

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO  
SENATE BILL 928**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page  
2 2 and insert:

3 **“SECTION 1.** ORS 477.066 is amended to read:

4 “477.066. (1) Each owner and operator of forestland on which a fire exists  
5 or from which it may have spread, notwithstanding the origin or subsequent  
6 spread thereof, shall immediately proceed to control and extinguish such fire  
7 when its existence comes to the knowledge of the owner or operator, without  
8 awaiting instructions from the forester, and shall continue until the fire is  
9 extinguished.

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

17 “(3) An owner may request in writing that the forester employ alternate  
18 fire prevention and suppression strategies or techniques on the owner’s  
19 forestland. The forester may employ some or all of the requested strategies  
20 or techniques when, in the judgment of the forester, conditions warrant the  
21 use of the alternate strategies or techniques.

1       “(4) Subject to the provisions of subsection (7) of this section, the  
2 forester, or any forest protective association or agency that is under  
3 contract or agreement with the State Board of Forestry for the pro-  
4 tection of forestland against fire, and whose protection area is or may  
5 be affected by a fire on nearby lands owned or managed by the United  
6 States Forest Service, shall:

7       “(a) Participate in fire management response planning, including  
8 but not limited to planning for strategic risk, planning for extended  
9 attack and planning before a fire season, to address fires or potential  
10 fires originating on the lands owned or managed by the United States  
11 Forest Service; and

12       “(b) If a fire originates on the lands owned or managed by the  
13 United States Forest Service, implement the planning described in  
14 paragraph (a) of this subsection.

15       “(5) If a fire originates on lands owned or managed by the United  
16 States Forest Service and the actions described in subsection (4) of this  
17 section do not adequately protect forestland, in the judgment of the  
18 forester after consideration of any resource availability constraints,  
19 the forester may enter onto the lands owned or managed by the United  
20 States Forest Service to abate the fire, at the expense of the state, to  
21 the extent permitted by federal law, or in coordination with federal  
22 land management agencies.

23       “(6) If the forester enters onto lands owned or managed by the  
24 United States Forest Service to abate a fire, as described in subsection  
25 (5) of this section, and it is determined that the fire was caused by the  
26 negligence of a person, the forester may pursue recovery against the  
27 person for the expense of abating the fire, in accordance with the  
28 provisions of ORS 477.068, 477.085 and 477.120 and to the extent per-  
29 mitted by federal law.

30       “(7) The requirements of subsection (4) of this section do not affect

1 any obligation otherwise imposed upon, or agreed to, by the forester  
2 for the provision of wildfire suppression personnel, equipment or ser-  
3 vices.

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

7 “(a) On federal land that is military land withdrawn from public  
8 access, unless the forester obtains permission from the appropriate  
9 military authority before using the wildfire suppression personnel,  
10 equipment or services on the federal land.

11 “(b) On lands held by an Indian tribe, unless the forester obtains  
12 permission from the tribal government of the Indian tribe before using  
13 the wildfire suppression personnel, equipment or services on the  
14 lands.”.

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