

Enrolled
House Bill 2235

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Transportation)

CHAPTER

AN ACT

Relating to hazardous trees along state highways; amending ORS 366.365.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 366.365 is amended to read:

366.365. (1) The Department of Transportation may go upon private property in the manner provided by ORS 35.220 to determine the advisability or practicability of locating and constructing a highway over the property or the source, suitability or availability of road-building materials thereon.

(2) **The department may go upon private property to cut down or remove trees located on the property without notifying the property owner if the department has determined that the trees create an immediate and substantial risk of damage or injury by obstructing, hanging over or otherwise encroaching or threatening to encroach in any manner on a state highway.**

(3) **Within a reasonable amount of time after the department cuts down or removes trees in the manner provided by subsection (2) of this section, the department shall locate the property owner and notify the property owner of the department's actions. The department may establish the process of notification by rule.**

Passed by House March 4, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 7, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State