

**PROPOSED AMENDMENTS TO
SENATE BILL 544**

1 On page 1 of the printed bill, delete lines 5 through 31 and insert:

2 **“SECTION 1.** ORS 496.270 is amended to read:

3 “496.270. (1) The Legislative Assembly declares that it is the policy of the
4 State of Oregon to encourage [*operators, timber owners and landowners to*
5 *voluntarily improve*] **the voluntary improvement of** fish and wildlife
6 habitat. [*In order to carry out this policy, the Legislative Assembly encourages*
7 *cooperation among operators, timber owners and landowners and other volun-*
8 *teers.*]

9 “(2) Consistent with the limitations of ORS 105.672 to 105.696, a land-
10 owner is not liable in contract or tort for any personal injury, death or
11 property damage that arises out of the use of the land by:

12 “(a) A volunteer conducting a fish and wildlife habitat improvement
13 project; or

14 “(b) A participant of a state-funded or federally funded watershed or
15 stream restoration or enhancement program.

16 “(3) [*An*] **A forest** operator, timber owner or **forest** landowner shall not
17 be held liable for any damages resulting from:

18 “(a) A fish and wildlife habitat improvement project done in cooperation
19 and consultation with the State Department of Fish and Wildlife or the
20 Oregon Watershed Enhancement Board, or conducted as part of a forest
21 management practice in accordance with ORS 527.610 to 527.770, 527.990 and
22 527.992; or

1 “(b) Leaving large woody debris within the waters of this state to protect,
2 retain and recruit large woody debris for the purposes of fish habitat and
3 water quality improvement.

4 “(4) The limitations to liability provided by subsections (2) and (3) of this
5 section do not apply if the damages, injury or death was caused by willful,
6 wanton or intentional conduct on the part of the **forest** operator, timber
7 owner or **forest** landowner or by the gross negligence of the **forest** operator,
8 timber owner or **forest** landowner. As used in this subsection ‘gross
9 negligence’ means negligence which is materially greater than the mere ab-
10 sence of reasonable care under the circumstances, and which is characterized
11 by indifference to or reckless disregard of the rights of others.

12 “(5) The limitation on liability provided by subsection (3) of this section
13 does not apply to claims for death or personal injuries.”.

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