

Senate Bill 417

Sponsored by Senator GIROD

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 person objecting to sale of forest products to do so within certain date of notice of sale by State Forester.

A BILL FOR AN ACT

1
2 Relating to the sale of forest products; creating new provisions; and amending ORS 530.059.

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

4 **SECTION 1.** ORS 530.059 is amended to read:

5 530.059. (1) Before offering any forest products for sale under authority of ORS 530.050 or
6 530.500, the State Forester shall cause the forest products to be appraised. Should the appraised
7 value of the forest products be in excess of \$25,000, the State Forester shall not sell the same to a
8 private person, firm or corporation, except after giving notice of the sale as required by this section,
9 and affording an opportunity for competitive bidding either by public auction or through sealed bids,
10 or a combination of both; provided, however, that such notice and opportunity for competitive bid-
11 ding will not be required for sales in connection with:

12 (a) Experimental or research projects in the field of forestland management or forest product
13 utilization.

14 (b) The removal, injury or destruction of forest products necessitated by any grant of easement
15 or right of way, or necessitated by a permit or license to use a right of way, including trees which
16 may endanger the use of such easement or way.

17 (c) The removal of forest products with an appraised value of less than \$100,000 that, as a result
18 of an act of nature or other unforeseen circumstance:

19 (A) Pose a threat to the health of the forests, waterways or forest road infrastructures; or

20 (B) Will lose value as a result of potential theft.

21 (d) The removal of forest products with an appraised value of less than \$100,000 to facilitate the
22 development, placement or maintenance of forest road infrastructures.

23 (2) The State Forester shall give the notice required by subsection (1) of this section by mail to
24 all persons requesting such notice and in such other media of communication as the State Forester
25 may deem advisable. The State Forester shall maintain a mailing list with the names and addresses
26 of persons who have requested to receive State Forestry Department notices of timber sales. The
27 notice shall describe the forest products to be sold and the land on which such products are situ-
28 ated, state the minimum price at which the same may be sold, and contain a brief statement of the
29 terms of the sale. As a provision of each sale, the State Forester shall reserve the right to accept
30 or reject any or all bids.

31 (3) Prior to or at the time the State Forester receives bids, each bidder shall furnish the State

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.

1 Forester with a certified check, cashier’s check, money order, surety bond, cash deposit, assignment
 2 of surety, irrevocable letters of credit or other securities as determined acceptable by the State
 3 Forester in an amount designated by the State Forester but said amount shall not exceed 10 percent
 4 of the minimum price of the forest products to be sold, which check, order or deposit, in the case
 5 of the successful bidder, shall be retained by the State Forester as a credit toward payment of the
 6 purchase price of the forest products sold, and which, in the case of the unsuccessful bidders, shall
 7 be returned to them after determination of the successful bid. Any checks, bonds or orders furnished
 8 under this subsection shall be made payable to the State of Oregon.

9 (4) The State Forester is authorized to require and accept a surety bond, cash deposit, assign-
 10 ment of surety, irrevocable letters of credit or other securities as determined acceptable by the
 11 State Forester. Claims against such bond shall be made to the State Forester for determination. If
 12 the claim is disputed, the forester may request settlement of the claim through compromise or me-
 13 diation or require the claim to be litigated.

14 (5) If the provisions of this section have been complied with, and no satisfactory bid has been
 15 received, or the bidder fails to complete the purchase, the State Forester may, at any time, during
 16 a period of six months after the advertised date of sale, sell the forest products in such manner as
 17 the forester deems appropriate, but the sale price shall not be less than the minimum terms offered
 18 in the notice of sale or the highest bid received, whichever is the larger amount.

19 **(6) Any person objecting to the sale of any forest products made pursuant to this section**
 20 **must make the objection in writing to the State Forester within _____ days of the date the**
 21 **notice of sale is given under this section, and the State Forester shall conduct a contested**
 22 **case proceeding under ORS chapter 183 on the objection.**

23 **SECTION 2. The amendments to ORS 530.059 by section 1 of this 2009 Act apply to any**
 24 **notice of sale of forest products first given by the State Forester on or after the effective**
 25 **date of this 2009 Act.**

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