

Senate Bill 1030

Sponsored by Senator GIROD; Senators ATKINSON, BOQUIST, FERRIOLI, KRUSE, MORSE, TELFER, WHITSETT, WINTERS (Pre-session filed.)

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 State Forestry Department, upon request and consent of purchaser, to modify forest product sales contract by extending deadlines for forest product harvesting. Creates exceptions. Applies to forest product sales contracts entered into before January 1, 2010.

Sunset January 2, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the modification of forest product sales contracts; and declaring an emergency.

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

4 **SECTION 1. (1) Except as provided in subsection (2) of this section, the State Forestry**
5 **Department shall modify the terms and conditions of a forest product sales contract under**
6 **ORS 530.059, if:**

7 (a) **The purchaser requests the modification and agrees to the modified terms and con-**
8 **ditions;**

9 (b) **The contract was entered into before January 1, 2010; and**

10 (c) **The modification is for the purpose of extending, by three years, one or more inter-**
11 **mediate or final deadlines for the purchaser to harvest a specified amount of forest product.**

12 (2) **Subsection (1) of this section does not apply if:**

13 (a) **Prior to receiving a contract modification request from a purchaser that is in default,**
14 **the department has entered into a forest product sales contract granting another purchaser**
15 **the right to harvest the forest product;**

16 (b) **The department has declared the purchaser to be in default based upon a contract**
17 **violation that is not the direct or indirect result of failure to meet an intermediate or final**
18 **deadline for harvesting; or**

19 (c) **Extension of the harvesting deadlines would result in violation of a court order or**
20 **federal law.**

21 (3) **Except for the recovery of costs actually incurred by the department to prepare and**
22 **execute the contract modification, the department may not charge or penalize a purchaser**
23 **for a contract modification under this section.**

24 (4) **Contract modification under this section is not subject to the limitations on contract**
25 **change or modification imposed under ORS 530.065.**

26 (5) **This section does not apply to contracts for the sale of forest products from lands**
27 **described in ORS 351.155.**

28 **SECTION 2. (1) Section 1 of this 2010 Act is repealed January 2, 2020.**

29 (2) **The repeal of section 1 of this 2010 Act does not affect any unexpired harvesting**

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 **deadline created by a contract modification described in section 1 of this 2010 Act.**

2 **SECTION 3. This 2010 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
4 **on its passage.**

5
