

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 1 - 0
Yeas:	Garrett, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	Hicks
Exc.:	0
Prepared By:	Drew Johnston, Counsel
Meeting Dates:	4/6

WHAT THE MEASURE DOES: Authorizes State Forester (Forester) to approve payment of costs and reasonable attorney fees from State Forestry Department revolving account for an employee firefighter facing criminal charges as a result of fire suppression activities. Limits liability to those actions directly related to fire suppression activities and states those actions must be reasonable. Requires State Forester to determine firefighter was performing fire suppression activities under Forester's direction. Stipulates firefighter does not have any right to hearing or appeal regarding Forester's determinations. Prohibits any payment for costs related to appeal or post-conviction relief.

ISSUES DISCUSSED:

- Possible chilling effect of criminal charges on department hiring and retention
- Lack of a professional liability fund in the field of forestry

EFFECT OF COMMITTEE AMENDMENT: Focuses the bill to those actions directly related to fire suppression activities. Clarifies that the fire suppressions activities of the firefighter must be reasonable. Removes the State Forester's sole discretion for determining when to authorize fund expenditure.

BACKGROUND: In the past decade, there have been several incidents in other states in which wildland firefighting decision-makers have been criminally charged, or threatened with charges, as a result of injury or death of firefighters who have been overtaken by fire. Under ORS 477.125, wildland firefighters are protected from civil liability if their official duties result in harm to people or property, except for willful misconduct or gross negligence. However, in the event of criminal charges, the Department of Justice will not be able to provide legal defense. This bill would allow the Department of Forestry to pay legal defense costs when warranted.