

HB 4016 A STAFF MEASURE SUMMARY
Senate Committee On Natural Resources and Wildfire

Carrier: Sen. Golden

Action Date: 02/29/24
Action: Do pass the A-Eng bill.
Vote: 5-0-0-0
Yeas: 5 - Girod, Golden, Prozanski, Smith DB, Taylor
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Laura Kentnesse, LPRO Analyst
Meeting Dates: 2/27, 2/29

WHAT THE MEASURE DOES:

The measure modifies the Prescribed Fire Liability Pilot Program, extends the deadline for the Fire Hardening Grant Program to December 31, 2025, and modifies terminology for an existing smoke monitoring program.

Detailed Summary:

Prescribed Fire Liability Pilot Program

- Directs the Department of Consumer and Business Services (DCBS) to reimburse claims under the Prescribed Fire Liability Pilot program that meet certain criteria related to the use of prescribed fire and cultural burning.
- Adds new criteria that the claimant was not willful, malicious, or negligent in the origin or spread of the fire; and that the claim is for economic and property damage or, if the claimant is the State Forester or a forest protective association or agency, for actual costs incurred to control or extinguish the fire if the costs would be recoverable under existing fire abatement laws (ORS 477.068 and 477.120).
- Removes the criterion that the claim must be submitted to DCBS 60 days after the completion of an incident report or as specified by rule.
- Limits the amount paid from the Prescribed Fire Claims Fund to a maximum of \$1 million per claim for losses arising from a prescribed fire or cultural burn.
- Limits the total paid for all claims to the total amount in the fund and allows claim awards to be reduced if there is insufficient money in the fund to pay the claims.
- Clarifies that a person may assert a claim under another law in lieu of asserting a claim under the program.

Fire Hardening Grant Program

Extends the deadline to apply for the Fire Hardening Grant Program from June 30, 2025 to December 31, 2025. Requires DCBS and the Oregon State Fire Marshal to report to natural resources-related committees of the Legislative Assembly by September 15, 2024 on a proposal for a proactive home hardening program.

Health Systems for Smoke

Replaces "particulate matter" and "poor air quality" terminology with "smoke events" and "smoke impacts" for a program to support community monitoring of air quality conditions caused by smoke (ORS 468A.836).

Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Appreciation for legislation related to wildfire recovery and support for wildfire survivors
- New claim reimbursement criteria for individuals and other nongovernmental entities to be eligible for funding
- Role of certified burn managers and their ability to access claim funds
- Clarification of individual and employer liability
- Confirmation that the federal government cannot make a claim to access prescribed fire funds

This summary has not been adopted or officially endorsed by action of the committee.

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EFFECT OF AMENDMENT:

No amendment.

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. Nearly \$6.3 million dollars were appropriated to the Department of Consumer and Business Services (DCBS) for a Fire Hardening Grant Program to incentivize fire hardening improvements for certain buildings damaged or destroyed by 2020 or 2021 wildfires.

In 2023, the Legislative Assembly enacted Senate Bill 80, which modified various wildfire provisions from Senate Bill 762. In addition to provisions related to cleaner air, warming, and cooling spaces, modifications to the Landscape Resiliency and Community Risk Reduction Funds, and expanding eligible recipients for defensible space financial assistance, the bill created the Prescribed Fire Liability Pilot Program and seeded it with \$5 million. The Prescribed Fire Liability Pilot Program is currently operative; the program is administered by the Oregon Department of Forestry and claims reimbursements are administered by DCBS.