

**PROPOSED AMENDMENTS TO
HOUSE BILL 2615**

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

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

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

6 **“164.813. (1) As used in this section:**

7 **“(a) ‘Harvest’ means to separate by cutting, digging, prying, pick-**
8 **ing, peeling, breaking, pulling, splitting or otherwise removing a spe-**
9 **cial forest product from:**

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

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

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

14 **“(A) Bear grass (*Xerophyllum tenax*), boughs, branches, ferns and**
15 **other forest plant parts used in floral arrangements and decorations;**

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

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

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

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

22 **“(F) Firewood;**

1 “(G) Native ornamental trees and shrubs, including trees and
2 shrubs that are not nursery grown and that have been removed from
3 the ground with the roots intact;

4 “(H) Round or split posts, poles, pickets, stakes or rails,
5 shakeboards, shake-bolts, shingle bolts or other round or split pro-
6 ducts of any forest tree species;

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

9 “(J) Items identified by the State Board of Forestry by rule as spe-
10 cial forest products.

11 “(c) ‘Special forest products’ does not mean mill ends, driftwood
12 and artificially fabricated fireplace logs.

13 “(d) ‘Transportation’ means the physical conveyance of special for-
14 est products away from a harvest or collection site and includes, but
15 is not limited to, transportation in or on:

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

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

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

20 “[(1)] (2) Subject to subsection (6) of this section, it is unlawful for
21 any person **other than the landowner** to cut or split wood into special
22 forest products or to harvest or remove special forest products from a place
23 unless the person has in possession a written permit to do so from the owner
24 of the land from which the wood is cut or the **special forest** products taken.
25 The written permit required under this subsection must set forth:

26 “(a) The date of the permit;

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

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

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

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

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

7 “[2] **(3) Subject to subsection (6) of this section,** it is unlawful for a
8 person to transport special forest products without possessing a permit as
9 described in subsection [(1)] **(2)** of this section or a document of sale showing
10 title [*thereto*] **to the special forest products**. A document of sale must be
11 signed by the 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
14 **special forest** products;

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
18 were taken. The description may be by legal description, tax account number
19 or other description clearly identifying the premises, or by street address in
20 the event of purchase from a woodlot or fuel dealer or dealer in other special
21 forest products.

22 “[3] **(4) Except as provided in subsection (7) of this section,** any
23 person who engages in the purchase or other acquisition of special forest
24 products for resale, other than special forest products acquired from property
25 owned by that person, shall keep records of such purchases or acquisitions
26 for a period of one year from the date of purchase or acquisition. The records
27 shall be made available to any peace officer upon request and shall reveal:

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

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

1 obtained;

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

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

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

7 “[~~(4)~~] **(5)** Any permit for the removal of special forest products from public
8 lands issued **or required** by the United States Forest Service or the Bureau
9 of Land Management is:

10 “**(a)** Sufficient for the purposes of subsections [(1) and] (2) **and (3)** of this
11 section, regardless of whether the permit conforms to the specific require-
12 ments as to content set forth in subsections [(1) and] (2) **and (3)** of this
13 section; **and**

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

16 “[~~(5)~~] **(6)** Subsections [(1) and] (2) **and (3)** of this section do not apply to
17 **the following activities conducted on public lands:**

18 “(a) The cutting or transportation of wild edible [*mushrooms*] **fungi** oc-
19 cupping a volume at harvest of one gallon or less;

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

23 “(c) The cutting or transportation of special forest products, other than
24 those specified in paragraphs (a) and (b) of this subsection, having a total
25 volume of less than 12 cubic feet;

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

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

30 “(f) The transportation of special forest products by a common carrier or

1 contract carrier.

2 “[*(6) As used in this section:*]

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

6 “[*(A) Its physical connection or point of contact with the ground or vege-*
7 *tation upon which it 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*
11 *forest plant parts used 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*
15 *are more than one cubic foot in volume;*]

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

18 “[*(F) Firewood;*]

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

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

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

27 “[*(c) ‘Special forest products’ does not mean mill ends, driftwood and arti-*
28 *ficially fabricated fireplace logs.*]

29 “[*(d) ‘Transportation’ means the physical conveyance of special forest pro-*
30 *ducts away from a harvest site and includes, but is not limited to, transpor-*

1 *tation in or on:]*

2 “[A] *A motor vehicle designed for use on improved roadways;*]

3 “[B] *A boat, barge, raft or other water vessel; or]*

4 “[C] *An airplane, helicopter, balloon or other aircraft.]*

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

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

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

12 “164.813. (1) As used in this section:

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

16 “(A) Its physical connection or point of contact with the ground or veg-
17 etation upon which it was growing; or

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

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

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

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

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

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

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

28 “[F] *Firewood;]*

29 “[G] *Native ornamental trees and shrubs, including trees and shrubs that*
30 *are not nursery grown and that have been removed from the ground with the*

1 *roots intact;]*

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

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

7 **“(A) Plants, plant parts, fruit, fungi, parts of fungi, rocks or min-**
8 **erals that are identified in State Board of Forestry rules as special**
9 **forest products;**

10 **“(B) Firewood;**

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

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

16 **“(c) ‘Special forest products’ does not mean mill ends, driftwood and ar-**
17 **tificially fabricated fireplace logs.**

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

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

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

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

25 **“(2) Subject to subsection (6) of this section, it is unlawful for any person**
26 **other than the landowner to cut or split wood into special forest products**
27 **or to harvest or remove special forest products from a place unless the per-**
28 **son has in possession a written permit to do so from the owner of the land**
29 **from which the wood is cut or the special forest products taken. The written**
30 **permit required under this subsection must set forth:**

1 “(a) The date of the permit;

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

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

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

8 “(e) A description of the premises from which the wood is to be cut or the
9 special forest products taken. The description may be by legal description,
10 tax account number or other description clearly identifying the premises; and

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

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

17 “(a) The date of the document;

18 “(b) The name, address and telephone number of the seller or donor of the
19 special forest products;

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

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

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

27 “(4) Except as provided in subsection (7) of this section, any person who
28 engages in the purchase or other acquisition of special forest products for
29 resale, other than special forest products acquired from property owned by
30 that person, shall keep records of such purchases or acquisitions for a period

1 of one year from the date of purchase or acquisition. The records shall be
2 made available to any peace officer upon request and shall reveal:

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

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

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

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

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

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

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

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

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

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

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

27 “(c) The cutting or transportation of special forest products, other than
28 those specified in paragraphs (a) and (b) of this subsection, having a total
29 volume of less than 12 cubic feet;

30 “(d) The cutting or transportation of coniferous trees that are subject to

1 the provisions of ORS 164.825;

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

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

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

9 “(8) Violation of any provision of subsections (2) to (4) of this section is
10 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
13 Forester shall develop a typical form for the permit and document of sale
14 required by ORS 164.813 and for the records required by ORS 164.813 [(3)]
15 (4). The State Forester shall make copies of the forms available. Use of the
16 forms is not required.

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

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

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

30 “(3) Any person to whom a summons is issued under this section who fails

1 to appear at the time and place specified therein commits a Class B
2 misdemeanor.

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

4 “164.855. (1) Whenever any peace officer has reasonable cause for believ-
5 ing that a person is cutting or transporting trees or special forest products
6 in violation of ORS 164.813 [(1) or] (2) **or (3)** or 164.825, the peace officer
7 may, at the time of making the arrest or issuing the summons, under ORS
8 164.845, seize and take possession of the trees or special forest products. The
9 peace officer shall hold the trees or special forest products subject to the
10 order of the court before which the arrested person is ordered to appear. If
11 the owner of the trees or special forest products appears before the court
12 within 48 hours after the seizure thereof and presents satisfactory evidence
13 of ownership, the court shall order the peace officer to deliver the trees or
14 special forest products to the owner. If the owner does not appear within the
15 48-hour period and prove ownership of the trees or special forest products,
16 the court may direct the peace officer to sell the trees or special forest pro-
17 ducts in any manner and for any price that appears to the court to be war-
18 ranted. If the trees or special forest products have no value, the court may
19 direct the officer to destroy them in any manner practicable. The proceeds
20 of the sale, less the reasonable expenses thereof, shall be paid to the treas-
21 urer of the county in which the trees or special forest products are sold. At
22 any time within one year after the seizure of the trees or special forest
23 products the owner thereof may appear before the court, and, upon presen-
24 tation of satisfactory evidence of ownership, the court shall direct the
25 treasurer of the county to pay the proceeds to the owner. If the owner does
26 not appear within one year from the seizure of the trees or special forest
27 products and prove a right to the proceeds, the proceeds shall thereafter be-
28 long to the county, and may be disposed of as the county court may direct.

29 “(2) The return of the trees or special forest products or the payment of
30 the proceeds shall not preclude the court from imposing any fine or penalty

1 for any violation of ORS 164.825 to 164.855.

2 **“SECTION 6. The amendments to ORS 164.813 by section 2 of this**
3 **2013 Act become operative July 1, 2014.**

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

8 **“(2) The State Forester shall amend the form described in ORS**
9 **164.814 to reflect the amendments to ORS 164.813 by section 2 of this**
10 **2013 Act and make copies of the form available no later than October**
11 **1, 2014.**

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

15
