

HOUSE AMENDMENTS TO HOUSE BILL 2572

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 15

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line.

2 Delete lines 5 through 21 and delete page 2.

3 On page 3, delete lines 1 through 23 and insert:

4 “**SECTION 1. The State Forestry Department shall adopt rules to clarify that a person**
5 **may:**

6 “(1) **Conduct a prescribed fire that burns across land ownership boundaries if the person**
7 **obtains a permit for the fire as described in ORS 477.515 or 477.625 and complies with the**
8 **conditions of the permit.**

9 “(2) **Obtain a single permit under ORS 477.515 or 477.625 for a prescribed fire that burns**
10 **across land ownership boundaries if the person demonstrates to the department that the**
11 **person has obtained consent to conduct the fire from all persons on whose lands the fire is**
12 **planned to burn.**

13 “**SECTION 2. The State Forestry Department shall initiate the rulemaking described in**
14 **section 1 of this 2021 Act on or before November 30, 2021, and finalize the rulemaking on or**
15 **before November 30, 2022.**

16 “**SECTION 3.** ORS 526.360 is amended to read:

17 “526.360. (1) The State Board of Forestry, [*and the forester*] **the State Forester and forest**
18 **protective associations** may assist to the extent [*possible*] **practical** in developing, for forestry,
19 grazing or agricultural uses, all forestland classified pursuant to ORS 526.328 or 526.340 for such
20 uses, including the burning of brush or other flammable material for the purpose of:

21 “(a) Removing a fire hazard to any property;

22 “(b) Preparing seed beds;

23 “(c) Removing obstructions to or interference with the proper seeding or agricultural or grazing
24 development or use of that land;

25 “(d) Promoting the establishment of new forest crops on cutover, denuded or underproductive
26 lands;

27 “(e) Implementing pest prevention and suppression activities, as provided in ORS 527.310 to
28 527.370; or

29 “(f) Promoting improvements to forest health, including improvements to fish and wildlife
30 habitat.

31 “(2) Upon request of the owner or the agent of the owner of any forestland classified pursuant
32 to ORS 526.328 or 526.340, the forester **or a forest protective association** may perform or super-
33 vise burning operations thereon for any of the purposes stated in subsection (1) of this section. The
34 owner or the agent of the owner shall supply such personnel and equipment and shall perform such
35 fire control actions and activities as the forester **or forest protective association** may require

1 while there is danger of the fire spreading. The forester **or forest protective association** may re-
2 fuse to perform or supervise burning or to issue any burning permit when, in the judgment of the
3 forester **or forest protective association**, conditions so warrant.

4 “(3) To accomplish the purposes set forth in subsection (1) of this section, the [*State Board of*
5 *Forestry may*] **board shall** establish by rule a Certified Burn Manager program.

6 “(4) The rules shall include:

7 “(a) Certification standards, requirements and procedures;

8 “(b) Standards, requirements and procedures to revoke certification;

9 “(c) Actions and activities that a Certified Burn Manager must perform;

10 “(d) Actions and activities that a Certified Burn Manager may not allow or perform;

11 “(e) Limitations on the use of a Certified Burn Manager; and

12 “(f) Any other standard, requirement or procedure that the board considers necessary for the
13 safe and effective administration of the program.

14 “(5) **The rules may establish and impose fees for participation in the program.**

15 “[*4*] (6) When [*any*] a burning for any of the purposes stated in subsection (1) of this section
16 on forestland classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and
17 supervised by the forester, **a forest protective association** or a Certified Burn Manager, [*no*] a
18 person [*shall*] **may not be held** liable for property damage resulting from that burning unless the
19 damage is caused by the negligence of the person.”.

20 In line 24, delete “5” and insert “4”.

21 In line 31, delete “6” and insert “5”.

22 In line 34, delete “7” and insert “6”.

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