

HB 2571 A STAFF MEASURE SUMMARYCarrier: Rep. Marsh, Rep.
Morgan**House Committee On Judiciary****Action Date:** 04/01/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 10-0-0-0**Yeas:** 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**Meeting Dates:** 2/10, 3/8, 3/25, 4/1**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, Oregon Prescribed Fire Council, Oregon Forest and Industries Council, Oregon Small Woodlands Association, and a representative of insurance industry. 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 on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Use of prescribed fires in Oregon
- Options for recovery of expense of fires
- Study needed as first step to solve long-term prescribed fire issues

EFFECT OF AMENDMENT:

Includes the Oregon Forest and Industries Council and Oregon Small Woodlands Association, and representative of insurance industry as consulting entities on study. Requires all state agencies to assist Department of Consumer and Business Services 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 A requires the Department of Consumer and Business Services, in consultation with other industry groups, to study liability for prescribed fires. 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.