

SB 248-1  
(LC 2708)  
3/5/21 (AG/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY

**PROPOSED AMENDMENTS TO  
SENATE BILL 248**

1 In line 2 of the printed bill, after “wildfire;” delete the rest of the line  
2 and insert “creating new provisions; amending ORS 105.464, 197.716, 205.130,  
3 401.025, 477.015, 477.025, 477.027, 477.281 and 526.360; repealing ORS 477.017,  
4 477.018, 477.023, 477.029, 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and  
5 477.061; and declaring an emergency.”.

6 Delete lines 4 through 11 and insert:  
7

8 **“TRANSMISSION SYSTEM PLANS**

9  
10 **“SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made**  
11 **a part of ORS chapter 757.**

12 **“SECTION 2. The Public Utility Commission shall periodically con-**  
13 **vene workshops for the purpose of helping electric companies as de-**  
14 **defined in ORS 757.600, consumer-owned utilities as defined in ORS**  
15 **757.600 and operators of electrical distribution systems to develop and**  
16 **share information for the identification, adoption and carrying out of**  
17 **best practices regarding wildfires, including, but not limited to, risk-**  
18 **based wildfire protection and risk-based wildfire mitigation procedures**  
19 **and standards.**

20 **“SECTION 3. (1) As used in this section, ‘electric company’ has the**  
21 **meaning given that term in ORS 757.600.**

1       **“(2) An electric company must have and operate in compliance with**  
2 **a risk-based wildfire protection plan that is based on best practices**  
3 **recommended by the Public Utility Commission and has been evalu-**  
4 **ated by the commission. The plan must be designed to protect public**  
5 **safety, reduce risk to electric company customers and promote elec-**  
6 **trical system resilience to wildfire damage.**

7       **“(3) An electric company shall regularly update a risk-based wildfire**  
8 **protection plan on a schedule determined by the commission. The plan**  
9 **must, at a minimum:**

10       **“(a) Identify areas within the service territory of the electric com-**  
11 **pany that are subject to a heightened risk of wildfire.**

12       **“(b) Identify a means for mitigating wildfire risk that is cost effec-**  
13 **tive and reflects a reasonable balancing of mitigation costs with the**  
14 **resulting reduction of wildfire risk.**

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

18       **“(d) Identify a protocol for the deenergizing of power lines and ad-**  
19 **justing of power system operations to mitigate wildfires, promote the**  
20 **safety of the public and first responders and preserve health and**  
21 **communication infrastructure.**

22       **“(e) Describe the procedures, standards and time frames that the**  
23 **electric company will use to inspect company infrastructure in areas**  
24 **that the company identifies under paragraph (a) of this subsection.**

25       **“(f) Describe the procedures, standards and time frames that the**  
26 **electric company will use to carry out vegetation management in areas**  
27 **that the company identifies under paragraph (a) of this subsection.**

28       **“(g) Identify the development, implementation and administration**  
29 **costs for the plan.**

30       **“(h) Identify the community outreach and public awareness efforts**

1 that the electric company will use before, during and after a wildfire  
2 season.

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

7 “(a) Approve the submitted plan; or

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

10 “(5) The commission shall adopt rules for the implementation of  
11 this section. The rules may include, but need not be limited to, pro-  
12 cedures and standards regarding vegetation management, pole mate-  
13 rials, circuitry and monitoring systems.

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

16 “SECTION 4. (1) As used in this section, ‘consumer-owned utility’  
17 and ‘governing body’ have the meanings given those terms in ORS  
18 757.600.

19 “(2) A consumer-owned utility must have and operate in compliance  
20 with a risk-based wildfire mitigation plan approved by the governing  
21 body of the utility. The plan must be designed to protect public safety,  
22 reduce risk to utility customers and promote electrical system  
23 resilience to wildfire damage.

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

27 “(4) A consumer-owned utility shall conduct a wildfire risk assess-  
28 ment of utility facilities. The utility shall review and revise the as-  
29 sessment on a schedule the governing body deems consistent with  
30 prudent utility practices.

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

5       “SECTION 5. An electric company shall submit the first risk-based  
6 wildfire protection plan required of the company under section 3 of  
7 this 2021 Act for Public Utility Commission evaluation no later than  
8 December 31, 2021.

9       “SECTION 6. A consumer-owned utility shall submit the first risk-  
10 based wildfire mitigation plan required under section 4 of this 2021 Act  
11 to the utility governing body no later than June 30, 2022.

12  
13                               “STATEWIDE MAP OF WILDFIRE RISK

14  
15       “SECTION 7. (1) The State Board of Forestry shall establish by rule  
16 criteria by which the State Forestry Department must develop and  
17 maintain the map described in subsection (2) of this section using the  
18 most current wildfire assessments. The criteria must direct the de-  
19 partment to incorporate input from local governments when develop-  
20 ing the map.

21       “(2) The department shall oversee the development and mainte-  
22 nance of a comprehensive statewide map of wildfire risk. The map  
23 must:

24       “(a) Be based on wildfire risk classes identified pursuant to sub-  
25 section (3) of this section.

26       “(b) Be sufficiently detailed to allow the assessment of wildfire risk  
27 at the property-ownership level.

28       “(c) Include the boundaries of the wildland-urban interface, as de-  
29 fined in ORS 477.015, consistent with national standards.

30       “(d) Be used to populate an Oregon Explorer Wildfire Risk Portal.

1 **The portal must be the official wildfire planning and risk classification**  
2 **mapping tool for the State of Oregon.**

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

6 **“(4) To develop and maintain the map, the department shall col-**  
7 **laborate with Oregon State University, other state agencies, the State**  
8 **Fire Marshal, local governments, federally recognized Indian tribes in**  
9 **this state, other public bodies, insurance companies and any other**  
10 **information sources that the department deems appropriate.**

11 **“(5) In maintaining the map, the department shall make technical**  
12 **and other adjustments as needed over time. The adjustments must**  
13 **incorporate consideration of socially and economically vulnerable**  
14 **communities.**

15 **“(6) The State Forestry Department shall make the map accessible**  
16 **to the public in electronic form.**

17 **“(7) The department shall provide technical assistance to represen-**  
18 **tatives of state and local government that use the map.**

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

24 **“(2) On or before June 30, 2022, the department must finish all**  
25 **actions required of the department by section 7 of this 2021 Act.**

26

27 **“DEFENSIBLE SPACE**

28

29 **“SECTION 8. (1) The State Fire Marshal shall establish minimum**  
30 **defensible space requirements for wildfire risk reduction on lands in**

1 areas identified on the map described in section 7 of this 2021 Act as  
2 being susceptible to wildfire. The State Fire Marshal may establish  
3 different minimum defensible space requirements for homes and  
4 infrastructure on different types of land. Subject to additional local  
5 requirements, a minimum defensible space requirement that the State  
6 Fire Marshal establishes for a type of land shall apply statewide for  
7 all lands of that type that are in areas identified as susceptible to  
8 wildfire. Unless the State Fire Marshal finds good reason to impose  
9 different requirements, the State Fire Marshal shall adopt require-  
10 ments that are consistent with defensible space requirements set forth  
11 in International Wildland-Urban Interface Code standards.

12 “(2) Except as otherwise provided in this subsection or subsection  
13 (3) of this section, the State Fire Marshal may administer and enforce  
14 the minimum defensible space requirements established under sub-  
15 section (1) of this section that are applicable to the lands within the  
16 jurisdiction of a local government. A local government may contract  
17 with the State Fire Marshal for the local government to administer  
18 and enforce the minimum defensible space requirements established  
19 by the State Fire Marshal within the jurisdiction of the local govern-  
20 ment.

21 “(3) A local government may adopt and enforce local requirements  
22 for defensible space on lands that are greater than the minimum  
23 defensible space requirements established by the State Fire Marshal.  
24 Any local requirements that a local government adopts for defensible  
25 space must be consistent with defensible space requirements set forth  
26 in International Wildland-Urban Interface Code standards. If a local  
27 government adopts local requirements under this subsection, within  
28 the jurisdiction of the local government the State Fire Marshal may  
29 administer and enforce the minimum defensible space requirements  
30 established by the State Fire Marshal under subsection (1) of this

1 section and the local government may enforce requirements adopted  
2 under this subsection that are greater than the minimum defensible  
3 space requirements established by the State Fire Marshal. The State  
4 Fire Marshal and the local government shall coordinate any inspection  
5 and enforcement efforts described in this subsection.

6 “(4) If a local government contracts under subsection (2) of this  
7 section to administer and enforce minimum defensible space require-  
8 ments established by the State Fire Marshal within the jurisdiction  
9 of the local government, the local government shall periodically report  
10 to the State Fire Marshal regarding whether lands within the juris-  
11 diction of the local government are in compliance with the applicable  
12 minimum defensible space requirements. The reports shall state the  
13 extent of compliance for each property, the change in degree of com-  
14 pliance since the previous report and any other information required  
15 by the State Fire Marshal by rule. In addition to requiring periodic  
16 reports, the State Fire Marshal may at any time require a local gov-  
17 ernment to report the defensible space conditions for any lands on  
18 which minimum defensible space requirements are enforced by the  
19 local government.

20 “(5) The State Fire Marshal shall administer and enforce a program  
21 to provide financial, administrative, technical or other assistance to  
22 a local government to facilitate the administration and enforcement  
23 of minimum defensible space requirements within the jurisdiction of  
24 the local government. A local government shall expend financial as-  
25 sistance provided by the State Fire Marshal under this subsection to  
26 give priority to the creation of defensible space on lands owned by  
27 members of socially and economically vulnerable communities, per-  
28 sons with limited proficiency in English and persons of lower income  
29 as defined in ORS 456.055.

30 “SECTION 8a. The State Fire Marshal shall establish minimum

1 defensible space requirements for wildfire risk reduction on lands in  
2 areas identified on the map described in section 7 of this section on  
3 or before December 31, 2022.

4 **“SECTION 9.** The Wildfire Defensible Space Fund is established in  
5 the State Treasury, separate and distinct from the General Fund. In-  
6 terest earned by the Wildfire Defensible Space Fund shall be credited  
7 to the fund. Moneys in the fund are continuously appropriated to the  
8 State Fire Marshal for the purpose of carrying out the local govern-  
9 ment financial assistance program described in section 8 of this 2021  
10 Act.

11 **“SECTION 10.** (1) The State Fire Marshal shall annually report re-  
12 garding the status of State Fire Marshal and local government activ-  
13 ities for carrying out section 8 of this 2021 Act to the Legislative  
14 Assembly in the manner provided in ORS 192.245 on or before the date  
15 of convening of the regular session of the Legislative Assembly as  
16 specified in ORS 171.010.

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

18 **“(a)** A status report regarding the establishment, administration  
19 and enforcement of defensible space requirements;

20 **“(b)** The amount of moneys expended during the year for the es-  
21 tablishment, administration or enforcement of defensible space re-  
22 quirements;

23 **“(c)** The amount of moneys expended during the year for the sup-  
24 pression of fires on wildland urban interface lands; and

25 **“(d)** Any recommendations of the State Fire Marshal for legislative  
26 action, including, but not limited to, current or future resource needs  
27 for establishing, administering or enforcing defensible space require-  
28 ments.

29

30

**“LAND USE**



1       **“SECTION 11. (1) The Department of Land Conservation and De-**  
2 **velopment shall identify updates to the statewide land use planning**  
3 **program and local land use codes that are needed in order to incor-**  
4 **porate wildfire risk maps and minimize wildfire risk.**

5       **“(2) Updates may include, but need not be limited to, provisions**  
6 **regarding sufficient defensible space, building codes and development**  
7 **considerations in areas of high wildfire risk, allowing for regional dif-**  
8 **ferences.**

9       **“(3) As necessary to identify needed updates and develop the rec-**  
10 **ommendations required by subsection (5) of this section, the depart-**  
11 **ment may consult with the State Fire Marshal, the State Forestry**  
12 **Department and the Department of Consumer and Business Services.**

13       **“(4) The Department of Land Conservation and Development shall**  
14 **complete the actions required by this section on or before December**  
15 **31, 2022.**

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

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

25       **“(2) The department shall incorporate the standards described in**  
26 **subsection (1) of this section into any updates to the Oregon residen-**  
27 **tial specialty code.**

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

30

1                                   **“HEALTH SYSTEMS FOR SMOKE**

2  
3           **“SECTION 13. (1) The Environmental Quality Commission shall es-**  
4 **tablish a program to:**

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

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

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

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

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

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

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

29           **“(5) The commission may enter into agreements with the Oregon**  
30 **Health Authority or other state, federal or local health agencies to**

1 provide information and education to the public regarding:

2 “(a) Wildfire smoke public health risks;

3 “(b) The availability of timely information concerning wildfire  
4 smoke levels and resulting public health risks; and

5 “(c) The availability and location of clean air shelters described in  
6 section 14 of this 2021 Act.

7 “(6) This section does not limit the collection, evaluation or dis-  
8 semination of other air quality monitoring station information in ad-  
9 dition to wildfire smoke level information.

10 “SECTION 14. (1) The Oregon Health Authority shall cooperate with  
11 local governments to establish clean air shelters within local commu-  
12 nities. If a shelter does not have an air filtration system capable of  
13 reducing wildfire smoke components to levels that do not present a  
14 public health hazard to vulnerable populations, the authority shall  
15 provide and install such a filtration system for the shelter.

16 “(2) Locations equipped as clean air shelters must be available to  
17 the public without charge during periods when wildfire smoke levels  
18 present a public health risk. This subsection does not prohibit the  
19 authority from requiring that locations equipped as clean air shelters  
20 also be available to the public without charge when a public health  
21 risk results from air quality issues not associated with wildfire smoke.

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

25 “(2) The Oregon Health Authority shall establish a program to in-  
26 crease the availability of smoke filtration systems among persons  
27 vulnerable to the health effects of wildfire smoke who reside in areas  
28 susceptible to wildfire smoke. The authority may issue grants for the  
29 installation of smoke filtration systems in residential buildings, com-  
30 mercial buildings or buildings open to the public in areas susceptible

1 to wildfire smoke. The authority shall give grant priority to installa-  
2 tions in residential buildings occupied by persons of lower income, as  
3 defined in ORS 456.055, who are vulnerable to the health effects of  
4 wildfire smoke.

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

10  
11 “EMERGENCY RESPONSE AND DISASTER RECOVERY

12  
13 “SECTION 16. ORS 401.025 is amended to read:

14 “401.025. As used in this chapter:

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

18 “(a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud  
19 slides, drought, earthquake, volcanic activity, tsunamis or other oceanic  
20 phenomena, spills or releases of oil or hazardous material as defined in ORS  
21 466.605, contamination, utility or transportation emergencies, disease, blight,  
22 infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

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

28 “(2) ‘Emergency service agency’ means an organization within a local  
29 government that performs essential services for the public’s benefit before,  
30 during or after an emergency, such as law enforcement, fire control, health,

1 medical and sanitation services, public works and engineering, public infor-  
2 mation and communications.

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

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

13 “(5) ‘Major disaster’ means any event defined as a ‘major disaster’ under  
14 42 U.S.C. 5122(2).

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

21 **“(2) The office shall coordinate with cities and counties, and with  
22 adult foster homes, health care facilities and residential facilities, to  
23 establish local or private procedures to prepare for emergencies related  
24 to wildfire and ensure that local efforts to prevent, respond to or re-  
25 cover from an emergency caused by wildfire are conducted in a man-  
26 ner consistent with the plan developed by the office to prepare for or  
27 respond to wildfire emergencies. The coordinated activities may in-  
28 clude, but need not be limited to, providing training, carrying out ex-  
29 ercises and promoting community education.**

30

1                                   **“REDUCTION OF WILDFIRE DANGER**

2  
3           **“SECTION 18. (1)(a) The State Forestry Department shall design**  
4 **and implement a program to reduce wildfire danger on public or pri-**  
5 **ivate forestlands and rangelands through the restoration of landscape**  
6 **resiliency and the reduction of hazardous fuel levels.**

7           **“(b) The department shall identify, design and oversee the imple-**  
8 **mentation, administration, maintenance and evaluation of projects**  
9 **consistent with the objectives described in this subsection.**

10          **“(c) In carrying out its functions regarding the projects, the de-**  
11 **partment shall, to the extent practicable, consult and cooperate with**  
12 **state and federal agencies, counties, cities and other units of local**  
13 **government, public and private forestland and rangeland owners, for-**  
14 **est collaboratives and other relevant community organizations.**

15          **“(2) The department shall:**

16          **“(a) In collaboration with the Oregon State University Extension**  
17 **Service and other entities, identify strategic landscapes that are ready**  
18 **for treatment, as described in subparagraph (B) of this paragraph,**  
19 **giving priority to projects within the landscapes that are:**

20          **“(A) In the four highest relative importance categories identified in**  
21 **the United States Forest Service report titled ‘Pacific Northwest**  
22 **Quantitative Wildfire Risk Assessment: Methods and Results’ and**  
23 **dated April 9, 2018;**

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

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

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

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

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

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

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

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

10       **“(e) Affirmatively seek, and enhance opportunities for, collab-**  
11 **oration from stakeholders holding a wide variety of perspectives re-**  
12 **garding forest and rangeland management and opportunities for**  
13 **significant involvement by communities in proximity to project sites;**  
14 **and**

15       **“(f) Engage in careful monitoring of the project sites to produce**  
16 **useful information on which to base recommendations to the Legisla-**  
17 **tive Assembly.**

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

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

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

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

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

29       **“(e) Designated critical habitat for species listed as threatened or**  
30 **endangered under the Endangered Species Act of 1973 (P.L. 93-205) or**

1 by the State Fish and Wildlife Commission under ORS 496.172, unless  
2 commercial thinning is already allowed under an existing environ-  
3 mental review or recognized habitat recovery plan; or

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

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

9 “SECTION 19. Section 18 of this 2021 Act does not expand, diminish  
10 or otherwise affect a right, privilege, duty or function established un-  
11 der federal, state or local laws or rules that pertain to the manage-  
12 ment of private lands in this state.

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

16 “(2) The department shall report regarding progress in carrying out  
17 projects under section 18 of this 2021 Act to an interim committee of  
18 the Legislative Assembly related to natural resources, in the manner  
19 provided by ORS 192.245, and to the Governor no later than January  
20 15, 2022. The report shall include, but need not be limited to:

21 “(a) An explanation of how project landscapes were selected, a  
22 summary of the projects, a description of initial outcomes from im-  
23 plementation of the requirements established by section 18 of this 2021  
24 Act, anticipated time frames for completion of the projects and any  
25 initial recommendations concerning landscape identification and de-  
26 sign and implementation of the requirements established by section  
27 18 of this 2021 Act;

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

30 “(c) A summary of outreach and coordination with relevant federal



1 and state agencies, counties, cities and other units of local govern-  
2 ment, public and private forestland and rangeland owners, forest  
3 collaboratives and other relevant community organizations to identify  
4 and select landscapes for treatment.

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

12 “(A) A qualitative and quantitative summary of the project out-  
13 comes that, at a minimum, states the number of acres treated, the  
14 treatment actions carried out and any resulting or anticipated changes  
15 in landscape conditions related to enhanced resiliency or the miti-  
16 gation of wildfire risk to public values;

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

19 “(C) A qualitative and quantitative summary of the use of pre-  
20 scribed fire activities for wildfire danger reduction that, at a mini-  
21 mum, states the number of acres burned and any resulting or  
22 anticipated changes in landscape conditions related to enhanced  
23 resiliency or the mitigation of wildfire risk to public values;

24 “(D) The identification of existing disincentives to the use of pre-  
25 scribed fire;

26 “(E) Recommendations for creating optimal working relationships  
27 with forest collaboratives and other relevant community organizations  
28 regarding design, implementation and cost recovery for future wildfire  
29 danger reduction projects;

30 “(F) A description of the funding source types and amounts secured

1 by the department as matching funds to carry out projects; and  
2 “(G) Recommendations for investment in future wildfire danger  
3 reduction projects to be carried out in the 2023-2025 biennium;  
4 “(b) In developing the report required under this subsection, the  
5 department shall work in coordination with federal land management  
6 agencies, institutions of higher education and third parties to develop  
7 consistent performance measurements and condition-based metrics for  
8 monitoring and communicating the effectiveness of state investments  
9 and project actions in reducing wildfire danger on public or private  
10 forestlands and rangelands.

11  
12 “CERTIFIED BURN MANAGER PROGRAM

13  
14 “SECTION 21. ORS 526.360 is amended to read:

15 “526.360. (1) The State Board of Forestry and the [*forester*] **State**  
16 **Forester** may assist to the extent possible in developing, for forestry,  
17 grazing or agricultural uses, all forestland classified pursuant to ORS 526.328  
18 or 526.340 for such uses, including the burning of brush or other flammable  
19 material for the purpose of:

20 “(a) Removing a fire hazard to any property;

21 “(b) Preparing seed beds;

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

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

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

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

30 “(2) Upon request of the owner or the agent of the owner of any

1 forestland classified pursuant to ORS 526.328 or 526.340, the forester may  
2 perform or supervise burning operations thereon for any of the purposes  
3 stated in subsection (1) of this section. The owner or the agent of the owner  
4 shall supply such personnel and equipment and shall perform such fire con-  
5 trol actions and activities as the forester may require while there is danger  
6 of the fire spreading. The forester may refuse to perform or supervise burning  
7 or to issue any burning permit when, in the judgment of the forester, con-  
8 ditions so warrant.

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

12 “(4) The rules **required by subsection (3) of this section** shall include:

13 “(a) Certification standards, requirements and procedures;

14 “(b) Standards, requirements and procedures to revoke certification;

15 “(c) Actions and activities that a Certified Burn Manager must perform;

16 “(d) Actions and activities that a Certified Burn Manager may not allow  
17 or perform;

18 “(e) Limitations on the use of a Certified Burn Manager; and

19 “(f) Any other standard, requirement or procedure that the board consid-  
20 ers necessary for the safe and effective administration of the program.

21 “(5) **The rules required by subsection (3) of this section may estab-**  
22 **lish and impose fees for participation in the program.**

23 “[~~(4)~~] (6) When [*any*] a burning for any of the purposes stated in sub-  
24 section (1) of this section on forestland classified pursuant to ORS 526.328  
25 or 526.340 is started under the supervision of and supervised by the forester  
26 or a Certified Burn Manager, [*no*] a person [*shall*] **may not** be **held** liable  
27 for property damage resulting from that burning unless the damage is caused  
28 by the negligence of the person.

29 “**SECTION 22. By December 1, 2021, the State Board of Forestry**  
30 **shall:**

1       **“(1) Consult with the Oregon Prescribed Fire Council concerning**  
2 **best practices for conducting the Certified Burn Manager program**  
3 **described in ORS 526.360;**

4       **“(2) Initiate rulemaking to establish the program; and**

5       **“(3) Report in the manner provided in ORS 192.245 to an appropriate**  
6 **committee or subcommittee of the Legislative Assembly on progress**  
7 **the board has made in establishing and implementing the program and**  
8 **when the board expects to launch the program.**

9  
10                               **“RESILIENCY GOAL**

11  
12       **“SECTION 23. Section 24 of this 2021 Act is added to and made a**  
13 **part of ORS 527.610 to 527.770.**

14       **“SECTION 24. (1) It is the policy of this state to maximize forest**  
15 **resiliency, including, but not limited to, the achievement of ecological**  
16 **goals, reduction in fuel loads and reduction in wildfire suppression**  
17 **costs.**

18       **“(2) The State Board of Forestry shall adopt rules that maximize**  
19 **forest resiliency through the use of fuel load management on**  
20 **forestlands, including, but not limited to, the use of:**

21       **“(a) Managed wildfire;**

22       **“(b) Prescribed burns; and**

23       **“(c) Commercial and noncommercial harvesting, provided the pur-**  
24 **pose and effect of the harvesting is wildfire risk reduction and the**  
25 **harvesting only occurs in areas determined to have the highest risk**  
26 **of wildfire.**

27  
28                               **“FOREST FINANCIAL OVERSIGHT**

29  
30       **“SECTION 25. The State Forestry Department shall adopt rules for**

1 the purpose of ensuring efficient and effective funding of wildfire re-  
2 sponse. Matters addressed by the rules must include, but need not be  
3 limited to:

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

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

9 “(3) Department structural changes to better manage seasonal bor-  
10 rowing costs to support wildfire costs; and

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

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

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

21

22 **“PROTECTED AREAS**

23

24 **“SECTION 28.** (1) The State Forester, in collaboration with the  
25 State Fire Marshal, state agencies and local governments as defined  
26 in ORS 174.116, shall adopt rules establishing baseline levels of wildfire  
27 protection for lands that are outside of forest protection districts and  
28 susceptible to wildfire. When establishing the baseline levels for lands,  
29 the State Forester shall ensure that the levels are adapted to reflect  
30 regional conditions. A county, in collaboration with the State Forester

1 and the State Fire Marshal, may work to ensure that all lands within  
2 the county that are outside of forest protection districts and suscep-  
3 tible to wildfire are provided with wildfire protection services at the  
4 applicable baseline level or a higher level. As used in this subsection,  
5 ‘forest protection districts’ means lands designated in State Forester  
6 rules as provided under ORS 477.225.

7 “(2) A county, in collaboration with the State Forester and the  
8 State Fire Marshal, may assist:

9 “(a) Landowners, individuals and businesses with forming jurisdic-  
10 tions to provide wildfire protection;

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

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

16 “(d) Jurisdictions in developing wildfire protection facilities, equip-  
17 ment, training and other resources adequate to ensure that the juris-  
18 diction provides timely and effective wildfire protection at the baseline  
19 level or higher on lands described in subsection (1) of this section  
20 throughout the jurisdiction.

21 “(3) The State Forester may provide financial assistance to counties  
22 for carrying out county duties under subsection (2) of this section  
23 from any funds made available to the State Forester and designated  
24 for that purpose.

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

29

30

## “WILDFIRE RESPONSE CAPACITY

1       **“SECTION 30. (1) The State Forestry Department shall consult and**  
2 **coordinate with federal agencies, private stakeholders and other state**  
3 **agencies to determine the adequacy of state, federal and private**  
4 **wildfire response capacity. The department shall act to facilitate**  
5 **wildfire prevention and wildfire response communication and coordi-**  
6 **nation between federal, state, local and private entities.**

7       **“(2) The department shall, to the extent practicable, seek to lever-**  
8 **age state moneys to obtain an increase in federal wildfire resources**  
9 **available to Oregon for effective initial response purposes.**

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

16       **“(4) The department shall identify workforce development needs**  
17 **associated with wildfire risk mitigation and wildfire response and de-**  
18 **velop funding proposals for meeting those needs on a sustained basis.**

19       **“(5) The department may enter into cooperative agreements or**  
20 **contracts with a local or private entity for the purpose of assisting the**  
21 **entity to organize for purposes of wildfire risk mitigation or wildfire**  
22 **response, including, but not limited to, facilitating wildfire training**  
23 **and the acquisition of firefighting equipment for the entity and as-**  
24 **sisting with payment for liability insurance and other administrative**  
25 **expenses of the entity associated with wildfire risk mitigation or**  
26 **wildfire response.**

27  
28               **“WILDLAND-URBAN INTERFACE FIRE PROTECTION**  
29

30       **“SECTION 31. ORS 477.015 is amended to read:**

1 “477.015. [(1)] As used in ORS 477.015 [to 477.061], **477.025 and 477.027**,  
2 unless the context otherwise requires, ‘[forestland] **wildland**-urban  
3 interface’ means [a geographic area of forestland inside a forest protection  
4 district where there exists a concentration of structures in an urban or subur-  
5 ban setting.]

6 “[2) As used in ORS 477.015 to 477.057, unless the context requires other-  
7 wise:]

8 “[a) ‘Committee’ means a county forestland-urban interface classification  
9 committee.]

10 “[b) ‘Governing body’ means the board of county commissioners or county  
11 court of a county, as the case may be.] **an area in which humans or human**  
12 **development meets or intermixes with wildland fuels.**

13 **“SECTION 32.** ORS 477.025 is amended to read:

14 “477.025. The Legislative Assembly recognizes that the [forestland]  
15 **wildland**-urban interface in Oregon varies by condition, situation, fire haz-  
16 ard and risk, that different [forestland] **wildland**-urban interface fire pro-  
17 tection problems exist across the state because of this variability, **and** that  
18 these different problems necessitate varied fire prevention and protection  
19 practices. [and that, in order to give recognition to such differences and their  
20 effect on the accomplishment of the public policy stated in ORS 477.023, certain  
21 classifications of the forestland-urban interface within the State of Oregon are  
22 established by ORS 477.027 to 477.057.]

23 **“SECTION 33.** ORS 477.027 is amended to read:

24 “477.027. (1) By administrative rule, the State Board of Forestry shall  
25 establish criteria by which the [forestland] **wildland**-urban interface shall  
26 be identified and classified. The criteria shall recognize differences across  
27 the state in fire hazard, fire risk and structural characteristics within the  
28 [forestland] **wildland**-urban interface.

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



1 **the criteria.**

2 **“(3) The classes must be integrated into the comprehensive state-**  
3 **wide map described in section 7 of this 2021 Act.**

4 **“SECTION 34. ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052,**  
5 **477.054, 477.057, 477.059, 477.060 and 477.061 are repealed.**

6 **“SECTION 35. ORS 105.464 is amended to read:**

7 **“105.464. A seller’s property disclosure statement must be in substantially**  
8 **the following form:**

9 **“** \_\_\_\_\_  
10 **If required under ORS 105.465, a seller shall deliver in substantially the fol-**  
11 **lowing form the seller’s property disclosure statement to each buyer who**  
12 **makes a written offer to purchase real property in this state:**

13 \_\_\_\_\_  
14 **INSTRUCTIONS TO THE SELLER**

15  
16 **Please complete the following form. Do not leave any spaces blank. Please**  
17 **refer to the line number(s) of the question(s) when you provide your**  
18 **explanation(s). If you are not claiming an exclusion or refusing to provide**  
19 **the form under ORS 105.475 (4), you should date and sign each page of this**  
20 **disclosure statement and each attachment.**

21  
22 **Each seller of residential property described in ORS 105.465 must deliver this**  
23 **form to each buyer who makes a written offer to purchase. Under ORS**  
24 **105.475 (4), refusal to provide this form gives the buyer the right to revoke**  
25 **their offer at any time prior to closing the transaction. Use only the**  
26 **section(s) of the form that apply to the transaction for which the form is**  
27 **used. If you are claiming an exclusion under ORS 105.470, fill out only Sec-**  
28 **tion 1.**

29  
30 **An exclusion may be claimed only if the seller qualifies for the exclusion**

1 under the law. If not excluded, the seller must disclose the condition of the  
2 property or the buyer may revoke their offer to purchase anytime prior to  
3 closing the transaction. Questions regarding the legal consequences of the  
4 seller's choice should be directed to a qualified attorney.

5 \_\_\_\_\_  
6 **(DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN**  
7 **EXCLUSION UNDER ORS 105.470)**

8  
9 **Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:**

10  
11 You may claim an exclusion under ORS 105.470 only if you qualify under the  
12 statute. If you are not claiming an exclusion, you must fill out Section 2 of  
13 this form completely.

14  
15 Initial only the exclusion you wish to claim.

16  
17 \_\_\_\_\_ This is the first sale of a dwelling never occupied. The dwelling is  
18 constructed or installed under building or installation permit(s) #\_\_\_\_\_, is-  
19 sued by \_\_\_\_\_.

20  
21 \_\_\_\_\_ This sale is by a financial institution that acquired the property as  
22 custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

23  
24 \_\_\_\_\_ The seller is a court appointed receiver, personal representative,  
25 trustee, conservator or guardian.

26  
27 \_\_\_\_\_ This sale or transfer is by a governmental agency.

28  
29 \_\_\_\_\_  
30 Signature(s) of Seller claiming exclusion

1 Date \_\_\_\_\_

2

3 \_\_\_\_\_

4 Buyer(s) to acknowledge Seller's claim

5

Date \_\_\_\_\_

6 \_\_\_\_\_

7 (IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST  
8 FILL OUT THIS SECTION.)

9

10 Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

11

12 (NOT A WARRANTY)

13

14 (ORS 105.464)

15

16 NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE  
17 MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE  
18 PROPERTY LOCATED AT \_\_\_\_\_ ("THE PROPERTY").

19

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

29

30 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC  
CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND

1 PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT  
2 THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE,  
3 ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS,  
4 PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPEC-  
5 TORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR  
6 PEST AND DRY ROT INSPECTORS.

7

8 Seller \_\_\_\_\_ is/ \_\_\_\_\_ is not occupying the property.

9

10 I. SELLER'S REPRESENTATIONS:

11

12 The following are representations made by the seller and are not the re-  
13 presentations of any financial institution that may have made or may make  
14 a loan pertaining to the property, or that may have or take a security in-  
15 terest in the property, or any real estate licensee engaged by the seller or  
16 the buyer.

17

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

20

21 1. TITLE

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

23 \*B. Is title to the property subject to any of the

24 following: [ ]Yes [ ]No [ ]Unknown

25 (1) First right of refusal

26 (2) Option

27 (3) Lease or rental agreement

28 (4) Other listing

29 (5) Life estate?

30 \*C. Is the property being transferred an

- 1 unlawfully established unit of land?  ]Yes  ]No  ]Unknown
- 2 \*D. Are there any encroachments, boundary  
3 agreements, boundary disputes or recent  
4 boundary changes?  ]Yes  ]No  ]Unknown
- 5 \*E. Are there any rights of way, easements,  
6 licenses, access limitations or claims that  
7 may affect your interest in the property?  ]Yes  ]No  ]Unknown
- 8 \*F. Are there any agreements for joint  
9 maintenance of an easement or right of way?  ]Yes  ]No  ]Unknown
- 10 \*G. Are there any governmental studies, designations,  
11 zoning overlays, surveys or notices that would  
12 affect the property?  ]Yes  ]No  ]Unknown
- 13 \*H. Are there any pending or existing governmental  
14 assessments against the property?  ]Yes  ]No  ]Unknown
- 15 \*I. Are there any zoning violations or  
16 nonconforming uses?  ]Yes  ]No  ]Unknown
- 17 \*J. Is there a boundary survey for the  
18 property?  ]Yes  ]No  ]Unknown
- 19 \*K. Are there any covenants, conditions,  
20 restrictions or private assessments that  
21 affect the property?  ]Yes  ]No  ]Unknown
- 22 \*L. Is the property subject to any special tax  
23 assessment or tax treatment that may result  
24 in levy of additional taxes if the property  
25 is sold?  ]Yes  ]No  ]Unknown

26

27 2. WATER

28 A. Household water

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

30  ]Public  ]Community  ]Private

1             Other \_\_\_\_\_

2    (2) Water source information:

3    \*a. Does the water source require a water permit?     Yes    No    Unknown

4            If yes, do you have a permit?                             Yes    No

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

6            \*If not, are there any written agreements for

7            a shared water source?     Yes    No    Unknown    NA

8    \*c. Is there an easement (recorded or unrecorded)

9            for your access to or maintenance of the water

10           source?     Yes    No    Unknown

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

12            have you had any of the following in the past

13            12 months?  Flow test  Bacteria test

14             Chemical contents test     Yes    No    Unknown    NA

15    \*e. Are there any water source plumbing problems

16            or needed repairs?     Yes    No    Unknown

17    (3) Are there any water treatment systems for

18            the property?     Yes    No    Unknown

19             Leased  Owned

20    B. Irrigation

21    (1) Are there any  water rights or  other

22            irrigation rights for the property?     Yes    No    Unknown

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

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

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

26            written evidence available?     Yes    No    Unknown    NA

27    C. Outdoor sprinkler system

28    (1) Is there an outdoor sprinkler system for the

29            property?     Yes    No    Unknown

30    (2) Has a back flow valve been installed?     Yes    No    Unknown    NA

- 1 (3) Is the outdoor sprinkler system operable? [ ]Yes [ ]No [ ]Unknown [ ]NA  
2
- 3 3. SEWAGE SYSTEM
- 4 A. Is the property connected to a public or  
5 community sewage system? [ ]Yes [ ]No [ ]Unknown
- 6 B. Are there any new public or community sewage  
7 systems proposed for the property? [ ]Yes [ ]No [ ]Unknown
- 8 C. Is the property connected to an on-site septic  
9 system? [ ]Yes [ ]No [ ]Unknown
- 10 (1) If yes, when was the system installed? \_\_\_\_\_ [ ]Unknown [ ]NA
- 11 (2) \*If yes, was the system installed by permit? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 12 (3) \*Has the system been repaired or altered? [ ]Yes [ ]No [ ]Unknown
- 13 (4) \*Has the condition of the system been  
14 evaluated and a report issued? [ ]Yes [ ]No [ ]Unknown
- 15 (5) Has the septic tank ever been pumped? [ ]Yes [ ]No [ ]Unknown  
16 If yes, when? \_\_\_\_\_ [ ]NA
- 17 (6) Does the system have a pump? [ ]Yes [ ]No [ ]Unknown
- 18 (7) Does the system have a treatment unit such  
19 as a sand filter or an aerobic unit? [ ]Yes [ ]No [ ]Unknown
- 20 (8) \*Is a service contract for routine  
21 maintenance required for the system? [ ]Yes [ ]No [ ]Unknown
- 22 (9) Are all components of the system located on  
23 the property? [ ]Yes [ ]No [ ]Unknown
- 24 D. \*Are there any sewage system problems or  
25 needed repairs? [ ]Yes [ ]No [ ]Unknown
- 26 E. Does your sewage system require on-site  
27 pumping to another level? [ ]Yes [ ]No [ ]Unknown  
28
- 29 4. DWELLING INSULATION
- 30 A. Is there insulation in the:

1 (1) Ceiling? [ ]Yes [ ]No [ ]Unknown

2 (2) Exterior walls? [ ]Yes [ ]No [ ]Unknown

3 (3) Floors? [ ]Yes [ ]No [ ]Unknown

4 B. Are there any defective insulated doors or

5 windows? [ ]Yes [ ]No [ ]Unknown

6

7 5. DWELLING STRUCTURE

8 \*A. Has the roof leaked? [ ]Yes [ ]No [ ]Unknown

9 If yes, has it been repaired? [ ]Yes [ ]No [ ]Unknown [ ]NA

10 B. Are there any additions, conversions or

11 remodeling? [ ]Yes [ ]No [ ]Unknown

12 If yes, was a building permit required? [ ]Yes [ ]No [ ]Unknown [ ]NA

13 If yes, was a building permit obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA

14 If yes, was final inspection obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA

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

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

17 E. Is there a woodstove or fireplace

18 insert included in the sale? [ ]Yes [ ]No [ ]Unknown

19 \*If yes, what is the make? \_\_\_\_\_

20 \*If yes, was it installed with a permit? [ ]Yes [ ]No [ ]Unknown

21 \*If yes, is a certification label issued by the

22 United States Environmental Protection

23 Agency (EPA) or the Department of

24 Environmental Quality (DEQ) affixed to it? [ ]Yes [ ]No [ ]Unknown

25 \*F. Has pest and dry rot, structural or

26 “whole house” inspection been done

27 within the last three years? [ ]Yes [ ]No [ ]Unknown

28 \*G. Are there any moisture problems, areas of water

29 penetration, mildew odors or other moisture

30 conditions (especially in the basement)? [ ]Yes [ ]No [ ]Unknown



1           \*If yes, explain on attached sheet the frequency  
2           and extent of problem and any insurance claims,  
3           repairs or remediation done.

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

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

9           If yes, what are the materials? \_\_\_\_\_

10 (1) Are there problems with the materials?            ]Yes    ]No    ]Unknown    ]NA

11 (2) Are the materials covered by a warranty?            ]Yes    ]No    ]Unknown    ]NA

12 (3) Have the materials been inspected?            ]Yes    ]No    ]Unknown    ]NA

13 (4) Have there ever been claims filed for these  
14           materials by you or by previous owners?            ]Yes    ]No    ]Unknown    ]NA

15           If yes, when? \_\_\_\_\_

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

17 (6) Were any of the materials repaired or  
18           replaced?            ]Yes    ]No    ]Unknown    ]NA

19

20 6. DWELLING SYSTEMS AND FIXTURES

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

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

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

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

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

30 E. Built-in range and oven            ]Yes    ]No    ]Unknown    ]NA

- 1 F. Built-in dishwasher [ ]Yes [ ]No [ ]Unknown [ ]NA
- 2 G. Sump pump [ ]Yes [ ]No [ ]Unknown [ ]NA
- 3 H. Heating and cooling systems [ ]Yes [ ]No [ ]Unknown [ ]NA
- 4 I. Security system [ ]Owned [ ]Leased [ ]Yes [ ]No [ ]Unknown [ ]NA
- 5 J. Are there any materials or products used in
- 6 the systems and fixtures that are or have
- 7 been the subject of a recall, class action
- 8 suit settlement or litigation? [ ]Yes [ ]No [ ]Unknown
- 9 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
- 14 by you or by previous owners? [ ]Yes [ ]No [ ]Unknown
- 15 If yes, when? \_\_\_\_\_
- 16 (5) Was money received? [ ]Yes [ ]No [ ]Unknown
- 17 (6) Were any of the materials or products repaired
- 18 or replaced? [ ]Yes [ ]No [ ]Unknown
- 19
- 20 7. COMMON INTEREST
- 21 A. Is there a Home Owners' Association
- 22 or other governing entity? [ ]Yes [ ]No [ ]Unknown
- 23 Name of Association or Other Governing
- 24 Entity \_\_\_\_\_
- 25 Contact Person \_\_\_\_\_
- 26 Address \_\_\_\_\_
- 27 Phone Number \_\_\_\_\_
- 28 B. Regular periodic assessments: \$\_\_\_\_\_
- 29 per [ ]Month [ ]Year [ ]Other \_\_\_\_\_
- 30 \*C. Are there any pending or proposed special

1 assessments? [ ]Yes [ ]No [ ]Unknown

2 D. Are there shared “common areas” or joint

3 maintenance agreements for facilities like

4 walls, fences, pools, tennis courts, walkways

5 or other areas co-owned in undivided interest

6 with others? [ ]Yes [ ]No [ ]Unknown

7 E. Is the Home Owners’ Association or other

8 governing entity a party to pending litigation

9 or subject to an unsatisfied judgment? [ ]Yes [ ]No [ ]Unknown [ ]NA

10 F. Is the property in violation of recorded

11 covenants, conditions and restrictions or in

12 violation of other bylaws or governing rules,

13 whether recorded or not? [ ]Yes [ ]No [ ]Unknown [ ]NA

14

15 8. SEISMIC

16 Was the house constructed before 1974? [ ]Yes [ ]No [ ]Unknown

17 If yes, has the house been bolted to its

18 foundation? [ ]Yes [ ]No [ ]Unknown

19

20 9. GENERAL

21 A. Are there problems with settling, soil,

22 standing water or drainage on the property

23 or in the immediate area? [ ]Yes [ ]No [ ]Unknown

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

25 C. Is there any material damage to the property or

26 any of the structure(s) from fire, wind, floods,

27 beach movements, earthquake, expansive soils

28 or landslides? [ ]Yes [ ]No [ ]Unknown

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

30 Note: Flood insurance may be required for

1 homes in a floodplain.

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

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

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

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

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

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

16

17 10. FULL DISCLOSURE BY SELLERS

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

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

24 B. Verification:

25 The foregoing answers and attached explanations (if any) are complete and correct to  
26 the best of my/our knowledge and I/we have received a copy of this disclosure statement.

27 I/we authorize my/our agents to deliver a copy of this disclosure statement to all  
28 prospective buyers of the property or their agents.

29

30 Seller(s) signature:

1           SELLER \_\_\_\_\_ DATE \_\_\_\_\_

2

3           SELLER \_\_\_\_\_ DATE \_\_\_\_\_

4 \_\_\_\_\_

5

6 **II. BUYER'S ACKNOWLEDGMENT**

7

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

11

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

22

23 C. Buyer (which term includes all persons signing the "buyer's acknowledg-  
24 ment" portion of this disclosure statement below) hereby acknowledges re-  
25 ceipt of a copy of this disclosure statement (including attachments, if any)  
26 bearing seller's signature(s).

27

28 **DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED**  
29 **BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE**  
30 **OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER**

1 HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE  
2 FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE  
3 STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEP-  
4 ARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE  
5 SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU  
6 WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE  
7 AGREEMENT.

8  
9 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS  
10 SELLER'S PROPERTY DISCLOSURE STATEMENT.

11  
12 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

13  
14 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

15  
16 Agent receiving disclosure statement on buyer's behalf to sign and date:

17  
18 \_\_\_\_\_ Real Estate Licensee

19  
20 \_\_\_\_\_ Real Estate Firm

21  
22 Date received by agent \_\_\_\_\_

23 “ \_\_\_\_\_

24 **“SECTION 36.** ORS 197.716 is amended to read:

25 “197.716. (1) As used in this section:

26 “(a) ‘Economic opportunity analysis’ means an analysis performed by a  
27 county that:

28 “(A) Identifies the major categories of industrial uses or other employ-  
29 ment uses that could reasonably be expected to expand or locate in the  
30 county based on a review of trends on a national, state, regional or county

1 level;

2 “(B) Identifies the number of sites by type reasonably expected to be  
3 needed to accommodate the expected employment growth based on the site  
4 characteristics typical of expected uses;

5 “(C) Estimates the types and amounts of industrial uses and other em-  
6 ployment uses likely to occur in the county based on subparagraphs (A) and  
7 (B) of this paragraph and considering the county’s economic advantages and  
8 disadvantages, including:

9 “(i) Location, size and buying power of markets;

10 “(ii) Availability of transportation facilities for access and freight mobil-  
11 ity;

12 “(iii) Public facilities and public services;

13 “(iv) Labor market factors;

14 “(v) Access to suppliers and utilities;

15 “(vi) Necessary support services;

16 “(vii) Limits on development due to federal and state environmental pro-  
17 tection laws; and

18 “(viii) Educational and technical training programs;

19 “(D) Assesses community economic development potential through a pub-  
20 lic process in conjunction with state agencies and consistent with any cate-  
21 gories or particular types of industrial uses and other employment uses  
22 desired by the community as identified in an existing comprehensive plan;

23 “(E) Examines existing firms in the county to identify the types of sites  
24 that may require expansion;

25 “(F) Includes an inventory of vacant and developed lands within the  
26 county designated for industrial use or other employment use, including:

27 “(i) The description, including site characteristics, of vacant or developed  
28 sites within each plan or zoning district; and

29 “(ii) A description of any development constraints or infrastructure needs  
30 that affect the buildable area of sites in the inventory; and

1 “(G) Identifies additional potential sites for designation and rezoning that  
2 could reasonably accommodate expected industrial uses and other employ-  
3 ment uses that cannot be met by existing inventories.

4 “(b) ‘Industrial use’ means industrial employment activities, including  
5 manufacturing, assembly, fabrication, processing, storage, logistics, ware-  
6 housing, importation, distribution and transshipment and research and de-  
7 velopment.

8 “(c) ‘Listed county’ means Baker, Gilliam, Grant, Harney, Lake, Malheur,  
9 Sherman, Union, Wallowa or Wheeler County.

10 “(d) ‘Other employment use’ means all nonindustrial employment activ-  
11 ities, including small scale commercial use, wholesale, service, nonprofit,  
12 business headquarters, administrative, governmental or employment activ-  
13 ities that serve the medical, educational, social service, recreational or se-  
14 curity industries and that occupy retail, office or flexible building types of  
15 any size or multibuilding campuses.

16 “(e) ‘Reasonably be expected to expand or locate in the county’ means  
17 that the county possesses the appropriate locational factors for the use or  
18 category of use.

19 “(f)(A) ‘Small scale commercial use’ means the low-impact use of land  
20 primarily for the retail sale of products or services, including offices.

21 “(B) ‘Small scale commercial use’ does not include use of land for facto-  
22 ries, warehouses, freight terminals or wholesale distribution centers.

23 “(2) A listed county that has adopted an economic opportunity analysis  
24 as part of its comprehensive plan may amend its comprehensive plan, land  
25 use regulations and zoning map to designate not more than 10 sites outside  
26 an urban growth boundary that cumulatively total not more than 50 acres  
27 of land if the sites were identified in any economic opportunity analysis as  
28 additional potential sites for industrial uses or other employment uses in  
29 order to allow for industrial uses and other employment uses without re-  
30 quiring an exception under ORS 197.732 to any statewide land use planning



1 goals related to:

2 “(a) Agriculture;

3 “(b) Forest use; or

4 “(c) Urbanization.

5 “(3) A county may not designate a site under subsection (2) of this sec-  
6 tion:

7 “(a) On any lands designated as high-value farmland as defined in ORS  
8 195.300;

9 “(b) Unless the county complies with ORS 197.714; and

10 “(c) If any portion of the proposed site is for lands designated for forest  
11 use, unless the county:

12 “(A) Notifies the State Forester in writing not less than 21 days before  
13 designating the site; and

14 “(B) Cooperates with the State Forester in:

15 “(i) Updating and classifying [*forestland*] **wildland**-urban interface lands  
16 in and around the site;

17 “(ii) Taking necessary steps to implement or update the [*forestland*]  
18 **wildland**-urban interface fire protection system in and around the site as  
19 described in ORS [477.015 to 477.061] **477.027**; and

20 “(iii) Implementing other fire protection measures authorized by the State  
21 Forester.

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

26 “**SECTION 37.** ORS 205.130 is amended to read:

27 “205.130. The county clerk shall:

28 “(1) Have the custody of, and safely keep and preserve, all files and re-  
29 cords of deeds and mortgages of real property and a record of all maps, plats,  
30 contracts, powers of attorney and other interests affecting the title to real

1 property required or permitted by law to be recorded.

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

4 “(a) Deeds and mortgages of real property, powers of attorney and con-  
5 tracts affecting the title to real property, authorized by law to be recorded,  
6 assignments thereof and of any interest therein when properly acknowledged  
7 or proved and other interests affecting the title to real property required or  
8 permitted by law to be recorded;

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

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

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

20 “(e) Instruments recognized under state law or rule or federal law or  
21 regulation as affecting title to or an interest in real property if the instru-  
22 ment is properly acknowledged or proved[; *and*].

23 “[*f*] *Orders from a county forestland-urban interface classification commit-*  
24 *tee filed under ORS 477.052.*]

25 “(3) Keep and maintain:

26 “(a) Deed and mortgage records;

27 “(b) Statutory lien records;

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

30 “(A) The warrants and orders of officers and agencies that are required

1 or permitted by law to be recorded; and

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

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

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

10 “(4) Perform all the duties in regard to the recording and indexing of  
11 deeds and mortgages of real property, contracts, abstracts of judgments, no-  
12 tices of pendency, powers of attorney and other interests when required or  
13 permitted by law to be recorded that affect the title of real property, and in  
14 regard to the entry of satisfaction and discharge of the same, together with  
15 other documents required or permitted by law to be recorded.

16 “(5) Incur no civil or criminal liability, either personally or in an official  
17 capacity, for recording an instrument that does not comply with the pro-  
18 visions of law that require or allow the recording of the instrument.

19 **“SECTION 38.** ORS 477.281 is amended to read:

20 “477.281. (1) The obligation of an owner of timberland or grazing land for  
21 payment of assessments and taxes for fire protection of forestland is limited  
22 to:

23 “(a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295,  
24 477.760 (4) and 477.880 to maintain the Oregon Forest Land Protection Fund;  
25 and

26 “(b) The payment of forest protection district assessments pursuant to  
27 ORS [477.060 and] 477.205 to 477.281.

28 “(2) As used in this section, ‘obligation of an owner of timberland or  
29 grazing land for payment of assessments and taxes for fire protection of  
30 forestland’ does not include the duties or obligations of the owner under ORS

1 477.066, 477.068 or 477.120 or the obligations of an owner of land included in  
2 a rural fire protection district pursuant to ORS 478.010.

3

4

#### **“APPROPRIATIONS**

5

6 **“SECTION 39.** In addition to and not in lieu of any other appropri-  
7 ation, there is appropriated to the State Forestry Department, for the  
8 biennium beginning July 1, 2021, out of the General Fund, the amount  
9 of \$20,000,000, which may be expended by the department for estab-  
10 lishing new programs under this 2021 Act.

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

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

19

20

#### **“CAPTIONS**

21

22 **“SECTION 42.** The unit captions used in this 2021 Act are provided  
23 only for the convenience of the reader and do not become part of the  
24 statutory law of this state or express any legislative intent in the  
25 enactment of this 2021 Act.

26

27

#### **“EMERGENCY**

28

29 **“SECTION 43.** This 2021 Act being necessary for the immediate  
30 preservation of the public peace, health and safety, an emergency is

1 **declared to exist, and this 2021 Act takes effect on its passage.”.**

2

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