

House Bill 2756

Sponsored by Representative CLEM (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**.

Changes reference to reflect nature of forestry statute allowing punishment of violations.

A BILL FOR AN ACT

1
2 Relating to forestry; amending ORS 527.680.

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

4 **SECTION 1.** ORS 527.680 is amended to read:

5 527.680. (1) Whenever the State Forester determines that an operator has committed a violation
6 **that is punishable** under ORS 527.990 (1), the State Forester may issue and serve a citation upon
7 the operator or authorized representative. The State Forester shall cause a copy of the citation to
8 be mailed or delivered to the timber owner and landowner. Whenever the State Forester determines
9 that the landowner has failed to comply with the reforestation rules under ORS 527.710, the State
10 Forester may issue and serve a citation upon the landowner or authorized representative. Each ci-
11 tation issued under this section shall specify the nature of the violation charged and any damage
12 or unsatisfactory condition that has occurred as the result of such violation.

13 (2) Whenever a citation is served pursuant to subsection (1) of this section, the State Forester:

14 (a) Shall issue and serve upon the landowner or operator or authorized representative an order
15 directing that the landowner or operator cease further violation. If the order is served upon an op-
16 erator, the State Forester shall cause a copy of such order to be mailed or delivered to the timber
17 owner and landowner; and

18 (b) May issue and serve an order upon the landowner or operator and shall cause a copy of such
19 order to be mailed or delivered to the timber owner and landowner, directing the landowner or op-
20 erator, where practical and economically feasible, to make reasonable efforts to repair the damage
21 or correct the unsatisfactory condition specified in the citation within a period specified by the
22 State Forester.

23 (3) In the event the order issued under subsection (2)(a) of this section has not been complied
24 with, and the violation specified in such order is resulting in continuing damage, the State Forester
25 by temporary order, may direct the landowner or operator to cease any further activity in that
26 portion of the operation that is resulting in such damage. Such temporary order shall be in effect
27 until the date of the expiration of the period as prescribed in subsection (4) of this section or until
28 the date that the violation ceases, whichever date occurs first.

29 (4) A temporary order issued under subsection (3) of this section shall be served upon the
30 landowner or operator or authorized representative, and the State Forester shall cause a copy of
31 such temporary order to be mailed or delivered to the operator, timber owner and landowner. If
32 requested by the operator, timber owner or landowner, the State Board of Forestry, following the

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 appeal procedures of ORS 527.700, must hold a hearing on the temporary order within five working
2 days after the receipt by the board of the request. A temporary order issued and served pursuant
3 to subsection (3) of this section shall remain in effect not more than five working days after such
4 hearing unless the order is sooner affirmed, modified or revoked by the board.

5 (5) If a landowner or operator fails to comply with a final order issued under subsection (2)(b)
6 of this section within the time specified in the order, or if the landowner or operator fails to comply
7 with a final order imposing civil penalties for violation of any provision of the Oregon Forest
8 Practices Act, the State Forester may issue an order that prohibits the affected landowner or oper-
9 ator from conducting any new operations on any forestland in this state until the landowner or op-
10 erator has complied with the order to correct an unsatisfactory condition, make repair or pay the
11 civil penalty, as the case may be, to the satisfaction of the State Forester.

12