



Major forestry policy bills passed by the 2007 Legislature

The department's legislative agenda

(Bills developed by department staff and introduced by the Governor on the department's behalf)

HB 2067 – Maintains the current system for **sharing emergency fire suppression and insurance costs** on state-protected land among landowners and the state's general fund. Landowners are responsible for the first \$15 million each year, with the state responsible for an additional \$10 million as necessary. Insurance, purchased jointly by the state and landowners, covers costs above \$25 million.

Under the system, the state also provides "severity" funds, allowing for the pre-positioning of helicopters, firefighting crews and other resources in times and places of expected severe fire danger.

HB 2068 – Adds the State Forester or a designee to the state **Invasive Species Council**, whose members include representatives from the Departments of Agriculture and Fish & Wildlife, and from academia. The council's activities include providing outreach and coordination regarding invasive plant and animal species and their possible impacts. The Department has been actively participating with the Council for some time and formal designation is not expected to increase workload.

HB 2069 – Clarifies the laws under which the department operates the **Schroeder Seed Orchard** near St. Paul and the associated **Forest Tree Seed Bank**. The bill ensures the department's ability to continue to work with public and private partners to develop high-quality seed and to make it available to family forestland and other forest landowners.

HB 2114 – Makes improvements intended to encourage participation in the under-used **stewardship agreement program**, in which landowners agree to exceed current rules in order to improve or conserve fish and wildlife habitat or water quality. The bill allocates no money, but sets up means for financial assistance for landowner projects if funds should become available in the future.

The bill also allows the department or Board of Forestry to exempt participants from future changes to specific forest practice rules, and limits public disclosure of the management plans that are required as part of stewardship agreements. These plans may

contain information that landowners deem proprietary or commercially sensitive. Rulemaking will be required to implement the changes described in the bill.

HB 2115 – Sets **Forest Products Harvest Tax rates** for calendar years 2008 and 2009, for the department’s administration of the Forest Practices Act, and for the Oregon State University Forest Research Lab.

HB 2293 – Makes improvements intended to increase participation in the under-used **Forest Resource Trust program**, which seeks to encourage landowners to improve forest management and to plant forests on under-producing lands.

The bill allocates no funds, but makes the program easier to use, and improves lending provisions and other financial aspects should money become available in the future. It also directs the department to help forestland owners find ways to receive compensation for the environmental benefits of their forest management activities, such as carbon storage. Rulemaking will be required to implement the changes to the program.

SB 99 – Makes refinements to the **Forestland-Urban Interface Fire Protection Act of 1997**, which seeks to increase fire safety in interface areas. Changes include provisions addressing properties with multiple owners, and allowing the State Forester to enter into agreements to resolve conflicts between local fire-protection requirements and those of the Act. An amendment added a question to sellers’ disclosure statements about whether a property has been classified as being within the forestland-urban interface.

Additional key bills

HB 2210 – Part of Governor Kulongoski’s **renewable energy** package. The bill provides incentives for greater development, distribution and use of agricultural and forest material for biofuel. These include a **new tax credit for producers and collectors of biofuel raw materials**. The Department and the Department of Energy are jointly developing information material to assist producers and landowners in the use the tax credit. Ongoing workload to provide this information and related assistance to landowners and operators is expected.

HB 2468 – Eliminates a requirement, approved during the 2005 session, that the federal **Forest Legacy Program** be used only within urban growth boundaries. The program provides funding and other support for state and local efforts to protect forestlands that are at risk of conversion to non-forest use. Department workload implications include the need to prepare a new assessment of need and the annual processing of the likely increased number of proposals.

HB 2973 – In response to recommendations of a review committee, makes operational changes in the department’s **smoke management program**. Changes include updating terminology, requiring data-collection to compare wildfire emissions with those of prescribed burning, and, through-rulemaking, increasing efficiency of fee collection.

HB 2974 – Exempts requirements to retain **roadside trees for scenic highways** within urban growth boundaries and zones designated for rural residential development. This bill will improve the efficiency of program administration without any change in outcome and it also results in equal treatment for all ownerships within these areas.

HB 3043 – In cases of failure to meet post-harvest reforestation requirements, allows the department to issue **civil penalties equal to the estimated cost of the reforestation**. This should improve efficiency and effectiveness related to reforestation compliance issues within the wildland/urban interface.

HB 3044 – Enacts a **25 percent increase in the rates that forest landowners within forest protection districts pay** into the Oregon Forest Land Protection Fund. Recommended by the Emergency Fire Cost Committee. Helps ensure consistently available revenue to meet landowners' obligations under HB 2067.

HB 3364 – Allows taxpayers to include the department's application fee in calculating costs eligible for the state's **reforestation tax credit program**. To the extent that this results in increased landowner participation, Department workload would increase. This program is fee-based and is intended to be self-supporting.

SB 450 – Enhances the department's ability to assist in the **formation of rangeland fire protection associations**, providing fire protection to areas that would otherwise have none, through training, assistance with purchase of liability insurance and other measures. Appropriates \$30,000 in general funds and allows spending of an additional \$30,000 in other funds.

SB 994 – Requires that **counties that have deeded forestland to the state must provide advance, written consent before revenues produced from managing those state forests can be transferred in the future for uses other than managing the forests**. Part of an agreement to transfer \$3.65 million of those revenues during 2007-2009 to be available for administrative expenses related to the department's fire protection program.

Selected other bills with forestry links

HB 2100 – Clarifies that **use of water for non-emergency firefighting training** is exempt from requirements for water rights application, permit or certificate.

HB 2445 – Provides liability protection for landowners enrolled in programs that provide fees for allowing public access. In the past, uncertainty about liability has led landowners to elect not to participate in such programs, resulting in a loss of recreational opportunities on private land.

HB 3244 – Establishes in statute a **Sustainability Board**, consisting of the Governor and 10 others the Governor appoints, subject to Senate confirmation. Duties include recommending legislation, policy changes or other actions that support sustainability.

HB 3540 – Provides for statewide special election on proposed changes to **Measure 37**, to appear on the November 2007 ballot as Measure 49.

HB 3543 – Addresses **climate change** through several measures, including setting greenhouse gas reduction goals, establishing a **Global Warming Commission** that includes the State Forester, and creating an **Oregon Climate Change Research Institute**. Acknowledges forests' significant role in carbon storage and climate change's possible effects on forests. Workload impacts include participating on the Commission and providing staff-support as the Commission addresses forest issues.

HB 3546 – Extends for about one year the **review period for Measure 37 claims** submitted after November 1, 2006. The backlog of claims that resulted from the Dec, 2006 deadline has not been cleared. At this point in time, the number of claims and related workload impacting the Department are unknown.

SB 239 – Exempts certain **agriculture and forestry quarantine requirements**, including those now used in fighting sudden oak death, from eligibility as **Measure 37 claims**.

SB 420 – Creates an **Environmental Justice Task Force**, appointed by the Governor. Duties include advising the Governor and state natural resources agencies on environmental justice issues, and identifying, in cooperation with agencies, low-income and minority communities that may be affected by agency decisions. Directs agencies, including the Department to provide support to the Task Force and create a citizen advocate position; duties include advising the agency of the effects of its decisions on groups traditionally under-represented in public processes.

SB 514 – Establishes **property tax special assessment program for land subject to conservation easements**. Allows land currently subject to farm or forest special assessment to be transferred to new program without payment of additional tax.

SB 1011 – Authorizes counties and metropolitan service districts to create a process for **designating rural reserves** on land not included in urban growth boundaries or rural communities. Modifies the process for designating urban reserves in Metro area. Rural reserves are lands reserved to provide long-term protection for agriculture, forestry or important natural landscape features that limit urban development or help define appropriate natural boundaries of urbanization, including plant, fish and wildlife habitat, steep slopes and floodplains. Both LCDC and Metro have requested Department involvement in developing rules to implement this authority.