

Senate Bill 432

Sponsored by Senators PROZANSKI, GIROD, SMITH DB; Senator FREDERICK (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 concerns fires that start on federal lands. The Act tells the forester and certain entities to take actions to address this type of fire. (Flesch Readability Score: 76.5).

Instructs the forester, or a forest protective association or agency that is under contract or agreement with the State Board of Forestry for the protection of forestland against fire, and whose protection area is or may be affected by a fire on nearby federal lands, to take certain actions to address the fire.

A BILL FOR AN ACT

1
2 Relating to addressing wildfire originating on federal lands; amending ORS 477.066.

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

4 **SECTION 1.** ORS 477.066 is amended to read:

5 477.066. (1) Each owner and operator of forestland on which a fire exists or from which it may
6 have spread, notwithstanding the origin or subsequent spread thereof, shall immediately proceed to
7 control and extinguish such fire when its existence comes to the knowledge of the owner or opera-
8 tor, without awaiting instructions from the forester, and shall continue until the fire is extinguished.

9 (2) If the forester determines the fire is either burning uncontrolled or the owner or operator
10 does not then have readily and immediately available personnel and equipment to control or extin-
11 guish the fire, the forester, or any forest protective association or agency under contract or agree-
12 ment with the State Board of Forestry for the protection of forestland against fire, and within whose
13 protection area the fire exists, shall summarily abate the nuisance thus constituted by controlling
14 and extinguishing the fire.

15 (3) An owner may request in writing that the forester employ alternate fire prevention and
16 suppression strategies or techniques on the owner's forestland. The forester may employ some or
17 all of the requested strategies or techniques when, in the judgment of the forester, conditions war-
18 rant the use of the alternate strategies or techniques.

19 (4) **Subject to the provisions of subsection (7) of this section, the forester, or any forest**
20 **protective association or agency that is under contract or agreement with the State Board**
21 **of Forestry for the protection of forestland against fire, and whose protection area is or may**
22 **be affected by a fire on nearby lands owned or managed by the United States Forest Service,**
23 **shall:**

24 (a) **Participate in fire management response planning, including but not limited to plan-**
25 **ning for strategic risk, planning for extended attack and planning before a fire season, to**
26 **address fires or potential fires originating on the lands owned or managed by the United**
27 **States Forest Service; and**

28 (b) **If a fire originates on the lands owned or managed by the United States Forest Ser-**

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.

1 vice, implement the planning described in paragraph (a) of this subsection.

2 (5) If a fire originates on lands owned or managed by the United States Forest Service
3 and the actions described in subsection (4) of this section do not adequately protect
4 forestland, in the judgment of the forester after consideration of any resource availability
5 constraints, the forester may enter onto the lands owned or managed by the United States
6 Forest Service to abate the fire, at the expense of the state, to the extent permitted by fed-
7 eral law, or in coordination with federal land management agencies.

8 (6) If the forester enters onto lands owned or managed by the United States Forest Ser-
9 vice to abate a fire, as described in subsection (5) of this section, and it is determined that
10 the fire was caused by the negligence of a person, the forester may pursue recovery against
11 the person for the expense of abating the fire, in accordance with the provisions of ORS
12 477.068, 477.085 and 477.120 and to the extent permitted by federal law.

13 (7) The requirements of subsection (4) of this section do not affect any obligation other-
14 wise imposed upon, or agreed to, by the forester for the provision of wildfire suppression
15 personnel, equipment or services.

16 (8) Notwithstanding subsections (4) and (5) of this section, the forester may not use
17 wildfire suppression personnel, equipment or services:

18 (a) On federal land that is military land withdrawn from public access, unless the
19 forester obtains permission from the appropriate military authority before using the wildfire
20 suppression personnel, equipment or services on the federal land.

21 (b) On lands held by an Indian tribe, unless the forester obtains permission from the
22 tribal government of the Indian tribe before using the wildfire suppression personnel, equip-
23 ment or services on the lands.

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