Requested by Representative MARSH

PROPOSED AMENDMENTS TO
HOUSE BILL 2572

1   On page 1 of the printed bill, line 2, after "ORS" delete the rest of the

2   line.

3   Delete lines 5 through 21 and delete page 2.

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

5   **"SECTION 1. The State Forestry Department shall adopt rules to**

6   **clarify that a person may:**

7   **"(1) Conduct a prescribed fire that burns across land ownership**

8   **boundaries if the person obtains a permit for the fire as described in**

9   **ORS 477.515 or 477.625 and complies with the conditions of the permit.**

10   **"(2) Obtain a single permit under ORS 477.515 or 477.625 for a pre-**

11   **scribed fire that burns across land ownership boundaries if the person**

12   **demonstrates to the department that the person has obtained consent**

13   **to conduct the fire from all persons on whose lands the fire is planned**

14   **to burn.**

15   **"SECTION 2. The State Forestry Department shall initiate the**

16   **rulemaking described in section 1 of this 2021 Act on or before No-**

17   **vember 30, 2021, and finalize the rulemaking on or before November**

18   **30, 2022.**

19   **"SECTION 3.** ORS 526.360 is amended to read:

20   "526.360. (1) The State Board of Forestry**,** [*and the forester*] **the State**

21   **Forester and forest protective associations** may assist to the extent

1 [*possible*] **practical** in developing, for forestry, grazing or agricultural uses,

2 all forestland classified pursuant to ORS 526.328 or 526.340 for such uses,

3 including the burning of brush or other flammable material for the purpose

4 of:

5 "(a) Removing a fire hazard to any property;

6 "(b) Preparing seed beds;

7 "(c) Removing obstructions to or interference with the proper seeding or

8 agricultural or grazing development or use of that land;

9 "(d) Promoting the establishment of new forest crops on cutover, denuded

10 or underproductive lands;

11 "(e) Implementing pest prevention and suppression activities, as provided

12 in ORS 527.310 to 527.370; or

13 "(f) Promoting improvements to forest health, including improvements to

14 fish and wildlife habitat.

15 "(2) Upon request of the owner or the agent of the owner of any

16 forestland classified pursuant to ORS 526.328 or 526.340, the forester **or a**

17 **forest protective association** may perform or supervise burning operations

18 thereon for any of the purposes stated in subsection (1) of this section. The

19 owner or the agent of the owner shall supply such personnel and equipment

20 and shall perform such fire control actions and activities as the forester **or**

21 **forest protective association** may require while there is danger of the fire

22 spreading. The forester **or forest protective association** may refuse to

23 perform or supervise burning or to issue any burning permit when, in the

24 judgment of the forester **or forest protective association**, conditions so

25 warrant.

26 "(3) To accomplish the purposes set forth in subsection (1) of this section,

27 the [*State Board of Forestry may*] **board shall** establish by rule a Certified

28 Burn Manager program.

29 "**(4)** The rules shall include:

30 "(a) Certification standards, requirements and procedures;

1   "(b) Standards, requirements and procedures to revoke certification;

2   "(c) Actions and activities that a Certified Burn Manager must perform;

3   "(d) Actions and activities that a Certified Burn Manager may not allow

4 or perform;

5   "(e) Limitations on the use of a Certified Burn Manager; and

6   "(f) Any other standard, requirement or procedure that the board consid-

7 ers necessary for the safe and effective administration of the program.

8   "**(5) The rules may establish and impose fees for participation in the**

9 **program.**

10   "[*(4)*] **(6)** When [*any*] **a** burning for any of the purposes stated in sub-

11 section (1) of this section on forestland classified pursuant to ORS 526.328

12 or 526.340 is started under the supervision of and supervised by the

13 forester**, a forest protective association** or a Certified Burn Manager,

14 [*no*] **a** person [*shall*] **may not** be **held** liable for property damage resulting

15 from that burning unless the damage is caused by the negligence of the

16 person.".

17   In line 24, delete "5" and insert "4".

18   In line 31, delete "6" and insert "5".

19   In line 34, delete "7" and insert "6".

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