

# Enrolled Senate Bill 31

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for State Forestry Department)

CHAPTER .....

AN ACT

Relating to forestland classification committees; creating new provisions; amending ORS 526.310 and 526.332; and prescribing an effective date.

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

**SECTION 1.** ORS 526.310 is amended to read:

526.310. (1) Pursuant to a request by the State Forester:

(a) The governing body of a county may establish a forestland classification committee of six persons, of whom one shall be appointed by the State Forester, one by the Director of the Oregon State University Extension Service, one by the State Fire Marshal and three by the governing body. Of the members appointed by the governing body, one must be an owner of forestland **or the representative of an owner of forestland**, and, if the land to be investigated and studied by the committee includes or is expected to include grazing land, one must be an owner of grazing land **or the representative of an owner of grazing land**; or

(b) The governing bodies of two or more counties may, by written agreement, establish a joint forestland classification committee. One member of a joint committee shall be appointed by the State Forester, one by the Director of the Oregon State University Extension Service and one by the State Fire Marshal. The governing body of each participating county shall appoint two members. Of the members appointed by a governing body to a joint committee, one must be an owner of forestland **or the representative of an owner of forestland**.

(2) Each appointing authority shall file with the State Forester the name of its appointee or appointees, and the persons so named shall constitute the committee. Unless otherwise provided for by the appointing authority, members of the committee shall serve a term of four years and may be reappointed to any number of terms. Each member of the committee at all times is subject to replacement by the appointing authority, effective upon the filing with the State Forester by that authority of written notice of the name of the new appointee.

(3) The committee shall elect from among its members a chair and a secretary and may elect other officers as it finds advisable. It shall adopt rules governing its organization and proceedings and the performance of its duties, and shall keep written minutes of all its meetings.

(4)(a) The governing body of a county may provide for the committee and its members such accommodations and supplies and such county funds not otherwise appropriated as the governing body finds necessary for the proper performance of the committee's functions.

(b) The forester may provide for the committee and its members such accommodations and supplies and such forest protection district funds as the forester finds necessary for the proper performance of the committee's functions.

(5) The members of the committee shall receive no compensation for their services but a governing body or a forest protection district may reimburse them for their actual and necessary travel and other expenses incurred in the performance of their duties.

**SECTION 2.** ORS 526.332 is amended to read:

526.332. (1) Any owner of land classified under ORS 526.328 or 526.340 who is aggrieved by the classification may, within 30 days after the date of the order making the classification, appeal to the circuit court for the county in which the property is located. If the forestland classification committee has been established for more than one county and the property is located in more than one of those counties, the owner of the land may appeal to the circuit court for any of those counties. Notice of an appeal shall be promptly served on the secretary of the committee or, if the classification was made under ORS 526.340, on the State Forester.

(2) The appeal shall be tried by the circuit court as an action not triable by right to a jury.

**(3) The State Forester may intervene as a matter of right in an appeal under this section from a forestland classification committee order. The State Forester may defend a forestland classification committee order whether or not the forestland classification committee also defends the order.**

**SECTION 3.** The amendments to ORS 526.332 by section 2 of this 2013 Act apply to appeals for which the notice of appeal is served on the secretary of a forestland classification committee on or after the effective date of this 2013 Act.

**SECTION 4.** This 2013 Act takes effect on the 91st day after the date on which the 2013 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.

Passed by Senate February 14, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 13, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State