

## SENATE AMENDMENTS TO HOUSE BILL 2122

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

May 2

1 On page 1 of the printed bill, after line 2, insert:

2 “Whereas invasive forest pests and disease cause millions of dollars in damage annually to the  
3 forest industries, residential structures and public lands of the United States; and

4 “Whereas it is desirable to reduce the risk of introducing invasive pests and diseases into  
5 Oregon forests; and

6 “Whereas preventing the introduction of pests that have become established outside of the  
7 Pacific Northwest into Oregon can be furthered through the creation of labeling and treatment re-  
8 quirements for firewood; now, therefore,”.

9 Delete lines 4 through 27 and delete page 2 and insert:

10 **“SECTION 1. (1) As used in this section:**

11 **“(a) ‘Firewood’ means whole or split pieces of wood that are:**

12 **“(A) Less than 48 inches in length; and**

13 **“(B) In a form commonly used for burning in campfires, stoves or fireplaces.**

14 **“(b) ‘Invasive species’ has the meaning given that term in ORS 570.755.**

15 **“(2) A person may not transport into or within this state firewood for personal use or  
16 sale at, or delivery to, a destination in this state unless:**

17 **“(a) The firewood is harvested from a source located in this state, Idaho or Washington;  
18 or**

19 **“(b) The firewood has been treated in a manner prescribed by the State Department of  
20 Agriculture.**

21 **“(3) A person may not sell firewood within this state unless:**

22 **“(a) The firewood is harvested from a source located in this state, Idaho or Washington;  
23 or**

24 **“(b) The firewood is labeled as required by the department and the seller can provide  
25 documentation that the firewood has been treated as prescribed by the department.**

26 **“(4)(a) Persons that transport or supply firewood in this state for other than personal  
27 use that is harvested from a source outside of this state, Idaho or Washington shall maintain  
28 records, certificates or other documents as required by the department. Persons that sell  
29 firewood in this state that is harvested from a source outside of this state, Idaho or  
30 Washington shall maintain records, certificates or other documents as required by the de-  
31 partment.**

32 **“(b) The records, certificates or other documents of a person described in paragraph (a)  
33 of this subsection that transports or supplies firewood in this state must include, but need  
34 not be limited to, information regarding the source of the firewood, any treatment of the  
35 firewood and the disposition of the firewood. The records, certificates or other documents**

1 of a person described in paragraph (a) of this subsection that sells firewood must include,  
2 but need not be limited to, information regarding the source and supplier of the firewood.  
3 The department shall adopt rules establishing the required retention time for the records,  
4 certificates or documents.

5 “(c) The department may inspect the records, certificates and other documents described  
6 in paragraph (b) of this subsection and the inventory and facilities of a person that trans-  
7 ports firewood or of a firewood supplier or seller at any time during reasonable business  
8 hours and may take samples for purposes of detecting invasive species.

9 “(5) The department shall adopt rules for carrying out this section.

10 “SECTION 2. Violation of section 1 of this 2011 Act or a State Department of Agriculture  
11 rule adopted under section 1 of this 2011 Act is punishable by a civil penalty, not to exceed  
12 \$10,000. The imposition of a civil penalty under this section is subject to ORS 183.745. Any  
13 civil penalty recovered under this section shall be deposited in the Invasive Species Control  
14 Account established under ORS 570.810.

15 “SECTION 3. (1) Section 1 of this 2011 Act applies to the transportation into this state  
16 or other supplying of firewood, and to the wholesale selling of firewood, that occurs on or  
17 after January 1, 2013. Section 1 of this 2011 Act applies to the selling of firewood that a retail  
18 seller acquires from a supplier or wholesale seller on or after January 1, 2013.

19 “(2) The State Department of Agriculture shall complete the adoption under section 1 of  
20 this 2011 Act of temporary or permanent initial rules to regulate the transportation into this  
21 state and other supplying of firewood and to regulate the wholesale and retail sale of  
22 firewood in time for the rules to become effective on January 1, 2013.

23 “SECTION 4. This 2011 Act being necessary for the immediate preservation of the public  
24 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
25 on its passage.”.

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