

## HOUSE AMENDMENTS TO HOUSE BILL 2615

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 19

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert  
2 “164.813, 164.814, 164.845 and 164.855; and declaring an emergency.”.

3 Delete lines 5 through 31 and delete page 2 and insert:

4 “**SECTION 1.** ORS 164.813 is amended to read:

5 “164.813. (1) **As used in this section:**

6 “(a) **‘Harvest’ means to separate by cutting, digging, prying, picking, peeling, breaking,**  
7 **pulling, splitting or otherwise removing a special forest product from:**

8 “(A) **Its physical connection or point of contact with the ground or vegetation upon which**  
9 **it was growing; or**

10 “(B) **The place or position where it lay.**

11 “(b) **‘Special forest products’ means:**

12 “(A) **Bear grass (*Xerophyllum tenas*), boughs, branches, ferns and other forest plant**  
13 **parts used in floral arrangements and decorations;**

14 “(B) **The bark and needles of the Pacific yew (*Taxus brevifolia*);**

15 “(C) **Cascara bark from the cascara tree (*Rhamnus purshiana*);**

16 “(D) **Cedar salvage, including cedar chunks, slabs, stumps and logs that are more than**  
17 **one cubic foot in volume;**

18 “(E) **Cut or picked evergreen foliage and shrubs, including, but not limited to, ferns,**  
19 **huckleberry, Oregon grape, rhododendron and salal;**

20 “(F) **Firewood;**

21 “(G) **Native ornamental trees and shrubs, including trees and shrubs that are not nurs-**  
22 **ery grown and that have been removed from the ground with the roots intact;**

23 “(H) **Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts,**  
24 **shingle bolts or other round or split products of any forest tree species;**

25 “(I) **Wild edible fungi, regardless of species, that have not been cultivated or propagated**  
26 **by artificial means; and**

27 “(J) **Items identified by the State Board of Forestry by rule as special forest products.**

28 “(c) **‘Special forest products’ does not mean mill ends, driftwood and artificially fabri-**  
29 **cated fireplace logs.**

30 “(d) **‘Transportation’ means the physical conveyance of special forest products away from**  
31 **a harvest or collection site and includes, but is not limited to, transportation in or on:**

32 “(A) **A motor vehicle or trailer, both as defined for purposes of the Oregon Vehicle Code;**

33 “(B) **A boat, barge, raft or other water vessel; or**

34 “(C) **An airplane, helicopter, balloon or other aircraft.**

35 “[*1*] (2) **Subject to subsection (6) of this section, it is unlawful for any person other than**

1 **the landowner** to cut or split wood into special forest products or to harvest or remove special  
2 forest products from a place unless the person has in possession a written permit to do so from the  
3 owner of the land from which the wood is cut or the **special forest** products taken. The written  
4 permit required under this subsection must set forth:

5 “(a) The date of the permit;

6 “(b) The name, address, telephone number and signature of the person granting the permit;

7 “(c) The name, address and telephone number of the person to whom the permit is granted;

8 “(d) The amount and kind of wood, by species, to be cut or split or the amount and kind of  
9 special forest products to be taken;

10 “(e) A description of the premises from which the wood is to be cut or the **special forest** pro-  
11 ducts taken. The description may be by legal description, tax account number or other description  
12 clearly identifying the premises; and

13 “(f) The date of expiration of the permit.

14 “[2] **(3) Subject to subsection (6) of this section**, it is unlawful for a person to transport  
15 special forest products without possessing a permit as described in subsection [(1)] **(2)** of this section  
16 or a document of sale showing title [thereto] **to the special forest products**. A document of sale  
17 must be signed by the landowner, seller or donor, and must set forth:

18 “(a) The date of the document;

19 “(b) The name, address and telephone number of the seller or donor of the **special forest** pro-  
20 ducts;

21 “(c) The name, address and telephone number of the purchaser or donee;

22 “(d) The amount and kind of **special forest** products sold, by species; and

23 “(e) A description of the premises from which the special forest products were taken. The de-  
24 scription may be by legal description, tax account number or other description clearly identifying  
25 the premises, or by street address in the event of purchase from a woodlot or fuel dealer or dealer  
26 in other special forest products.

27 “[3] **(4) Except as provided in subsection (7) of this section**, any person who engages in the  
28 purchase or other acquisition of special forest products for resale, other than special forest products  
29 acquired from property owned by that person, shall keep records of such purchases or acquisitions  
30 for a period of one year from the date of purchase or acquisition. The records shall be made avail-  
31 able to any peace officer upon request and shall reveal:

32 “(a) The date of purchase or acquisition;

33 “(b) The name, address, telephone number and signature of the person from whom the special  
34 forest products were obtained and the date they were obtained;

35 “(c) The license number of any vehicle used to deliver the special forest products to the dealer  
36 for resale;

37 “(d) The quantity of special forest products purchased or acquired; and

38 “(e) The name and address of the landowner from whose land the special forest product was  
39 harvested.

40 “[4] **(5) Any permit for the removal of special forest products from public lands issued or re-**  
41 **quired** by the United States Forest Service or the Bureau of Land Management is:

42 “**(a)** Sufficient for the purposes of subsections [(1) and] (2) **and (3)** of this section, regardless of  
43 whether the permit conforms to the specific requirements as to content set forth in subsections [(1)  
44 and] (2) **and (3)** of this section; **and**

45 “**(b) Valid only for the purposes and public lands locations identified in the permit.**

1 “[(5)] (6) Subsections [(1) and] (2) **and (3)** of this section do not apply to **the following activities**  
2 **conducted on public lands:**

3 “(a) The cutting or transportation of wild edible [*mushrooms*] **fungi** occupying a volume at har-  
4 vest of one gallon or less;

5 “(b) The cutting or transportation of special forest products, [*as defined*] **described** in subsection  
6 [(6)(b)(D)] (1)(b)(D), (F) and (H) of this section, having a total volume of less than 27 cubic feet;

7 “(c) The cutting or transportation of special forest products, other than those specified in par-  
8 agraphs (a) and (b) of this subsection, having a total volume of less than 12 cubic feet;

9 “(d) The cutting or transportation of coniferous trees that are subject to the provisions of ORS  
10 164.825;

11 “(e) The cutting or transportation of special forest products by the owner of the land from which  
12 they were taken or by the owner’s agent; or

13 “(f) The transportation of special forest products by a common carrier or contract carrier.

14 “[*(6) As used in this section:*]

15 “[*(a) ‘Harvest’ means to separate by cutting, prying, picking, peeling, breaking, pulling, splitting*  
16 *or otherwise removing a special forest product from:*]

17 “[*(A) Its physical connection or point of contact with the ground or vegetation upon which it was*  
18 *growing; or]*

19 “[*(B) The place or position where it lay.*]

20 “[*(b) ‘Special forest products’ means:*]

21 “[*(A) Bear grass (*Xerophyllum tenas*), boughs, branches, ferns and other forest plant parts used*  
22 *in floral arrangements and decorations;*]

23 “[*(B) The bark and needles of the Pacific yew (*Taxus brevifolia*);*]

24 “[*(C) Cascara bark from the cascara tree (*Rhamnus purshiana*);*]

25 “[*(D) Cedar salvage including cedar chunks, slabs, stumps and logs that are more than one cubic*  
26 *foot in volume;*]

27 “[*(E) Cut or picked evergreen foliage and shrubs including, but not limited to, ferns, huckleberry,*  
28 *Oregon grape, rhododendron and salal;*]

29 “[*(F) Firewood;*]

30 “[*(G) Native ornamental trees and shrubs, including trees and shrubs that are not nursery grown*  
31 *and that have been removed from the ground with the roots intact;*]

32 “[*(H) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts*  
33 *or other round or split products of any forest tree species; and]*

34 “[*(I) Wild edible mushrooms that have not been cultivated or propagated by artificial means.*]

35 “[*(c) ‘Special forest products’ does not mean mill ends, driftwood and artificially fabricated fire-*  
36 *place logs.*]

37 “[*(d) ‘Transportation’ means the physical conveyance of special forest products away from a har-*  
38 *vest site and includes, but is not limited to, transportation in or on:*]

39 “[*(A) A motor vehicle designed for use on improved roadways;*]

40 “[*(B) A boat, barge, raft or other water vessel; or]*

41 “[*(C) An airplane, helicopter, balloon or other aircraft.*]

42 “(7) Subsection [(3)] (4) of this section does not apply to a person who purchases cedar products  
43 that are special forest products and who complies with the record keeping requirements of ORS  
44 165.109.

45 “(8) Violation of any provision of subsections [(1) to (3)] (2) to (4) of this section is a Class B

1 misdemeanor.

2 “**SECTION 2.** ORS 164.813, as amended by section 1 of this 2013 Act, is amended to read:

3 “164.813. (1) As used in this section:

4 “(a) ‘Harvest’ means to separate by cutting, digging, prying, picking, peeling, breaking, pulling,  
5 splitting or otherwise removing a special forest product from:

6 “(A) Its physical connection or point of contact with the ground or vegetation upon which it  
7 was growing; or

8 “(B) The place or position where it lay.

9 “(b) ‘Special forest products’ means:

10 “[*(A) Bear grass (Xerophyllum tenas), boughs, branches, ferns and other forest plant parts used*  
11 *in floral arrangements and decorations;*]

12 “[*(B) The bark and needles of the Pacific yew (Taxus brevifolia);*]

13 “[*(C) Cascara bark from the cascara tree (Rhamnus purshiana);*]

14 “[*(D) Cedar salvage, including cedar chunks, slabs, stumps and logs that are more than one cubic*  
15 *foot in volume;*]

16 “[*(E) Cut or picked evergreen foliage and shrubs, including, but not limited to, ferns, huckleberry,*  
17 *Oregon grape, rhododendron and salal;*]

18 “[*(F) Firewood;*]

19 “[*(G) Native ornamental trees and shrubs, including trees and shrubs that are not nursery grown*  
20 *and that have been removed from the ground with the roots intact;*]

21 “[*(H) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts*  
22 *or other round or split products of any forest tree species;*]

23 “[*(I) Wild edible fungi, regardless of species, that have not been cultivated or propagated by arti-*  
24 *ficial means; and]*

25 “**(A) Plants, plant parts, fruit, fungi, parts of fungi, rocks or minerals that are identified**  
26 **in State Board of Forestry rules as special forest products;**

27 “**(B) Firewood;**

28 “**(C) Trees or parts of trees of a species identified in board rules as a forest tree species**  
29 **not normally used in commercial forest harvests; and**

30 “[*(J) (D) Other items identified by the [State Board of Forestry] board by rule as special forest*  
31 *products.*]

32 “(c) ‘Special forest products’ does not mean mill ends, driftwood and artificially fabricated fire-  
33 place logs.

34 “(d) ‘Transportation’ means the physical conveyance of special forest products away from a  
35 harvest or collection site and includes, but is not limited to, transportation in or on:

36 “(A) A motor vehicle or trailer, both as defined for purposes of the Oregon Vehicle Code;

37 “(B) A boat, barge, raft or other water vessel; or

38 “(C) An airplane, helicopter, balloon or other aircraft.

39 “(2) Subject to subsection (6) of this section, it is unlawful for any person other than the land-  
40 owner to cut or split wood into special forest products or to harvest or remove special forest pro-  
41 ducts from a place unless the person has in possession a written permit to do so from the owner of  
42 the land from which the wood is cut or the special forest products taken. The written permit re-  
43 quired under this subsection must set forth:

44 “(a) The date of the permit;

45 “(b) The name, address, telephone number and signature of the person granting the permit;

1           “(c) The name, address and telephone number of the person to whom the permit is granted;

2           “(d) The amount and kind of wood, by species, to be cut or split or the amount and kind of  
3 special forest products to be taken;

4           “(e) A description of the premises from which the wood is to be cut or the special forest pro-  
5 ducts taken. The description may be by legal description, tax account number or other description  
6 clearly identifying the premises; and

7           “(f) The date of expiration of the permit.

8           “(3) Subject to subsection (6) of this section, it is unlawful for a person to transport special  
9 forest products without possessing a permit as described in subsection (2) of this section or a doc-  
10 ument of sale showing title to the special forest products. A document of sale must be signed by the  
11 landowner, seller or donor, and must set forth:

12           “(a) The date of the document;

13           “(b) The name, address and telephone number of the seller or donor of the special forest pro-  
14 ducts;

15           “(c) The name, address and telephone number of the purchaser or donee;

16           “(d) The amount and kind of special forest products sold, by species; and

17           “(e) A description of the premises from which the special forest products were taken. The de-  
18 scription may be by legal description, tax account number or other description clearly identifying  
19 the premises, or by street address in the event of purchase from a woodlot or fuel dealer or dealer  
20 in other special forest products.

21           “(4) Except as provided in subsection (7) of this section, any person who engages in the purchase  
22 or other acquisition of special forest products for resale, other than special forest products acquired  
23 from property owned by that person, shall keep records of such purchases or acquisitions for a pe-  
24 riod of one year from the date of purchase or acquisition. The records shall be made available to  
25 any peace officer upon request and shall reveal:

26           “(a) The date of purchase or acquisition;

27           “(b) The name, address, telephone number and signature of the person from whom the special  
28 forest products were obtained and the date they were obtained;

29           “(c) The license number of any vehicle used to deliver the special forest products to the dealer  
30 for resale;

31           “(d) The quantity of special forest products purchased or acquired; and

32           “(e) The name and address of the landowner from whose land the special forest product was  
33 harvested.

34           “(5) Any permit for the removal of special forest products from public lands issued or required  
35 by the United States Forest Service or the Bureau of Land Management is:

36           “(a) Sufficient for the purposes of subsections (2) and (3) of this section, regardless of whether  
37 the permit conforms to the specific requirements as to content set forth in subsections (2) and (3)  
38 of this section; and

39           “(b) Valid only for the purposes and public lands locations identified in the permit.

40           “(6) Subsections (2) and (3) of this section do not apply to the following activities conducted on  
41 public lands:

42           “(a) The cutting or transportation of wild edible fungi occupying a volume at harvest of one  
43 gallon or less;

44           “(b) The cutting or transportation of special forest products, described in subsection (1)(b)(D),  
45 (F) and (H) of this section, having a total volume of less than 27 cubic feet;

1 “(c) The cutting or transportation of special forest products, other than those specified in par-  
2 agraphs (a) and (b) of this subsection, having a total volume of less than 12 cubic feet;

3 “(d) The cutting or transportation of coniferous trees that are subject to the provisions of ORS  
4 164.825;

5 “(e) The cutting or transportation of special forest products by the owner of the land from which  
6 they were taken or by the owner’s agent; or

7 “(f) The transportation of special forest products by a common carrier or contract carrier.

8 “(7) Subsection (4) of this section does not apply to a person who purchases cedar products that  
9 are special forest products and who complies with the record keeping requirements of ORS 165.109.

10 “(8) Violation of any provision of subsections (2) to (4) of this section is a Class B misdemeanor.

11 “**SECTION 3.** ORS 164.814 is amended to read:

12 “164.814. [No later than three months after September 9, 1995,] The State Forester shall develop  
13 a typical form for the permit and document of sale required by ORS 164.813 and for the records  
14 required by ORS 164.813 [(3)] (4). The State Forester shall make copies of the forms available. Use  
15 of the forms is not required.

16 “**SECTION 4.** ORS 164.845 is amended to read:

17 “164.845. (1) Whenever any peace officer has reasonable cause to believe that a person is cutting  
18 or transporting trees or special forest products in violation of ORS 164.813 [(1) or] (2) **or** (3) or  
19 164.825, the peace officer may arrest the person without a warrant and take the person before any  
20 court having jurisdiction of the offense. The court shall proceed without delay to hear, try and de-  
21 termine the matter and enter judgment according to the allegations and proofs.

22 “(2) The peace officer making the arrest, if not immediately taking the person arrested into  
23 custody, may issue a summons to the person. The summons shall direct the person to appear at the  
24 court named in the summons to answer a complaint to be filed therewith. The violation shall be  
25 noted on the summons, which shall be dated and signed by the peace officer.

26 “(3) Any person to whom a summons is issued under this section who fails to appear at the time  
27 and place specified therein commits a Class B misdemeanor.

28 “**SECTION 5.** ORS 164.855 is amended to read:

29 “164.855. (1) Whenever any peace officer has reasonable cause for believing that a person is  
30 cutting or transporting trees or special forest products in violation of ORS 164.813 [(1) or] (2) **or** (3)  
31 or 164.825, the peace officer may, at the time of making the arrest or issuing the summons, under  
32 ORS 164.845, seize and take possession of the trees or special forest products. The peace officer shall  
33 hold the trees or special forest products subject to the order of the court before which the arrested  
34 person is ordered to appear. If the owner of the trees or special forest products appears before the  
35 court within 48 hours after the seizure thereof and presents satisfactory evidence of ownership, the  
36 court shall order the peace officer to deliver the trees or special forest products to the owner. If the  
37 owner does not appear within the 48-hour period and prove ownership of the trees or special forest  
38 products, the court may direct the peace officer to sell the trees or special forest products in any  
39 manner and for any price that appears to the court to be warranted. If the trees or special forest  
40 products have no value, the court may direct the officer to destroy them in any manner practicable.  
41 The proceeds of the sale, less the reasonable expenses thereof, shall be paid to the treasurer of the  
42 county in which the trees or special forest products are sold. At any time within one year after the  
43 seizure of the trees or special forest products the owner thereof may appear before the court, and,  
44 upon presentation of satisfactory evidence of ownership, the court shall direct the treasurer of the  
45 county to pay the proceeds to the owner. If the owner does not appear within one year from the

1 seizure of the trees or special forest products and prove a right to the proceeds, the proceeds shall  
2 thereafter belong to the county, and may be disposed of as the county court may direct.

3 “(2) The return of the trees or special forest products or the payment of the proceeds shall not  
4 preclude the court from imposing any fine or penalty for any violation of ORS 164.825 to 164.855.

5 **“SECTION 6. The amendments to ORS 164.813 by section 2 of this 2013 Act become op-**  
6 **erative July 1, 2014.**

7 **“SECTION 7. (1) The State Forester shall amend the form described in ORS 164.814 to**  
8 **reflect the amendments to ORS 164.813 by section 1 of this 2013 Act and make copies of the**  
9 **form available no later than 90 days after the effective date of this 2013 Act.**

10 **“(2) The State Forester shall amend the form described in ORS 164.814 to reflect the**  
11 **amendments to ORS 164.813 by section 2 of this 2013 Act and make copies of the form**  
12 **available no later than October 1, 2014.**

13 **“SECTION 8. This 2013 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
15 **on its passage.”.**

16 \_\_\_\_\_