

House Bill 2054

Sponsored by Representative KRIEGER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands availability of action for damages arising from interference with forest practices. Makes action available to public or private entity contracting to perform forest practices on public or private forestlands.

A BILL FOR AN ACT

1
2 Relating to actions arising from interference with forest practices; creating new provisions; and
3 amending ORS 30.949.

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

5 **SECTION 1.** ORS 30.949 is amended to read:

6 30.949. (1) As used in this section:

7 [(a) "Access road" means a road owned or maintained by the State Forestry Department.]

8 [(b) "Forest practice" has the meaning given that term in ORS 527.620.]

9 [(c) "State forestland" means:]

10 [(A) Forestland acquired under ORS 530.010 to 530.040; and]

11 [(B) Common School Forest Lands and Elliott State Forest Lands managed under ORS 530.490.]

12 (a) "Access road" means a public or private way, other than a state highway as defined
13 in ORS 366.005 or a county road as defined in ORS 368.001, owned or maintained for travel
14 by motorized vehicles or equipment as a means of reaching the exterior boundary of a public
15 or private forestland.

16 (b) "Forestland" and "forest practice" have the meanings given those terms in ORS
17 527.620.

18 (2) A public or private entity that contracts with the [State Forestry Department] owner or
19 operator of forestland, or with the agent of the owner or operator of forestland, to perform
20 a forest practice has a right of action for the amount of actual damages against any person that,
21 while on [state] that forestland or an access road [on state] serving that forestland, intentionally
22 commits an act that hinders, impairs or obstructs, or is an attempt to hinder, impair or obstruct, the
23 performance of the forest practice by the public or private entity. A court shall award a plaintiff
24 prevailing under this section reasonable attorney fees and costs.

25 (3) If the contract between the [private entity and the department provides for the private] public
26 or private entity and the owner, operator or agent provides for the public or private entity
27 to perform the forest practices in a defined area of [state] a forestland that lies in more than one
28 county, venue for a cause of action under this section is proper in any county containing part of the
29 area [of state forestland] defined by the contract terms in effect on the date the cause of action
30 arose.

31 (4) An action under this section must be commenced within two years after the date of the act

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 giving rise to the cause of action.

2 **SECTION 2. The amendments to ORS 30.949 by section 1 of this 2015 Act apply to acts**
3 **that a person intentionally commits, or continues to intentionally commit, on or after the**
4 **effective date of this 2015 Act.**

5
