

SB 80 A -A10 STAFF MEASURE SUMMARY**Joint Committee On Ways and Means**

Prepared By: Matt Stayner, Budget Analyst

Meeting Dates: 6/9

WHAT THE MEASURE DOES:

Modifies the **statewide wildfire map name** to include a reference to "hazard" rather than to "risk." Specifies that the **purposes of the map** are to educate Oregon residents and property owners about their wildfire exposure by providing transparent and science-based information, to assist in prioritizing fire adaptation and mitigation resources for the most vulnerable locations, and to identify where defensible space standards and home hardening codes will apply. Changes the **five statewide wildfire risk classes to four statewide wildfire hazard zones**, eliminating the "no risk" classification. Directs the Oregon Department of Forestry (ODF) to only provide **notice of hazard zone assignment** to property owners whose property is assigned to an extreme or high hazard zone within the wildland-urban interface, and specifies notice contents and required review by the Wildfire Programs Advisory Council. Specifies that **process to appeal** assignment of extreme or high hazard zone assignment is a contested case under the Administrative Procedures Act. Requires ODF and Oregon State University to provide for **robust community engagement** through a process that: ensures that the underlying criteria for assigning hazard zones are publicly available and comprehensible to a public audience; is interactive and does not consist solely of delivering information in a top-down manner; and is coordinated with local partners, including counties, relevant state agencies, and the Wildfire Programs Advisory Council. Requires ODF to meet with **county commissioners and their staff** in eight in-person meetings throughout the state during the mapping process and before the map is released to ensure local characteristics in each area of the state are considered. Requires ODF, when the map is released but before final publication, to accept public comment on the map and to meet with county commissioners upon request for one additional opportunity to discuss concerns and potential changes related to the map. Directs state agencies to **use the map layer of socially and economically vulnerable communities** to direct resources for wildfire hazard reduction and wildfire resiliency to those most in need, and to assist with identifying communities for extensive targeted engagement and outreach. Specifies outreach requirements. Allows for financial assistance to be provided to members of socially and economically vulnerable communities for **defensible space efforts** on land where they reside, rather than land that they own. Requires that the **statewide map be completed and released expeditiously** following required collaboration. Establishes a **Landscape Resiliency Fund** to continuously appropriate moneys to ODF for landscape resilience projects. Authorizes the Landscape Resiliency Fund and the Community Risk Reduction Fund to receive gifts, grants, donations, endowments, or bequests from any public or private sources. Allows nonprofits and faith-based organizations to establish **emergency spaces for cleaner air**, warming, or cooling under a Department of Human Services (DHS) grant program. Clarifies that DHS support for entities operating and planning cleaner air, warming, or cooling spaces includes the provision of technical expertise, equipment, staff assistance, training, and general assistance. Requires that the President of the Senate and Speaker of the House of Representatives must wait at least seven days, rather than 30 days, before **appointing a member of the Wildfire Programs Advisory Council**. Directs the Department of the State Fire Marshal (DSFM), in collaboration with the Department of Consumer and Business Services (DCBS), to establish the **Wildfire Home Preparedness Program**, a grant program to facilitate retrofitting existing dwellings and accessory structures, as well as the building of new dwellings and accessory structures following a wildfire event, to be resistant and resilient to wildfire. Requires DCBS to publish a list of, and determine the relative cost-effectiveness of, eligible retrofits and materials that reduce the vulnerability of structures. Requires DSFM to **award grants with a preference** for: persons who live in extreme or

high wildfire hazard zones; persons in socially and economically vulnerable communities; low-income persons who have demonstrated financial need; persons whose homes have been destroyed or significantly damaged by a declared wildfire event; applications that are relatively cost effective; and applications that have the potential to leverage federal or private funds. Authorizes DSFM to adopt rules for implementation, in consultation with specified entities, and requires grantees and grant administrators to report to DSFM on the use of grant moneys. **Appropriates \$10 million** to DSFM for the grant program. Declares emergency, effective July 1, 2023.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A10 The A10 amendments make several changes to the A engrossed version of the bill resulting in SB 80 containing provision that revise existing statute regarding the statewide wildfire hazard map, changing the name and number of zone classifications, specifying a new community engagement process, and directing use of the map by state agencies. Several sections are included that make conforming amendments related to the wildlife hazard map changes.

The Landscape Resiliency Fund is established with monies in the fund continually appropriated to the Oregon Department of Forestry. A modification to the Community Risk Reduction Fund is included to allow additional funding sources to be deposited in the fund. The measure also expands grantee types for the Department of Human Services existing clean air, warming, and cooling shelter grant program, permitting grants to go to nonprofits and faith-based organizations, and for grants to be used for non-public buildings.

A Prescribed Fire Liability Pilot Program is established, administered by the Oregon Department of Forestry. The Prescribed Fire Claims Fund in the Department of Consumer and Business Services.

Appropriations and fiscal expenditure provisions are included in the amendment that include:

- General Fund appropriations to the Oregon Department of Forestry for costs associated with update of the wildfire hazard map and for administration of the Prescribed Fire Liability Pilot Program totaling \$592,037
- A General Fund appropriation of \$5 million to the Department of Consumer and Business Services for deposit in the Prescribed Fire Claims Fund, and associated expenditure limitation for the purposes of paying claims for losses arising from a prescribed fire or cultural burn.
- General Fund appropriations to the Higher Education Coordinating Commission for distribution to Oregon State University for updates to the wildfire hazard map.
- A General Fund appropriation to the State Fire marshal of \$3 million for deposit in the Community Risk Reduction Fund, and associated expenditure limitation from the fund.

BACKGROUND:

In 2021, the Legislative Assembly enacted Senate Bill 762, a wide-ranging wildfire law that invested in dozens of programs and initiatives that aligned with three key strategies: creating fire-adapted communities, increasing the resiliency of Oregon's landscapes, and developing safer and more effective wildfire response.

One provision of the law directs the Oregon Department of Forestry and Oregon State University to collaboratively produce a comprehensive statewide map of wildfire risk that reflects five statewide wildfire risk classes - extreme, high, moderate, low, and no risk - at the property-ownership level. It contains requirements for notice to property owners, appeal procedures, a map layer that displays socially and economically vulnerable communities, and collaboration in the map development and maintenance processes. Another provision of the law requires the Department of Human Services to establish a grant program that allows local governments, public education providers, and federally recognized Indian tribes to provide cleaner air spaces during wildfire smoke and other poor air quality events, and to provide public access to these spaces at no charge. Other provisions of the law relate to electric system plans, defensible space, land use, building codes, health systems for

SB 80 A -A10 STAFF MEASURE SUMMARY

smoke, emergency response and disaster recovery, wildfire risk reduction, the Oregon Conservations Corps, small forestland grants, prescribed fire, federal partnerships, protected areas, wildfire response capacity, and the establishment of a State Wildfire Programs Director and Wildfire Programs Advisory Council.

PRELIMINARY