, provided the purpose and effect of the harvesting is wildfire risk reduction and the harvesting only occurs in areas determined to have the highest risk of wildfire.

“FOREST FINANCIAL OVERSIGHT

“SECTION 25. The State Forestry Department shall adopt rules for
the purpose of ensuring efficient and effective funding of wildfire response. Matters addressed by the rules must include, but need not be limited to:

“(1) Means for addressing delays in the receipt of federal payments associated with wildfire costs;

“(2) Department structural changes designed to expedite and standardize the processing of financial transactions associated with wildfire costs;

“(3) Department structural changes to better manage seasonal borrowing costs to support wildfire costs; and

“(4) Department structural changes to facilitate the assignment of additional personnel to wildfire risk mitigation and wildfire response programs when needed.

“SECTION 26. The State Forestry Department shall base the rules adopted under section 25 of this 2021 Act on the recommendations of the Forestry Financial Oversight Team created by the Governor on October 18, 2019. The department shall adopt any rules based on team recommendations publicly reported on or before January 1, 2023, to become effective no later than June 30, 2023.

“SECTION 27. Section 26 of this 2021 Act is repealed January 2, 2024.

“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 suscep-
tible 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 jurisdic-
tions to provide wildfire protection;

“(b) Landowners, individuals, businesses and jurisdictions with ob-
taining expansion of or other changes to boundaries or facility lo-
cations of jurisdictions that provide wildfire protection;

“(c) Jurisdictions to expand or adjust jurisdiction service bounda-
ries to ensure adequate wildfire protection for lands; and

“(d) Jurisdictions in developing wildfire protection facilities, equip-
ment, training and other resources adequate to ensure that the juris-
diction 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 forestland-urban interface lands and to identify means for providing additional resources from the state or other entities to enhance wildfire response capacity on forestland-urban interface lands.

“(4) The department shall identify workforce development needs associated with wildfire risk mitigation and wildfire response and develop funding proposals for meeting those needs on a sustained basis.

“(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.

“WILDLAND-URBAN INTERFACE FIRE PROTECTION

“SECTION 31. ORS 477.015 is amended to read:
“477.015. [(1)] As used in ORS 477.015 [to 477.061], 477.025 and 477.027, unless the context otherwise requires, ‘[forestland] wildland-urban interface’ means [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.] an area in which humans or human development meets or intermixes with wildland fuels.

“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.

“SECTION 35. ORS 105.464 is amended to read:

“105.464. A seller’s property disclosure statement must be in substantially the following form:

“________________________________________________________________________
If required under ORS 105.465, a seller shall deliver in substantially the following form the seller’s property disclosure statement to each buyer who makes a written offer to purchase real property in this state:

__________________________________________________________________________

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. Please refer to the line number(s) of the question(s) when you provide your explanation(s). If you are not claiming an exclusion or refusing to provide the form under ORS 105.475 (4), you should date and sign each page of this disclosure statement and each attachment.

Each seller of residential property described in ORS 105.465 must deliver this form to each buyer who makes a written offer to purchase. Under ORS 105.475 (4), refusal to provide this form gives the buyer the right to revoke their offer at any time prior to closing the transaction. Use only the section(s) of the form that apply to the transaction for which the form is used. If you are claiming an exclusion under ORS 105.470, fill out only Section 1.

An exclusion may be claimed only if the seller qualifies for the exclusion
under the law. If not excluded, the seller must disclose the condition of the
property or the buyer may revoke their offer to purchase anytime prior to
closing the transaction. Questions regarding the legal consequences of the
seller’s choice should be directed to a qualified attorney.

(DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN
EXCLUSION UNDER ORS 105.470)

Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:

You may claim an exclusion under ORS 105.470 only if you qualify under the
statute. If you are not claiming an exclusion, you must fill out Section 2 of
this form completely.

Initial only the exclusion you wish to claim.

_____ This is the first sale of a dwelling never occupied. The dwelling is
constructed or installed under building or installation permit(s) #_____, is-
issued by ________.

_____ This sale is by a financial institution that acquired the property as
custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

_____ The seller is a court appointed receiver, personal representative,
trustee, conservator or guardian.

_____ This sale or transfer is by a governmental agency.

______________________________

Signature(s) of Seller claiming exclusion
Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

(NOT A WARRANTY)
(ORS 105.464)

NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT___________________ ("THE PROPERTY").

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND
PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT 
THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE, 
ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, 
PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR 
PEST AND DRY ROT INSPECTORS.

Seller _____ is/ _____ is not occupying the property.

I. SELLER'S REPRESENTATIONS:

The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer.

*If you mark yes on items with *, attach a copy or explain on an attached sheet.

1. TITLE

A. Do you have legal authority to sell the property? [ ]Yes [ ]No [ ]Unknown

*B. Is title to the property subject to any of the following: [ ]Yes [ ]No [ ]Unknown

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Other listing

(5) Life estate?

*C. Is the property being transferred an
unlawfully established unit of land? [ ]Yes [ ]No [ ]Unknown

*D. Are there any encroachments, boundary agreements, boundary disputes or recent boundary changes? [ ]Yes [ ]No [ ]Unknown

*E. Are there any rights of way, easements, licenses, access limitations or claims that may affect your interest in the property? [ ]Yes [ ]No [ ]Unknown

*F. Are there any agreements for joint maintenance of an easement or right of way? [ ]Yes [ ]No [ ]Unknown

*G. Are there any governmental studies, designations, zoning overlays, surveys or notices that would affect the property? [ ]Yes [ ]No [ ]Unknown

*H. Are there any pending or existing governmental assessments against the property? [ ]Yes [ ]No [ ]Unknown

*I. Are there any zoning violations or nonconforming uses? [ ]Yes [ ]No [ ]Unknown

*J. Is there a boundary survey for the property? [ ]Yes [ ]No [ ]Unknown

*K. Are there any covenants, conditions, restrictions or private assessments that affect the property? [ ]Yes [ ]No [ ]Unknown

*L. Is the property subject to any special tax assessment or tax treatment that may result in levy of additional taxes if the property is sold? [ ]Yes [ ]No [ ]Unknown

2. WATER

A. Household water

(1) The source of the water is (check ALL that apply):

[ ]Public [ ]Community [ ]Private
Other

(2) Water source information:

*a. Does the water source require a water permit? [ ]Yes [ ]No [ ]Unknown

If yes, do you have a permit? [ ]Yes [ ]No

b. Is the water source located on the property? [ ]Yes [ ]No [ ]Unknown

*If not, are there any written agreements for

a shared water source? [ ]Yes [ ]No [ ]Unknown [ ]NA

c. Is there an easement (recorded or unrecorded)

for your access to or maintenance of the water

source? [ ]Yes [ ]No [ ]Unknown

d. If the source of water is from a well or spring,

have you had any of the following in the past

12 months? [ ]Flow test [ ]Bacteria test

[ ]Chemical contents test [ ]Yes [ ]No [ ]Unknown [ ]NA

e. Are there any water source plumbing problems

or needed repairs? [ ]Yes [ ]No [ ]Unknown

(3) Are there any water treatment systems for

the property? [ ]Yes [ ]No [ ]Unknown

[ ]Leased [ ]Owned

B. Irrigation

(1) Are there any [ ] water rights or [ ] other

irrigation rights for the property? [ ]Yes [ ]No [ ]Unknown

*(2) If any exist, has the irrigation water been

used during the last five-year period? [ ]Yes [ ]No [ ]Unknown [ ]NA

*(3) Is there a water rights certificate or other

written evidence available? [ ]Yes [ ]No [ ]Unknown [ ]NA

C. Outdoor sprinkler system

(1) Is there an outdoor sprinkler system for the

property? [ ]Yes [ ]No [ ]Unknown

(2) Has a back flow valve been installed? [ ]Yes [ ]No [ ]Unknown [ ]NA
1. Is the outdoor sprinkler system operable? [ ]Yes [ ]No [ ]Unknown [ ]NA

3. SEWAGE SYSTEM

A. Is the property connected to a public or community sewage system? [ ]Yes [ ]No [ ]Unknown

B. Are there any new public or community sewage systems proposed for the property? [ ]Yes [ ]No [ ]Unknown

C. Is the property connected to an on-site septic system? [ ]Yes [ ]No [ ]Unknown

(1) If yes, when was the system installed? [ ]Unknown [ ]NA

(2) *If yes, was the system installed by permit? [ ]Yes [ ]No [ ]Unknown [ ]NA

(3) *Has the system been repaired or altered? [ ]Yes [ ]No [ ]Unknown

(4) *Has the condition of the system been evaluated and a report issued? [ ]Yes [ ]No [ ]Unknown

(5) Has the septic tank ever been pumped? [ ]Yes [ ]No [ ]Unknown

If yes, when? [ ]NA

(6) Does the system have a pump? [ ]Yes [ ]No [ ]Unknown

(7) Does the system have a treatment unit such as a sand filter or an aerobic unit? [ ]Yes [ ]No [ ]Unknown

(8) *Is a service contract for routine maintenance required for the system? [ ]Yes [ ]No [ ]Unknown

(9) Are all components of the system located on the property? [ ]Yes [ ]No [ ]Unknown

D. *Are there any sewage system problems or needed repairs? [ ]Yes [ ]No [ ]Unknown

E. Does your sewage system require on-site pumping to another level? [ ]Yes [ ]No [ ]Unknown

4. DWELLING INSULATION

A. Is there insulation in the:
5. DWELLING STRUCTURE

A. Has the roof leaked?  [ ]Yes [ ]No [ ]Unknown
  If yes, has it been repaired?  [ ]Yes [ ]No [ ]Unknown [ ]NA

B. Are there any additions, conversions or remodeling?  [ ]Yes [ ]No [ ]Unknown
  If yes, was a building permit required?  [ ]Yes [ ]No [ ]Unknown [ ]NA
  If yes, was a building permit obtained?  [ ]Yes [ ]No [ ]Unknown [ ]NA
  If yes, was final inspection obtained?  [ ]Yes [ ]No [ ]Unknown [ ]NA

C. Are there smoke alarms or detectors?  [ ]Yes [ ]No [ ]Unknown

D. Are there carbon monoxide alarms?  [ ]Yes [ ]No [ ]Unknown

E. Is there a woodstove or fireplace insert included in the sale?  [ ]Yes [ ]No [ ]Unknown
  *If yes, what is the make?  __________
  *If yes, was it installed with a permit?  [ ]Yes [ ]No [ ]Unknown
  *If yes, is a certification label issued by the United States Environmental Protection Agency (EPA) or the Department of Environmental Quality (DEQ) affixed to it?  [ ]Yes [ ]No [ ]Unknown

F. Has pest and dry rot, structural or “whole house” inspection been done within the last three years?  [ ]Yes [ ]No [ ]Unknown

G. Are there any moisture problems, areas of water penetration, mildew odors or other moisture conditions (especially in the basement)?  [ ]Yes [ ]No [ ]Unknown
*If yes, explain on attached sheet the frequency and extent of problem and any insurance claims, repairs or remediation done.

H. Is there a sump pump on the property? [ ]Yes [ ]No [ ]Unknown

I. Are there any materials used in the construction of the structure that are or have been the subject of a recall, class action suit, settlement or litigation? [ ]Yes [ ]No [ ]Unknown

If yes, what are the materials? __________

(1) Are there problems with the materials? [ ]Yes [ ]No [ ]Unknown [ ]NA
(2) Are the materials covered by a warranty? [ ]Yes [ ]No [ ]Unknown [ ]NA
(3) Have the materials been inspected? [ ]Yes [ ]No [ ]Unknown [ ]NA
(4) Have there ever been claims filed for these materials by you or by previous owners? [ ]Yes [ ]No [ ]Unknown [ ]NA

If yes, when? __________

(5) Was money received? [ ]Yes [ ]No [ ]Unknown [ ]NA
(6) Were any of the materials repaired or replaced? [ ]Yes [ ]No [ ]Unknown [ ]NA

6. DWELLING SYSTEMS AND FIXTURES

If the following systems or fixtures are included in the purchase price, are they in good working order on the date this form is signed?

A. Electrical system, including wiring, switches, outlets and service [ ]Yes [ ]No [ ]Unknown

B. Plumbing system, including pipes, faucets, fixtures and toilets [ ]Yes [ ]No [ ]Unknown

C. Water heater tank [ ]Yes [ ]No [ ]Unknown

D. Garbage disposal [ ]Yes [ ]No [ ]Unknown [ ]NA

E. Built-in range and oven [ ]Yes [ ]No [ ]Unknown [ ]NA
F. Built-in dishwasher  [ ]Yes  [ ]No  [ ]Unknown  [ ]NA

G. Sump pump  [ ]Yes  [ ]No  [ ]Unknown  [ ]NA

H. Heating and cooling systems  [ ]Yes  [ ]No  [ ]Unknown  [ ]NA

I. Security system  [ ]Owned  [ ]Leased  [ ]Yes  [ ]No  [ ]Unknown  [ ]NA

J. Are there any materials or products used in the systems and fixtures that are or have been the subject of a recall, class action suit settlement or litigation?  [ ]Yes  [ ]No  [ ]Unknown

If yes, what product? ____________________________

10. (1) Are there problems with the product?  [ ]Yes  [ ]No  [ ]Unknown

11. (2) Is the product covered by a warranty?  [ ]Yes  [ ]No  [ ]Unknown

12. (3) Has the product been inspected?  [ ]Yes  [ ]No  [ ]Unknown

13. (4) Have claims been filed for this product by you or by previous owners?  [ ]Yes  [ ]No  [ ]Unknown

If yes, when? ____________________________

16. (5) Was money received?  [ ]Yes  [ ]No  [ ]Unknown

17. (6) Were any of the materials or products repaired or replaced?  [ ]Yes  [ ]No  [ ]Unknown

7. COMMON INTEREST

A. Is there a Home Owners’ Association

[ ]Yes  [ ]No  [ ]Unknown

Name of Association or Other Governing Entity

Contact Person ____________________________

Address ____________________________

Phone Number ____________________________

B. Regular periodic assessments: $_____

per [ ]Month [ ]Year [ ]Other ________

*C. Are there any pending or proposed special
assessments? [ ]Yes [ ]No [ ]Unknown

D. Are there shared “common areas” or joint
maintenance agreements for facilities like
walls, fences, pools, tennis courts, walkways
or other areas co-owned in undivided interest
with others? [ ]Yes [ ]No [ ]Unknown

E. Is the Home Owners’ Association or other
governing entity a party to pending litigation
or subject to an unsatisfied judgment? [ ]Yes [ ]No [ ]Unknown [ ]NA

F. Is the property in violation of recorded
covenants, conditions and restrictions or in
violation of other bylaws or governing rules,
whether recorded or not? [ ]Yes [ ]No [ ]Unknown [ ]NA

8. SEISMIC

Was the house constructed before 1974? [ ]Yes [ ]No [ ]Unknown
If yes, has the house been bolted to its
foundation? [ ]Yes [ ]No [ ]Unknown

9. GENERAL

A. Are there problems with settling, soil,
standing water or drainage on the property
or in the immediate area? [ ]Yes [ ]No [ ]Unknown

B. Does the property contain fill? [ ]Yes [ ]No [ ]Unknown

C. Is there any material damage to the property or
any of the structure(s) from fire, wind, floods,
beach movements, earthquake, expansive soils
or landslides? [ ]Yes [ ]No [ ]Unknown

D. Is the property in a designated floodplain? [ ]Yes [ ]No [ ]Unknown

Note: Flood insurance may be required for
homes in a floodplain.

E. Is the property in a designated slide or other geologic hazard zone? [ ]Yes [ ]No [ ]Unknown

*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water? [ ]Yes [ ]No [ ]Unknown

G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property? [ ]Yes [ ]No [ ]Unknown

H. Has the property ever been used as an illegal drug manufacturing or distribution site? [ ]Yes [ ]No [ ]Unknown

*If yes, was a Certificate of Fitness issued? [ ]Yes [ ]No [ ]Unknown

*I. Has the property been classified as [forestland] wildland-urban interface? [ ]Yes [ ]No [ ]Unknown

10. FULL DISCLOSURE BY SELLERS

*A. Are there any other material defects affecting this property or its value that a prospective buyer should know about? [ ]Yes [ ]No

*If yes, describe the defect on attached sheet and explain the frequency and extent of the problem and any insurance claims, repairs or remediation.

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy of this disclosure statement. I/we authorize my/our agents to deliver a copy of this disclosure statement to all prospective buyers of the property or their agents.

Seller(s) signature:
II. BUYER’S ACKNOWLEDGMENT

A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects that are known to me/us or can be known by me/us by utilizing diligent attention and observation.

B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or of any real estate licensee engaged by the seller or buyer. A financial institution or real estate licensee is not bound by and has no liability with respect to any representation, misrepresentation, omission, error or inaccuracy contained in another party’s disclosure statement required by this section or any amendment to the disclosure statement.

C. Buyer (which term includes all persons signing the “buyer’s acknowledgment” portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller’s signature(s).

DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER’S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER
HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY DISCLOSURE STATEMENT.

BUYER ___________________________ DATE ________________

BUYER ___________________________ DATE ________________

Agent receiving disclosure statement on buyer's behalf to sign and date:

__________________________ Real Estate Licensee

__________________________ Real Estate Firm

Date received by agent ________

" ____________________________________________________________________________

“SECTION 36. 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 reasonably 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 occur 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 expansion;

“(F) Includes an inventory of vacant and developed lands within the county designated for industrial 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 accommodate expected industrial uses and other employment uses that cannot be met by existing inventories.

“(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 campuses.

“(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 comprehensive 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 37. 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[; and].

“[(f) 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 required 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 38. 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 39. In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of $20,000,000, which may be expended by the department for establishing new programs under this 2021 Act.

“SECTION 40. There is appropriated to the State Board of Forestry, for the biennium beginning July 1, 2021, out of the General Fund, the amount of $_____ for the purpose of developing and maintaining the map required by section 7 of this 2021 Act.

“SECTION 41. There is appropriated to the State Board of Forestry, for the biennium beginning July 1, 2021, out of the General Fund, the amount of $_____ for the purpose of establishing and implementing the Certified Burn Manager program described in ORS 526.360.

“CAPTIONS

“SECTION 42. The unit captions used in this 2021 Act are provided only for the convenience 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

“SECTION 43. 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.”.