

HB 2819: Added Citation Authority on Forestland



SUMMARY

House Bill (HB) 2819 is the vehicle to amend ORS 477.985 by authorizing ODF enforcement officers to issue citations if there are reasonable grounds to believe violations have occurred.

BACKGROUND

Currently, Oregon Revised Statute (ORS) 477.985 states that the State Forestry Department and the State Forester, or any employee specifically designated or by the State Forester, may issue citations for violations established under ORS 477.993 in the manner provided by ORS chapter 153. The general requirements in ORS 153.042(1) are that an officer can only issue a citation if the “conduct alleged to constitute a violation takes place in the presence of the enforcement officer.” Any exception to this general requirement must be specifically authorized in statute. Most violations that ODF enforces occur before the enforcement officer arrives on scene and therefore, the violation does not take place in the presence of the enforcement officer and a citation cannot be issued under the current language of the law. For example, an illegal escaped debris burn that is extinguished by a local structural fire department before the department’s enforcement office arrives on scene.

This will provide an exception consistent with other natural resource agencies such as the Department of Environment Quality, Oregon Department of Fish and Wildlife, and the Oregon State Marine Board for violations that occur when an enforcement officer is not present, but facts and investigations lead to the determination that a violation has occurred.

FISCAL/REVENUE IMPACT

There is no anticipated fiscal impact for this amendment.

FOR MORE INFORMATION

CONTACT:

Derrick Wheeler

ODF Legislative Coordinator

Derrick.Wheeler@odf.oregon.gov

(971) 375-1258

