

Senate Bill 748

Sponsored by Senators SMITH DB, KNOPP

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**.

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

Requires Director of Department of Consumer and Business Services to establish joint underwriting association for purpose of ensuring availability of property insurance protecting small tract forestland against 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 2023 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 2023 Act applies to damages awarded in actions filed on or**
22 **after the effective date of this 2023 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.