

# Senate Bill 345

Sponsored by Senator SMITH DB (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells courts to award money for property damage caused by fires started in federal forests. The Act tells an agency to create a group for insuring small forestland against fire. (Flesch Readability Score: 63.6).

Requires a court to award damages for the cost of replanting to a plaintiff prevailing against the federal government or a contractor in an action for injury to private land arising from a fire originating on federal forestland.

Requires the Director of Department of Consumer and Business Services to establish a joint underwriting association for the purpose of ensuring the availability of property insurance to protect small tract forestland against the peril of fire.

## A BILL FOR AN ACT

1  
2 Relating to fire.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. If a plaintiff prevails against a federal agency, or against a contractor per-**  
5 **forming services for a federal agency, in an action under 28 U.S.C. 2671 to 2680 for injury to**  
6 **private land arising from a fire originating on federal forestland, in addition to any other**  
7 **damages awarded, the court shall award the prevailing plaintiff damages for the cost of re-**  
8 **planting the private land.**

9 **SECTION 2. Section 3 of this 2025 Act is added to and made a part of the Insurance Code.**

10 **SECTION 3. (1) As used in this section:**

11 (a) **"Forestland" has the meaning given that term in ORS 526.005.**

12 (b) **"Small tract forestland" means contiguous forestland that:**

13 (A) **Is owned or held under common ownership; and**

14 (B) **Is not less than 10 acres or more than 5,000 acres in size.**

15 (2) **The Director of the Department of Consumer and Business Services shall establish a**  
16 **joint underwriting association under ORS 735.220 for the purpose of ensuring the availability**  
17 **of property insurance for small tract forestlands that covers the peril of fire.**  
18 **Notwithstanding ORS 735.210 or 735.215, the director shall establish the joint underwriting**  
19 **association without first establishing a market assistance plan, holding hearings or making**  
20 **findings regarding insurance availability.**

21 **SECTION 4. Section 1 of this 2025 Act applies to damages awarded in actions filed on or**  
22 **after the effective date of this 2025 Act.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.