

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Environment and Natural Resources

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Beth Reiley, Administrator

Meeting Dates: 4/8

WHAT THE MEASURE DOES: Eliminates limitation on liability for property damages resulting from fish and wildlife habitat improvement project done in cooperation with Department of Fish and Wildlife or Oregon Watershed Enhancement Board, conducted as part of forest management practice, or for leaving large woody debris within waters of state for purposes of fish habitat and water quality improvement.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: (Proposed -1 Amendment) Replaces measure. Specifies limitation on liability from damages resulting from fish and wildlife improvement project done in cooperation with Department of Fish and Wildlife or Oregon Watershed Enhancement Board, conducted as part of forest management practice, or for leaving large woody debris within waters of state for purposes of fish habitat and water quality improvement is exclusive to forest operator, timber owner or forest landowner.

BACKGROUND: Under current law, a landowner is not liable in a contract or tort for any personal injury, death or property damage that arises out of the use of the land by: a volunteer conducting a fish and wildlife habitat improvement project; a participant of a state or federally funded watershed or stream restoration or enhancement program. The law prohibits an operator, timber owner or landowner from being held liable for any damages resulting from certain fish and wildlife habitat improvement projects, or for leaving large woody debris within the waters of this state to protect, retain and recruit large woody debris.

Senate Bill 544 eliminates the limitation on liability for damages resulting from certain fish and wildlife habitat improvement projects and watershed or stream restoration or enhancement programs.