

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure (Printed B-Engrossed)

Vote: 4 - 1 - 0

Yeas: Close, Dingfelder, Kruse, Roblan, Prozanski

Nays: Dingfelder

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 5/30

WHAT THE MEASURE DOES: Creates a cause of action for a private entity that contracts with the State Forestry Department to perform forest practices, as defined in ORS 527.620, for actual damages plus attorney fees against a person while on state forestlands or an access road on state forest lands, intentionally obstructs or impair the private entity in the performance of forest practices. Sets statute of limitations at two years.

ISSUES DISCUSSED:

- An attempt to hinder, impair or obstruct is when a person intentionally engages in conduct which constitutes a substantial step toward commission of the act
- Does not apply to mere speech
- Statute of limitations for tort actions is two years
- The cause of action creates is one based in tort law

EFFECT OF COMMITTEE AMENDMENT: Changes the statute of limitations from six years to two years, the statute limitations for tort actions.

BACKGROUND: Forest practice” means any operation pertaining to forestland and includes: (1) Reforestation of forestland; (2) Road construction and maintenance; (3) Harvesting of trees; (4) Application of chemicals; (5) Disposal of slash; (6) Removal of woody biomass. Forestlands means land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed, or how any state or local statutes, ordinances, rules or regulations are applied.

Certain groups and individuals are interfering with private entities with contracts with the State Forestry Department to perform forest practices by chaining themselves to road gates and trees, damaging equipment and roadways. Although many of these acts are crimes, many of the counties where these acts take place lack the resources to prosecute these crimes and to adequately punish those who commit the crimes. Although many of these acts give rise to a civil cause of action, the cost of litigation, particularly attorney fees, may exceed the cost of the damages.