

SB 863 A STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire

Action Date: 03/13/25

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 5-0-0-0

Yeas: 5 - Girod, Golden, Nash, Prozanski, Taylor

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/4, 3/13

WHAT THE MEASURE DOES:

The measure establishes a process for the Oregon State Fire Marshal to recover fire suppression costs from a person who is willful, malicious, or negligent in the origin or subsequent spread of a fire.

Detailed Summary:

Defines actual cost as costs incurred or payments made by the Oregon State Fire Marshal (OSFM) in controlling or extinguishing a fire. Authorizes OSFM to recover costs from a person who is willful, malicious, or negligent in the origin or spread of a fire, requiring OSFM to mail a written demand with a 90-day deadline for payment. Authorizes OSFM to charge interest at a rate of 10 percent per year and to recover actual costs of fire and interest by action prosecuted by the state if the respondent is noncompliant. At the discretion of OSFM, the actual cost of the fire may constitute a general lien against the real and personal property of the person. Requires that a general lien notice from OSFM to be certified under oath and filed within 12 months after the fire occurred and list the property that may be foreclosed upon. At the request of OSFM, requires the Attorney General to prosecute an action to recover actual fire costs or foreclose a lien and to assist in investigating liability and to issue subpoenas. Allows OSFM to petition a circuit court if a person fails to comply with a subpoena during an investigation into actual fire suppression costs to order the person to explain why they haven't followed the subpoena and why they shouldn't be held in contempt of court. Requires OSFM to serve the individual with a document initiating the contempt action and directs the court to compel the person to obey the subpoena through contempt proceedings if good cause is not shown why the person failed to comply. Authorizes Deputy State Fire Marshal, under instruction from the OSFM to secure scenes, restrict access, and preserve evidence.

ISSUES DISCUSSED:

- General Fund allocations for wildfire

EFFECT OF AMENDMENT:

The amendment revises language authorizing the State Fire Marshal to enforce compliance with subpoenas related to recovering actual costs for fire suppression by taking legal action in court.

BACKGROUND:

The Oregon State Fire Marshal's (OSFM) Fire & Life Safety Division specializes in code enforcement, fire investigations, building inspections, and providing expert training to local fire stations. Deputy State Fire Marshals are able to investigate fires to determine origin and cause if the fire was caused by carelessness or design. Currently, OSFM does not conduct criminal investigations, but does collaborate with law enforcement when criminal activity is suspected.