

Requested by Senator GOLDEN

**PROPOSED AMENDMENTS TO
SENATE BILL 509**

1 In line 2 of the printed bill, after “risk” insert “creating new provisions;
2 amending ORS 476.390, 476.392, 476.396 and 476.398; and declaring an emer-
3 gency”.

4 Delete lines 4 through 8 and insert:

5 **“SECTION 1. (1) The State Fire Marshal shall administer a com-
6 munity risk reduction program that includes a neighborhood pro-
7 tection cooperative program, as described in section 3 of this 2023 Act,
8 a home hardening assistance program, as described in section 5 of this
9 2023 Act, and grants for individuals or municipalities to reduce wildfire
10 risk, as described in this section.**

11 **“(2) The State Fire Marshal:**

12 **“(a) Shall establish a need-based grant program to support individ-
13 uals and municipalities in reducing wildfire risk.**

14 **“(b) Shall establish grant procedures by rule, including procedures
15 related to grant criteria, the rating of potential grant awardees and
16 reporting related to the grants.**

17 **“(c) May administer the grants directly or award grants to munici-
18 palities to administer consistent with requirements established by the
19 State Fire Marshal.**

20 **“(d) May award grants based on the total amount of funds available,
21 in the discretion of the State Fire Marshal.**

1 **“(e) May offer municipalities that receive the grants opportunities**
2 **to leverage more state funding if the municipalities provide matching**
3 **funds.**

4 **“SECTION 2.** ORS 476.396 is amended to read:

5 **“476.396.** The Community Risk Reduction Fund is established in the State
6 Treasury, separate and distinct from the General Fund. Interest earned by
7 the Community Risk Reduction Fund shall be credited to the fund. Moneys
8 in the fund are continuously appropriated to the State Fire Marshal for the
9 purpose of carrying out community risk reduction **program described in**
10 **section 1 of this 2023 Act** and the local government financial assistance
11 described in ORS 476.392.

12 **“SECTION 3. (1) The State Fire Marshal shall establish a neigh-**
13 **borhood protection cooperative program to coordinate, streamline and**
14 **improve Oregon programs that assist with reducing wildfire risks**
15 **around buildings and in neighborhoods, through on-site consultations**
16 **and cooperative practices.**

17 **“(2) As part of the program, the State Fire Marshal shall designate**
18 **best practices for reducing wildfire risk and achieving adequate**
19 **defensible space, as defined in ORS 476.390, around buildings and de-**
20 **velop a training curriculum for on-site consultants who may visit**
21 **properties and recommend best practices.**

22 **“(3) The State Fire Marshal may conduct the training for on-site**
23 **consultants described in subsection (2) of this section or contract for**
24 **a person or entity to conduct the training.**

25 **“(4) The State Fire Marshal shall assist with making the on-site**
26 **consultants described in subsection (2) of this section available to as-**
27 **ist property owners.**

28 **“(5) To implement the program, the State Fire Marshal shall:**

29 **“(a) Adopt rules.**

30 **“(b) Solicit substantial public input on the rules.**

1 “(c) Hold public hearings in at least six communities in this state
2 that have high exposure to wildfire.

3 “(3) All state agencies and state personnel with authority to support
4 wildfire risk reduction shall:

5 “(a) Engage with the State Fire Marshal, as appropriate, to develop
6 and implement the program.

7 “(b) Coordinate to maximize efficiencies in receiving, processing
8 and expending nonstate funding related to reducing wildfire risk.

9 “(6) The State Fire Marshal may enter into memoranda of under-
10 standing to facilitate the engagement and coordination described in
11 subsection (5) of this section.

12 “(7) When adopting rules and implementing the program, the State
13 Fire Marshal shall collaborate with various groups, including:

14 “(a) Local governments and service districts.

15 “(b) Tribal governments.

16 “(c) Fire departments and districts.

17 “(d) Nonprofit organizations that are involved in community or-
18 ganizing or managing vegetation susceptible to wildfire.

19 “(e) The State Forestry Department.

20 “(f) The Oregon State University Extension Service Fire Program.

21 “(g) The Building Codes Division of the Department of Consumer
22 and Business Services.

23 “(h) The Division of Financial Regulation of the Department of
24 Consumer and Business Services.

25 “(i) The Higher Education Coordinating Commission.

26 “(j) The Wildfire Programs Advisory Council.

27 “(8) To optimize the efficiency and cost-effectiveness of services
28 related to wildfire risk reduction, the State Fire Marshal shall take
29 steps to coordinate similar activities, including:

30 “(a) Activities administered by the Department of the State Fire

1 **Marshal.**

2 **“(b) Firewise USA programs under the auspices of the National Fire**
3 **Protection Association.**

4 **“(c) Programs administered by municipalities and local fire depart-**
5 **ments, districts or associations.**

6 **“(d) Activities undertaken by Oregon State University Extension**
7 **Service Fire Program.**

8 **“(e) Activities of the Oregon Conservation Corps Program.**

9 **“SECTION 4. The Home Hardening Assistance Fund is established**
10 **in the State Treasury, separate and distinct from the General Fund.**
11 **Interest earned by the Home Hardening Assistance Fund shall be**
12 **credited to the fund. Moneys in the fund are continuously appropriated**
13 **to the State Fire Marshal for purposes described in section 5 of this**
14 **2023 Act.**

15 **“SECTION 5. (1) The State Fire Marshal shall establish a home**
16 **hardening assistance program to assist with retrofitting and hardening**
17 **of homes in areas with high exposure to catastrophic wildfire and in**
18 **areas that have been exposed to wildfires.**

19 **“(2) To implement the program, the State Fire Marshal shall:**

20 **“(a) Identify counties that have high exposure to catastrophic**
21 **wildfire.**

22 **“(b) Decide which counties are eligible to participate in the pro-**
23 **gram.**

24 **“(c) Award moneys to eligible counties to fund home hardening**
25 **grants to property owners within the counties.**

26 **“(d) Establish grant award criteria that eligible counties must use**
27 **to prioritize awarding grants to persons:**

28 **“(A) Who live in high wildfire exposure areas.**

29 **“(B) Who are members of communities with social or financial**
30 **barriers to reducing wildfire risk.**

1 “(C) Who have significant financial need.

2 “(D) Whose homes have been destroyed or significantly damaged
3 by wildfire.

4 “(E) Who intend to make specific improvements that have the
5 highest ratio of benefits to costs.

6 “(F) Who propose home hardening projects that have the highest
7 potential for leveraging federal or private funds.

8 “(3) Grants awarded to counties under this section may be admin-
9 istered by community action agencies or other nonprofit organiza-
10 tions, as determined by the State Fire Marshal.

11 “(4) Entities administering grants awarded under this section shall
12 report to the State Fire Marshal three times, in a format designated
13 by the State Fire Marshal.

14 “(5) The State Fire Marshal may develop and establish matching-
15 fund or low-interest or no-interest loan programs that assist with
16 home hardening, including home hardening for persons who do not
17 demonstrate significant financial need.

18 “(6) The State Fire Marshal may adopt rules as needed to imple-
19 ment this section.

20 “(7) To assist the State Fire Marshal with the program, the De-
21 partment of Consumer and Business Services shall:

22 “(a) Create a list of retrofits and materials or practices that reduce
23 the vulnerability of buildings to wildfire and flying embers.

24 “(b) Identify with the list the relative cost-effectiveness of the
25 retrofits and materials or practices.

26 “SECTION 6. An entity that receives a grant described in section 5
27 of this 2023 Act shall submit its third report to the State Fire Marshal
28 on or before November 1, 2024.

29 “SECTION 7. (1) The State Fire Marshal shall expand the online
30 presence of the Department of the State Fire Marshal to include a

1 central, user-friendly website that clearly describes all program, grant
2 opportunities and citizen input processes related to the community
3 risk reduction program described in section 1 of this 2023 Act, with the
4 aim of maximizing convenience for persons seeking relevant informa-
5 tion and services across multiple agencies and organizations.

6 “(2) The website described in subsection (1) of this section must
7 include:

8 “(a) A description of all opportunities for accessing resources that
9 relate to the activities of the community risk reduction program, in-
10 cluding links to all relevant application materials.

11 “(b) The dates of all scheduled public meetings to discuss the ac-
12 tivities of the community risk reduction program, and information on
13 how to join the meetings online.

14 “(c) Information on how to be added to any lists through which are
15 announced future relevant grant opportunities and public meetings.

16 “(d) Instructions on how and when persons are able to submit
17 comments on rulemaking and other decision processes related to ac-
18 tivities under the community risk reduction program.

19 “(e) Maps and other graphic materials related to activities under
20 the community risk reduction program.

21 “(f) Information on existing and forthcoming building code and
22 defensible space requirements that impact activities under the com-
23 munity risk reduction program.

24 “(g) Insurance information related to wildfire risk reduction.

25 “(h) Information on organizing activities under the neighborhood
26 protection cooperative program described in section 3 of this 2023 Act.

27 “(i) Links to relevant informational and educational materials.

28 “SECTION 8. (1) The State Fire Marshal shall establish an intera-
29 gency data collection system to enable cooperation on wildfire risk
30 reduction investments related to services and activities under the

1 **community risk reduction program described in section 1 of this 2023**
2 **Act.**

3 **“(2) The system must be designed to:**

4 **“(a) Enable more effective planning, monitoring and evaluation of**
5 **the community risk reduction program.**

6 **“(b) Improve communication among state agencies and members**
7 **of the Legislative Assembly.**

8 **“(c) Improve collaboration on outreach and education efforts among**
9 **state agencies and members of the Legislative Assembly.**

10 **“(d) Guide future policy deliberations on and investments in wildfire**
11 **prevention programs.**

12 **“SECTION 9. (1) The State Fire Marshal shall submit reports on the**
13 **community risk reduction program described in section 1 of this 2023**
14 **Act to the Governor, the State Wildfire Programs Director, the**
15 **Wildfire Programs Advisory Council and the committees or interim**
16 **committees of the Legislative Assembly related to wildfire on or be-**
17 **fore:**

18 **“(a) December 1, 2023.**

19 **“(b) September 1, 2024.**

20 **“(c) September 1, 2025.**

21 **“(2) The reports must include but not be limited to:**

22 **“(a) Information about the quantity, amounts, geographic distrib-**
23 **ution and categories of awards of financial assistance made under the**
24 **community risk reduction program.**

25 **“(b) An evaluation of the overall wildfire risk reduction achieved**
26 **through awards of financial assistance under the community risk re-**
27 **duction program.**

28 **“(c) An evaluation of the effectiveness of the following under the**
29 **neighborhood protection cooperative program described in section 3**
30 **of this 2023 Act:**

1 **“(A) Consultant training.**

2 **“(B) Coordination.**

3 **“(C) On-site performance.**

4 **“(d) An evaluation of the adequacy of coordination for receiving and**
5 **processing moneys from the federal government and other nonstate**
6 **sources.**

7 **“(e) Information about the sources and amounts of moneys appro-**
8 **priated for or granted to the State Fire Marshal for the community**
9 **risk reduction program, including state, federal and private matching**
10 **funds secured.**

11 **“(f) Recommendations for enhancing and leveraging opportunities**
12 **for nonstate funding.**

13 **“(g) Information about any barriers to completing work supported**
14 **by funding for the community risk reduction program, including per-**
15 **mitting or regulatory requirements.**

16 **“(h) A review of fire prevention organizational or capacity deficits**
17 **within the community risk reduction program.**

18 **“(i) Recommendations for improving regional capacity and collab-**
19 **oration among municipalities and any other entities that are eligible**
20 **to receive funding under the community risk reduction program.**

21 **“(j) Recommendations for advancing the objective of securing re-**
22 **duced costs for, and increased availability of, relevant insurance cov-**
23 **erage for residents served or potentially served by the neighborhood**
24 **protection cooperative program.**

25 **“SECTION 10. ORS 476.392 is amended to read:**

26 **“476.392. (1) The State Fire Marshal shall establish minimum defensible**
27 **space requirements for wildfire risk reduction on lands in areas identified**
28 **on the statewide map of wildfire risk described in ORS 477.490 as within the**
29 **wildland-urban interface.**

30 **“(2) The State Fire Marshal:**

1 “(a) Shall consult with the Oregon Fire Code Advisory Board to establish
2 the requirements.

3 “(b) Shall establish requirements that are consistent with and do not ex-
4 ceed the standards pertaining only to defensible space that are set forth in
5 the International Wildland-Urban Interface Code published by the Interna-
6 tional Code Council, including the standards pertaining only to defensible
7 space that are set forth in sections 603 and 604 of the code.

8 “(c) May consider best practices specific to Oregon in order to establish
9 the requirements.

10 “(d) Shall periodically reexamine the standards set forth in the Interna-
11 tional Wildland-Urban Interface Code and update the requirements to reflect
12 current best practices, in consultation with the Oregon Fire Code Advisory
13 Board.

14 “(e) Shall enforce the requirements that are applicable to lands within the
15 jurisdiction of a local government.

16 “(f) Shall adopt rules governing administration of the requirements.

17 “(g) May develop and apply a graduated fee structure for use in assessing
18 penalties on property owners for noncompliance with the requirements.

19 “(h) Shall consult on implementation of the requirements.

20 “(i) May adopt rules concerning reports by local governments described
21 in subsection (4)(a) of this section.

22 “(3) Subject to additional local requirements, the requirements shall apply
23 statewide for all lands in the wildland-urban interface that are designated
24 as extreme or high risk, as identified on the map.

25 “(4) Notwithstanding subsection (2) of this section, a local government
26 may:

27 “(a) Administer, consult on and enforce the requirements established by
28 the State Fire Marshal, within the jurisdiction of the local government. A
29 local government that administers or enforces the requirements established
30 by the State Fire Marshal shall periodically report to the State Fire Marshal

1 regarding compliance with the requirements, including the extent of compli-
2 ance for each property within the jurisdiction of the local government, any
3 change in the degree of compliance since the last report and any other in-
4 formation required by the State Fire Marshal by rule.

5 “(b) Adopt and enforce local requirements for defensible space that are
6 greater than the requirements established by the State Fire Marshal. Any
7 local requirements that a local government adopts for defensible space must
8 be defensible space standards selected from the framework set forth in the
9 International Wildland-Urban Interface Code or other best practices specific
10 to Oregon.

11 “(c) Designate local fire districts, fire departments or fire agencies to
12 enforce the requirements established by the State Fire Marshal or the local
13 government pursuant to paragraph (b) of this subsection. A local government
14 that designates enforcement must comply with the reporting requirements in
15 paragraph (a) of this subsection.

16 “[5] *The State Fire Marshal shall administer a community risk reduction*
17 *program that emphasizes education and methods of prevention with respect to*
18 *wildfire risk, enforcement of defensible space requirements, response planning*
19 *and community preparedness for wildfires.]*

20 “[6] (5) The State Fire Marshal may provide financial, administrative,
21 technical or other assistance to a local government to facilitate the admin-
22 istration and enforcement of requirements within the jurisdiction of the local
23 government. A local government shall expend financial assistance provided
24 by the State Fire Marshal under this subsection to give priority to the cre-
25 ation of defensible space:

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

29 “(b) For critical or emergency infrastructure.

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

1 **SECTION 11.** ORS 476.398 is amended to read:

2 “476.398. (1) The State Fire Marshal shall biannually report regarding the
3 status of State Fire Marshal and local government activities for carrying out
4 ORS 476.392 to a committee or interim committee of the Legislative Assembly
5 related to wildfire, in the manner provided in ORS 192.245, to the State
6 Wildfire Programs Director and to the Wildfire Programs Advisory Council:

7 “(a) On or before the date of convening of the regular session of the
8 Legislative Assembly as specified in ORS 171.010.

9 “(b) Approximately six months after the date described in paragraph (a)
10 of this subsection.

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

12 “(a) A status report regarding [*community risk reduction and*] the estab-
13 lishment, administration and enforcement of defensible space requirements;

14 “(b) The amount of moneys expended during the year for [*community risk*
15 *reduction and*] the establishment, administration or enforcement of defensible
16 space requirements;

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

19 “(d) Any recommendations of the State Fire Marshal for legislative
20 action, including, but not limited to, current or future resource and funding
21 needs for [*community risk reduction and*] establishing, administering or en-
22 forcing defensible space requirements.

23 **SECTION 12.** ORS 476.390 is amended to read:

24 “476.390. As used in ORS 476.392, [*and*] 476.394, **476.398 and section 7**
25 **of this 2023 Act**, ‘defensible space’ means a natural or human-made area in
26 which material capable of supporting the spread of fire has been treated,
27 cleared or modified to slow the rate and intensity of advancing wildfire and
28 allow space for fire suppression operations to occur.

29 **SECTION 13.** **This 2023 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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