

HB 2571 -1, -2, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/10, 3/8, 3/25, 3/30

WHAT THE MEASURE DOES:

Requires study of liability for prescribed fires. Directs Department of Consumer and Business Services to conduct study in consultation with State Forestry Department, Oregon State University, and Oregon Prescribed Fire Council. Requires study to examine insurance-related issues, such as coverage, cost, and availability. Requires examination of barriers to increasing accessibility to insurance coverage and standard of care required. Directs study to compare negligence standards in other states and observed differences in use of prescribed fires in states that have modified their standard of care. Requires report on specifics of escaped prescribed fires. Directs report be submitted no later than July 1, 2022. Repeals provisions January 2, 2023. Takes effect 91 days after adjournment.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Includes the Oregon Forest and Industries Council and Oregon Small Woodlands Association as consulting entities on study. Requires all state agencies to assist DCBS with complying with the efforts of the study.
- 2 Adds insurance representative to consulted entity on study.
- 3 Combines -1 and -2 amendment. Includes the Oregon Forest, Industries Council and Oregon Small Woodlands Association, and representative of insurance industry as consulting entities on study. Requires all state agencies to assist DCBS with complying with the efforts of the study.

BACKGROUND:

Prescribed burning is the use of fire as part of planned management activity on forestlands to reduce or remove forest fuels. The benefits of prescribed burning include reduction of brush, shrubs, or logging debris, and encouragement of the growth of native plants. However, uncontrolled fires are considered a public nuisance. If an owner or operator is willful, malicious, or negligent in the origin or spread of a fire, the owner or operator is liable for the actual cost to control or extinguish the fire.

House Bill 2571 requires the Department of Consumer and Business Services to study liability for prescribed fires. The study must be done in consultation with the State Forestry Department, Oregon State University, and the Oregon Prescribed Fire Council. The study must examine the accessibility of insurance coverage for prescribed fires and barriers to increasing accessibility to insurance coverage. The study must also examine the standards for liability, whether negligence or gross negligence, and whether states that have shifted from one standard to another observed a shift in the use of prescribed fire. The report is due to the Legislative Assembly by July 1, 2022.