

Legislative Action

Legislative Action Summary

2021 Regular Legislative Session – 2021-23 Biennium – Oregon Chapter Law and Budget Reports

Bill	Chapter Law	Purpose
SB 590	587	Relating to rangeland protection associations
SB 762	592	Relating to wildfire
SB 5505	658	General Obligation Bonds for Capital Improvements and Toledo Facility Replacement Phase II
SB 5506	659	Santiam District Office Replacement and Toledo Facility Replacement Phase II
SB 5518	605	ODF Main budget bill
HB 5006	669	Debt Service, Tree Seedling Grants, COI for General Obligation Bonds for Toledo, Support cost for rangeland protection associations, Establishment of positions related to Oregon Forest Practices Act

2021—2023 Budget Note Summary

Budget Note Number	Program	Purpose
1	Fire Protection	Special Purpose Appropriation for severity resources incurred during the 2021-23 biennium
2	Agency Administration	Continuance of contracted services from Macias, Gini, and O'Connell (MGO)
3	Private Forests	Reporting of department activities related to the containment and eradication of Sudden Oak Death in Oregon

2022 Regular Legislative Session – 2021-23 Biennium – Oregon Chapter Law and Budget Reports

Bill	Chapter Law	Purpose
HB 4055	31	Forest Products Harvest Taxation
HB 4156	76	Establishment of the State Forestry Department Cash Flow Repayment Fund
HB 5202	110	Payment of emergency fire costs related to the 2021 wildfire season
SB 1501	33	Implementation of the Private Forest Accord (PFA)

81st OREGON LEGISLATIVE ASSEMBLY--2021 Regular Session

**Enrolled
House Bill 5006**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Oregon Department of Administrative Services)

CHAPTER **000669**

AN ACT

Relating to state financial administration; creating new provisions; amending section 2, chapter _____, Oregon Laws 2021 (Enrolled Senate Bill 5544); and declaring an emergency.

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

SECTION 1. In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$50,000,000, for the purposes for which the Emergency Board lawfully may allocate funds.

SECTION 1a. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$188,000,000, to be allocated to state agencies for state employee compensation changes for the biennium beginning July 1, 2021.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2022, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 1b. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$20,000,000, to be allocated to state agencies for compensation changes driven by collective bargaining for workers who are not state employees.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2022, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 1c. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (6), chapter _____, Oregon Laws 2021 (Enrolled Senate Bill 5529), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter _____, Oregon Laws 2021 (Enrolled Senate Bill 5529), collected or received by the Department of Human Services, for aging and people with disabilities programs, is increased by \$1,813,619, for transfer of the Senior Health Insurance Benefits Assistance program from the Department of Consumer and Business Services.

SECTION 2. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter _____, Oregon Laws 2021 (Enrolled House Bill 5004), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery

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(Enrolled Senate Bill 5528), collected or received by the Higher Education Coordinating Commission, for programs and related grants, is increased by \$12,900,000, for payments out of the Part-Time Faculty Insurance Fund established by section 4, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 551).

SECTION 173. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$2,000,000 for distribution to the Innovation Law Lab, for immigration defense.

SECTION 174. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (5), chapter __, Oregon Laws 2021 (Enrolled House Bill 5025), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Parks and Recreation Department, for community support and grants, is increased by \$10,214,553, for the expenditure of lottery bond proceeds and costs of bond issuance related to the Oregon Main Street program.

SECTION 175. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3, chapter __, Oregon Laws 2021 (Enrolled House Bill 5025), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the State Parks and Recreation Department, is increased by \$414,812, for the payment of debt service.

SECTION 176. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (2), chapter __, Oregon Laws 2021 (Enrolled House Bill 5025), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Parks and Recreation Department, for central services, is increased by \$750,000, for the cost of bond issuance for capital improvement and renewal.

SECTION 177. In addition to and not in lieu of any other appropriation, there is appropriated to the State Parks and Recreation Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$2,232,660, for the payment of debt service.

SECTION 178. In addition to and not in lieu of any other appropriation, there is appropriated to the State Parks and Recreation Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$316,480, for the payment of costs associated with the development of statewide standards for recreation projects and administrative support for the Outdoor Recreation Advisory Committee established by section 7, chapter __, Oregon Laws 2021 (Enrolled House Bill 2171).

SECTION 179. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (6), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for capital improvement, is increased by \$4,820,772.

SECTION 180. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __,

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Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for agency administration, is increased by \$64,229, for the costs of issuing general obligation bonds for capital improvements.

SECTION 181. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (5), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for debt service, is increased by \$260,395.

SECTION 182. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (7), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for debt service, is increased by \$255,807.

SECTION 183. In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$5,000,000, for distribution as grants to expand tree seedling nursery capacity and supply.

SECTION 184. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for agency administration, is increased by \$49,196, for the costs of issuing general obligation bonds for replacement of the agency's Toledo facility.

SECTION 185. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (7), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for debt service, is increased by \$146,257.

SECTION 186. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (5), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for debt service, is increased by \$105,260.

SECTION 187. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (2), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for fire protection, is increased by \$666,937, for costs associated with support to rangeland protection associations.

SECTION 188. Notwithstanding any other law limiting expenditures, the amount of \$1,050,000 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses by the Department of State Lands for distribution of grants as directed by section 1, chapter __, Oregon Laws 2021 (Enrolled House Bill 3114), from the Oregon Ocean Science Fund established by ORS 196.567.

SECTION 189. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter __, Oregon Laws 2021 (Enrolled House Bill 5023), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses

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expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds and funds described in sections 8 to 12, chapter —, Oregon Laws 2021 (Enrolled Bill 5528), collected or received by the Higher Education Coordinating Commission, for programs and related grants is increased by \$10,000,000 for payments out of the Oregon Conservation Corps Fund established by section 28, chapter —, Oregon Laws 2021 (Enrolled Senate Bill 762).

SECTION 296. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (8), chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5529), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and Medicare receipts and including federal funds for indirect cost recovery, Social Security Supplemental Security Income recoveries and the Child Care and Development Fund, but excluding lottery funds and federal funds not described in section 2, chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5529), collected or received by the Department of Human Services, for shared services, is increased by \$628,913 for the purpose of carrying out section 3, chapter —, Oregon Laws 2021 (Enrolled Senate Bill 749).

SECTION 297. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (4), chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for private forests, is increased by \$686,300 for costs associated with the establishment of positions related to administration of the Oregon Forest Practices Act.

SECTION 298. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (5), chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for private forests, is increased by \$457,330, for costs associated with the establishment of positions related to administration of the Oregon Forest Practices Act.

SECTION 299. Notwithstanding any other provision of law, the authorized appropriations and expenditure limitations for the biennium beginning July 1, 2021, for the following agencies and programs are changed by the amounts specified:

(1) ADMINISTRATION.	
Agency/Program/Funds	2021 Oregon Laws Chapter/ Section Adjustment
Oregon Advocacy Commissions	
Office:	
Operating Expenses	SB 5501 1 -\$16,340
Oregon Department of Administrative Services:	
Chief Operating Office	HB 5002 2(1) -41,343
Other funds	
Debt Service	

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Federal funds Parks and Natural Resources Fund	SB 5502 4(4)	-24,874
Lottery funds	SB 5502 3	-75,930
Department of Environmental Quality:		
Air Quality		
General Fund	SB 5516 1(1)	-21,043
Other funds	SB 5516 2(1)	-363,227
Federal funds	SB 5516 5(1)	-3,361
Water Quality		
General Fund	SB 5516 1(2)	-25,425
Other funds	SB 5516 2(2)	-98,503
Federal funds	SB 5516 5(2)	-287,782
Land Quality		
Other funds	SB 5516 2(3)	-400,443
Federal funds	SB 5516 5(3)	-3,685
Agency Management		
Other funds	SB 5516 2(4)	-1,250,464
Parks and Natural Resources Fund		
Lottery funds	SB 5516 3	-6,402
State Department of Fish and Wildlife:		
Fish Division		
General Fund	HB 5009 1(1)	-69
Other funds	HB 5009 2(1)	-446,546
Lottery funds	HB 5009 3(1)	-30
Federal funds	HB 5009 4(1)	-121
Wildlife Division		
General Fund	HB 5009 1(2)	-349
Other funds	HB 5009 2(2)	-255,794
Lottery funds	HB 5009 3(2)	-58
Federal funds	HB 5009 4(2)	-1,843
Administrative Services Division		
General Fund	HB 5009 1(3)	-41,537
Other funds	HB 5009 2(3)	-2,078,639
State Forestry Department:		
Agency Administration		
Other funds	SB 5518 2(1)	-1,559,761
Federal funds	SB 5518 4(1)	-1,138
Fire Protection		
General Fund	SB 5518 1(2)	-699,452
Other funds	SB 5518 2(2)	-100,353
Federal funds	SB 5518 4(2)	-62,451
Private Forests		
General Fund	SB 5518 1(4)	-167,457
Other funds	SB 5518 2(5)	-15,136
Federal funds	SB 5518 4(5)	-11,788
Debt Service		
General Fund	SB 5518 1(5)	-2,059

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Other funds	SB 5518 2(7)	+2,060
State Forests		
Other funds	SB 5518 2(3)	-107,181
Federal funds	SB 5518 4(3)	-875
Federal Forest Restoration		
General Fund	SB 5518 1(3)	-18,249
Equipment Pool		
Other funds	SB 5518 2(6)	-29,419
Facilities Maintenance		
and Management		
Other funds	SB 5518 2(9)	-1,785
Department of Land		
Conservation and Development:		
Planning Program		
General Fund	SB 5530 1(1)	-170,597
Other funds	SB 5530 2	-2,493
Federal funds	SB 5530 3	-48,590
Columbia River Gorge		
Commission:		
Operating Expenses		
General Fund	SB 5508 1	-1,251

(9) PUBLIC SAFETY.

	2021	
	Oregon Laws	
	Chapter/	
Agency/Program/Funds	Section	Adjustment
State Board of Parole and		
Post-Prison Supervision:		
General Fund	HB 5026 1	-\$133,859
Department of State Police:		
Patrol Services, Criminal		
Investigations, Gaming		
Enforcement and Office of		
the State Fire Marshal		
General Fund	HB 5028 1(1)	-1,764,766
Other funds	HB 5028 2(1)	-604,732
Federal funds	HB 5028 3(1)	-17,855
Fish and Wildlife		
Enforcement		
General Fund	HB 5028 1(2)	-180,468
Other funds	HB 5028 2(2)	-240,393
Federal funds	HB 5028 3(2)	-2,319
Forensic Services and		
Chief Medical Examiner		
General Fund	HB 5028 1(3)	-174,006
Other funds	HB 5028 2(3)	-434

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Oregon Department of		
Aviation:		
Operations	SB 5504 1(1)	-\$31,667
Department of		
Transportation:		
Debt Service		
General Fund	SB 5542 1	-547
Other funds	SB 5542 2(18)	+550
Lottery funds	SB 5542 4	-3,539,712
Maintenance and Emergency		
Relief Program		
Other funds	SB 5542 2(2)	-4,932,261
Preservation Program		
Other funds	SB 5542 2(3)	-998
Bridge Program		
Other funds	SB 5542 2(4)	-3,137
Operations Program		
Other funds	SB 5542 2(5)	-20,692
Modernization Program		
Other funds	SB 5542 2(6)	-40,581
Special Programs		
Other funds	SB 5542 2(7)	-664,181
Local Government Program		
Other funds	SB 5542 2(8)	-807
Driver and Motor Vehicle		
Services		
Other funds	SB 5542 2(9)	-367,454
Commerce and Compliance		
Other funds	SB 5542 2(10)	-16,288
Policy, Data and Analysis		
Other funds	SB 5542 2(11)	-19,610
Federal funds	SB 5542 3(3)	-328
Public Transit		
Other funds	SB 5542 2(12)	-197
Rail		
Other funds	SB 5542 2(13)	-60,120
Federal funds	SB 5542 3(5)	-72,566
Transportation Safety		
Other funds	SB 5542 2(14)	-521
Federal funds	SB 5542 3(6)	-195
Support Services		
Other funds	SB 5542 2(15)	-3,221,439
Headquarters		
Other funds	SB 5542 2(16)	-9,018
Finance and Budget		
Other funds	SB 5542 2(17)	-1,760,106

SECTION 300. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

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Passed by House June 26, 2021



Timothy G. Sakerak, Chief Clerk of House

Received by Governor:

9:45 AM July 01, 2021

Approved:

8:48 AM August 09, 2021



Tina Kotek, Speaker of House



Kate Brown, Governor

Passed by Senate June 25, 2021



Peter Courtney, President of Senate

Filed in Office of Secretary of State:

10:40 A.M. August 16, 2021



Shemina Fagan, Secretary of State

Enrolled

Senate Bill 590

Sponsored by Senator HANSELL; Representatives LEVY, OWENS (Pre-session filed.)

CHAPTER 000587

AN ACT

Relating to rangeland protection associations; amending ORS 477.315.

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

SECTION 1. ORS 477.315 is amended to read:
477.315. As used in ORS 477.315 to 477.325:

- (1) "Rangeland" means any land:
 - (a) That is located in that part of the state lying easterly of the summit of the Cascade Mountains;
 - (b) That has not been classified as Class 1, Class 2 or Class 3 forestland under ORS 526.305 to 526.370; and
 - (c) That [contains] may contain isolated tracts of forestland not so classified or not within a forest protection district, or that is primarily land used for cultivating crops, rangeland, undeveloped land or undeveloped area containing sagebrush, juniper and similar growths.
- (2) "Rangeland protection association" means an entity that has the purpose of protecting rangeland from fire and is:
 - (a) Organized by owners of rangeland that is located within a rangeland protection system established under ORS 477.320 and lies wholly outside any forest protection district; or
 - (b) Organized with the approval of a county governing body to be a cost-neutral part of the emergency management program in a county having 200,000 or more acres of rangeland that are outside any forest protection district and are not protected by an association formed under paragraph (a) of this subsection.

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Passed by Senate June 21, 2021

Received by Governor:

4:31 P.M. JUNE 26, 2021


Lori L. Brooker, Secretary of Senate

Approved:

9:23 AM JULY 19, 2021


Peter Courtney, President of Senate


Kate Brown, Governor

Passed by House June 25, 2021

Filed in Office of Secretary of State:

10:18 A.M. JULY 23, 2021


Tina Kotek, Speaker of House


Shernia Fagan, Secretary of State

81st OREGON LEGISLATIVE ASSEMBLY--2021 Regular Session

**Enrolled
Senate Bill 762**

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY (at the request of Senate Committee on Natural Resources and Wildfire Recovery; Governor Kate Brown)

CHAPTER **000592**

AN ACT

Relating to wildfire; creating new provisions; amending ORS 197.716, 206.130, 401.025, 477.015, 477.025, 477.027, 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052, 477.064, 477.057, 477.059, 477.060 and 477.061; and declaring an emergency.

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

ELECTRIC SYSTEM PLANS

SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter 757.

SECTION 2. The Public Utility Commission shall periodically convene workshops for the purpose of helping public utilities that provide electricity, municipal electric utilities, people's utility districts organized under ORS chapter 261 that sell electricity, electric cooperatives organized under ORS chapter 62 and operators of electrical transmission and distribution systems to develop and share information for the identification, adoption and carrying out of best practices regarding wildfires, including, but not limited to, risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.

SECTION 3. (1) A public utility that provides electricity must have and operate in compliance with a risk-based wildfire protection plan that is filed with the Public Utility Commission and has been evaluated by the commission. The plan must be based on reasonable and prudent practices identified through workshops conducted by the commission pursuant to section 2 of this 2021 Act and on commission standards adopted by rule. The public utility must design the plan in a manner that seeks to protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage.

- (2) A public utility that provides electricity shall regularly update a risk-based wildfire protection plan on a schedule determined by the commission. The plan must, at a minimum:
 - (a) Identify areas that are subject to a heightened risk of wildfire and are:
 - (A) Within the service territory of the public utility; and
 - (B) Outside the service territory of the public utility but within a reasonable distance, as determined by the commission, of the public utility's generation or transmission assets.
 - (b) Identify a means for mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.
 - (c) Identify preventive actions and programs that the public utility will carry out to minimize the risk of utility facilities causing a wildfire.

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- (d) After seeking information from regional, state and local entities, including municipalities, identify a protocol for the deenergizing of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.
- (e) Describe the procedures, standards and time frames that the public utility will use to inspect utility infrastructure in areas that the public utility identifies under paragraph (a) of this subsection.
- (f) Describe the procedures, standards and time frames that the public utility will use to carry out vegetation management in areas that the public utility identifies under paragraph (a) of this subsection.
- (g) Identify the development, implementation and administration costs for the plan.
- (h) Identify the community outreach and public awareness efforts that the public utility will use before, during and after a wildfire season.
- (3) To develop a plan described in subsection (2) of this section, a public utility may consult with and consider information from regional, state and local entities, including municipalities.
- (4) The commission, in consultation with the State Forestry Department and local emergency services agencies, shall evaluate a public utility's wildfire protection plan and plan updates through a public process.
- (5) Not more than 180 days after receiving a wildfire protection plan or plan update from a public utility, the commission shall approve or approve with conditions the plan or update if the commission finds that the plan or update is based on reasonable and prudent practices identified through workshops pursuant to section 2 of this 2021 Act and designed to meet all applicable rules and standards adopted by the commission.
- (6) The commission's approval of a wildfire protection plan does not establish a defense to any enforcement action for violation of a commission decision, order or rule or relieve a public utility from proactively managing wildfire risk, including by monitoring emerging practices and technologies.
- (7) The commission shall adopt rules for the implementation of this section. The rules may include, but need not be limited to, procedures and standards regarding vegetation management, public power safety shutoffs and restorations, pole materials, circuitry and monitoring systems.
- (8) All reasonable operating costs incurred by, and prudent investments made by, a public utility to develop, implement or operate a wildfire protection plan under this section are recoverable in the rates of the public utility from all customers through a filing under ORS 757.210 to 757.220. The commission shall establish an automatic adjustment clause, as defined in ORS 757.210, or another method to allow timely recovery of the costs.
- SECTION 3a.** (1) In addition to all other penalties provided by law, violation of section 3 of this 2021 Act or a rule adopted pursuant to section 3 of this 2021 Act is subject to a civil penalty not to exceed \$10,000.
- (2) Notwithstanding ORS 183.315 (6), 183.745 (7)(d) and 756.500 to 756.610, civil penalties under this section must be imposed by the Public Utility Commission as provided in ORS 183.745.
- (3) Civil penalties collected under this section must be paid into the General Fund and credited to the Public Utility Commission Account as described in ORS 756.990 (7).
- SECTION 4.** (1) As used in this section, "consumer-owned utility" and "governing body" have the meanings given those terms in ORS 757.600.
- (2) A consumer-owned utility must have and operate in compliance with a risk-based wildfire mitigation plan approved by the governing body of the utility. The plan must be designed to protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage.

(3) The consumer-owned utility shall regularly update the risk-based wildfire mitigation plan on a schedule the governing body deems consistent with prudent utility practices.

(4) A consumer-owned utility shall conduct a wildfire risk assessment of utility facilities. The utility shall review and revise the assessment on a schedule the governing body deems consistent with prudent utility practices.

(5) A consumer-owned utility shall submit a copy of the risk-based wildfire mitigation plan approved by the utility governing body to the Public Utility Commission to facilitate commission functions regarding statewide wildfire mitigation planning and wildfire preparedness.

SECTION 5. A public utility that provides electricity shall submit the first risk-based wildfire protection plan required of the public utility under section 3 of this 2021 Act for Public Utility Commission evaluation no later than December 31, 2021.

SECTION 6. A consumer-owned utility shall submit the first risk-based wildfire mitigation plan required under section 4 of this 2021 Act to the utility governing body no later than June 30, 2022.

SECTION 6a. (1) As used in this section, "electric utility" has the meaning given that term in ORS 757.600.

(2) Sections 3 and 4 of this 2021 Act do not affect the terms or conditions of easement held by an electric utility over private land as of the effective date of this 2021 Act.

SECTION 6b. Sections 3 and 3a of this 2021 Act do not apply to municipally owned utilities organized under ORS chapter 225.

STATEWIDE MAP OF WILDFIRE RISK

SECTION 7. (1) The State Forestry Department shall oversee the development and maintenance of a comprehensive statewide map of wildfire risk that displays the wildfire risk classes described in subsection (4) of this section and populates the Oregon Wildfire Risk Explorer.

(2) The Oregon Wildfire Risk Explorer must be the official wildfire planning and risk classification mapping tool for the State of Oregon.

(3) The State Board of Forestry shall establish by rule criteria by which the map must be developed and maintained, including criteria concerning the use of the most current wildfire assessments.

(4) In consultation with Oregon State University, the department shall establish five statewide wildfire risk classes of extreme, high, moderate, low and no risk. The classes must be:

(a) Consistent with ORS 477.027.

(b) Based on weather, climate, topography and vegetation.

(5) The department shall enter into an agreement with the university that provides that the university will develop and maintain the map and make the map publicly available in electronic form through the Oregon Wildfire Risk Explorer.

(6) The board shall adopt rules that:

(a) Provide opportunities for public input into the assignment of properties to the wildfire risk classes described in subsection (4) of this section.

(b) Require the department to provide notice and information about how a property owner may appeal an assignment of the property owner's property to the extreme or high wildfire risk classes.

(c) Allow affected property owners and local governments to appeal the assignment of properties to the wildfire risk classes after the map is developed, after any updates to the map and within a reasonably time after delivery of the notice and information described in paragraph (b) of this subsection.

- (d) Establish a specific process for appeals through which a requested change in assignment is assessed based on:
 - (A) Whether the assignment is consistent with the criteria described in subsection (3) of this section;
 - (B) Any pertinent facts that may justify a change in the assignment; and
 - (C) Any error in the data the department used to determine the assignment, if the error justifies a change in the assignment.
 - (7) The map must:
 - (a) Be based on the wildfire risk classes.
 - (b) Be sufficiently detailed to allow the assessment of wildfire risk at the property-ownership level.
 - (c) Include the boundaries of the wildland-urban interface, as defined in ORS 477.015, consistent with national standards.
 - (d) Include a layer that geospatially displays the locations of socially and economically vulnerable communities.
 - (8) To develop and maintain the map, the university shall collaborate with the department, the State Fire Marshal, other state agencies, local governments, federally recognized Indian tribes in this state, other public bodies and any other information sources that the university deems appropriate.
 - (9) In maintaining the map, the university shall make technical adjustments as needed and update the map consistent with the results of appeals described in subsection (6)(b) of this section.
 - (10) The university shall provide technical assistance to representatives of state and local government, and to landowners, that use the map.
- SECTION 7a. (1) On or before December 31, 2021, the State Forestry Department shall report to an interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildlife Programs Advisory Council on the progress of the department and Oregon State University in complying with the requirements of section 7 of this 2021 Act.
- (2) On or before June 30, 2022, the department and university must finish all actions required of the department and university by section 7 of this 2021 Act.
 - (3) Notwithstanding any contrary provision of law, the State Board of Forestry may adopt temporary rules to help ensure the requirements described in subsection (2) of this section are met.

DEFENSIBLE SPACE

- SECTION 8. As used in sections 8a, 8b and 8c of this 2021 Act, "defensible space" means a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.
- SECTION 8a. (1) The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the statewide map of wildfire risk described in section 7 of this 2021 Act as within the wildland-urban interface.
- (2) The State Fire Marshal:
 - (a) Shall consult with the Oregon Fire Code Advisory Board to establish the requirements.
 - (b) Shall establish requirements that are consistent with and do not exceed the standards pertaining only to defensible space that are set forth in the International Wildland-Urban Interface Code published by the International Code Council, including the standards pertaining only to defensible space that are set forth in sections 603 and 604 of the code.
 - (c) May consider best practices specific to Oregon in order to establish the requirements.

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(d) Shall periodically reexamine the standards set forth in the International Wildland-Urban Interface Code and update the requirements to reflect current best practices, in consultation with the Oregon Fire Code Advisory Board.

(e) Shall enforce the requirements that are applicable to lands within the jurisdiction of a local government.

(f) Shall adopt rules governing administration of the requirements.

(g) May develop and apply a graduated fee structure for use in assessing penalties on property owners for noncompliance with the requirements.

(h) Shall consult on implementation of the requirements.

(i) May adopt rules concerning reports by local governments described in subsection (4)(a) of this section.

(3) Subject to additional local requirements, the requirements shall apply statewide for all lands in the wildland-urban interface that are designated as extreme or high risk, as identified on the map.

(4) Notwithstanding subsection (2) of this section, a local government may:

(a) Administer, consult on and enforce the requirements established by the State Fire Marshal, within the jurisdiction of the local government. A local government that administers or enforces the requirements established by the State Fire Marshal shall periodically report to the State Fire Marshal regarding compliance with the requirements, including the extent of compliance for each property within the jurisdiction of the local government, any change in the degree of compliance since the last report and any other information required by the State Fire Marshal by rule.

(b) Adopt and enforce local requirements for defensible space that are greater than the requirements established by the State Fire Marshal. Any local requirements that a local government adopts for defensible space must be defensible space standards selected from the framework set forth in the International Wildland-Urban Interface Code or other best practices specific to Oregon.

(c) Designate local fire districts, fire departments or fire agencies to enforce the requirements established by the State Fire Marshal or the local government pursuant to paragraph (b) of this subsection. A local government that designates enforcement must comply with the reporting requirements in paragraph (a) of this subsection.

(5) The State Fire Marshal shall administer a community risk reduction program that emphasizes education and methods of prevention with respect to wildfire risk, enforcement of defensible space requirements, response planning and community preparedness for wildfires.

(6) The State Fire Marshal may provide financial, administrative, technical or other assistance to a local government to facilitate the administration and enforcement of requirements within the jurisdiction of the local government. A local government shall expend financial assistance provided by the State Fire Marshal under this subsection to give priority to the creation of defensible space:

(a) On lands owned by members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income as defined in ORS 456.055.

(b) For critical or emergency infrastructure.

(c) For schools, hospitals and facilities that serve seniors.

SECTION 8b. (1) The minimum defensible space requirements established by the State Fire Marshal pursuant to section 8a of this 2021 Act may not be used as criteria to approve or deny:

(a) An amendment to a local government's acknowledged comprehensive plan or land use regulations.

(b) A permit, as defined in ORS 215.402 or 227.160.

(c) A limited land use decision, as defined in ORS 197.015.

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- (d) An expedited land division, as defined in ORS 197.360.
- (2) Notwithstanding subsection (1) of this section, a local government may:
 - (a) Amend the acknowledged comprehensive plan or land use regulations of the local government to include the requirements; and
 - (b) Use the requirements that are included in the amended acknowledged comprehensive plan or land use regulations as a criterion for a land use decision.
- SECTION 8c. The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the map described in section 7 of this 2021 Act on or before December 31, 2022.
- SECTION 9. The Community Risk Reduction Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Community Risk Reduction Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Fire Marshal for the purpose of carrying out community risk reduction and the local government financial assistance described in section 8a of this 2021 Act.
- SECTION 10. (1) The State Fire Marshal shall biannually report regarding the status of State Fire Marshal and local government activities for carrying out section 8a of this 2021 Act to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council:
 - (a) On or before the date of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.
 - (b) Approximately six months after the date described in paragraph (a) of this subsection.
 - (2) The report shall include, but need not be limited to:
 - (a) A status report regarding community risk reduction and the establishment, administration and enforcement of defensible space requirements;
 - (b) The amount of moneys expended during the year for community risk reduction and the establishment, administration or enforcement of defensible space requirements;
 - (c) The amount of moneys expended during the year for the suppression of fires on wildland-urban interface lands; and
 - (d) Any recommendations of the State Fire Marshal for legislative action, including, but not limited to, current or future resource and funding needs for community risk reduction and establishing, administering or enforcing defensible space requirements.

LAND USE

- SECTION 11. (1) As used in this section, "defensible space" has the meaning given that term in section 8 of this 2021 Act.
- (2) The Department of Land Conservation and Development shall identify updates to the statewide land use planning program and local comprehensive plans and zoning codes that are needed in order to incorporate wildfire risk maps and minimize wildfire risk, including the appropriate levels of state and local resources necessary for effective implementation.
- (3) Updates may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation and development considerations in areas of extreme and high wildfire risk, allowing for regional differences.
- (4) On or before October 1, 2022, the Department of Land Conservation and Development shall:
 - (a) Complete the updates.
 - (b) Report to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on the updates. The report must include recommendations concerning the updates.

(5) As necessary to identify needed updates and develop the recommendations required by subsection (4)(b) of this section, the department may consult with the State Fire Marshal, the State Forestry Department, the Department of Consumer and Business Services and local governments.

BUILDING CODES

SECTION 12. (1) For extreme and high wildfire risk classes in the wildland-urban interface that are identified pursuant to section 7 of this 2021 Act, the Department of Consumer and Business Services shall adopt wildfire hazard mitigation building code standards that apply to new dwellings and the accessory structures of dwellings, as described in section R327 of the 2021 Oregon Residential Specialty Code.

(2) The department shall amend section R327 of the Oregon Residential Specialty Code to include standards for additions to existing dwellings and accessory structures and for replacement of existing exterior elements covered in section R327 of the 2021 Oregon Residential Specialty Code.

(3) The department shall incorporate the standards described in subsections (1) and (2) of this section into any updates to the Oregon Residential Specialty Code.

SECTION 12a. (1) The Department of Consumer and Business Services shall take the actions required by section 12 (1) and (2) of this 2021 Act not later than October 1, 2022.

(2) The standards described in section 12 (1) and (2) of this 2021 Act may not become operative before April 1, 2023.

SECTION 12b. Not more than two years after the standards described in section 12 (1) and (2) of this 2021 Act are adopted, the Department of Consumer and Business Services shall update section R327 of the Oregon Residential Specialty Code for:

(1) Ensure that the code incorporates the standards described in section 12 (1) and (2) of this 2021 Act; and

(2) Make any necessary adjustments to the applicability of the standards and permitting requirements in the code.

SECTION 12c. The Department of Consumer and Business Services:

(1) Shall develop and maintain an interactive mapping tool that displays, at the property level, wildfire hazard mitigation standards covered in section R327 of the Oregon Residential Specialty Code. The tool must be designed to support future inclusion of snow load, seismic and wind building code standards at the property level.

(2) Shall collaborate with Oregon State University to obtain any needed information from the Oregon Wildfire Risk Explorer and national or science-based sources in order to develop the tool.

(3) Shall ensure that the tool is displayed in an electronic format and available to the public at no charge.

(4) Shall periodically update the tool when the relevant building code is updated.

(5) May enter into an agreement with the university concerning services required to develop and maintain the tool.

SECTION 12d. (1) The Department of Consumer and Business Services shall develop the interactive mapping tool described in section 12c of this 2021 Act not more than 60 days after the statewide map of wildfire risk described in section 7 of this 2021 Act is developed.

(2) Any delay in developing the tool may not affect a deadline concerning the map.

HEALTH SYSTEMS FOR SMOKE

SECTION 13. The Department of Environmental Quality shall develop and implement a program for supporting local communities, in detecting, preparing for, communicating or mitigating the environmental and public health impacts of wildfire smoke.

SECTION 13a. The Department of Environmental Quality shall establish a program for supporting local communities through intergovernmental agreements, grants, contracts or cooperative agreements to develop and implement community response plans to enhance the communities' readiness and mitigation capacity for smoke.

SECTION 13b. (1) The Department of Environmental Quality shall establish and implement a program to support communities across this state in monitoring, interpreting and communicating data related to ambient air quality conditions caused by wildfire smoke.

(2) As part of the program, the department shall:

- (a) Conduct community outreach in areas of this state that are prone to poor air quality attributable to elevated levels of particulate matter.
- (b) Deploy air quality monitoring equipment in a manner sufficient to evaluate an increased prevalence of poor air quality attributable to elevated levels of particulate matter.
- (c) Monitor meteorological conditions in a manner sufficient to forecast occurrences of poor air quality.

SECTION 14. (1) As used in this section, "smoke filtration system" means an air filtration system capable of removing particulates and other harmful components of wildfire smoke in a public building.

(2) In consultation and coordination with the Oregon Health Authority, the Department of Human Services shall establish and implement a grant program that allows local governments to:

- (a) Establish emergency clean air shelters.
- (b) Equip public buildings with smoke filtration systems so the public buildings may serve as cleaner air spaces during wildfire smoke and other poor air quality events.
- (3) The department shall require grantees to provide access to the clean air shelters at no charge.

SECTION 14a. The Department of Human Services is the lead state agency for clean air shelter operations. The department shall:

- (1) Consult and collaborate with the Oregon Health Authority to align practices for voluntary evacuations and emergency sheltering operations.
- (2) Coordinate with the authority in setting priorities for awarding grants described in section 14 of this 2021 Act.

(3) Provide support to local agencies that take lead roles in operating and planning clean air shelters in the local agencies' jurisdictions.

SECTION 14b. No later than June 30, 2023, in consultation with the Oregon Health Authority, the Department of Human Services shall report to an appropriate committee or interim committee of the Legislative Assembly, in the manner described in ORS 192.245, to the State Wildlife Programs Director and to the Wildfire Programs Advisory Council on:

- (1) The grants administered pursuant to section 14 of this 2021 Act, including information about which local governments received grants.
- (2) Any barriers to administering the grants.
- (3) Areas for improving the grant program described in section 14 of this 2012 Act.
- (4) Public health impacts from wildfire smoke events.

SECTION 15. (1) As used in this section, "smoke filtration device" means portable air cleaners and furnace, heating, ventilation and air conditioning filters that are intended to remove contaminants, including particulates and other harmful components of wildfire smoke, from the air in a room to improve indoor air quality.

(2) The Oregon Health Authority shall establish a program to increase the availability of residential smoke filtration devices among persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke.

(3) The authority may award grants for the purchase of smoke filtration devices.

(4) If the authority awards grants described in this section, the authority shall give priority to funding for smoke filtration devices in residential buildings occupied by persons who

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qualify for the Oregon Health Plan or Medicaid and are vulnerable to the health effects of wildfire smoke.

(5) The authority may adopt rules establishing standards for smoke filtration devices obtained with grant moneys received under this section, including, but not limited to, minimum acceptable efficiency for the removal of particulates and other harmful substances generated by wildfires.

(6) The authority may provide information and refer service providers to grantees that need housing interventions to facilitate effective use of smoke filtration devices, including interventions such as weather proofing.

SECTION 15a. The Oregon Health Authority shall periodically report to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on:

(1) The use of smoke filtration devices funded under section 15 of this 2021 Act, including use of the smoke filtration devices by vulnerable and underserved communities.

(2) The effectiveness of the programs described in section 15 of this 2021 Act.

(3) Areas for improvement.

(4) Public health impacts during wildfire smoke events.

(5) Whether funding described in section 15 of this 2021 Act has provided a public health return on investment.

EMERGENCY RESPONSE AND DISASTER RECOVERY

SECTION 16. ORS 401.025 is amended to read:
401.025. As used in this chapter:

(1) "Emergency" means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss, including but not limited to:

(a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

(b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement results from the type of event or circumstance described in paragraph (a) of this subsection.

(2) "Emergency service agency" means an organization within a local government that performs essential services for the public's benefit before, during or after an emergency, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering, public information and communications.

(3) "Emergency services" means activities engaged in by state and local government agencies to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency, including but not limited to coordination, preparedness planning, training, interagency liaison, fire fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures defined as "civil defense" in 50 U.S.C. app. 2252.

(4) "Local government" has the meaning given that term in ORS 174.116.

(5) "Major disaster" means any event defined as a "major disaster" under 42 U.S.C. 5122(2).

SECTION 17. (1) The Office of Emergency Management shall update its statewide emergency plan as necessary to prepare for or respond to wildfire emergencies on an area-wide or statewide basis. The plan developed by the office to prepare for or respond to wildfire

emergencies shall include, but need not be limited to, wildfire risk mitigation efforts and evacuation planning.

(2) The office shall coordinate with cities, counties, adult foster homes, health care facilities and residential facilities, the Department of Human Services and the Oregon Health Authority to establish local or private procedures to prepare for emergencies related to wildfire and ensure that local efforts to prevent, respond to or recover from an emergency caused by wildfire are conducted in a manner consistent with the plan developed by the office to prepare for or respond to wildfire emergencies. The coordinated activities may include, but need not be limited to, providing training, carrying out exercises and promoting community education.

SECTION 17a. The Office of Emergency Management shall conduct the update required by section 17 (1) of this 2021 Act on or before December 31, 2021.

REDUCTION OF WILDFIRE RISK

SECTION 18. (1)(a) The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure.

(b) The department shall ensure that the program is consistent with the objectives described in this section and biennially select, administer and evaluate projects consistent with the objectives described in this subsection.

(c) When developing program and project selection criteria, the department shall, to the extent practicable, consult and cooperate with state and federal agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forest and rangeland collaboratives and other relevant community organizations and ensure consistency with the priorities described in subsection (3) of this section.

(2) The department shall develop a 20-year strategic plan, as described in the Shared Stewardship Agreement signed on August 13, 2019, that prioritizes restoration actions and geographies for wildfire risk reduction. The plan must be able to be used to direct federal, state and private investments in a tangible way.

(3) In selecting and administering projects, the department shall:

(a) In collaboration with the Oregon State University Extension Service and other entities, identify strategic landscapes that are ready for treatment, giving priority to projects within the landscapes that are:

(A) On lands in the four highest eNVC risk classes identified in the United States Forest Service report titled "Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results" and dated April 9, 2018;

(B) Inclusive of federal lands with treatment projects currently approved under the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

(C) Focusing on treatments protective of human life, property, critical infrastructure, watershed health and forest or rangeland habitat restoration; and

(D) Part of a collaborative partnership with agreements across diverse forestland or rangeland stakeholders that use an expansive, landscape-scale approach to address underlying causes of poor wildfire resilience and elevated risk of wildfire or that establish innovative approaches to addressing the underlying causes that could be implemented on a larger scale.

(b) To the extent practicable, identify and support projects that are designed to:

(A) Evaluate varying types of fuel treatment methods;

(B) Leverage the collective power of public-private partnerships and federal and state funding, including leverage of the coordination of funding to support collaborative initiatives

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that address the underlying causes of elevated forestland and rangeland wildfire risk across ownerships; and

(C) Optimize the receipt of federal government investments that equal or exceed department investments.

(c) Design the projects to involve existing forest-based and range-based contracting entities.

(d) Design the projects to complement programs and projects of the Oregon Watershed Enhancement Board or other state agencies as needed.

(e) Design the projects to involve the Oregon Conservation Corps Program established by section 21 of this 2021 Act, to the maximum extent possible, for community protection projects located in the wildland-urban interface, subject to funding available in the Oregon Conservation Corps Fund established by section 23 of this 2021 Act.

(f) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders holding a wide variety of perspectives regarding forest and rangeland management and opportunities for significant involvement by communities in proximity to project sites.

(g) Engage in monitoring of the projects to produce useful information on which to base recommendations to the Legislative Assembly.

(4) A project under this section may not include commercial thinning on:

(a) Inventoried roadless areas;

(b) Riparian reserves identified in the Northwest Forest Plan or in federal Bureau of Land Management resource management plans;

(c) Late successional reserves, except to the extent consistent with the 2011 United States Fish and Wildlife Service Revised Recovery Plan for the Northern Spotted Owl (*Strix occidentalis caurina*);

(d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national recreation areas, national monuments or areas protected under ORS 390.805 to 390.925;

(e) Designated critical habitat for species listed as threatened or endangered under the Endangered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission under ORS 496.172, unless commercial thinning is already allowed under an existing environmental review or recognized habitat recovery plan; or

(f) Federally designated areas of critical environmental concern or federally designated wilderness study areas.

(5) The department shall give public notice, and allow reasonable opportunity for public input, when identifying and selecting landscapes under this section.

SECTION 19. Section 18 of this 2021 Act does not expand, diminish or otherwise affect a right, privilege, duty or function established under federal, state or local laws or rules that pertain to the management of private lands in this state.

SECTION 20. (1) The State Forestry Department shall complete the operation of projects under section 18 of this 2021 Act no later than June 30, 2023.

(2) The department shall report regarding progress in carrying out projects under section 18 of this 2021 Act to an interim committee of the Legislative Assembly related to natural resources, in the manner provided by ORS 192.245, and to the Governor, State Wildlife Programs Director and Wildlife Programs Advisory Council no later than January 15, 2022. The report shall include, but need not be limited to:

(a) An explanation of how landscapes were selected, a summary of the selected projects, a description of initial outcomes from projects selected under the requirements established by section 18 of this 2021 Act, anticipated time frames for completion of the projects and any initial recommendations concerning landscape identification and projects selected under the requirements established by section 18 of this 2021 Act;

(b) A description of the funding source types and amounts secured by the department as matching funds to implement projects; and

(c) A summary of outreach and coordination with relevant federal and state agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forestland and rangeland collaboratives and other relevant community organizations to identify and select landscapes for treatment and develop selection criteria for projects.

(3)(a) The department shall report its findings and recommendations regarding wildfire risk reduction on forestland and rangeland and in communities, based on information obtained from the projects described in section 18 of this 2021 Act, to an interim committee of the Legislative Assembly related to natural resources, in the manner provided by ORS 192.245, and to the Governor, State Wildlife Programs Director and Wildfire Programs Advisory Council no later than July 15, 2023. The report shall include, but need not be limited to:

(A) A qualitative and quantitative summary of the project outcomes that, at a minimum, states the number of acres treated, the treatment actions carried out and any resulting or anticipated changes in landscape conditions related to enhanced resiliency or the mitigation of wildfire risk to public values;

(B) The identification of barriers to more efficient implementation and achievement of goals in future wildfire risk reduction projects;

(C) A qualitative and quantitative summary of the use of prescribed fire activities and invasive annual grass treatments for wildfire risk reduction that, at a minimum, states the number of acres burned or treated and any resulting or anticipated changes in landscape conditions related to enhanced resiliency or the mitigation of wildfire risk to public values;

(D) The identification of existing disincentives to, and recommendation for reducing barriers to, the use of prescribed fire;

(E) Recommendations for creating optimal working relationships with forestland or rangeland collaboratives and other relevant community organizations regarding future wildfire risk reduction projects;

(F) A description of the funding source types and amounts secured by the department as matching funds to carry out projects; and

(G) Recommendations for investment in future wildfire risk reduction projects to be carried out in the 2023-2025 biennium.

(b) In developing the report required under this subsection, the department shall work in coordination with federal land management agencies, institutions of higher education and third parties to develop consistent performance measurements and condition-based metrics for monitoring and communicating the effectiveness of state investments and project actions in reducing wildfire risk on public or private forestlands and rangelands and in communities.

OREGON CONSERVATION CORPS

SECTION 21. (1) The Oregon Conservation Corps Program is established for the purposes of:

(a) Reducing the risk wildfire poses to communities and critical infrastructure.

(b) Helping to create fire-adapted communities.

(c) Engaging youth and young adults in workforce training.

(2) Youth and young adults between 13 years of age and 26 years of age who have been qualified by a youth development organization may participate in projects undertaken by the corps.

(3) Notwithstanding any contrary provision of law, participants in projects undertaken by the corps:

(a) Are not employees of the corps.

(b) Are exempt from prevailing wage laws.

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(c) Must receive compensation for their participation of at least minimum wage or an allowance or stipend that, when combined with other sources of payment the participant is eligible to receive, including academic credit or an AmeriCorps education award, is equivalent to the value of minimum wage.

SECTION 22. (1) As used in this section, "eligible organization" includes Oregon-based nonprofit youth development organizations and public entities that provide programs of job training, skill development and forest-related or rangeland-related career path training.

(2) The Oregon Conservation Corps Advisory Committee is established within the Higher Education Coordinating Commission for the purpose of managing the Oregon Conservation Corps Program.

(3) The Governor shall determine the number of members on the committee and appoint the members.

(4) The committee shall, in collaboration with a qualified nonprofit foundation, actively seek and source private donations to support the Oregon Conservation Corps Program.

(5) The committee may direct the expenditure of moneys from the Oregon Conservation Corps Fund for a promotional website and materials to solicit private funds.

(6) Members may not receive compensation for service on the committee, but, subject to any applicable laws regulating travel and other expenses of state officers and employees, may be reimbursed for actual and necessary travel and other expenses incurred in the performance of committee duties with moneys available to the commission for the purpose of reimbursing the members.

(7) The committee shall administer a grant process that:

(a) Provides funding to support the work conducted by the Oregon Conservation Corps Program.

(b) Defines and uses an equity lens in awarding grants by identifying and supporting populations with greater vulnerability including communities of color, indigenous communities, communities with members who have limited proficiency in English and communities with lower-income members.

(c) Awards grants to eligible organizations.

(d) Ensures that grant awards support activities described in section 21 (1) of this 2021 Act and subsection (8) of this section.

(e) Establishes guidelines for prioritizing grant-supported projects to reduce community fire risks, promote youth and young adult workforce development and educational experiences and reduce hazardous fuels.

(8) The committee shall consult with the State Forestry Department to ensure that the grant process awards funds to proposals that:

(a) Protect at-risk communities and infrastructure within the wildland-urban interface, as described in section 18 of this 2021 Act.

(b) Meet standards for fuel treatment established by the department.

(9) The committee shall biennially submit a report, on the timeline described in ORS 293.640, to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, and to the State Wildlife Programs Director and Wildlife Programs Advisory Council, regarding the expenditure of moneys deposited in the Oregon Conservation Corps Fund.

SECTION 23. (1) The Oregon Conservation Corps Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Conservation Corps Fund shall be credited to the fund.

(2) The fund may receive contributions from individuals and private organizations.

(3) Moneys in the fund are continuously appropriated to the Higher Education Coordinating Commission to be used as directed by the Oregon Conservation Corps Advisory Committee and for related administrative expenses of the commission.

(4) The commission shall keep records of all moneys credited to and deposited in the fund and the activity or program against which each withdrawal from the fund is charged.

SMALL FORESTLAND GRANT PROGRAM

SECTION 24. (1) As used in this section, "small forestland owner" means an individual, group, federally recognized Indian tribe in Oregon or association that owns:

(a) Up to 160 acres of nonindustrial private forestland west of the crest of the Cascade Mountains; or

(b) Up to 640 acres of nonindustrial private forestland east of the crest of the Cascade Mountains.

(2) The State Forestry Department shall establish a small forestland grant program for the purpose of providing grants, on a competitive basis, to support small forestland owners in reducing wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuels on the owners' property.

(3) In consultation with partners and stakeholders, the department shall set criteria for assessing grant applications and awarding grants. The criteria may include, but need not be limited to:

- (a) Prioritization of projects on forestland in extreme or high wildfire risk classes described in section 7 of this 2021 Act.
- (b) Owner commitment to maintaining fuel reduction treatments.
- (c) Owner possession of a forest management plan.
- (d) Project proximity to current or past fuel mitigation efforts, supported by any owner or funding source, that would contribute to cross-boundary, landscape-scale forest resiliency.
- (e) Whether the project addresses additional resource concerns, such as insect and disease management.
- (f) Whether critical facilities and infrastructure may receive enhanced protection due to project outcomes.

PRESCRIBED FIRE

SECTION 25. The State Forestry Department shall adopt rules to clarify that a person may:

(1) Conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit for the fire as described in ORS 477.515 or 477.625 and complies with the conditions of the permit.

(2) Obtain a single permit under ORS 477.515 or 477.625 for a prescribed fire that burns across land ownership boundaries if the person demonstrates to the department that the person has obtained consent to conduct the fire from all persons on whose lands the fire is planned to burn.

SECTION 25a. The State Forestry Department shall initiate the rulemaking described in section 25 of this 2021 Act on or before November 30, 2021, and finalize the rulemaking on or before November 30, 2022.

SECTION 26. ORS 526.360 is amended to read:

526.360. (1) The State Board of Forestry, *(and the forester)* the State Forester and forest protective associations may assist to the extent *(possible)* practical in developing, for forestry, grazing or agricultural uses, all forestland classified pursuant to ORS 526.328 or 526.340 for such uses, including the burning of brush or other flammable material for the purpose of:

- (a) Removing a fire hazard to any property;
- (b) Preparing seed beds;
- (c) Removing obstructions to or interference with the proper seeding or agricultural or grazing development or use of that land;

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- (d) Promoting the establishment of new forest crops on cutover, denuded or underproductive lands;
 - (e) Implementing pest prevention and suppression activities, as provided in ORS 527.310 to 527.370; or
 - (f) Promoting improvements to forest health, including improvements to fish and wildlife habitat.
- (2) Upon request of the owner or the agent of the owner of any forestland classified pursuant to ORS 526.328 or 526.340, the forester or a forest protective association may perform or supervise burning operations thereon for any of the purposes stated in subsection (1) of this section. The owner or the agent of the owner shall supply such personnel and equipment and shall perform such fire control actions and activities as the forester or forest protective association may require while there is danger of the fire spreading. The forester or forest protective association may refuse to perform or supervise burning or to issue any burning permit when, in the judgment of the forester or forest protective association, conditions so warrant.
- (3) To accomplish the purposes set forth in subsection (1) of this section, the [State Board of Forestry may] board shall establish by rule a Certified Burn Manager program.
- (4) The rules shall include:
- (a) Certification standards, requirements and procedures;
 - (b) Standards, requirements and procedures to revoke certification;
 - (c) Actions and activities that a Certified Burn Manager must perform;
 - (d) Actions and activities that a Certified Burn Manager may not allow or perform;
 - (e) Limitations on the use of a Certified Burn Manager; and
 - (f) Any other standard, requirement or procedure that the board considers necessary for the safe and effective administration of the program.
- (5) The rules may establish and impose fees for participation in the program.
- [d)] (6) When [any] a burning for any of the purposes stated in subsection (1) of this section on forestland classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and supervised by the forester, a forest protective association or a Certified Burn Manager, [no] a person [shall] may not be held liable for property damage resulting from that burning unless the damage is caused by the negligence of the person.
- SECTION 27. By December 1, 2021, the State Board of Forestry shall:**
- (1) Consult with the Oregon Prescribed Fire Council concerning best practices for conducting the Certified Burn Manager program described in ORS 526.360;
 - (2) Initiate rulemaking to establish the program; and
 - (3) Report in the manner provided in ORS 192.245 to an appropriate committee or interim committee of the Legislative Assembly on progress the board has made in establishing and implementing the program and when the board expects to launch the program.

FEDERAL PARTNERSHIPS

SECTION 27a. The State Forestry Department shall cooperate with federal agencies to increase the effectiveness of activities undertaken pursuant to ORS 526.271, 526.274 and 526.275.

PROTECTED AREAS

SECTION 28. (1) The State Forester, in collaboration with the State Fire Marshal, state agencies and local governments as defined in ORS 174.116, shall adopt rules establishing baseline levels of wildfire protection for lands that are outside of forest protection districts and susceptible to wildfire. When establishing the baseline levels for lands, the State Forester shall ensure that the levels are adapted to reflect regional conditions. A county, in collaboration with the State Forester and the State Fire Marshal, may work to ensure that all lands within the county that are outside of forest protection districts and susceptible to

wildfire are provided with wildfire protection services at the applicable baseline level or a higher level. As used in this subsection, "forest protection districts" means lands designated in State Forester rules as provided under ORS 477.225.

(2) A county, in collaboration with the State Forester and the State Fire Marshal, may assist:

(a) Landowners, individuals and businesses with forming jurisdictions to provide wildfire protection;

(b) Landowners, individuals, businesses and jurisdictions with obtaining expansion of or other changes to boundaries or facility locations of jurisdictions that provide wildfire protection;

(c) Jurisdictions to expand or adjust jurisdiction service boundaries to ensure adequate wildfire protection for lands; and

(d) Jurisdictions in developing wildfire protection facilities, equipment, training and other resources adequate to ensure that the jurisdiction provides timely and effective wildfire protection at the baseline level or higher on lands described in subsection (1) of this section throughout the jurisdiction.

(3) The State Forester may provide financial assistance to counties for carrying out county duties under subsection (2) of this section from any funds made available to the State Forester and designated for that purpose.

SECTION 29. A county shall ensure no later than January 1, 2026, that all lands described in section 28 (1) of this 2021 Act within the county have baseline level or higher wildfire protection as described in section 28 of this 2021 Act.

WILDFIRE RESPONSE CAPACITY

SECTION 30. (1) The State Forestry Department shall establish and maintain an expanded system of automated smoke detection cameras that includes staffing in detection centers to monitor and alert fire suppression staff when fires are detected.

(2) The system must serve the purposes of quickly detecting, locating and extinguishing fires and keeping fires as small as possible.

SECTION 30a. The State Forestry Department:

(1) Shall consult and coordinate with federal agencies, private stakeholders and other state agencies to determine the adequacy of state, federal and private wildfire response capacity. The department shall act to facilitate wildfire prevention and wildfire response communication and coordination between federal, state, local and private entities.

(2) Shall increase the department's wildfire readiness and response capacity, including increases to fire suppression response personnel, aviation assets and necessary administrative support personnel, to the extent the department receives funding for the increase.

(3) Shall, to the extent practicable, seek to leverage state moneys to obtain an increase in federal wildfire resources available to Oregon for effective initial response purposes.

(4) Shall consult with the office of the State Fire Marshal and with local fire defense board chiefs to assess the adequacy of available mutual aid to provide wildfire response on wildland-urban interface lands and to identify means for providing additional resources from the state or other entities to enhance wildfire response capacity on wildland-urban interface lands.

(5) Shall continually identify workforce development needs associated with wildfire risk mitigation and wildfire response and develop funding proposals for meeting those needs on a sustained basis. The identified workforce development needs must align with wildfire risk to provide an adequate level of wildfire protection, as described in ORS 477.0652.

(6) May enter into cooperative agreements or contracts with a local or private entity for the purpose of assisting the entity to organize for purposes of wildfire risk mitigation or wildfire response, including, but not limited to, facilitating wildfire training and the acquisi-

tion of firefighting equipment for the entity and assisting with payment for liability insurance and other administrative expenses of the entity associated with wildfire risk mitigation or wildfire response.

SECTION 30b. (1) The office of the State Fire Marshal shall increase the office's wildfire readiness and response capacity to the extent the office receives funding for the increase, by means including:

(a) Increasing fire prevention and response personnel and fire administrative support personnel to address planning, communications, training, deployment and safety.

(b) Implementing innovative technologies and modernizing systems to expedite fire resource deployment in an efficient and safe manner.

(2) The State Fire Marshal may:

(a) Designate funding intended for the Oregon fire mutual aid system to support prepositioning of resources and costs.

(b) Enter into contracts with federal or state agencies, other states, political subdivisions, corporations and authorities having fire suppression jurisdiction for fire prevention, suppression, coordination and response.

WILDLAND-URBAN INTERFACE FIRE PROTECTION

SECTION 31. ORS 477.015 is amended to read:

477.015. *[(1)]* As used in this section and ORS [477.015 to 477.061] 477.025 and 477.027, *unless the context otherwise requires,* ^["forestland-urban"] ~~["forestland-urban"]~~ *wildland-urban interface* ^["means"] ~~["means"]~~ has the meaning given that term in rule by the State Board of Forestry, *[a geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.]*

[(2)] As used in ORS 477.015 to 477.057, *unless the context requires otherwise:*

[(a)] "Committee" means a county forestland-urban interface classification committee.]

[(b)] "Governing body" means the board of county commissioners or county court of a county, as the case may be.]

SECTION 32. ORS 477.025 is amended to read:

477.025. The Legislative Assembly recognizes that the *[forestland] wildland-urban interface* in Oregon varies by condition, situation, fire hazard and risk, that different *[forestland] wildland-urban interface* fire protection problems exist across the state because of this variability, and that these different problems necessitate varied fire prevention and protection practices, *[and that, in order to give recognition to such differences and their effect on the accomplishment of the public policy stated in ORS 477.023, certain classifications of the forestland-urban interface within the State of Oregon, are established by ORS 477.027 to 477.057.]*

SECTION 33. ORS 477.027 is amended to read:

477.027. (1) By *[administrative]* rule, considering national best practices, the State Board of Forestry shall establish:

(a) A definition of "wildland-urban interface."

(b) Criteria by which the *[forestland-urban] wildland-urban interface [shall] must* be identified and classified.

(2) The criteria *[shall]:*

(a) **Must** recognize differences across the state in fire hazard, fire risk and structural characteristics within the *[forestland-urban] wildland-urban interface*.

(b) **May not** exclude a category of land from inclusion in the wildland-urban interface.

(3) **Based on** the criteria *[shall include not less than three nor more than], the board shall establish* five classes of *[forestland-urban] wildland-urban interface*.

(4) The classes must be integrated into the comprehensive statewide map described in section 7 of this 2021 Act.

SECTION 33a. The State Board of Forestry shall adopt by rule the definition described in ORS 477.027 (1)(a), as amended by section 33 of this 2021 Act, not later than 100 days after the effective date of this 2021 Act.

SECTION 34. ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061 are repealed.

STATE WILDFIRE PROGRAMS DIRECTOR

SECTION 35. (1) The Governor shall appoint a State Wildfire Programs Director to serve at the pleasure of the Governor.

(2) The duties of the director shall include:

(a) Overseeing implementation of requirements and authorization provided by this 2021 Act.

(b) Coordinating and integrating activities of state agencies and other entities that are required or authorized by this 2021 Act in order to optimize the efficiency and effectiveness of the activities.

(c) Ensuring compliance with deadlines set out in this 2021 Act.

(d) Monitoring and assessing any financial impacts of the activities on local jurisdictions and the equity of those financial impacts among the jurisdictions.

(e) Supervising staffing of the Wildfire Programs Advisory Council.

(f) Reporting at least every 60 days to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of relevant committees and interim committees of the Legislative Assembly to summarize progress on implementing the activities, note obstacles and opportunities and catalog possibilities for future improvements to further reduce wildfire risk in this state.

(g) Exploring additional opportunities to reduce wildfire risk, including but not limited to engaging with:

(A) Insurance companies regarding insurance policy coverage provisions, underwriting standards, insurance rates and any other topics relevant to enhancing the protection of property from wildfire at a reasonable cost.

(B) Electric utilities regarding further actions to protect public safety, reduce risk to electric company customers and promote electrical system resilience to wildfire damage.

(C) Congressional delegations and federal agencies to expand opportunities for cost-share partnerships for wildfire mitigation and develop strategies for improvements to federal fire management policies.

(h) Collaborating with the State Resilience Officer and participating in any relevant emergency preparedness advisory councils.

WILDFIRE PROGRAMS ADVISORY COUNCIL

SECTION 36. (1) As used in this section, "defensible space" has the meaning given that term in section 8 of this 2021 Act.

(2) There is established a Wildfire Programs Advisory Council to advise and assist the State Wildfire Programs Director by:

(a) Closely monitoring implementation of activities related to wildfire prevention and response, including receiving and evaluating agency reports related to wildfire prevention and response.

(b) Providing advice on potential changes to the activities in order to fulfill the goal of dramatically reducing wildfire risk in this state and ensuring that regional defensible space, building codes and land use applications are appropriate.

(c) Strengthening intergovernmental and multiparty collaboration and enhancing collaboration between governments and stakeholders on an ongoing basis.

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- (d) Developing strategies to enhance collaboration among governmental bodies and the general public.
- (e) Assessing ways the statewide map of wildfire risk described in section 7 of this 2021 Act may inform development of building codes and land use laws, rules and decisions, in a regionally appropriate manner.
- (f) Assessing the application of defensible space requirements to vineyards, crops and other cultivated vegetation.
- (g) Reviewing Department of Land Conservation and Development findings and recommendations in the report required by section 11 of this 2021 Act and making additional recommendations related to potential updates to the statewide land use planning program, local comprehensive plans and zoning codes to incorporate wildfire risk maps and minimize wildfire risk to people, public and private property, businesses, infrastructure and natural resources.
- (3) The council is not a decision-making body but instead is established to provide advice, assistance, perspective, ideas and recommendations to the State Wildfire Programs Director.
- (4) The President of the Senate and Speaker of the House of Representatives shall jointly appoint 19 members to the council as follows:
 - (a) One member who represents county government.
 - (b) One member who is a land use planning director of a county that is wholly or partially within the wildland-urban interface.
 - (c) One member who represents city government.
 - (d) One member who is a land use planning director of a city that is wholly or partially within the wildland-urban interface.
 - (e) One member who represents fire chiefs and has experience with managing, fighting or preventing fire within the wildland-urban interface.
 - (f) One member who represents fire marshals and has experience with managing, fighting or preventing fire within the wildland-urban interface.
 - (g) One member who represents firefighters and has experience with managing, fighting or preventing fire within the wildland-urban interface.
 - (h) One member who represents rural residential property owners whose property is wholly or partially within the wildland-urban interface.
 - (i) One member who represents farming property owners whose property is wholly or partially within the wildland-urban interface.
 - (j) One member who represents ranching property owners whose property is wholly or partially within the wildland-urban interface.
 - (k) One member who represents forestland owners whose property is wholly or partially within the wildland-urban interface.
 - (l) One member who represents federally recognized Indian tribes with land wholly or partially within the wildland-urban interface.
 - (m) One member who represents a utility company.
 - (n) One member who represents environmental interests.
 - (o) One member who represents forest resiliency interests.
 - (p) One member who represents state or regional land use planning organizations.
 - (q) One member who represents land and housing development interests or real estate industry interests.
 - (r) One member who represents public health professionals.
 - (s) One member who represents the environmental justice community.
- (5) The presiding officers shall provide public notice of an opportunity for interested parties to submit names of interest for appointment to the council.
- (6) At least 30 days before appointing a member, the presiding officers shall consult in good faith with the minority leaders of the Senate and House of Representatives on the appointment.

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- (7) The term of service for each member is four years.
 - (8) The members are eligible for reappointment.
 - (9) The council shall elect a chairperson and vice chairperson to serve for one-year terms.
 - (10) The members shall serve on the council as volunteers and are not entitled to reimbursement for expenses.
 - (11) The Department of Consumer and Business Services, Department of Land Conservation and Development, office of the State Fire Marshal and State Forestry Department shall each provide 15 percent of the time of a full-time equivalent employee to:
 - (a) Cooperatively staff the council.
 - (b) Attend council meetings as informational resources.
 - (c) Assist with drafting reports at the request of the council.
 - (d) Support the work of the State Wildfire Programs Director.
 - (12) The Oregon State University Extension Service shall designate a person to serve as staff for the council.
 - (13) Each October the council shall submit a report to the Governor and appropriate committees or interim committees of the Legislative Assembly that describes progress on implementing program activities related to defensible space, building codes, land use and community emergency preparedness and that recommends improvements.
- SECTION 37. (1)** On or before September 1, 2021, members of the Wildfire Programs Advisory Council must be appointed as described in section 36 (4) of this 2021 Act.
- (2)** On or before November 1, 2021, the council must begin meeting regularly.
- SECTION 38.** Notwithstanding section 36 (7) of this 2021 Act, the term of service for the members first appointed from each category described in section 36 (4)(a), (c), (e), (g), (i), (k), (m), (o), (q) and (s) of this 2021 Act is three years.
- SECTION 39.** The Wildfire Programs Advisory Council must make the first report described in section 36 (13) of this 2021 Act in October 2022.

CONFORMING AMENDMENTS

SECTION 40. For purposes of the sellers' property disclosure statements described in ORS 105.464, "forestand-urban interface" has the same meaning as "wildland-urban interface," as defined in ORS 477.015.

SECTION 41. ORS 197.716 is amended to read:

197.716. (1) As used in this section:

- (a) "Economic opportunity analysis" means an analysis performed by a county that:
 - (A) Identifies the major categories of industrial uses or other employment uses that could reasonably be expected to expand or locate in the county based on a review of trends on a national, state, regional or county level;
 - (B) Identifies the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses;
 - (C) Estimates the types and amounts of industrial uses and other employment uses likely to occur in the county based on subparagraphs (A) and (B) of this paragraph and considering the county's economic advantages and disadvantages, including:
 - (i) Location, size and buying power of markets;
 - (ii) Availability of transportation facilities for access and freight mobility;
 - (iii) Public facilities and public services;
 - (iv) Labor market factors;
 - (v) Access to suppliers and utilities;
 - (vi) Necessary support services;
 - (vii) Limits on development due to federal and state environmental protection laws; and
 - (viii) Educational and technical training programs;

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- (D) Assesses community economic development potential through a public process in conjunction with state agencies and consistent with any categories or particular types of industrial uses and other employment uses desired by the community as identified in an existing comprehensive plan.
- (E) Examines existing firms in the county to identify the types of sites that may require expansion.
- (F) Includes an inventory of vacant and developed lands within the county designated for industrial use or other employment use, including:
 - (i) The description, including site characteristics, of vacant or developed sites within each plan or zoning district; and
 - (ii) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and
 - (G) Identifies additional potential sites for designation and rezoning that could reasonably accommodate expected industrial uses and other employment uses that cannot be met by existing inventories.
- (b) "Industrial use" means industrial employment activities, including manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transportation and research and development.
- (c) "Listed county" means Baker, Gilliam, Grant, Harney, Lake, Malheur, Sherman, Union, Wallowa or Wheeler County.
- (d) "Other employment use" means all nonindustrial employment activities, including small scale commercial use, wholesale, service, nonprofit, business headquarters, administrative, governmental or employment activities that serve the medical, educational, social service, recreational or security industries and that occupy retail, office or flexible building types of any size or multibuilding campuses.
- (e) "Reasonably be expected to expand or locate in the county" means that the county possesses the appropriate locational factors for the use or category of use.
- (f)(A) "Small scale commercial use" means the low-impact use of land primarily for the retail sale of products or services, including offices.
- (B) "Small scale commercial use" does not include use of land for factories, warehouses, freight terminals or wholesale distribution centers.
- (2) A listed county that has adopted an economic opportunity analysis as part of its comprehensive plan may amend its comprehensive plan, land use regulations and zoning map to designate not more than 10 sites outside an urban growth boundary that cumulatively total not more than 50 acres of land if the sites were identified in any economic opportunity analysis as additional potential sites for industrial uses or other employment uses in order to allow for industrial uses and other employment uses without requiring an exception under ORS 197.732 to any statewide land use planning goals related to:
 - (a) Agriculture;
 - (b) Forest use; or
 - (c) Urbanization.
- (3) A county may not designate a site under subsection (2) of this section:
 - (a) On any lands designated as high-value farmland as defined in ORS 195.300;
 - (b) Unless the county complies with ORS 197.714; and
 - (c) If any portion of the proposed site is for lands designated for forest use, unless the county:
 - (A) Notifies the State Forester in writing not less than 21 days before designating the site; and
 - (B) Cooperates with the State Forester in:
 - (i) Updating and classifying *low-stilland* **wildland-urban** interface lands in and around the site;
 - (ii) Taking necessary steps to implement or update the *low-stilland* **wildland-urban** interface fire protection system in and around the site as described in ORS *477.015 to 477.061* **477.027**; and
 - (iii) Implementing other fire protection measures authorized by the State Forester.

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(4) A county may not amend its comprehensive plan, land use regulations or zoning map under this section to allow a use that would conflict with an administrative rule adopted for the purpose of implementing the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

SECTION 42. ORS 205.130 is amended to read:
205.130. The county clerk shall:

(1) Have the custody of, and safely keep and preserve, all files and records of deeds and mortgages of real property and a record of all maps, plats, contracts, powers of attorney and other interests affecting the title to real property required or permitted by law to be recorded.

(2) Record, or cause to be recorded, in a legible and permanent manner, and keep in the office of the county clerk, all:

(a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property required or permitted by law to be recorded;

(b) Certificates of sale of real property under execution or order of court, or assignments of previously recorded certificates or of any interest in real property, when properly acknowledged or proved;

(c) Certified copies of death records of any person appearing in the county records as owning or having a claim or interest in land in the county: A certified copy of a death record recorded in the deed records of a county under this subsection is a public record and is not subject to the disclosure limitations under ORS 432.350;

(d) Instruments presented for recording by the United States or the State of Oregon, or a political subdivision of either, that affect title to or an interest in real property or that lawfully concern real property; and

(e) Instruments recognized under state law or rule or federal law or regulation as affecting title to or an interest in real property if the instrument is properly acknowledged or proved; and.

(f) Orders from a county farmland-urban interface classification committee filed under ORS 477.052.

(3) Keep and maintain:

(a) Deed and mortgage records;

(b) Statutory lien records;

(c) A record called the County Clerk Lien Record in which the following shall be recorded:

(A) The warrants and orders of officers and agencies that are required or permitted by law to be recorded; and

(B) All instruments presented for recording when required or permitted by law to be recorded that affect the title to or an interest in real property, other than instruments recorded in the deed and mortgage records or the statutory lien records;

(d) Releases, satisfactions, assignments, amendments and modifications of recorded instruments; and

(e) Other instruments required or permitted by law to be recorded not affecting interests in real property.

(4) Perform all the duties in regard to the recording and indexing of deeds and mortgages of real property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other interests when required or permitted by law to be recorded that affect the title of real property, and in regard to the entry of satisfaction and discharge of the same, together with other documents required or permitted by law to be recorded.

(5) Incur no civil or criminal liability, either personally or in an official capacity, for recording an instrument that does not comply with the provisions of law that require or allow the recording of the instrument.

SECTION 43. ORS 477.281 is amended to read:

477.281. (1) The obligation of an owner of timberland or grazing land for payment of assessments and taxes for fire protection of forestland is limited to:

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- (a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295, 477.760 (4) and 477.880 to maintain the Oregon Forest Land Protection Fund; and
- (b) The payment of forest protection district assessments pursuant to ORS [477.060 and] 477.205 to 477.281.
- (2) As used in this section, "obligation of an owner of timberland or grazing land for payment of assessments and taxes for fire protection of forestland" does not include the duties or obligations of the owner under ORS 477.066, 477.068 or 477.120 or the obligations of an owner of land included in a rural fire protection district pursuant to ORS 478.010.

APPROPRIATIONS (State Forestry Department)

SECTION 44. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (2), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for fire protection, is increased by \$10,611,235, for carrying out the provisions of section 30a of this 2021 Act.

SECTION 45. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for fire protection, is increased by \$11,514,649, for carrying out the provisions of section 30a of this 2021 Act.

SECTION 46. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (3), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for federal forest restoration, is increased by \$27,990,713, for carrying out the provisions of sections 7, 18, 20, 24 and 30a of this 2021 Act.

SECTION 47. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for agency administration, is increased by \$1,467,358, for carrying out the provisions of sections 7, 18, 20 and 30a of this 2021 Act.

SECTION 48. In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$15,000,000, for the purpose of offsetting potential increases in landowner forest patrol assessments under ORS 477.270 due to the implementation of the provisions of section 30a of this 2021 Act.

SECTION 49. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (6), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for the equipment pool, is increased by \$474,884, for carrying out the provisions of section 30a of this 2021 Act.

(Public Utility Commission)

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SECTION 50. Notwithstanding any other law limiting expenditures, the amount of \$324,286 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Utility Commission, for carrying out the provisions of sections 2 and 3 of this 2021 Act.

(Department of State Police,
Office of the State Fire Marshal)

SECTION 51. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter __, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$13,506,889, for carrying out the provisions of sections 8a, 10 and 30b (1) of this 2021 Act.

SECTION 52. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter __, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$7,000,000, for carrying out the provisions of section 8a (5) of this 2021 Act.

SECTION 53. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of State Police, office of the State Fire Marshal, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$25,000,000, for deposit in the Community Risk Reduction Fund established by section 9 of this 2021 Act.

SECTION 54. Notwithstanding any other law limiting expenditures, the amount of \$25,000,000 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses by the Department of State Police, office of the State Fire Marshal, from the Community Risk Reduction Fund established by section 9 of this 2021 Act for the purpose of carrying out the provisions of section 8a (6) of this 2021 Act.

SECTION 55. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter __, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$55,000,000, for carrying out the provisions of section 30b of this 2021 Act that are related to the Oregon fire mutual aid system.

(Department of Environmental Quality)

SECTION 56. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (1), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5516), for the biennium beginning July 1, 2021, for air quality, is increased by \$3,322,828, for carrying out the provisions of sections 13, 13a and 13b of this 2021 Act.

(Department of Human Services)

SECTION 57. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (1), chapter __, Oregon Laws 2021 (Enrolled Senate Bill 5529), for the biennium beginning July 1, 2021, for central services, is increased by \$5,187,411, for carrying out the provisions of sections 14, 14a and 14b of this 2021 Act.

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(Oregon Health Authority)

SECTION 58. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter —, Oregon Laws 2021 (Enrolled House Bill 5024), for the biennium beginning July 1, 2021, for health systems, health policy and analytics and public health, is increased by \$4,768,812, for carrying out the provisions of sections 14, 14a, 14b, 15 and 15a of this 2021 Act.

(Oregon Military Department)

SECTION 59. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (3), chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5535), for the biennium beginning July 1, 2021, for emergency management, is increased by \$700,003, for carrying out the provisions of section 17 of this 2021 Act.

(Higher Education Coordinating Commission, Oregon State University)

SECTION 60. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (11), chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2021, for distribution to public university statewide programs, is increased by \$1,138,040, for distribution to Oregon State University for carrying out the provisions of sections 7, 12c and 18 of this 2021 Act.

SECTION 61. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (1), chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2021, for Higher Education Coordinating Commission programs, is increased by \$643,688, for carrying out the provisions of section 22 of this 2021 Act.

SECTION 62. In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$10,000,000, for deposit in the Oregon Conservation Corps Fund established by section 23 of this 2021 Act.

SECTION 63. In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$1,000,000, to match private donations that are donated for the purposes of funding grant-supported projects related to the Oregon Conservation Corps Program established by section 21 of this 2021 Act.

(Office of the Governor)

SECTION 64. Notwithstanding any other provision of law, the General Fund appropriation made to the Office of the Governor by section 1, chapter —, Oregon Laws 2021 (Enrolled Senate Bill 5520), for the biennium beginning July 1, 2021, is increased by \$497,541, for carrying out the provisions of section 35 of this 2021 Act.

CAPTIONS

SECTION 65. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

Legislative Action

EMERGENCY CLAUSE

SECTION 66. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by Senate June 25, 2021


Lori L. Brocker, Secretary of Senate


Peter Courtney, President of Senate

Passed by House June 26, 2021


Tina Kotek, Speaker of House

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Shemia Fagan, Secretary of State

**Enrolled
Senate Bill 5505**

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CHAPTER **000658**

AN ACT

Relating to state financial administration; and declaring an emergency.

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

SECTION 1. The amounts authorized, as provided by ORS 286A.035, for issuance of general obligation bonds of the state during the 2021-2023 biennium are as follows:

GENERAL OBLIGATION BONDS	
General Fund Obligations	
(1) Higher Education Coordinating Commission (Art. XI-G):	
(a) Eastern Oregon University, Inlow Hall Renovation, Phase II	\$ 600,000
(b) Oregon State University: (A) Cascades Student Success Center.....	\$ 5,105,000
(B) Cordley Hall Renovation, Phase II	\$ 25,375,000
(c) Portland State University, Gateway Center Reuse and Extension.....	\$ 5,105,000
(d) University of Oregon, Heritage Building Renovation	\$ 5,960,000
(e) Western Oregon University, Student Success Center	\$ 635,000
(f) Blue Mountain Community College, Facility for Agricultural Resource Management.....	\$ 6,615,000
(g) Central Oregon Community College, Classroom Building Redmond Campus.....	\$ 8,125,000
(h) Chemeketa Community	

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(F)	Extension	\$	45,585,000
	University of Oregon,		
	Heritage Building Renovation	\$	53,285,000
(G)	Western Oregon University,		
	Student Success Center.....	\$	20,920,000
(H)	FAMIS System Replacement	\$	5,105,000
(b)	Department of Education:		
(A)	Oregon School for the Deaf		
	ADA Restrooms	\$	1,065,000
(B)	Oregon School for the Deaf		
	Fire Alarm System		
	Replacement.....	\$	3,145,000
(C)	Oregon School for the Deaf		
	Windows Upgrade	\$	1,425,000
(i)	State Forestry Department:		
(A)	Capital Improvements.....	\$	2,464,209
(B)	Toledo Facility Replacement		
	Phase II	\$	1,136,227
(f)	State Parks and Recreation		
	Department, Capital		
	Improvement and Renewal ...	\$	50,750,000
(k)	Oregon Department of		
	Fish and Wildlife,		
	Capital Improvement		
	and Renewal.....	\$	5,105,000
(L)	Housing and Community		
	Services Department,		
	Local Innovation and Fast		
	Track (LIFT) Housing and		
	Permanent Supportive		
	Housing	\$	413,490,000
(m)	Judicial Department:		
(A)	Benton County Courthouse..	\$	20,730,000
(B)	Clackamas County		
	Courthouse.....	\$	95,400,000
(C)	Cook County Courthouse....	\$	11,885,000
(D)	Linn County Courthouse.....	\$	16,110,000
(E)	Supreme Court Building		
	Renovation	\$	21,950,000
(n)	Legislative Administration		
	Committee, Document		
	Publishing and Management		
	System	\$	4,310,000
	<u>Dedicated Fund Obligations</u>		
(7)	Department of Veterans'		
	Affairs (Art. XI-A).....	\$	180,000,000
(8)	Department of Environmental		
	Quality (Art. XI-H)	\$	10,000,000
(9)	Housing and Community		
	Services Department		
	(Art. XI-I(2))	\$	50,000,000
(10)	Higher Education Coordinating		

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(a)	Commission (Art. XI-F(1)): Oregon Institute of Technology, New Residence Hall Facility	\$ 55,650,000
(b)	Oregon State University, Reser Stadium West Grandstands.....	\$ 40,555,000
(c)	Portland State University, Gateway Center Reuse and Extension	\$ 18,300,000
(11)	Oregon Department of Administrative Services (Art. XI-Q):	
(a)	Executive Building Interior and Seismic Renovation.....	\$ 45,620,000
(b)	Justice Building Exterior Renovations.....	\$ 3,555,000
(c)	North Valley Complex Infrastructure Upgrades/ Tenant Improvements.....	\$ 60,820,000
(d)	Portland State Office Building Improvements.....	\$ 8,730,000
(e)	Revenue Building Electrical System Upgrades	\$ 7,120,000
(f)	Yellow Parking Lot Paving ..	\$ 4,055,000
(g)	State Forestry Department: Capital Improvements.....	\$ 2,420,791
(B)	Toledo Facility Replacement, Phase II	\$ 1,578,773
(b)	Oregon Liquor Control Commission:	
(A)	Liquor Warehouse Conveyor System	\$ 10,175,000
(B)	Liquor Warehouse Land and Building.....	\$ 53,170,000
(C)	Liquor Warehouse Management IT System	\$ 27,380,000
	Total General Obligation Bonds	\$ 2,252,290,200

SECTION 2. The amounts authorized, as provided by ORS 286A.085, for issuance of revenue bonds of the state during the 2021-2023 biennium are as follows:

REVENUE BONDS	
<u>Direct Revenue Bonds</u>	
Housing and Community Services Department.....	\$ 500,000,000
Department of Transportation.....	\$ 880,000,000
Oregon Business Development Department.....	\$ 30,000,000
Oregon Department of Administrative Services,	

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- (b) Establish and execute a plan for outreach, recruitment and retention of women, minority individuals and veterans to perform work under the contract, with the aspirational target of having at least 15 percent of total work hours performed by individuals in one or more of those groups;
 - (c) Provide health insurance and retirement benefits to workers; and
 - (d) Require any subcontractor engaged by the contractor to abide by the requirements set forth in paragraphs (a), (b) and (c) of this subsection, if the work to be performed under the subcontract has an estimated cost of \$200,000 or greater.
- (2) On or before February 1 of each year, each public university that is carrying out a qualified project shall report to the Joint Committee on Ways and Means or Joint Interim Committee on Ways and Means, as part of the report required under ORS 350.379, on:
- (a) The amount of work performed on qualified projects by apprentices;
 - (b) The amount of work performed on qualified projects by women, minority individuals and veterans; and
 - (c) The types and costs of health insurance and retirement benefits provided to workers by contractors and subcontractors.
- (3) The requirements of this section are in addition to, and not in lieu of, the requirements imposed under ORS 350.379.
- (4) As used in this section:
- (a) "Apprentice" has the meaning given that term in ORS 660.010.
 - (b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.
 - (c) "Apprenticeship training program" means the total system of apprenticeship that a particular local joint committee, as defined in ORS 660.010, operates, including the local joint committee's registered standards and all other terms and conditions for qualifying, recruiting, selecting, employing and training apprentices in an apprenticeable occupation.
 - (d) "Minority individual" has the meaning given that term in ORS 200.005.
 - (e) "Qualified project" means the following capital construction projects:
 - (A) The Eastern Oregon University Inlow Hall Renovation, Phase II referenced in section 1 (1)(a) of this 2021 Act;
 - (B) The Oregon State University Cascades Student Success Center referenced in section 1 (1)(b)(A) of this 2021 Act;
 - (C) The Oregon State University Cordley Hall Renovation, Phase II referenced in section 1 (1)(b)(B) of this 2021 Act;
 - (D) The Portland State University Gateway Center Reuse and Extension referenced in section 1 (1)(c) of this 2021 Act;
 - (E) The University of Oregon Heritage Building Renovation referenced in section 1 (1)(d) of this 2021 Act; and
 - (F) The Western Oregon University Student Success Center referenced in section 1 (1)(e) of this 2021 Act.
 - (f) "Veteran" has the meaning given that term in ORS 408.225.
 - (g) "Woman" has the meaning given that term in ORS 200.005.
- SECTION 11.** This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.

Legislative Action

Passed by Senate June 25, 2021


Lori L. Brooker, Secretary of Senate

Peter Courtney, President of Senate

Passed by House June 26, 2021


Tina Kotek, Speaker of House

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Shemia Fagan, Secretary of State

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Senate Bill 5506

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CHAPTER 000659

AN ACT

Relating to state financial administration; creating new provisions; amending section 4, chapter 747, Oregon Laws 2017, and sections 2 and 4, chapter 662, Oregon Laws 2019; and declaring an emergency.

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

SECTION 1. Notwithstanding any other law limiting expenditures, the following amounts are established for a six-year period beginning July 1, 2021, as the maximum limits for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the state agencies listed, for the acquisition of land and the acquisition, planning, constructing, altering, repairing, furnishing and equipping of buildings and facilities:

- (1) Oregon Department of Administrative Services:
 - (a) Deferred Maintenance..... \$ 15,500,000
 - (b) Gender Neutral Facilities and Mothers' Rooms..... \$ 10,000,000
 - (c) Capital Mall Parking Structure Improvements \$ 2,750,000
 - (d) Dome Building and Yaquina Hall Improvements \$ 1,500,000
 - (e) Climate Adaptation and Net Zero Solutions..... \$ 2,000,000
 - (f) Parking Lot Improvements and EV Charging Station Expansions..... \$ 2,000,000
 - (g) Executive Building Interior and Seismic Renovation..... \$ 45,000,000
 - (h) North Valley Complex Infrastructure Upgrades/ Tenant Improvements..... \$ 60,000,000
 - (i) Yellow Parking Lot Paving..... \$ 4,000,000
- (2) Oregon Military Department:
 - (a) Ashland Armory Service

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	Life Extension.....	\$ 5,379,235
(b)	Corvallis Armory Service	
	Life Extension.....	\$ 4,317,605
(c)	Washington County	
	Readiness Center	\$ 5,300,000
(3)	Oregon Youth Authority:	
(a)	Camp Riverbend Dorm	
	Renovation	\$ 6,867,101
(b)	Capital Improvements.....	\$ 6,742,239
(c)	Maclaren West Cottages	
	Renovations.....	\$ 8,000,000
(d)	Tillamook Dorm	
	Renovation	\$ 10,279,899
(4)	Department of Corrections:	
(a)	Capital Improvement and	
	Renewal.....	\$ 70,000,000
(b)	Off-Net Telephone	
	Infrastructure.....	\$ 3,508,206
(5)	Oregon State Police:	
(a)	Central Point Office Expansion	\$ 33,961,269
	Springfield Forensic Lab and	
	Medical Examiner's Office	\$ 61,982,733
(c)	Springfield Patrol Area	
	Command Office.....	\$ 14,261,687
(6)	Department of Transportation:	
(a)	Meacham Maintenance	
	Station	\$ 12,000,000
(b)	South Coast Maintenance	
	Station	\$ 16,200,000
(c)	Region 3-5 Headquarters	
	HVAC Upgrades	\$ 3,800,000
(7)	Oregon Department of	
	Aviation, Siletz Bay State	
	Airport Runway and	
	Electrical Rehabilitation	\$ 320,000
(8)	State Forestry Department:	
(a)	Saniam District Office	
	Replacement.....	\$ 2,500,000
(b)	Toledo Facility	
	Replacement Phase II	\$ 1,632,842
(9)	Oregon Department of	
	Fish and Wildlife, Capital	
	Improvement and Renewal	\$ 5,000,000
(10)	State Parks and Recreation	
	Department, Capital	
	Improvement and Renewal	\$ 50,000,000
(11)	Oregon Health Authority:	
(a)	OSH Salem Well Water	
	Treatment Facility	\$ 4,492,750
(b)	OSH Salem/Junction City	
	Automated Dispensing	
	Cabinets	\$ 3,500,000

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(a)	Aurora State Airport Run-Up Area Construction	\$ 1,845,000
(b)	Condon State Airport Runway Rehabilitation.....	\$ 2,340,000
(c)	Siletz Bay State Airport Taxiway Rehabilitation.....	\$ 1,025,000
(2)	Oregon Military Department: (a) Salem and Anderson Readiness Center Service Life Extension.....	\$ 6,200,000
(b)	Boardman Tactical Unmanned Aerial Vehicle Facility.....	\$ 12,000,000
(c)	Umatilla Wastewater Treatment Facility and Water Supply Line....	\$ 15,000,000
(d)	Grants Pass Armory Service Life Extension.....	\$ 4,300,000

SECTION 8. Section 4, chapter 662, Oregon Laws 2019, is amended to read:

Sec. 4. Notwithstanding any other law limiting expenditures, the amount of [\$24,860,000] \$23,360,000 is established for a six-year period beginning July 1, 2019, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Higher Education Coordinating Commission, for expenditures of proceeds from state bonds issued for the benefit of a community college, pursuant to agreements between the commission and a community college.

SECTION 9. Section 4, chapter 747, Oregon Laws 2017, is amended to read:

Sec. 4. Notwithstanding any other law limiting expenditures, the amount of [\$101,387,241] \$72,400,247 is established for a six-year period beginning July 1, 2017, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and reimbursements from federal service agreements, but excluding lottery funds and federal funds not described in this section, collected or received by the Higher Education Coordinating Commission, for expenditures of proceeds from state bonds issued for the benefit of a community college, pursuant to agreements between the commission and a community college.

SECTION 10. Notwithstanding any other law limiting expenditures, and in lieu of the limitation on expenditures established at the December 14, 2018, Emergency Board meeting (Item No. 25), as increased at the September 25, 2020, Emergency Board meeting (Item No. 33), the amount of \$25,000,000 is established for a six-year period beginning July 1, 2017, as the maximum limit for payment of expenses for the Camp Umatilla Regional Training Institute Re-Set project from federal funds collected or received by the Oregon Military Department.

SECTION 11. The Legislative Assembly approves the proposal of the Oregon Military Department, submitted in accordance with ORS 396.515 (4), for the sale of the Lebanon Armory and Lebanon Organizational Maintenance Shop.

SECTION 12. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.

Legislative Action

Passed by Senate June 25, 2021


Lori L. Brocker, Secretary of Senate

Peter Courtney, President of Senate

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Tina Kotek, Speaker of House

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Enrolled
Senate Bill 5518

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CHAPTER 00605

AN ACT

Relating to the financial administration of the State Forestry Department; and declaring an emergency.

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

SECTION 1. There are appropriated to the State Forestry Department, for the biennium beginning July 1, 2021, out of the General Fund, the following amounts, for the following purposes:

- (1) Agency administration..... \$ 1,181,627
- (2) Fire protection..... \$ 59,047,343
- (3) Federal forest restoration \$ 8,566,663
- (4) Private forests..... \$ 21,903,234
- (5) Debt service..... \$ 15,779,750
- (6) Equipment pool..... \$ 1,000,000

SECTION 2. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2021, as the maximum limits for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in this section, collected or received by the State Forestry Department, for the following purposes:

- (1) Agency administration..... \$ 49,263,199
- (2) Fire protection..... \$ 83,042,203
- (3) State forests \$112,705,564
- (4) Federal forest restoration \$ 554,979
- (5) Private forests..... \$ 14,002,091
- (6) Capital improvement..... \$ 4,989,489
- (7) Debt service..... \$ 292,540
- (8) Equipment pool..... \$ 19,073,288
- (9) Facilities maintenance
and management..... \$ 5,888,809

SECTION 3. Notwithstanding any other law limiting expenditures, the amount of \$2,564,210 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Eco-

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nonmic Development Fund to the State Forestry Department for debt service relating to the purchase of land in the Gilchrist Forest.

SECTION 4. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2021, as the maximum limits for payment of expenses from federal funds other than those described in section 2 of this 2021 Act, collected or received by the State Forestry Department, for the following purposes:

- (1) Agency administration..... \$ 2,546,614
- (2) Fire protection..... \$ 18,636,496
- (3) State forests \$ 948,483
- (4) Federal forest restoration \$ 4,702,216
- (5) Private forests \$ 14,637,594

SECTION 5. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$14,000,000, to be allocated to the State Forestry Department for fire protection expenses.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2022, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 6. There is appropriated to the State Forestry Department, for the biennium ending June 30, 2021, out of the General Fund, the amount of \$3,816,424, for fire protection, for payment of catastrophic wildfire insurance premiums for the 2021 fire season.

SECTION 7. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.

Passed by Senate June 24, 2021


Lori L. Brooker, Secretary of Senate

Peter Courtney, President of Senate

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Tina Kotek, Speaker of House

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Shemia Fagan, Secretary of State

Legislative Action

Summary of Revenue Changes

The Oregon Department of Forestry (ODF) is funded with General Fund, Lottery Funds, Other Funds, and Federal Funds. ODF's programs are funded through a network of public and private sources including Other Funds revenue from timber sales, Other Funds fire protection assessments paid by private forest landowners and Federal Funds revenue received for fire protection services on federal lands. Lottery Funds support debt service. The 2021-23 budget assumes passage of HB 2070, which would set the Forest Products Harvest Tax rates for calendar years 2022 and 2023. Revenue from the tax funds the Forest Practices program, along with large fire protection funding through the Oregon Forest Land Protection Fund.

In addition to establishing the 2021-23 budget for ODF, SB 5518 appropriates \$14,000,000 General Fund to the Emergency Board to be allocated to the Department for fire protection expenses. Also included in the bill is an appropriation of \$3,816,424 General Fund for the 2019-21 biennium.

Summary of Natural Resources Subcommittee Action

The mission of ODF is to serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon's forests to enhance environmental, economic, and community sustainability. For budgetary purposes, ODF is organized into nine program units: Agency Administration, Fire Protection, Equipment Pool, State Forests, Private Forests, Facility Maintenance, Debt Service, Capital Improvement, and Capital Construction.

The Subcommittee recommended a budget of \$107,468,647 General Fund, \$2,564,210 Lottery Funds, \$289,752,162 Other Funds expenditure limitation, and \$41,471,405 Federal Funds expenditure limitation for the 2021-23 biennium. The total funds budget of \$441,256,424 and 1,221 positions (920.42) represents a 6.1% increase over the 2021-23 current service level.

The bill also establishes a Special Purpose Appropriation (SPA) of \$14.0 million General Fund in the Emergency Board for ODF fire protection expenses. The Subcommittee recommended the following Budget Note related to the SPA:

Budget Note:

An appropriation to the Emergency Board of \$14.0 million is included in SB 5518 for allocation to the Department of Forestry, for a portion of the net cost associated with severity resources incurred during the 2021-23 biennium. The net cost is the residual cost of severity resources after accounting for reimbursements or payments from any other source, including, but not limited to, reimbursement from any federal, state, or local government entity, insurance policy claims, and responsible party recoveries. It is the intent of the Legislature that the Department of Forestry contract for, and utilize, any available aviation, initial attack, and other resources commonly referred to as severity resources that the agency deems appropriate for the agency's fire suppression and

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prevention activities within the context of the fire conditions upon the landscape. The specific amount of funding provided in this appropriation is based on estimates of costs provided by the agency and is not intended to limit the ability of the agency in its prudent, professional use of severity resources.

Agency Administration

The purpose of the Agency Administration program is to assess and report on the condition of Oregon's forest resources; increase Oregonians' understanding of forests, forestry, and the Board of Forestry; preserve the forestland base by promoting sound land use planning; manage the Department's business, accounting, and technical units; and provide sufficient levels of support to the Board of Forestry. The Subcommittee recommended a budget of \$52,991,440 total funds and 134 positions (133.27 FTE), which includes the following packages:

Package 099, Microsoft 365 Consolidation. Microsoft 365 is being consolidated within the Office of the State Information Officer and corresponding costs for each agency will be included in the State Government Service Charge. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365.

Package 101, Fire Organizational Sustainability and Modernization. This package continues enhancements to the Department's capacity authorized by the Emergency Board in January of 2021. Other Funds expenditure limitation is increased by \$715,922 to establish a budget manager position (1.00 FTE), an incident business analyst position (1.00 FTE), and a procurement and contract specialist position (1.00 FTE). These permanent positions provide direct support of finance and contracting functions of the fire protection program and other operating divisions.

Package 161, Implementing Shared Stewardship. This package is a continuation and expansion of funding provided by the January 2021 Emergency Board for the partnership and planning program. Three permanent positions (3.00 FTE) are established in Agency Administration to provide direct financial and procurement support for expanded capacity of the program in the Federal Forests Restoration division. Two of the positions are procurement and contract specialists, the third is an accounting technician. The package includes \$577,265 Other Funds expenditure limitation, which is funded via the administrative pro-rate.

Package 171, Firefighter Life Safety. This package supports the agency's critical life safety communication and location tracking for firefighters and emergency response efforts through operation and maintenance of wireless communication systems, equipment, resources and infrastructure. In the Agency Administration division, a Safety Specialist position (1.00 FTE) is established to coordinate statewide safety programs for the Department. This position had been approved as part of Emergency Board actions in January 2021, but was established as a limited duration position in the Fire Protection division. Establishing the permanent position in the Agency Administration division better aligns the position to its agency-wide function.

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Package 172, Diversity, Equity & Inclusion. This package addresses capacity needs to further ODF's strategies on diversity, equity, inclusion, environmental justice, sustainability, and government-to-government leadership initiatives. The package includes the establishment of two positions (2.00 FTE). The first of these positions is a policy analyst that will work half-time on coordination and integration of diversity, equity, and inclusion and environmental justice strategies into department culture and half-time as the agency's sustainability coordinator. A second full-time policy analyst will support ODF's government-to-government leadership initiatives. The package adds \$452,433 Other Funds expenditure limitation derived from internal assessments of Department programs via the administrative pro-rate.

Package 173, Administrative Modernization. This package continues work to align and enhance administrative functions across the Department by streamlining processes and providing agency-wide data management services. The package establishes seven permanent positions (7.00 FTE) to address outdated processes, information systems, and agency-wide data management. Other Funds for the package will be received from internal assessments of Department programs via the administrative pro-rate.

Package 174, Facilities Capital Management. This package provides \$452,433 Other Funds expenditure limitation and authorizes the establishment of two limited-duration positions (2.00 FTE) to address the workload related to the reconstruction of the Department's damaged and destroyed infrastructure, during the 2020 wildfire season. This continues the funding and position authority that was authorized by the Emergency Board in December 2020.

Package 200, MGO Recommendations. This package provides expenditure limitation and authorization to establish eight positions (7.50 FTE) being transferred to Agency Administration from the Fire Protection division as recommended by Macias, Gini, & O'Connell, LLP (MGO). The positions provide accounting and financial functions that directly support the Fire Protection division. The package also includes expenditure limitation and the authorization to establish four new permanent, full-time positions (4.00 FTE); three regional financial managers and one additional accounts receivable specialist for finance activities. These positions will ensure enhanced financial oversight for the Fire Protection program and the Department overall. A reclassification of two existing positions in the Agency Administration division are also included in the package due to expanded position responsibilities.

Package 801, LFO Analyst Adjustments. This package includes two adjustments, both of which address the timely implementation of recommendations made by MGO. Three limited duration positions (3.00 FTE) are established to provide dedicated administration of the Department's implementation of recommendations made by MGO. These positions include a Project Manager, Operations and Policy Analyst, and a Fiscal Analyst. The package includes \$681,627 General Fund to support these positions. In addition, \$500,000 General Fund is provided for the Department to continue the contractual relationship with MGO to provide direct implementation technical assistance, oversight, and reporting as directed by the following budget note approved by the Subcommittee:

Legislative Action

Budget Note: Macias, Gini, and O'Connell

The Department of Forestry is directed to use funding provided for the continuance of contracted services from Macias, Gini, and O'Connell (MGO) to enter into a contract for the provision of direct technical assistance and oversight of the implementation of recommendations made by MGO and for interim and final reports by MGO to the Board of Forestry and the Joint Committee on Ways and means on the agency's implementation of the MGO recommendations. Specific implementation timelines must be developed with a goal of full implementation of the recommendations by the end of the biennium. The first interim report is to be provided no later than January 31, 2022.

Fire Protection

The Fire Protection program delivers fire protection through a complete and coordinated system with federal agencies, forest landowner operators and contractors, local structural fire agencies, and nearby states. Program services include fire prevention, detection and suppression, equipment cache, communications, weather and smoke management services, mapping, federal grants utilization, central and field program administration, and Emergency Fire Cost management. The Subcommittee recommended a budget of \$160,726,044 total funds and 685 positions (396.58 FTE), which includes the following packages:

Package 101 Fire Organizational Sustainability and Modernization. This package continues enhancements to ODF's capacity authorized by the Emergency Board in January of 2021. In the Fire Protection program, the package includes \$2,018,553 General Fund, \$3,191,693 Other Funds expenditure limitation and 17 permanent positions (16.75 FTE). The first is a Forest Manager 2 position (0.75 FTE) to be established via a transfer from the State Forests program. The package also adds a second Deputy Fire Program Division Chief (1.00 FTE) to ensure appropriate oversight and accountability and manage an increasing workload. A lead investigator position and three area investigator positions (4.00 FTE) are established to address the increased investigation and recovery workload for responsible party cost recovery fires. These positions also act as fire prevention coordinators to aid in the implementation of prevention programs throughout the state. Three aviation coordinator positions are established (3.00 FTE) to provide ground support, crew member support, training, and financial tracking. Three area training coordinator positions (3.00 FTE) are established to supplement the Department's current statewide fire training coordinator. A GIS coordinator, Information Systems Specialist 5 position (1.00 FTE), is added to expand capacity for fire risk mapping and integrating multiple data inputs to the agency's GIS tools. A prescribed fire coordinator position (1.00 FTE) is established to work on the development of a prescribed burn management program. A Fire Operations Specialist (1.00 FTE) is added to support general operational workload demands across the agency. A Natural Resource Specialist 3 position (1.00 FTE) is established in the program to develop a variation on the rangeland fire protection model that could be applied to lands outside of the ODF protected lands. Additionally, a position (1.00 FTE) is established to address the increased smoke management issues resulting from increased prescribed burning and wildfires. Total package funding is inclusive of position associated costs, capital outlay for automobiles and associated equipment, and funding for centralized administrative functions.

Package 171, Firefighter Life Safety. This package provides funding to pay internal assessments for costs associated with the package in the Agency Administration and Equipment Pool programs.

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Package 172, Diversity, Equity and Inclusion. This package provides funding to pay internal assessments for costs associated with the package in the Agency Administration program.

Package 173, Administrative Modernization. This package provides funding to pay internal assessments for costs associated with the package in the Agency Administration program.

Package 174, Facilities Capital Management Capacity. This package provides funding to support administrative pro-rate charges to the operating divisions for limited duration positions established in the Facilities program to address the workload resultant from damaged and destroyed infrastructure during the 2020 wildfire season.

Package 200, MGO Recommendations. This package includes funding for the payment of the administrative pro-rate for position actions in the Agency Administration division that transferred eight positions from the Fire Protection program and established an additional four positions to align agency operations with recommendations made by MGO.

Package 801, LFO Analyst Adjustments. This package includes three adjustments to the Private Forests division budget. The first includes \$163,674 General Fund to correct an error made to technical adjustments in Package 060 that removed funding for administrative pro-rate costs. Second, an additional \$555,374 General Fund, \$137,743 Other Funds expenditure limitation, and the establishment of one limited duration project manager position (0.25 FTE) and one permanent pesticide application program administrator position (1.00 FTE) are included in the package to continue upgrades and enhancements to the Department's forest reporting and notification system as required by SB 1602 (2020 1st Special Session). Finally, a one-time appropriation of \$1.7 million General fund is included in the package for continued eradication and containment programs related to Sudden Oak Death (SOD). The Subcommittee recommended the following budget note related to the SOD appropriation:

Budget Note: Sudden Oak Death

In conjunction with the \$1.7 million General Fund appropriation included in the agency's budget, the department is directed to produce a detailed report of all department activities related to the containment and eradication of Sudden Oak Death in Oregon. The report must contain, at a minimum, a comprehensive review of expenditures made by the department and its federal and state partners on containment and eradication activities, detailed discussion of each of the activities, strategies, or actions that includes the amount spent on these items and the efficacy of these items. The report should also identify any impediments that have been encountered by the agency, its federal and state partners, or contractors in achieving the purposes of the activities, strategies, or actions taken to slow or stop the spread of Sudden Oak Death. The report must also include a strategic plan and a detailed implementation plan for the containment and eradication of Sudden Oak Death by the department for the next two biennia that is based on quantifiable, successful strategies that have been implemented to date. The report must be provided to the Joint Committee on Ways and Means by January 30, 2023.

81st OREGON LEGISLATIVE ASSEMBLY--2022 Regular Session

Enrolled

House Bill 4055

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House In-
terim Committee on Revenue for Representative Nancy Nathanson)

000031

CHAPTER

AN ACT

Relating to forest products harvest taxation; creating new provisions; amending ORS 321.015; pre-
scribing an effective date; and providing for revenue raising that requires approval by a three-
fifths majority.

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

SECTION 1. ORS 321.015 is amended to read:
321.015. (1) For the calendar years beginning January 1, [2020] 2022, and January 1, [2021] 2023, there is levied a privilege tax of 90.00 cents per thousand feet, board measure, upon taxpayers for the privilege of harvesting of all merchantable forest products harvested on forestlands. Subject to ORS 321.145, the proceeds of the tax shall be transferred as provided in ORS 321.152 (2) to the Forest Research and Experiment Account for use for the forest resource research, experimentation and studies described in ORS 526.215 and for the Forest Research Laboratory established under ORS 526.225.

(2) Except as provided in ORS 477.760, in addition to the tax levied by subsection (1) of this section, there is levied a forest products harvest tax upon taxpayers of 62.5 cents per thousand feet, board measure, for the privilege of harvesting all merchantable forest products harvested on forestlands for the payment of benefits related to fire suppression as provided in ORS 321.005 to 321.185, 321.560 and 477.440 to 477.460.

(3) For the calendar years beginning January 1, [2020] 2022, and January 1, [2021] 2023, in addition to the taxes levied under subsections (1) and (2) of this section, there is levied a privilege tax upon taxpayers for the privilege of harvesting all merchantable forest products harvested on forestlands in the amount of [38.72] 207.02 cents per thousand feet, board measure, for the purpose of administering the Oregon Forest Practices Act in an amount not to exceed 40 percent of the total expenditures approved by the Legislative Assembly for this purpose, including salary adjustments approved by the Legislative Assembly for fiscal years [2020 and 2021] 2022 and 2023.

(4) For the calendar years beginning January 1, [2020] 2022, and January 1, [2021] 2023, in addition to the taxes levied by subsections (1) to (3) of this section, there is levied a privilege tax of [10] 21 cents per thousand feet, board measure, upon taxpayers for the privilege of harvesting all merchantable forest products harvested on forestlands. Subject to ORS 321.145, the proceeds of the tax shall be transferred as provided in ORS 321.152 (6) to the subaccount established pursuant to ORS 350.520 for use by Oregon State University for the purpose of making investments in professional forestry education at the College of Forestry.

(5) Subject to subsection (6) of this section, the taxes shall be measured by and be applicable to each per thousand feet, board measure, on the total quantity of forest products harvested in this

Legislative Action

state measured by use of any log scale which is or may be in general use in the logging industry and which is designed to measure total volume of merchantable forest products in board feet. However, if the Department of Revenue finds that the scale used by any taxpayer in computing the taxes due under ORS 321.005 to 321.185 and 321.560 to 321.600 does not accurately reflect the total quantity of merchantable forest products harvested by the taxpayer, it may require the taxpayer to adopt another log scale in general use in the industry which in the department's opinion will accurately reflect merchantable harvest in board feet.

(6) The first 25,000 feet, board measure, of forest products harvested annually by any taxpayer during each calendar year shall be excluded from the total quantity of harvested forest products that constitutes the measure of the taxes under ORS 321.005 to 321.185 and 321.560 to 321.600.

(7)(a) Not later than March 10 of each odd-numbered year, the Legislative Assembly shall begin considering the biennial forest products harvest tax rates levied under subsections (1), (3) and (4) of this section.

(b) Upon request of the Legislative Revenue Officer or the Legislative Fiscal Officer, the State Forestry Department shall provide the respective officers with relevant timber harvest data for the purposes of paragraph (a) of this subsection.

SECTION 2. The amendments to ORS 321.015 by section 1 of this 2022 Act apply to merchantable forest products harvested before, on or after the effective date of this 2022 Act.

SECTION 3. Not later than January 15, 2023, the Legislative Revenue Officer shall submit, in the manner provided in ORS 192.245, a report on the forest products harvest tax to the interim committees of the Legislative Assembly related to revenue.

SECTION 4. Section 5 of this 2022 Act is added to and made a part of ORS 321.005 to 321.185.

SECTION 5. (1) In addition to the taxes levied under ORS 321.015 and 321.017, there is levied a privilege tax upon taxpayers on the harvesting of all merchantable forest products harvested on forestlands in the amount provided in subsection (2) of this section.

(2)(a) Except as provided in paragraph (b) of this subsection, at the beginning of each calendar year, the Department of Revenue shall set the tax levied under subsection (1) of this section at a rate estimated to collect \$2.5 million per year.

(b) Beginning with the first January following the issuance of an incidental take permit by the Federal National Marine Fisheries Service or the United States Fish and Wildlife Service, pursuant to the federal Endangered Species Act (16 U.S.C. 1531 to 1544), that is consistent with the terms of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, the Department of Revenue shall set the tax at a rate estimated to collect \$5 million per year.

(3) The tax shall be measured by and be applicable to each per thousand feet, board measure, and such shall be subject to and determined by the procedures and provisions of ORS 321.015 (5) and (6).

(4) The tax levied under subsection (1) of this section shall be due and payable to the Department of Revenue in the manner and procedure, including penalties and interest, as set forth for the collection of the privilege tax under ORS 321.005 to 321.185.

(5) The revenue from the tax levied under subsection (1) of this section shall be remitted to the State Treasurer who shall deposit it in a suspense account established under ORS 321.145 (1). After payment of refunds, which shall be paid in the same manner as other forest products harvest tax refunds are paid under ORS 321.145 (2), the balance of the additional tax imposed under subsection (1) of this section shall be deposited in a subaccount of the Oregon Conservation and Recreation Fund related to funding mitigation of the effects of forest practices, as defined in ORS 527.620, on aquatic species.

SECTION 6. (1) Section 5 of this 2022 Act applies to calendar years beginning on or after January 1, 2023, and ending on December 31 of the earlier of the tax years in which:

Legislative Action

(a) A cumulative total of at least \$250 million of revenue from the tax imposed under section 5 of this 2022 Act has been collected by the Department of Revenue; or

(b) The incidental take permit described in section 5 (2)(b) of this 2022 Act is for any reason revoked or invalidated or otherwise withdrawn pursuant to a final order, judgment or other decision that is not subject to further review or appeal.

(2) The Director of the Department of Revenue shall notify the Legislative Counsel and the Legislative Revenue Officer as soon as practicable following the end date of the tax described in subsection (1) of this section.

SECTION 7. Section 5 of this 2022 Act is repealed on January 2, 2028, unless, before January 1, 2028, the National Marine Fisheries Service or the United States Fish and Wildlife Service, pursuant to the federal Endangered Species Act (16 U.S.C. 1531 to 1544):

(1) Approves a habitat conservation plan consistent with the terms of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022; and

(2) Issues an incidental take permit related to the habitat conservation plan.

SECTION 8. If chapter _____, Oregon Laws 2022 (Enrolled Senate Bill 1501), does not become law, section 5 of this 2022 Act is repealed.

SECTION 9. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House February 23, 2022

Received by Governor: 12:55 P.M. MARCH 08, 2022


.....
Timothy G. Sakerak, Chief Clerk of House

Approved: 2:49 P.M. MARCH 17, 2022


.....
Dan Rayfield, Speaker of House


.....
Kate Brown, GOVERNOR

Passed by Senate March 2, 2022

Filed in Office of Secretary of State:


.....
Peter Courtney, President of Senate

7:52 A.M. MARCH 30, 2022


.....
Shemia Fagan, Secretary of State

Enrolled
House Bill 4156

Sponsored by JOINT COMMITTEE ON WAYS AND MEANS

CHAPTER **000076**

AN ACT

Relating to state financial administration; creating new provisions; amending ORS 284.793 and 401.536 and section 4, chapter 17, Oregon Laws 2020 (first special session); and declaring an emergency.

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

BROADBAND FUND

SECTION 1. Section 4, chapter 17, Oregon Laws 2020 (first special session), is amended to read:
Sec. 4. The Broadband Fund is established, separate and distinct from the General Fund. Interest earned by the Broadband Fund shall be credited to the fund. Moneys in the Broadband Fund are continuously appropriated to the Oregon Business Development Department to be used only for providing grants or loans through, or for administering, the Oregon Broadband Office and the program established by rule under section 5 of this 2020 special session Act, chapter 17, Oregon Laws 2020 (first special session). The fund shall consist of moneys deposited in the fund pursuant to ORS 759.425 and moneys appropriated or transferred to the fund by the Legislative Assembly.

STATE FORESTRY DEPARTMENT

SECTION 2. Sections 3 and 4 of this 2022 Act are added to and made a part of ORS chapter 536.

SECTION 3. (1) The State Forestry Department Cash Flow Repayment Fund is established in the State Treasury, separate and distinct from the General Fund. The State Forestry Department Cash Flow Repayment Fund consists of moneys deposited in the fund by the State Forestry Department pursuant to subsection (2) of this section. Moneys in the fund are continuously appropriated to the department for the purposes set forth in subsection (3) of this section.

(2)(a) When the State Forestry Department determines that moneys are available to the department in an amount greater than necessary to satisfy the current cash flow needs of the department, the department shall deposit excess amounts in the State Forestry Department Cash Flow Repayment Fund, except as provided in paragraph (b) of this subsection.

(b) The department is not required to deposit moneys in the fund if the balance of the fund is equal to or greater than the outstanding balance of moneys appropriated, allocated or otherwise made available to the department specifically for cash flow purposes.

Enrolled House Bill 4156 (HB 4156-A)

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(c) The moneys deposited in the fund under this subsection shall not be considered as a budget item on which a limitation is otherwise fixed by law, but shall be in addition to any specific biennial appropriations or amounts authorized to be expended from continuously appropriated moneys for any biennial period.

(3) On July 1 of each odd-numbered year, the department shall cause the balance of the fund to be transferred to the General Fund for general governmental purposes.

SECTION 4. On or before March 31 of each odd-numbered year, the State Forestry Department shall report to the standing or interim Joint Committee on Ways and Means on the following matters:

(1) The amounts appropriated, allocated or otherwise made available to the department specifically for cash flow purposes, both within the current biennium and cumulatively;

(2) The amounts deposited in the State Forestry Department Cash Flow Repayment Fund pursuant to section 3 (2) of this 2022 Act, both within the current biennium and cumulatively;

(3) The current balance of the fund; and

(4) The amount currently in use by the department for cash flow purposes.

OREGON LOCAL DISASTER ASSISTANCE LOAN AND GRANT ACCOUNT

SECTION 5. ORS 401.536 is amended to read:

401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Account is established as an account in the Oregon Disaster Response Fund. The account consists of moneys appropriated by the Legislative Assembly and any other moneys deposited into the account pursuant to law.

(2) Moneys in the account are continuously appropriated to the Oregon Department of Emergency Management for:

(a) Providing loans to *local governments, as defined in ORS 174.116, and school districts* qualified recipients to match, either in full or in part, moneys from federal programs for federally declared disaster relief that require a match;

(b) Providing loans and grants to *local governments, as defined in ORS 174.116, and school districts* qualified recipients, for the purpose of paying costs incurred by *local governments and school districts* qualified recipients in response to federally declared disasters;

(c) Providing loans and grants to *local governments, as defined in ORS 174.116, and school districts* qualified recipients for the purposes of paying costs incurred by *local governments and school districts* qualified recipients in response to disasters that are not federally declared disasters, as determined by the Legislative Assembly, if all loans and grants provided under paragraphs (a) and (b) of this subsection have been repaid, fulfilled or otherwise satisfied and moneys remain in the account; and

(d) Subject to subsection (5) of this section, paying the department's expenses for administering loans made from the account under paragraph (a) of this subsection.

(3) Loans made under subsection (2)(b) or (c) of this section shall be repaid pursuant to such terms and conditions as may be established by the Oregon Department of Administrative Services. Loans made under subsection (2)(b) or (c) of this section may be interest free, or bear interest at a rate established by the Oregon Department of Administrative Services. Amounts repaid on loans made under subsection (2)(b) or (c) of this section shall be deposited in the General Fund.

(4) The Oregon Department of Emergency Management shall deposit into the account any amounts repaid on loans made under subsection (2)(a) of this section.

(5) The department may not charge the account more than five percent of the maximum amount in the account during a biennium for administrative expenses attributable to a loan made under subsection (2)(a) of this section.

(6) An applicant may apply to the department for a loan under subsection (2)(a) of this section. The department shall consider the application, make a recommendation and submit the application

Legislative Action

and recommendation to the Local Disaster Assistance Review Board established under subsection (7) of this section.

(7) The department shall establish a Local Disaster Assistance Review Board to:

(a) Review the recommendations of the department regarding loans under subsection (2)(a) of this section;

(b) Approve, by a majority vote of members, the amount of any loan under subsection (2)(a) of this section; and

(c) Approve, by a majority vote of members, the terms and conditions of any loan under subsection (2)(a) of this section.

(8) The review board shall include:

(a) Three members of county governing bodies, with at least one member representing a county from east of the crest of the Cascade Mountains, with membership determined by the Association of Oregon Counties;

(b) Three members of city governing bodies, with at least one member representing a city from east of the crest of the Cascade Mountains, with membership determined by the League of Oregon Cities;

(c) A representative of the office of the State Treasurer;

(d) A representative of the department;

(e) A representative of school districts, with membership determined by the Oregon School Boards Association;

(f) A representative of special districts, with membership determined by the Special Districts Association of Oregon;

(g) A representative of the Oregon Department of Administrative Services; and

(h) Two additional members determined jointly by the department, the Association of Oregon Counties and the League of Oregon Cities.

(9) The Oregon Department of Emergency Management shall adopt rules establishing:

(a) A loan application process and application forms for loans under subsection (2)(a) of this section;

(b) Reasonable financial terms and conditions for loans under subsection (2)(a) of this section, including interest and the repayment of the loans;

(c) Eligibility requirements for applicants for loans under subsection (2)(a) of this section;

(d) The maximum amount an applicant for a loan under subsection (2)(a) of this section may receive;

(e) The methodology the department will use for charging the account for administrative expenses; and

(f) Procedures for submission of recommendations to the review board for loans under subsection (2)(a) of this section.

(10) The department shall provide staff support for the review board.

(11) As used in this section, "qualified recipient" means a local government, as defined in ORS 174.116, a school district or another entity that meets eligibility criteria for post-disaster grants offered by the Federal Emergency Management Agency.

SECTION 6. ORS 401.536, as operative until July 1, 2022, is amended to read:

401.536. (1) The Oregon Local Disaster Assistance Loan and Grant Account is established as an account in the Oregon Disaster Response Fund. The account consists of moneys appropriated by the Legislative Assembly and any other moneys deposited into the account pursuant to law.

(2) Moneys in the account are continuously appropriated to the Oregon Military Department for:

(a) Providing loans to *local governments, as defined in ORS 174.116, and school districts* qualified recipients to match, either in full or in part, moneys from federal programs for federally declared disaster relief that require a match;

(b) Providing loans and grants to *local governments, as defined in ORS 174.116, and school districts* qualified recipients, for the purpose of paying costs incurred by *local governments and school districts* qualified recipients in response to federally declared disasters;

Legislative Action

- (c) Providing loans and grants to *local governments, as defined in ORS 174.116, and school districts qualified recipients* for the purposes of paying costs incurred by *local governments and school districts qualified recipients* in response to disasters that are not federally declared disasters, as determined by the Legislative Assembly, if all loans and grants provided under paragraphs (a) and (b) of this subsection have been repaid, fulfilled or otherwise satisfied and moneys remain in the account; and
- (d) Subject to subsection (5) of this section, paying the department's expenses for administering loans made from the account under paragraph (a) of this subsection.
- (3) Loans made under subsection (2)(b) or (c) of this section shall be repaid pursuant to such terms and conditions as may be established by the Oregon Department of Administrative Services. Loans made under subsection (2)(b) or (c) of this section may be interest free, or bear interest at a rate established by the Oregon Department of Administrative Services. Amounts repaid on loans made under subsection (2)(b) or (c) of this section shall be deposited in the General Fund.
- (4) The Oregon Military Department shall deposit into the account any amounts repaid on loans made under subsection (2)(a) of this section.
- (5) The Oregon Military Department may not charge the account more than five percent of the maximum amount in the account during a biennium for administrative expenses attributable to a loan made under subsection (2)(a) of this section.
- (6) An applicant may apply to the Oregon Military Department for a loan under subsection (2)(a) of this section. The department shall consider the application, make a recommendation and submit the application and recommendation to the Local Disaster Assistance Review Board established under subsection (7) of this section.
- (7) The Oregon Military Department shall establish a Local Disaster Assistance Review Board to:
 - (a) Review the recommendations of the department regarding loans under subsection (2)(a) of this section;
 - (b) Approve, by a majority vote of members, the amount of any loan under subsection (2)(a) of this section; and
 - (c) Approve, by a majority vote of members, the terms and conditions of any loan under subsection (2)(a) of this section.
- (8) The review board shall include:
 - (a) Three members of county governing bodies, with at least one member representing a county from east of the crest of the Cascade Mountains, with membership determined by the Association of Oregon Counties;
 - (b) Three members of city governing bodies, with at least one member representing a city from east of the crest of the Cascade Mountains, with membership determined by the League of Oregon Cities;
 - (c) A representative of the office of the State Treasurer;
 - (d) A representative of the Oregon Military Department;
 - (e) A representative of school districts, with membership determined by the Oregon School Boards Association;
 - (f) A representative of special districts, with membership determined by the Special Districts Association of Oregon;
 - (g) A representative of the Oregon Department of Administrative Services; and
 - (h) Two additional members determined jointly by the department, the Association of Oregon Counties and the League of Oregon Cities.
- (9) The Office of Emergency Management of the Oregon Military Department shall adopt rules establishing:
 - (a) A loan application process and application forms for loans under subsection (2)(a) of this section;
 - (b) Reasonable financial terms and conditions for loans under subsection (2)(a) of this section, including interest and the repayment of the loans;

- (c) Eligibility requirements for applicants for loans under subsection (2)(a) of this section;
 - (d) The maximum amount an applicant for a loan under subsection (2)(a) of this section may receive;
 - (e) The methodology the department will use for charging the account for administrative expenses; and
 - (f) Procedures for submission of recommendations to the review board for loans under subsection (2)(a) of this section.
- (10) The Oregon Military Department shall provide staff support for the review board.
- (11) As used in this section, "qualified recipient" means a local government, as defined in ORS 174.116, a school district or another entity that meets eligibility criteria for post-disaster grants offered by the Federal Emergency Management Agency.

EASTERN OREGON BORDER ECONOMIC DEVELOPMENT BOARD

SECTION 7. ORS 284.793 is amended to read:

284.793. (1) On or before June 30 of each year, the third-party administrator shall submit the following information from the previous 12 months to the Eastern Oregon Border Economic Development Board:

- (a) The number of businesses or regionally significant industrial sites that were assisted with grants awarded and loans made through programs under ORS 284.791;
 - (b) The types and amount of resources leveraged by the grant and loan moneys;
 - (c) The return on investment, performance and outcome with respect to jobs and wages in any area of the Eastern Oregon Border Economic Development Region in which grant and loan moneys were utilized; and
 - (d) Any other information the third-party administrator considers useful in evaluating the experience of the grant and loan programs.
- (2)(a) On or before September 15 of each year, the Eastern Oregon Border Economic Development Board, jointly with the Oregon Business Development Department, shall submit a report to the Legislative Assembly, in the manner required under ORS 192.245, [to the Joint Committee on Ways and Means or the Emergency Board,] that sets forth the information received from the third-party administrator under subsection (1) of this section and any other information from any source that the Eastern Oregon Border Economic Development Board thinks convenient or necessary for evaluating the administration and experience of the grant and loan program established under ORS 284.771 to 284.801.
- (b) The Eastern Oregon Border Economic Development Board's report may include recommendations for legislation and strategies to improve workforce development and economic development in the region.

UNIT CAPTIONS

SECTION 8. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EMERGENCY CLAUSE

SECTION 9. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Legislative Action

Passed by House March 4, 2022



.....
Timothy G. Sekerak, Chief Clerk of House



.....
Dan Rayfield, Speaker of House

Passed by Senate March 4, 2022



.....
Peter Courtney, President of Senate

Received by Governor:

10:45 AM, MARCH 09, 2022

Approved:

12:12 PM, MARCH 23, 2022



.....
Kate Brown, Governor

Filed in Office of Secretary of State:

4:29 P.M., MARCH 23, 2022



.....
Shemia Fagan, Secretary of State

Enrolled

House Bill 5202

Sponsored by JOINT COMMITTEE ON WAYS AND MEANS

CHAPTER 000110

AN ACT

Relating to state financial administration; creating new provisions; amending sections 196 and 299, chapter 669, Oregon Laws 2021; and declaring an emergency.

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

SECTION 1. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (5), chapter 427, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Justice, for crime victim and survivor services, is increased by \$2,000,000 for distribution to nonprofit entities to assist survivors of domestic and sexual violence and human trafficking in maintaining or acquiring housing.

SECTION 2. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3, chapter 557, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from federal funds other than those described in section 2, chapter 557, Oregon Laws 2021, collected or received by the Judicial Department, is increased by \$275,752 for an Elder Justice Innovation grant.

SECTION 3. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 4, chapter 556, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from federal funds other than those described in sections 2 and 6, chapter 556, Oregon Laws 2021, collected or received by the Housing and Community Services Department, is increased by \$1,681,331 for housing counseling services.

SECTION 4. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 5 (2), chapter 603, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses, other than expenses described in sections 6 and 14, chapter 603, Oregon Laws 2021, from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds, corporate activity tax funds and federal funds, collected or received by the Department of Education, for operations, is increased by \$1,668,814 to support the implementation of a comprehensive educator professional learning system.

SECTION 5. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 6 (3), chapter 603, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of grants-in-aid, program costs and purchased services from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds, corporate activity tax funds and federal funds, collected or re-

Legislative Action

SECTION 33. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (1), chapter 640, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Liquor and Cannabis Commission, for administrative expenses, is increased by \$504,000.

SECTION 34. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 4, chapter 504, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Board of Medical Imaging, is increased by \$202,000, to address increasing investigatory workload, increased board stipends and other miscellaneous costs.

SECTION 35. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1, chapter 311, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Real Estate Agency, is increased by \$151,083, for the elicense information technology replacement project.

SECTION 36. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1, chapter 348, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Board of Tax Practitioners, is increased by \$72,100, for operating expenses.

SECTION 37. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (2), chapter 605, Oregon Laws 2021, for the biennium ending June 30, 2023, for fire protection, is increased by \$46,208,469 for costs associated with the 2021 fire season.

SECTION 38. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter 605, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter 605, Oregon Laws 2021, collected or received by the State Forestry Department, for fire protection, is increased by \$78,218,491 for the processing of payments of costs from the 2021 fire season.

SECTION 39. Notwithstanding any other provision of law, the General Fund appropriation made to the Emergency Board by section 5 (1), chapter 605, Oregon Laws 2021, for the biennium ending June 30, 2023, for allocation to the State Forestry Department for fire protection expenses, is decreased by \$6,146,267.

SECTION 40. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (1), chapter 602, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Department of Aviation, for operations, is increased by \$766,259.

SECTION 41. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (3), chapter 602, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Department of Aviation, for pavement maintenance, is increased by \$379,730.

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moneys deposited into the Watershed Conservation Operating Fund established under ORS 541.945, for activities and projects to implement Article XV, section 4b, of the Oregon Constitution, is increased by \$1,213,188.

SECTION 309. The allocation made by the Oregon Watershed Enhancement Board to the Department of State Police under section 1, chapter 680, Oregon Laws 2021, from moneys deposited into the Watershed Conservation Operating Fund established under ORS 541.945, for fish and wildlife activities and projects to implement Article XV, section 4b, of the Oregon Constitution, is increased by \$249,144.

SECTION 310. The allocation made by the Oregon Watershed Enhancement Board to the State Department of Fish and Wildlife under section 2, chapter 680, Oregon Laws 2021, from moneys deposited into the Watershed Conservation Operating Fund established under ORS 541.945, for activities and projects to implement Article XV, section 4b, of the Oregon Constitution, is increased by \$118,337.

SECTION 311. The allocation made by the Oregon Watershed Enhancement Board to the Department of Environmental Quality under section 4, chapter 680, Oregon Laws 2021, from moneys deposited into the Watershed Conservation Operating Fund established under ORS 541.945, for activities and projects to implement Article XV, section 4b, of the Oregon Constitution, is increased by \$224,550.

SECTION 312. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$50,000,000, to be allocated to the State Forestry Department for cash flow needs.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2022, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

NOTE: Section 313 was deleted. Subsequent sections were not renumbered.

SECTION 314. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (8), chapter 660, Oregon Laws 2021, for the biennium ending June 30, 2023, for public university statewide programs, is increased by \$7,500,000 for the Strong Start Program.

SECTION 315. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (9), chapter 660, Oregon Laws 2021, for the biennium ending June 30, 2023, for statewide public services, is increased by \$1,000,000 to support the Oregon State University Extension Service Oregon Bee Project.

SECTION 316. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (8), chapter 660, Oregon Laws 2021, for the biennium ending June 30, 2023, for public university statewide programs, is increased by \$700,000 to support the expansion of the University of Oregon College of Education's Oregon Child Abuse Prevalence Study.

SECTION 317. Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (7), chapter 660, Oregon Laws 2021, for the biennium ending June 30, 2023, for Oregon Health and Science University education and other programs, is increased by \$45,000,000 to support expanded capacity for health care education and pathway programs and to provide tuition assistance and loan repayment to learners from underrepresented communities.

SECTION 318. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (1), chapter 468, Oregon Laws 2021, for the biennium ending June 30, 2023, for operations and health services is decreased by \$74,716,564.

SECTION 319. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 95, chapter 669, Oregon Laws 2021, for the biennium

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Public university debt service	
General Fund	Ch. 660 1(10)(a) -1,030,391
Other funds	Ch. 660 6(2) +695,171
Community college debt service	
Other funds	Ch. 660 6(3) +1,030,420

(4) HUMAN SERVICES.

	2021
	Oregon Laws
Agency/Program/Funds	Chapter/ Section Adjustment \$
Department of Human Services:	
Debt service	
General Fund	Ch. 606 1(8) -900,000
Other funds	Ch. 606 2(9) +944,250

(5) JUDICIAL BRANCH.

	2021
	Oregon Laws
Agency/Program/Funds	Chapter/ Section Adjustment \$
Judicial Department:	
Debt service	
General Fund	Ch. 557 1(6) -273,641

(6) NATURAL RESOURCES.

	2021
	Oregon Laws
Agency/Program/Funds	Chapter/ Section Adjustment \$
State Forestry Department:	
Debt service	
General Fund	Ch. 605 1(6) -656
Other funds	Ch. 605 2(7) +660

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Quality:	
Air Quality	
General Fund	Ch. 673 1(1) +676,152
Other funds	Ch. 673 2(1) +1,557,730
Federal funds	Ch. 673 5(1) +194,839
Water Quality	
General Fund	Ch. 673 1(2) +1,199,293
Other funds	Ch. 673 2(2) +941,874
Federal funds	Ch. 673 5(2) +254,755
Land Quality	
General Fund	Ch. 673 1(3) +36,054
Other funds	Ch. 673 2(3) +1,529,643
Federal funds	Ch. 673 5(3) +128,385
Agency Management	
General Fund	Ch. 673 1(4) +3,445
Other funds	Ch. 673 2(4) +922,275
Parks and Natural Resources Fund	
Lottery funds	Ch. 673 3 +224,550
State Department of Fish and Wildlife:	
Fish Division	
General Fund	Ch. 679 1(1) +709,192
Other funds	Ch. 679 2(1) +1,849,472
Lottery funds	Ch. 679 3(1) +70,065
Federal funds	Ch. 679 4(1) +2,183,238
Wildlife Division	
General Fund	Ch. 679 1(2) +187,172
Other funds	Ch. 679 2(2) +778,725
Lottery funds	Ch. 679 3(2) +36,386
Federal funds	Ch. 679 4(2) +461,594
Administrative Services	
Division	
General Fund	Ch. 679 1(3) +34,330
Other funds	Ch. 679 2(3) +1,164,637
Federal funds	Ch. 679 4(3) +148,119
Habitat Division	
General Fund	Ch. 679 1(7) +245,749
Other funds	Ch. 679 2(7) +141,809
Lottery funds	Ch. 679 3(3) +11,886
Federal funds	Ch. 679 4(5) +335,090
Capital Improvement	
Other funds	Ch. 679 2(4) +23,690
State Forestry Department:	
Agency Administration	
General Fund	Ch. 605 1(1) +53,323
Other funds	Ch. 605 2(1) +1,259,501
Federal funds	Ch. 605 4(1) +54,059
Fire Protection	
General Fund	Ch. 605 1(2) +1,582,696
Other funds	Ch. 605 2(2) +2,299,492

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Lottery funds	Ch. 673 3	-6,402
State Department of Fish and Wildlife:		
Fish Division		
General Fund	Ch. 679 1(1)	-69
Other funds	Ch. 679 2(1)	-446,546
Lottery funds	Ch. 679 3(1)	-30
Federal funds	Ch. 679 4(1)	-121
Wildlife Division		
General Fund	Ch. 679 1(2)	-349
Other funds	Ch. 679 2(2)	-255,794
Lottery funds	Ch. 679 3(2)	-58
Federal funds	Ch. 679 4(2)	-1,943
Administrative Services Division		
General Fund	Ch. 679 1(3)	-41,537
Other funds	Ch. 679 2(3)	-2,073,639
State Forestry Department: Agency Administration		
Other funds	Ch. 605 2(1)	-1,559,761
Federal funds	Ch. 605 4(1)	-1,138
Fire Protection		
General Fund	Ch. 605 1(2)	-699,452
Other funds	Ch. 605 2(2)	-100,353
Federal funds	Ch. 605 4(2)	-62,451
Private Forests		
General Fund	Ch. 605 1(4)	-167,457
Other funds	Ch. 605 2(5)	-15,136
Federal funds	Ch. 605 4(5)	-11,788
Debt Service		
General Fund	Ch. 605 1(5)	-2,059
Other funds	Ch. 605 2(7)	+2,060
State Forests		
Other funds	Ch. 605 2(3)	-107,181
Federal funds	Ch. 605 4(3)	-875
Federal Forest Restoration		
General Fund	Ch. 605 1(3)	-18,249
Equipment Pool		
Other funds	Ch. 605 2(8)	-29,419
Facilities Maintenance and Management		
Other funds	Ch. 605 2(9)	-1,785
Department of Land Conservation and Development: Planning Program		
General Fund	Ch. 438 1(1)	-170,597
Other funds	Ch. 438 2	-2,493
Federal funds	Ch. 438 3	-48,580
Columbia River Gorge Commission:		
Operating Expenses		
General Fund	Ch. 432 1	-1,251

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Other funds	Ch. 442 2(5)	-20,692
Modernization Program		
Other funds	Ch. 442 2(6)	-40,581
Special Programs		
Other funds	Ch. 442 2(7)	-664,181
Local Government Program		
Other funds	Ch. 442 2(8)	-807
Driver and Motor Vehicle Services		
Other funds	Ch. 442 2(9)	-367,454
Commerce and Compliance		
Other funds	Ch. 442 2(10)	-16,288
Policy, Data and Analysis		
Other funds	Ch. 442 2(11)	-19,610
Federal funds	Ch. 442 3(3)	-326
Public Transit		
Other funds	Ch. 442 2(12)	-197
Rail		
Other funds	Ch. 442 2(13)	-60,120
Federal funds	Ch. 442 3(5)	-72,556
Transportation Safety		
Other funds	Ch. 442 2(14)	-521
Federal funds	Ch. 442 3(6)	-195
Support Services		
Other funds	Ch. 442 2(15)	-3,221,439
Headquarters		
Other funds	Ch. 442 2(16)	-9,018
Finance and Budget		
Other funds	Ch. 442 2(17)	-1,760,106

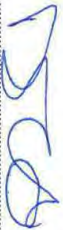
SECTION 469. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Legislative Action

Passed by House March 4, 2022



Timothy G. Sekerak, Chief Clerk of House



Dan Rayfield, Speaker of House

Passed by Senate March 4, 2022



Peter Courtney, President of Senate

Received by Governor:

10:45 AM, MARCH 09, 2022

Approved:

11:32 AM, APRIL 04, 2022



Kate Brown, Governor

Filed in Office of Secretary of State:

11:33 A.M., APRIL 6, 2022



Shemia Fagan, Secretary of State

Enrolled
Senate Bill 1501

Sponsored by Senator COURTNEY; Senators ARMITAGE, KENNEMER, Representatives CAMPOS, DEXTER, HELM, McLAIN, NELSON, NOSSE, REARDON, REYNOLDS, WILLIAMS

CHAPTER **000033**

AN ACT

Relating to a negotiated agreement concerning private forestland; creating new provisions; amending ORS 105.810, 195.308, 496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105; and declaring an emergency.

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

RULE PACKAGE

SECTION 1. Section 2 of this 2022 Act is added to and made a part of ORS 527.610 to 527.770.

SECTION 2. (1) The State Board of Forestry shall, as a single rule package following a single, consolidated rulemaking process:

(a) Adopt rules consistent with the requirements of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, to the extent that requirements in the Private Forest Accord Report do not contravene statutory requirements.

(b) As needed to conform with the rules described in paragraph (a) of this subsection, and only as needed to conform with the rules described in paragraph (a) of this subsection, amend or repeal the rules in effect on the effective date of this 2022 Act that implement ORS 527.610 to 527.770.

(2) When adopting, amending or repealing rules as described in subsection (1) of this section, the board shall resolve any gaps or ambiguities in the requirements of the Private Forest Accord Report by:

(a) Referring to the intent and structure of the rules implementing ORS 527.610 to 527.770 that are in effect on the effective date of this 2022 Act; and

(b) Achieving the outcomes described in the Private Forest Accord Report.

(3) The department shall:

(a) Publish the Private Forest Accord Report.

(b) Ensure that the Private Forest Accord Report remains publicly available on a department website.

SECTION 3. (1) On or before November 30, 2022, the State Board of Forestry shall adopt the rule package described in section 2 of this 2022 Act.

(2) In developing the rule package, the board shall:

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- (a) Regularly and closely consult with representatives of the authors of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, to ensure that the rule package is consistent with the intent of the report.
- (b) Prioritize development of the rule package over other obligations to the extent possible.
- (3) Adoption or amendment of rules included in the rule package is not subject to the requirements of ORS 183.333, 183.335 or 527.714 or section 39 of this 2022 Act.
- (4) When adopting the rule package, the board is subject to the requirements of subsections (5) to (11) of this section.
- (5) The board shall give notice of its intent to adopt the proposed rule package in the bulletin described in ORS 183.360 at least 30 days prior to the date proposed for adopting or amending the rules.
- (6) The notice must include:
 - (a) A caption of not more than 15 words that reasonably identifies the subject matter of the rule package.
 - (b) An objective, simple and understandable statement summarizing the subject matter and purpose of the rule package in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the proposed rule package.
 - (c) A citation of the law the rule package is intended to implement.
 - (d) A full or abbreviated list of the principal documents, reports or studies, if any, prepared by or relied upon by the board in preparing the rule package and a statement of the location at which those documents are available for public inspection.
 - (7) The Secretary of State may omit the information described in subsection (6)(c) and (d) of this section from publication in the bulletin.
 - (8) After giving the notice, the board shall accept public comments for 30 days.
 - (9) After receiving public comments, the board may amend the draft rules in the proposed rule package without providing notice or accepting public comments.
 - (10) The board shall hold one public hearing before or during which interested persons may submit written or oral testimony.
 - (11) The board shall publish notice of the hearing in the bulletin at least 21 days before the hearing.
 - (12) The provisions of ORS 183.400, 183.410 and 183.480 apply to a petition concerning the validity or applicability of a rule adopted or amended as part of the rule package or a rule amended as described in subsection (13) of this section.
 - (13) After adopting the rule package, and on or before July 1, 2023, the board may amend rules that implement ORS 527.610 to 527.770 to make minor changes as needed to conform with the Private Forest Accord Report.
 - (14) Amendments described in subsection (13) of this section are not subject to the requirements of ORS 183.333, 183.335 or 527.714 or section 39 of this 2022 Act.
- SECTION 4. (1) The State Fish and Wildlife Commission may adopt, amend or repeal rules as needed to conform with the rule package described in section 2 of this 2022 Act, but may only adopt, amend or repeal rules under this section as needed to conform with the rule package.
- (2) The provisions of ORS 183.333 and 183.335 do not apply to an adoption, amendment or repeal of a rule under subsection (1) of this section that occurs on or before November 30, 2022.
- (3) When adopting, amending or repealing rules under this section, the commission is subject to the requirements to which the State Board of Forestry is subject under section 3 (5) to (11) of this 2022 Act.
- SECTION 5. (1) As used in this section:

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- (a) "Common ownership" has the meaning given that term in section 16 of this 2022 Act.
- (b) "Small forestland" means forestland that has an owner that owns or holds common ownership interest in less than 5,000 acres of forestland in this state.
- (2) Rules adopted or amended as part of the rule package described in section 2 of this 2022 Act apply only to an operation for which a notification is filed under ORS 527.670 (b):
 - (a) On or after January 1, 2024.
 - (b) Before January 1, 2024, if the operation is not completed on or before December 31, 2023.
- (3) Notwithstanding subsection (2) of this section, rules adopted or amended as part of the rule package that relate to fish buffers apply to an operation, other than an operation on small forestland, for which a notification is filed on or after July 1, 2023.
- (4) If the State Forester determines that a forest activity electronic reporting and notice system operated by the State Forestry Department is not updated with the information necessary to implement the requirements of the Private Forest Accord Report dated February 2, 2022, and published by the department on February 7, 2022, in time for operations to reasonably comply with the requirements by January 1, 2024, the deadlines described in subsection (2) of this section for application of rules that do not relate to fish buffers:
 - (a) May be extended by the State Forester for a period not to exceed one year; and
 - (b) After an extension described in paragraph (a) of this subsection, may be extended by the State Board of Forestry only if the board finds that the additional extension is necessary.

POST-DISTURBANCE HARVEST RULEMAKING

- SECTION 6.** (1) Pursuant to the authority granted by ORS 527.710 and subject to the procedures set forth in ORS 527.714 for rules described in ORS 527.714 (1)(c), the State Board of Forestry shall initiate rulemaking concerning the post-disturbance harvest of trees that, but for the disturbance, would not be harvested under rules adopted, amended or repealed as part of the rule package described in section 2 of this 2022 Act.
- (2) The rulemaking:
 - (a) Must be completed on or before November 30, 2025.
 - (b) Is not subject to the requirements of section 39 of this 2022 Act.

TETHERED LOGGING RULEMAKING

- SECTION 7.** (1) Pursuant to the authority granted by ORS 527.710 and subject to the procedures set forth in ORS 527.714 for rules described in ORS 527.714 (1)(c), not more than three years after the effective date of this 2022 Act, the State Board of Forestry shall initiate rulemaking concerning tethered logging.
- (2) The board shall prioritize the rulemaking.
 - (3) The rulemaking is not subject to the requirements of section 39 of this 2022 Act, but as part of the rulemaking, the board may solicit and consider reports that pertain to tethered logging from the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act.

JUST COMPENSATION EXEMPTION

- SECTION 8.** The Legislative Assembly intends that a person is not entitled to just compensation under ORS 195.305 to 195.336 for any restriction placed on the use of real property by a rule adopted or amended by the State Board of Forestry:
- (1) As part of the rule package described in section 2 of this 2022 Act.

(2) After the board has considered reports that pertain to the rule from the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act.

SECTION 9. ORS 195.308 is amended to read:

195.308. Notwithstanding the requirement to pay just compensation for certain land use regulations under ORS 195.305 (1), compensation is not due for:

(1) The enforcement or enactment of a land use regulation established in ORS 30.930 to 30.947, 527.310 to 527.370, 561.995, 569.360 to 569.495, 570.010 to 570.050, 570.105 to 570.190, 570.305, 570.310, 570.320 to 570.360, 570.405, 570.412, 570.420, 570.425, 570.450, 570.700 to 570.710, 570.755, 570.770, 570.775, 570.780, 570.790, 570.800, 570.995, 596.095, 596.100, 596.105, 596.393, 596.990 or 596.995 or in administrative rules or statewide plans implementing these statutes.

(2) The enforcement, adoption or amendment of a rule adopted or amended by the State Board of Forestry:

(a) As part of the rule package described in section 2 of this 2022 Act.

(b) After the board has considered reports that pertain to the rule from the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act.

LANDSLIDE MODELING

SECTION 10. (1) The Legislative Assembly finds that:

(a) The requirements of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, are premised on specific landslide modeling developed by a specific contractor.

(b) Implementation of the requirements is contingent on the ability to use the specific landslide modeling.

(c) Implementation of the requirements is time sensitive and requires rapid development of landslide modeling.

(d) Procurement of services pursuant to this section:

(A) Is unlikely to encourage favoritism in awarding public contracts or to substantially diminish competition for public contracts.

(B) Will substantially promote the public interest in a manner that could not otherwise be practically realized through a procurement subject to the requirements of the Public Contracting Code.

(2) The State Forestry Department shall:

(a) Procure services for development and application of the landslide modeling described in chapter 3 and appendix B of the Private Forest Accord Report.

(b) Ensure that the modeling is developed and incorporated into a forest activity electronic reporting and notice system operated by the department.

(A) In time to facilitate compliance with the deadlines described in section 5 (2) and (3) of this 2022 Act.

(B) Not later than May 1, 2023.

(3) The procurement required by this section is not subject to the requirements of the Public Contracting Code.

SUBMISSION OF HABITAT CONSERVATION PLAN

SECTION 11. The State Board of Forestry shall submit to the National Marine Fisheries Service and the United States Fish and Wildlife Service:

(1) A proposed habitat conservation plan consistent with the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.

(2) An application for an incidental take permit, supported by the habitat conservation plan, for the incidental taking of species addressed in the Private Forest Accord Report.

SECTION 12. (1) On or before December 31, 2022, the State Board of Forestry shall prepare and submit to the National Marine Fisheries Service and the United States Fish and Wildlife Service the habitat conservation plan described in section 11 of this 2022 Act.

(2) The board shall procure the services of a person to develop and draft the habitat conservation plan.

(3) Pursuant to ORS 279A.050 (6)(m) and notwithstanding ORS 279E.050, 279B.055, 279B.060, 279B.065 and 279B.070, the board may award a contract for the services without undertaking a process of competitive sealed bidding or competitive sealed proposals or soliciting competitive price quotes or competitive proposals.

(4) The board shall ensure that representatives of the authors of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, are:

(a) Regularly and closely consulted concerning the development and drafting of the habitat conservation plan.

(b) Consulted if any question arises concerning the intent of the Private Forest Accord Report.

(5) The habitat conservation plan and application for an incidental take permit described in section 11 of this 2022 Act do not constitute rules for purposes of ORS 183.310 to 183.410 or 527.714.

PASS-THROUGH PROTECTION FOR ENDANGERED SPECIES ACT AGREEMENTS

SECTION 13. Section 14 of this 2022 Act is added to and made a part of ORS 527.610 to 527.770.

SECTION 14. If a person is party to an agreement with the National Marine Fisheries Service or the United States Fish and Wildlife Service under the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544) and is engaging in a forest practice in compliance with the agreement, the forest practice is not subject to provisions of ORS 527.610 to 527.770 or rules adopted thereunder that relate to protection of a species addressed in the agreement.

SMALL FORESTLAND OWNER PROVISIONS

SECTION 15. Sections 16 and 16a of this 2022 Act are added to and made a part of ORS 527.610 to 527.770.

SECTION 16. (1) As used in this section:

(a) "Common ownership" means direct ownership by one or more individuals or ownership by a corporation, partnership, association or other entity in which an individual owns a significant interest.

(b) "Small forestland owner minimum option" means any small forestland owner minimum option available for small forestland owners pursuant to rules adopted by the State Board of Forestry under section 2 of this 2022 Act.

(2) The board may not establish riparian prescriptions that result in minimum riparian buffer widths or lengths that measure less than the minimum riparian buffer widths or lengths set forth in sections 5.3.1.3 and 5.3.1.4 of chapter 5 of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.

(3)(a) An operator, timber owner or landowner may not follow a small forestland owner minimum option for an operation unless the department determines that, as of the date the department receives a notification related to the operation under ORS 527.670:

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- (A) The landowner of the forestland where the operation will occur owns or holds common ownership interest in less than 5,000 acres of forestland in this state;
- (B) No more than an average yearly volume of two million board feet of merchantable forest products has been harvested from the landowner's forestland in this state, when averaged over the three years prior to the date the department receives the notification; and
- (C) The landowner has submitted an affirmation to the department that it does not expect to exceed an average yearly volume of two million board feet of merchantable forest products to be harvested from the landowner's forestland in this state during the 10 years following the date the department receives the notification.
- (b) Notwithstanding paragraph (a)(B) and (C) of this subsection, the department may allow a landowner to follow a small forestland owner minimum option if the landowner establishes to the department's reasonable satisfaction that any exceedance of the harvest limits set forth in paragraph (a)(B) or (C) of this subsection was or will be necessary to raise funds to pay estate taxes or for a compelling and unexpected obligation.
- (4) The department may require a landowner to submit, as part of the notification required under ORS 527.670, any additional information or statements necessary to determine whether a landowner meets the requirements of subsection (3) of this section.
- (5) The board may adopt any rules necessary to implement this section.
- SECTION 16a. In any tax year that a tax credit allowed for use of the standard practice in lieu of the small forestland owner minimum option is not available to small forestland owners, State Board of Forestry rules must provide that restrictions on using the small forestland owner minimum option related to the horizontal feet limitation applicable to fifth field watersheds are not in effect.
- SECTION 17. (1) The State Board of Forestry shall adopt by rule a Small Forestland Investment in Stream Habitat Program.
- (2) The purpose of the program is to provide grants to certain small forestland owners to fund projects that:
- (a) Result in environmental benefits to fish species addressed in the Private Forest Account Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022; or
- (b) Mitigate risks to natural resources arising from the construction, operation or maintenance of forest roads or related activities.
- (3) The Small Forestland Owner Assistance Office established by section 19 of this 2022 Act shall implement and administer the program.
- (4)(a) To be eligible for a grant under the program, a landowner must:
- (A) Own or hold common ownership interest in less than 5,000 acres of forestland in this state.
- (B) Submit documentation showing that no more than an average yearly volume of two million board feet of merchantable forest products has been harvested from the landowner's forestland in this state, when averaged over the three years prior to the date the office receives the grant application.
- (C) Affirm to the office that the landowner does not expect to exceed an average yearly volume of two million board feet of merchantable forest products to be harvested from the landowner's forestland in this state during the 10 years following the date the office receives the grant application.
- (D) Have on file with the State Forestry Department a road condition assessment that includes assessment of all the roads, abandoned roads, culverts and fish passage barriers located anywhere in the parcel of land on which the project for which grant funding is requested will occur.
- (b) For purposes of this subsection, a landowner must be considered to hold common ownership interest in forestland if the forestland is owned by the landowner directly or by

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a corporation, partnership, association or other entity in which the landowner owns a significant interest.

(c) Notwithstanding paragraph (a)(B) and (C) of this subsection, a landowner may be eligible for a grant if the landowner establishes to the department's reasonable satisfaction that any exceedance of the harvest limits set forth in paragraph (a)(B) or (C) of this subsection was or will be necessary to raise funds to pay estate taxes or for a compelling and unexpected obligation.

(5) In administering and implementing the program, the office shall coordinate with the State Department of Fish and Wildlife to prioritize awarding grants for projects on high conservation value sites, as described in section 5.3.5.3 of chapter 5 of the Private Forest Accord Report.

(6) In addition to the requirements described in subsection (4) of this section, when awarding grants under the program, the office may consider:

(a) The length of time that has elapsed since an application for a grant was received.

(b) Any potential efficiencies gained through coordinating grant-funded activities with other activities at a proposed project site.

(7) The office shall annually publish, and make publicly available on a website of the State Forestry Department, a report for the previous calendar year that addresses:

(a) Each funded project that was completed during the calendar year.

(b) The costs of each completed project and the mileage of streams improved as a result of the completed project.

(8) The department shall submit a copy of the report to an appropriate committee or interim committee of the Legislative Assembly, in the manner described in ORS 192.245, no later than September 15 of each year.

SECTION 18. (1) The Small Forestland Investment in Stream Habitat Program Fund is established, separate and distinct from the General Fund. Interest earned by the Small Forestland Investment in Stream Habitat Program Fund shall be credited to the fund.

(2) Moneys in the fund are continuously appropriated to the State Forestry Department to be distributed by the Small Forestland Owner Assistance Office described in section 19 of this 2022 Act as grants to small forestland owners under the Small Forestland Investment in Stream Habitat Program established under section 17 of this 2022 Act.

(3) The fund shall consist of:

(a) Moneys appropriated to the department for deposit in the fund or otherwise transferred to the fund.

(b) Any gifts, grants, contributions or other donations for use as described in subsection (2) of this section that are received by the department from any public or private source and caused to be deposited in the fund or otherwise transferred to the fund.

SECTION 19. (1) The Small Forestland Owner Assistance Office is created within the State Forestry Department.

(2) The office shall:

(a) Support and promote implementation of financial incentives and technical assistance programs for small forestland owners that align with the intent of the Private Forest Accord Report dated February 2, 2022, and published by the department on February 7, 2022.

(b) Carry out duties related to the Small Forestland Investment in Stream Habitat Program, as described in section 17 of this 2022 Act.

(c) To support compliance with a habitat conservation plan that is consistent with the requirements of the Private Forest Accord Report, develop and maintain a database of:

(A) Landowners that the department has determined meet the requirements set forth in section 16 (3) of this 2022 Act.

(B) Forestland in this state that is owned by the landowners.

(C) The types and conditions of the forestland.

(D) The roads and streams located within the forestland.

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(d) Serve as the lead coordination and support body within the department for programs, partnerships and educational opportunities not otherwise described in this section that support forestland owners that own or hold common ownership interest in less than 5,000 acres of forestland in this state.

(e) Identify and implement opportunities to leverage the programs, partnerships and educational opportunities to support activities consistent with the habitat conservation plan, including activities that provide for adequate fish passage, remove fish passage barriers, maintain roads or collect data related to the habitat conservation plan.

(f) Engage in any other duties delegated to the office by the State Board of Forestry or the department.

(3) The board may adopt rules as necessary to implement this section.

SECTION 20. The State Board of Forestry shall adopt the rules described in sections 16, 17 and 19 of this 2022 Act as part of the rule package described in section 2 of this 2022 Act.

BEAVER (CASTOR CANADENSIS) CONSERVATION

SECTION 21. Sections 22, 23 and 25 of this 2022 Act are added to and made a part of ORS chapter 498.

SECTION 22. (1) As used in this section:

(a) "Beaver" means a member of the species *Castor canadensis*.

(b) "Forestland" has the meaning given that term in ORS 527.620.

(2) A person that takes a beaver on privately owned forestland shall report the taking to the State Department of Fish and Wildlife, including the reason for the taking, the location of the taking and the number of beavers taken.

(3) The department shall:

(a) Annually submit a summary of the takings of beaver reported under subsection (2) of this section to the State Fish and Wildlife Commission to help the commission better understand the scale of trapping on privately owned forestland.

(b) Make the summary described in paragraph (a) of this subsection available to the public on a department website.

(4) The commission shall adopt rules to implement this section.

SECTION 23. (1) As used in this section:

(a) "Beaver" means a member of the species *Castor canadensis*.

(b) "Forest practices" has the meaning given that term in ORS 527.620.

(c) "Forestland" has the meaning given that term in ORS 527.620.

(d) "Small forestland" means forestland whose owner owns or holds common ownership interest in less than 5,000 acres of forestland in this state.

(2) Notwithstanding ORS 498.012 (1), an owner of forestland, other than small forestland, or a designee of the owner, may take a beaver on the owner's forestland only if:

(a) The beaver apparently poses a threat to infrastructure.

(b) The owner or a designee of the owner first requests that the State Department of Fish and Wildlife address the threat to infrastructure apparently posed by the beaver.

(c) The owner or a designee of the owner waits 30 days after making the request described in paragraph (b) of this subsection before taking the beaver.

(3) If the department receives a request under subsection (2)(b) of this section, the department shall make a reasonable attempt to nonlethally relocate the beaver, as department resources allow, or otherwise address the threat to infrastructure apparently posed by the beaver, in consultation with the owner or a designee of the owner.

(4) Notwithstanding subsection (2) of this section and ORS 498.012 (1), if a beaver on privately owned forestland damages or imminently threatens infrastructure, an owner of forestland, other than small forestland, or a designee of the owner, may take the beaver without submitting a request to the department under subsection (2) of this section.

(5) An owner, or a designee of an owner, that takes a beaver under subsection (2) or (4) of this section must report the taking as described in section 22 of this 2022 Act.

(6) In consultation with persons engaged in forest practices and other interested stakeholders, the department shall:

(a) Make reasonable attempts to nonlethally relocate beavers, as department resources allow.

(b) Develop a program for voluntarily relocating beavers.

(7) Notwithstanding ORS 496.162 (3), the State Fish and Wildlife Commission shall adopt rules to implement this section.

SECTION 24. The State Fish and Wildlife Commission shall adopt the rules required by sections 22 and 23 of this 2022 Act on or before November 30, 2022.

SECTION 25. (1) As used in this section:

(a) "Forestland" has the meaning given that term in ORS 527.620.

(b) "Small forestland" has the meaning given that term in section 23 of this 2022 Act.

(2) A person may not solicit or accept a fee for trapping a beaver on privately owned forestland other than small forestland, unless the trapping occurs pursuant to section 23 (2) or (4) of this 2022 Act.

(3) A person that traps a beaver on privately owned forestland other than small forestland may not sell or exchange the pelt of the beaver, unless the trapping occurs pursuant to section 23 (2) or (4) of this 2022 Act.

SECTION 26. ORS 610.060 is amended to read:

610.060. Except as provided in section 23 of this 2022 Act, nothing in the wildlife laws is intended to deny the right of any person to control predatory animals as provided in ORS 610.105.

SECTION 27. ORS 610.105 is amended to read:

610.105. Except as provided in section 23 of this 2022 Act, any person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock which is infested with ground squirrels and other noxious rodents or predatory animals, as soon as their presence comes to the knowledge of the person, may, or the agent of the person may, proceed immediately and continue in good faith to control them by poisoning, trapping or other appropriate and effective means.

MITIGATING EFFECTS ON AQUATIC WILDLIFE

SECTION 28. ORS 496.252 is amended to read:

496.252. (1) The Oregon Conservation and Recreation Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Conservation and Recreation Fund shall be credited to the fund.

(2) Moneys in the fund are continuously appropriated to the State Department of Fish and Wildlife to carry out activities that serve to protect, maintain or enhance fish and wildlife resources in Oregon. The activities for which the department may expend fund moneys include, but are not limited to:

(a) Promoting the health of Oregon's ecosystems and fish and wildlife species by implementing conservation programs and strategies identified in the Oregon Conservation Strategy, as defined in ORS 541.890, including conservation programs and strategies for the nearshore identified in the marine component of the Oregon Conservation Strategy;

(b) Improving engagement of the public in hunting and fishing opportunities and in other outdoor recreation opportunities related to and in support of healthy fish, wildlife and habitats;

(c) Improving educational outreach and engagement of the public, including diverse and underserved communities, related to and in support of healthy fish, wildlife and habitats;

(d) Engaging in, and providing funding for, joint projects of the department and the State Parks and Recreation Department or other state agencies as recommended by the Oregon Conservation and Recreation Advisory Committee established under ORS 496.254; and

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(e) Other conservation, management, research, habitat improvement, enforcement, outdoor recreation or education activities.

(3) The fund shall consist of:

(a) Moneys appropriated to the State Department of Fish and Wildlife for deposit in the fund or otherwise transferred to the fund; *[and]*

(b) Gifts, grants, contributions or other donations for use as described in subsection (2) of this section, that are received by the department from any public or private source and caused to be deposited and credited to the fund; *[and]*

(c) Moneys in the subaccount described in subsection (4) of this section.

(4) The Private Forest Accord Mitigation Subaccount is established in the fund. The subaccount shall consist of moneys appropriated to the department for deposit in the subaccount or otherwise transferred to the subaccount and gifts, grants, contributions or other donations that are received by the department from any public or private source and caused to be deposited and credited to the subaccount. Moneys in the subaccount may be used for:

(a) The purposes described in, and the administration of, section 32 of this 2022 Act.

(b) Conducting outreach to persons that own or operate an artificial obstruction, as defined in ORS 509.580, to further the goal of fish passage.

(c) Conducting outreach to persons that may undertake projects described in section 32 of this 2022 Act.

(5) The department and the Oregon Conservation and Recreation Advisory Committee shall jointly submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of moneys deposited in the fund, other than moneys deposited in the Private Forest Accord Mitigation Subaccount, and on the status of various activities funded by the moneys.

(6) The department and the Private Forest Accord Mitigation Advisory Committee shall jointly submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of moneys deposited in the Private Forest Accord Mitigation Subaccount and on the status of various activities funded by the moneys.

SECTION 29. ORS 496.254 is amended to read:

496.254. (1) The Oregon Conservation and Recreation Advisory Committee is established as an advisory committee to the State Fish and Wildlife Commission and the State Department of Fish and Wildlife for the purpose of carrying out the duties described in subsection (2) of this section. The commission shall determine the number of members of the committee and the geographical representation by the members. The Governor shall appoint the members of the committee. The Associate Director of Outdoor Recreation, or the associate director's designee, shall serve as a nonvoting, ex officio member.

(2) The committee shall review department policies regarding the use of Oregon Conservation and Recreation Fund moneys, other than policies regarding the use of Private Forest Accord Mitigation Subaccount moneys, and make recommendations to the commission and the department regarding the use of fund moneys for implementing and administering department activities.

(3) Members of the committee may not receive compensation for service as members. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member may be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from moneys available to the department for the purpose of reimbursement of committee members.

[(4) The department and the committee jointly shall submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of moneys deposited in the Oregon Conservation and Recreation Fund established under ORS 496.252 and on the status of various activities funded by the moneys.]

SECTION 30. (1) The Private Forest Accord Mitigation Advisory Committee is established as an advisory committee to the State Fish and Wildlife Commission and the State Depart-

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ment of Fish and Wildlife for the purpose of carrying out the duties described in subsection (11) of this section.

(2) The committee shall consist of up to 12 members, including seven voting members appointed pursuant to subsections (3) and (4) of this section and up to five nonvoting members as provided for in subsection (5) of this section.

(3)(a) The Governor shall appoint the following six voting members:

(A) Three members who represent the timber industry.

(B) Three members who represent nongovernmental organizations that promote conservation of freshwater aquatic habitat.

(b) In appointing members, the Governor shall solicit and consider recommendations from the timber industry and nongovernmental organizations that promote conservation of freshwater aquatic habitat.

(4) The members of the Oregon Conservation and Recreation Advisory Committee shall select and appoint from among themselves one person to serve as a voting member of the Private Forest Accord Mitigation Advisory Committee.

(5) The department shall appoint up to five nonvoting members recommended by:

(a) The State Forestry Department.

(b) The Oregon Watershed Enhancement Board.

(c) The State Department of Fish and Wildlife.

(d) The United States Fish and Wildlife Service.

(e) The National Marine Fisheries Service.

(6)(a) The term of a voting member is four years.

(b) Before the expiration of the term of a voting member, the appropriate appointing authority shall appoint a successor whose term begins on the following January 31.

(c) A voting member may be reappointed but may not serve for more than two full terms.

(d) A voting member appointed by the Governor may be removed only for cause.

(7) In case of a vacancy, the appropriate appointing authority shall make an appointment to become effective immediately for the unexpired portion of the term.

(8) The voting members shall biennially select from among themselves a chairperson and vice chairperson.

(9) The committee shall meet at least four times per year.

(10) A majority of the voting members constitutes a quorum for the transaction of business.

(11) The committee shall:

(a) Review State Department of Fish and Wildlife policies regarding the use of moneys deposited in the Private Forest Accord Mitigation Subaccount of the Oregon Conservation and Recreation Fund and make recommendations to the commission and the department regarding the use of moneys in the subaccount.

(b) Solicit and review grant applications under the Private Forest Accord Grant Program described in section 32 of this 2022 Act and advise the commission and department on how to award grants in a manner that will most effectively mitigate the impacts of forest practices, as defined in ORS 527.620.

(12) In undertaking the duties described in subsection (11) of this section, the committee may solicit and consider recommendations from, and otherwise coordinate with, the Oregon Conservation and Recreation Advisory Committee.

(13) Members of the Private Forest Accord Mitigation Advisory Committee may receive compensation and expenses as described in ORS 292.495.

SECTION 31. (1) Notwithstanding section 30 (3) of this 2022 Act, the voting members first appointed by the Governor to the Private Forest Accord Mitigation Advisory Committee must be representatives of six authors of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.

- (2) Notwithstanding section 30 (6)(a) of this 2022 Act, of the voting members first appointed by the Governor:
- (a) Two shall serve for terms ending one year after the date of appointment.
 - (b) Two shall serve for terms ending two years after the date of appointment.
 - (c) Two shall serve for terms ending three years after the date of appointment.
- SECTION 32. (1) As used in this section, "forestland" and "forest practice" have the meanings given those terms in ORS 527.620.
- (2) The State Fish and Wildlife Commission shall establish by rule a Private Forest Accord Grant Program for the purpose of funding projects that mitigate impacts of forest practices by:
- (a) Removing structures that block the passage of aquatic organisms or repairing the structures to promote the passage of aquatic organisms.
 - (b) Placing logs or other wood-based material in streams to promote natural stream functions.
 - (c) Conserving, recruiting or reintroducing beavers to restore aquatic landscapes.
 - (d) Developing or sustaining healthy riparian corridors or wet meadow complexes to reduce burn intensity during fires and protect streams from excess sediment after a fire.
 - (e) Applying restoration treatments to densely stocked, single-species stands of trees to hasten the return of riparian function after tree harvesting.
 - (f) Applying restoration treatments to stands of trees to enhance historic species diversity that benefits riparian function.
 - (g) Supporting establishment of conservation easements on land other than forestland to protect riparian areas.
 - (h) Supporting acquisition of an existing water right for conversion to an in-stream water right, as described in ORS 527.348, to improve in-stream flow conditions.
 - (i) Installing fencing or otherwise excluding grazing in riparian areas or around seeps or springs.
 - (j) Installing off-stream stockwater systems or hardened watering gaps to reduce the effects of grazing on aquatic organisms.
 - (k) Undertaking other measures that effectively conserve or restore habitat for aquatic organisms addressed by a habitat conservation plan that is consistent with the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.
- (3) In administering the program, the commission:
- (a) Shall develop criteria for awarding a grant and a process for applying for a grant.
 - (b) Shall award grants to most effectively mitigate impacts of forest practices, consistent with advice from the Private Forest Accord Mitigation Advisory Committee.
 - (c) May award a grant to another agency.
 - (d) May require the recipient of a grant to report to the commission on the use of grant funds.

ADAPTIVE MANAGEMENT

SECTION 33. Sections 34, 36, 38 and 39 of this 2022 Act are added to and made a part of ORS 527.610 to 527.770.

SECTION 34. (1) It is the policy of the State of Oregon that regulation of forest practices for the protection of aquatic species shall, in addition to other statutory requirements, be subject to a process of adaptive management, whereby goals and objectives are validated, and modified if necessary, and forest practice rules are monitored for effectiveness relative to the goals and objectives.

(2) The State Board of Forestry shall establish by rule an adaptive management program to accomplish the policy described in subsection (1) of this section, consistent with the

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adaptive management framework set forth in the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.

(3) The adaptive management program must:

- (a) Ensure effective change as needed to meet resource objectives.
- (b) Increase the predictability and stability of the process of changing regulation so landowners, regulators and interested members of the public can understand and anticipate change.

(c) Apply best available science to decision-making.

(d) Effectively meet resource objectives with less operationally expensive prescriptions when feasible.

(4) The State Board of Forestry shall adopt rules prescribing in detail the roles and obligations of the Adaptive Management Program Committee and Independent Research and Science Team, consistent with sections 36 and 38 of this 2022 Act and the provisions of the Private Forest Accord Report.

(5) The board shall consider reports submitted by the committee and team.

SECTION 35. On or before November 30, 2022, the State Board of Forestry shall adopt the rules described in section 34 of this section as part of the rule package described in section 2 of this 2022 Act.

SECTION 36. (1) The Adaptive Management Program Committee is established as an advisory committee to the State Board of Forestry.

(2) The committee shall consist of 10 voting members and up to three nonvoting members.

(3) The board shall select a voting member from among two candidates recommended by each of the following 10 entities:

(a) The Oregon Forest and Industries Council.

(b) The Coalition of Oregon Land Trusts.

(c) The Associated Oregon Loggers.

(d) A conservation organization collectively selected by Beyond Toxics, Cascadia Wildlands, Klamath Siskiyou Wildlands Center, Oregon League of Conservation Voters, Oregon Stream Protection Coalition, Oregon Wild, Portland Audubon and Umpqua Watersheds, which were parties to the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.

(e) The Oregon Small Woodlands Association.

(f) The Commission on Indian Services.

(g) A recreational or commercial angling organization collectively selected by Northwest Guides and Anglers Association, Pacific Coast Federation of Fishermen's Associations, Trout Unlimited and Wild Salmon Center, which were parties to the Private Forest Accord Report.

(h) The Association of Oregon Counties.

(i) The State Department of Fish and Wildlife.

(j) The Department of Environmental Quality.

(4) If an entity described in subsection (3) of this section ceases to exist, the board shall determine a successor entity that represents the same interests.

(5) The board shall:

(a) Select one representative of the State Forestry Department to serve as a nonvoting member.

(b) Invite one representative of the National Marine Fisheries Service and one representative of the United States Fish and Wildlife Service to serve on the committee as nonvoting members.

(6) The voting members and the nonvoting member described in subsection (5)(a) of this section shall serve for terms of four years and may serve an unlimited number of terms.

(7) The committee shall:

(a) Guide the adaptive management process.

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- (b) Set the research agenda of the Independent Research and Science Team established in section 38 of this 2022 Act and recommend to the board the team's budget.
 - (c) Assess the scientific findings in a report prepared by the team and prepare a report that identifies alternative actions, including no action, to address resource issues identified in the team's report.
 - (d) Submit the committee's reports to the board.
 - (e) Assist the board in the ongoing process of identifying and modifying resource objectives.
 - (f) Review reports related to compliance monitoring and enforcement.
 - (g) Submit recommendations to the board concerning rule adjustment, guidance or training.
 - (h) Strive for full consensus in committee decision-making.
 - (8) Notwithstanding subsection (7)(h) of this section, the committee shall make substantial decisions by a vote of at least seven voting members.
 - (9) Committee members are not eligible for compensation or reimbursement for expenses. If an organization represented by a committee member requests a participation grant to compensate for the organizational resources the organization dedicated to supporting the committee member's service on the committee, subject to available funding, the board shall award the participation grant in an amount determined by the board.
 - (10) The board shall adopt rules describing a process for awarding participation grants described in subsection (9) of this section.
- SECTION 37.** (1) The State Board of Forestry shall appoint the first voting members of the Adaptive Management Program Committee on or before November 30, 2022.
- (2) Notwithstanding section 36 (6) of this 2022 Act, of the voting members of the committee first appointed by the board:
- (a) Two shall serve for terms ending one year after the date of appointment.
 - (b) Two shall serve for terms ending two years after the date of appointment.
 - (c) Three shall serve for terms ending three years after the date of appointment.
 - (3) The board shall appoint the first voting members of the Independent Research and Science Team from a list of candidates provided by the committee.
- SECTION 38.** (1) The Independent Research and Science Team is established as an advisory committee to the State Board of Forestry.
- (2) The team shall consist of an odd number of at least five voting members. The voting members must:
 - (a) Have demonstrated subject matter expertise in a relevant field and a graduate-level degree in a relevant natural resources-related field such as forestry, silviculture, ecology, hydrology, wildlife, fisheries or geology.
 - (b) Include, at all times:
 - (A) At least one voting member who represents a public institution.
 - (B) At least one voting member who represents the timber industry.
 - (C) At least one voting member who represents a nongovernmental organization that promotes conservation of freshwater aquatic habitat.
 - (4) Team members shall serve for initial terms of four years and may serve an unlimited number of terms.
 - (5) A team member may be removed by a two-thirds vote of the team or by a majority vote of the board.
 - (6) If there is a vacancy on the team, or if the team determines that a new scientific or technical discipline must be represented on the team in order for the team to perform its research duties:
 - (a) The team shall submit a list of candidates to the board.
 - (b) The board may appoint one or more of the candidates as voting members of the team.

(c) If the board does not select one or more voting members from the list of candidates, the team shall submit a new list of candidates to the board until such time as the board appoints one or more candidates as voting members of the team.

(7) The board shall adopt rules for administering subsection (6) of this section.

(8) The team shall:

(a) Conduct or oversee research requested by the Adaptive Management Program Committee.

(b) Report to the board and the committee on the findings of the research, including findings concerning the magnitude of impacts on species of concern, the urgency of needed action and the degree of scientific confidence or uncertainty behind the findings.

(9)(a) The team shall strive for full consensus in team decision-making.

(b) Notwithstanding paragraph (a) of this subsection, the team shall make substantial decisions by a vote of at least two-thirds of the team members.

(10) Team members are not eligible for compensation or reimbursement for expenses. If an organization represented by a team member requests a participation grant to compensate for the organizational resources the organization dedicated to supporting the team member's service on the team, subject to available funding, the board shall award the participation grant in an amount determined by the board.

(11) The board shall adopt rules describing a process for awarding participation grants described in subsection (10) of this section.

SECTION 39. (1) Subject to subsection (2) of this section, the State Board of Forestry may not adopt, amend or repeal a rule described in ORS 527.714 (1)(c) that relates to aquatic resources until the board has first received and considered reports that pertain to the rule from the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act.

(2) Notwithstanding ORS 527.714 (7), subsection (1) of this section does not apply:

(a) To adoption, amendment or repeal of a rule as part of a rulemaking proceeding commenced pursuant to ORS 527.765 (3)(c) in response to a petition for review of best management practices made by the Environmental Quality Commission;

(b) To adoption, amendment or repeal of a rule by the commission;

(c) If the legislation authorizing or requiring the adoption, amendment or repeal of the rule provides a specific exemption from this section; or

(d) If the adoption, amendment or repeal of the rule is necessary to comply with a court order,

(3) The board may solicit and consider a report from the committee or the team prior to or as part of:

(a) A rulemaking proceeding described in subsection (2)(a) of this section, if soliciting and considering the report does not conflict with the requirements of ORS 527.765 (3)(e); or

(b) Any other rulemaking described in ORS 527.714 (1)(c), subject to the funding available to, and the capacity of, the committee and the team, taking into consideration the requirements of subsection (1) of this section.

AMENDMENTS TO OREGON FOREST PRACTICES ACT

SECTION 40. ORS 527.620 is amended to read:

527.620. As used in ORS 527.610 to 527.770, 527.890 and 527.992:

(1) "Aquatic resource" means:

(a) A species addressed in the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, and the resources on which the species relies; or

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(b) If a habitat conservation plan consistent with the Private Forest Accord Report has been approved, a species addressed in the habitat conservation plan and the resources on which the species relies.

[71] (2) "Board" means the State Board of Forestry.

[22] (3) "Cumulative effects" means the impact on the environment which results from the incremental impact of the forest practice when added to other past, present and reasonably foreseeable future forest practices regardless of what governmental agency or person undertakes such other actions.

[32] (4) "DBH" means the diameter at breast height which is measured as the width of a standing tree at four and one-half feet above the ground, on the uphill side.

[41] (5) "Edge of the roadway" means:

(a) For interstate highways, the fence.

(b) For all other state highways, the outermost edge of pavement, or if unpaved, the edge of the shoulder.

[51] (6) "Forest practice" means any operation conducted on or pertaining to forestland, including but not limited to:

(a) Reforestation of forestland;

(b) Road construction and maintenance;

(c) Harvesting of forest tree species;

(d) Application of chemicals;

(e) Disposal of slash; and

(f) Removal of woody biomass.

[61] (7) "Forest tree species" means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.

[72] (8) "Forestland" means land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.

[81] (9) "Harvest type 1" means an operation that requires reforestation but does not require wildlife leave trees. A harvest type 1 is an operation that leaves a combined stocking level of free to grow seedlings, saplings, poles and larger trees that is less than the stocking level established by rule of the board that represents adequate utilization of the productivity of the site.

[91] (10) "Harvest type 2" means an operation that requires wildlife leave trees but does not require reforestation. A harvest type 2 does not require reforestation because it has an adequate combined stocking of free to grow seedlings, saplings, poles and larger trees, but leaves:

(a) On Cubic Foot Site Class I, II or III, fewer than 50 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre;

(b) On Cubic Foot Site Class IV or V, fewer than 30 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre; or

(c) On Cubic Foot Site Class VI, fewer than 15 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre.

[101] (11) "Harvest type 3" means an operation that requires reforestation and requires wildlife leave trees. This represents a level of stocking below which the size of operations is limited under ORS 527.740 and 527.750.

[111] (12) "Landowner" means any individual, combination of individuals, partnership, corporation or association of whatever nature that holds an ownership interest in forestland, including the state and any political subdivision thereof.

[121] (13) "Operation" means any commercial activity relating to the establishment, management or harvest of forest tree species except as provided by the following:

(a) The establishment, management or harvest of Christmas trees, as defined in ORS 571.505, on land used solely for the production of Christmas trees.

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(b) The establishment, management or harvest of hardwood timber, including but not limited to hybrid cottonwood, that is:

(A) Grown on land that has been prepared by intensive cultivation methods and that is cleared of competing vegetation for at least three years after tree planting;

(B) Of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;

(C) Harvested on a rotation cycle that is 12 or fewer years after planting; and

(D) Subject to intensive agricultural practices such as fertilization, cultivation, irrigation, insect control and disease control.

(c) The establishment, management or harvest of trees actively farmed or cultured for the production of agricultural tree crops, including nuts, fruits, seeds and nursery stock.

(d) The establishment, management or harvest of ornamental, street or park trees within an urbanized area, as that term is defined in ORS 221.010.

(e) The management or harvest of juniper species conducted in a unit of less than 120 contiguous acres within a single ownership.

(f) The establishment or management of trees intended to mitigate the effects of agricultural practices on the environment or fish and wildlife resources, such as trees that are established or managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed lands.

(g) The development of an approved land use change after timber harvest activities have been completed and land use conversion activities have commenced.

[(13)] (14) "Operator" means any person, including a landowner or timber owner, who conducts an operation.

(15)(a) "Significant violation" means:

(A) Violation of ORS 527.670 (6) by engaging in an operation without filing the requisite notification;

(B) Continued operation in contravention of an order issued by the State Forester under ORS 527.680 (2)(a), (3) or (5); or

(C) A violation resulting in major damage to a resource described in ORS 527.710 (2) for which restoration is expected to take more than 10 years.

(b) "Significant violation" does not include:

(A) Unintentional operation in an area outside an operating area of an operation for which sufficient notification was filed pursuant to ORS 527.670 (6);

(B) Continued operation in contravention of an order issued by the State Forester under ORS 527.680 (2)(a), (3) or (5), where an operator, timber owner or landowner demonstrates that it did not receive the order; or

(C) Failure to timely notify the State Forester of an intent to continue an operation into the next calendar year.

[(14)] (16) "Single ownership" means ownership by an individual, partnership, corporation, limited liability company, trust, holding company or other business entity, including the state or any political subdivision thereof. Single ownership includes ownership held under different names or titles where the same individual or individuals, or their heirs or assigns, are shareholders (other than those of public corporations whose stock is traded on the open market), partners, business trustees or officers, or otherwise have an interest in or are associated with each property.

[(15)] (17) "State Forester" means the State Forester or the duly authorized representative of the State Forester.

[(16)] (18) "Suitable hardwood seedlings" means any hardwood seedling that will eventually yield logs or fiber, or both, sufficient in size and quality for the production of lumber, plywood, pulp or other forest products.

[(17)] (19) "Timber owner" means any individual, combination of individuals, partnership, corporation or association of whatever nature, other than a landowner, that holds an ownership interest in any forest tree species on forestland.

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[178] (20) "Visually sensitive corridor" means forestland extending outward 150 feet, measured on the slope, from the outermost edge of the roadway of a scenic highway referred to in ORS 527.755, along both sides for the full length of the highway.

[179] (21) "Wildlife leave trees" means trees or snags required to be retained as described in ORS 527.676 (1).

[200] (22) "Written plan" means a document prepared by an operator, timber owner or landowner that describes how the operation is planned to be conducted.

SECTION 41. ORS 527.630 is amended to read:

527.630. (1) Forests make a vital contribution to Oregon by providing jobs, products, tax base and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources and by providing a habitat for wildlife and aquatic life. Therefore, it is declared to be the public policy of the State of Oregon to encourage economically efficient forest practices that ensure the continuous growing and harvesting of forest tree species and the maintenance of forestland for such purposes as the leading use on privately owned land, consistent with sound management of soil, air, water, fish and wildlife resources and scenic resources within visually sensitive corridors as provided in ORS 527.755 and to ensure the continuous benefits of those resources for future generations of Oregonians.

(2) It is recognized that operations on forestland are already subject to other laws and to regulations of other agencies which deal primarily with consequences of such operations rather than the manner in which operations are conducted. It is further recognized that it is essential to avoid uncertainty and confusion in enforcement and implementation of such laws and regulations and in planning and carrying out operations on forestlands.

(3) To encourage forest practices implementing the policy of ORS 527.610 to 527.770, [and] 527.990 and 527.992, it is declared to be in the public interest to vest in the State Board of Forestry exclusive authority to develop and enforce statewide and regional rules pursuant to ORS 527.710 and to coordinate with other state agencies and local governments which are concerned with the forest environment.

(4) It is recognized that ensuring compliance with, and enforcing, ORS 527.610 to 527.770 and rules and orders adopted or issued thereunder is essential to protect Oregon's natural resources. It is further recognized that onsite inspections are necessary to further the policy of ORS 527.610 to 527.770, 527.990 and 527.992.

(5) It is recognized that enforcement of the policy of ORS 527.610 to 527.770, 527.990 and 527.992 is necessary to support the integrity of the policy and give the public confidence that standards for forest practices are being followed. It is further recognized that an effective enforcement program must include:

(a) Adequate training and education of enforcement officers, operators, timber owners and landowners.

(b) Clear technical guidance.

(c) Implementation expectations that are transparent and easily understood by operators, timber owners and landowners.

(6) It is declared to be the policy of the State of Oregon that the program for implementing enforcement under ORS 527.680, 527.683, 527.685, 527.690 and 527.700 be adequately funded, and that the board:

(a) Use inspections and enforcement as tools to deter future violations and to educate and train operators, timber owners and landowners.

(b) In exercising enforcement discretion, including discretion to impose penalties, prioritize addressing significant violations, other consequential violations and the actions of repeat violators.

[44] (7) The board may adopt and enforce rules addressing scenic considerations only in accordance with ORS 527.755.

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(5) (8) The board shall adopt and enforce forest practice rules to reduce the risk of serious bodily injury or death from a rapidly moving landslide only in accordance with ORS 527.710 (10). As used in this subsection, "rapidly moving landslide" has the meaning given in ORS 195.250.

(6) (9) The State of Oregon should provide a stable regulatory environment to encourage investment in private forestlands.

SECTION 42. Sections 43 and 44 of this 2022 Act are added to and made a part of ORS 527.610 to 527.770.

SECTION 43. (1) The State Forester, or a representative of the State Forester, shall conduct a program of inspections of forestland within the operating areas of operations for which notifications are filed pursuant to ORS 527.670 (6), at regular intervals, to assess compliance with ORS 527.610 to 527.770 and rules and orders adopted or issued thereunder.

(2) The inspection may occur:

(a) On or after the date on which notification is filed pursuant to ORS 527.670 (6), but not more than three years after the date on which the State Forester learns that the operation has been completed.

(b) Only at a reasonable time, absent consent or a warrant.

(3) The person conducting the inspection shall:

(a) Advise the operator, timber owner or landowner that the inspection is being made pursuant to the law and is limited in scope to the operation subject to the relevant notification.

(b) Ensure that the inspection is tailored to assessing compliance with ORS 527.610 to 527.770 and rules and orders adopted or issued thereunder.

(4) The State Forester may petition the circuit court of this state having jurisdiction over the forestland for a warrant authorizing the State Forester or a representative of the State Forester to inspect the forestland.

(5) The court may issue a warrant if:

(a) The State Forester or a representative of the State Forester has attempted inspection consistent with subsections (1) to (3) of this section and access to all or part of the forestland was actually or constructively denied; or

(b) The State Forester has reasonable cause to believe that a violation of ORS 527.610 to 527.770 or a rule or order adopted or issued thereunder has occurred.

SECTION 44. (1) As used in this section, "photogrammetric mapping" has the meaning given that term in ORS 672.002.

(2) To aid in monitoring compliance with ORS 527.610 to 527.770 and rules adopted thereunder, the State Board of Forestry shall adopt rules that:

(a) Require persons that file notifications pursuant to ORS 527.670 (6) to inform the State Forester when the operations are complete, within a reasonable time after completion;

(b) Authorize the State Forester to use a program of photogrammetric mapping to determine whether operations for which notifications have been filed pursuant to ORS 527.670 (6) have been completed; or

(c) Otherwise establish a program for determining when operations for which notifications have been filed pursuant to ORS 527.670 (6) have been completed.

(3) Rules described in subsection (2)(b) or (c) of this section must limit the discretion of the person conducting the compliance monitoring.

SECTION 45. ORS 527.680 is amended to read:

527.680. (1) Whenever the State Forester determines that an operator has committed a violation under ORS 527.990 (1), the State Forester may issue and serve a citation upon the operator or authorized representative. The State Forester shall cause a copy of the citation to be mailed or delivered to the timber owner and landowner. Whenever the State Forester determines that the landowner has failed to comply with the reforestation rules under ORS 527.710, the State Forester may issue and serve a citation upon the landowner or authorized representative. Each citation is-

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sued under this section shall specify the nature of the violation charged and any damage or unsatisfactory condition that has occurred as the result of such violation.

(2) Whenever a citation is served pursuant to subsection (1) of this section, the State Forester:

(a) Shall issue and serve upon the landowner or operator or authorized representative an order directing that the landowner or operator cease further violation. If the order is served upon an operator, the State Forester shall cause a copy of such order to be mailed or delivered to the timber owner and landowner; and

(b) May issue and serve an order upon the landowner or operator and shall cause a copy of such order to be mailed or delivered to the timber owner and landowner, directing the landowner or operator, where practical and economically feasible, to make reasonable efforts to repair the damage or correct the unsatisfactory condition specified in the citation within a period specified by the State Forester.

(3) In the event the order issued under subsection (2)(a) of this section has not been complied with, and the violation specified in such order is resulting in continuing damage, the State Forester by temporary order[] may direct the landowner or operator to cease any further activity in that portion of the operation that is resulting in such damage. Such temporary order shall be in effect until the date of the expiration of the period as prescribed in subsection (4) of this section or until the date that the violation ceases, whichever date occurs first.

(4) A temporary order issued under subsection (3) of this section shall be served upon the landowner or operator or authorized representative, and the State Forester shall cause a copy of such temporary order to be mailed or delivered to the operator, timber owner and landowner. If requested by the operator, timber owner or landowner, the State Board of Forestry, following the appeal procedures of ORS 527.700, must hold a hearing on the temporary order within five working days after the receipt by the board of the request. A temporary order issued and served pursuant to subsection (3) of this section shall remain in effect not more than five working days after such hearing unless the order is sooner affirmed, modified or revoked by the board.

(5) If a landowner or operator fails to comply with a final order issued under subsection (2)(b) of this section within the time specified in the order, or if the landowner or operator fails to comply with a final order imposing civil penalties for violation of any provision of the Oregon Forest Practices Act, the State Forester may issue an order that prohibits the affected landowner or operator from conducting any new operations on any forestland in this state until the landowner or operator has complied with the order to correct an unsatisfactory condition, make repair or pay the civil penalty, as the case may be, to the satisfaction of the State Forester.

(6) The State Forester may require an operator, timber owner or landowner to provide financial assurance before conducting a new operation if the State Forester has, within the preceding three-year period, made a finding under ORS 527.685 (6) applicable to the operator, timber owner or landowner.

SECTION 46. ORS 527.685 is amended to read:

527.685. (1) The State Board of Forestry shall by rule establish the amount of civil penalty that may be imposed for a particular violation. Except as provided in *subsection (5)* subsections (5) and (6) of this section, [no] a civil penalty *shall* may not exceed [\$5,000] \$10,000 per violation.

(2) In imposing a penalty authorized by this section, the State Forester may consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of statutes, rules, orders and permits pertaining to the Oregon Forest Practices Act.

(c) The gravity and magnitude of the violation.

(d) Whether the violation was repeated or continuous.

(e) Whether the cause of the violation was an unavoidable accident, negligence or an intentional act.

(f) The size and type of ownership of the operation.

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- (g) Any relevant rule of the board.
- (h) The [violator's] cooperativeness of the person incurring the penalty and the person's efforts, if any, to correct the violation.
- (3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board determines to be proper and consistent with the public benefit. Upon the request of the person incurring the penalty, the board shall consider evidence of the economic and financial condition of the person in determining whether a penalty shall be remitted or mitigated.
- (4) The board, by rule, may delegate to the State Forester, upon such conditions as deemed necessary, all or part of the authority of the board provided in subsection (3) of this section to assess, remit or mitigate civil penalties.
- (5) For a violation of ORS 527.745, or rules for reforestation adopted pursuant to ORS 527.745, the State Forester may impose a civil penalty in an amount equal to the estimated cost of reforesting lands pursuant to ORS 527.690.
- (6) If the State Forester makes a finding that an operator, timber owner or landowner has a history of significant violations that shows a pattern of willful disregard for the requirements of ORS 527.610 to 527.770 or rules or orders adopted or issued thereunder, the State Forester may impose a civil penalty in an amount not to exceed \$50,000 per significant violation. In imposing the penalty, the State Forester shall consider, in addition to the factors described in subsection (2) of this section:
- (a) The degree, if any, to which the operator, timber owner or landowner derived economic benefit from the significant violation.
- (b) The proportion of total operations conducted by the operator, timber owner or landowner related to which significant violations have occurred compared to the total number of operations conducted by the operator, timber owner or landowner, while accounting for the organizational structure of the operator, timber owner or landowner.
- SECTION 47.** ORS 527.714 is amended to read:
- 527.714. (1) The rulemaking authority of the State Board of Forestry under ORS 527.610 to 527.770 consists generally of the following three types of rules:
- (a) Rules adopted to implement administration, procedures or enforcement of ORS 527.610 to 527.770 that support but do not directly regulate standards of forest practices.
- (b) Rules adopted to provide definitions or procedures for forest practices where the standards are set in statute.
- (c) Rules adopted to implement the provisions of ORS 527.710 (2), (3), (6), (8), (9) and (10) that grant broad discretion to the board and that set standards for forest practices not specifically addressed in statute.
- (2) When considering the adoption of a rule, and prior to the notice required pursuant to ORS 183.335, the board shall determine which type of rule described in subsection (1) of this section is being considered.
- (3) If the board determines that a proposed rule is of the type described in subsection (1)(a) or (b) of this section, or if the proposed rule is designed only to clarify the meaning of rules already adopted or to make minor adjustments to rules already adopted that are of the type described in subsection (1)(c) of this section, rulemaking may proceed in accordance with ORS 183.325 to 183.410 and is not subject to the provisions of this section.
- (4) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, and the proposed rule would change the standards for forest practices, the board shall describe in its rule the purpose of the rule and the level of protection that is desired. If the proposed rule would change the standards for forest practices that relate to the protection of aquatic resources, the level of protection that is desired must be consistent with:
- (a) Requirements described in the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022; or
- (b) If a habitat conservation plan consistent with the Private Forest Accord Report has been approved, the terms of the habitat conservation plan.

(5) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, including a proposed amendment to an existing rule not qualifying under subsection (3) of this section, and the proposed rule would provide new or increased standards for forest practices, the board may adopt such a rule only after determining that the following facts exist and standards are met:

(a)(A) If forest practices continue to be conducted under existing regulations[.]:

(i) There is monitoring or research evidence that documents that degradation of resources maintained under ORS 527.710 (2) or (3) is likely[.]; or

(ii) In the case of rules proposed under ORS 527.710 (10), that there is a substantial risk of serious bodily injury or death; or

(B) The board has received reports produced by the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act that review the new or increased standards the proposed rule would provide;

(b) If the resource to be protected is a wildlife species, the scientific or biological status of a species or resource site to be protected by the proposed rule has been documented using best available information;

(c) The proposed rule reflects available scientific information[.] and, as appropriate, the results of relevant monitoring and, as appropriate, adequate field evaluation at representative locations in Oregon;

(d) The objectives of the proposed rule are clearly defined, and the restrictions placed on forest practices as a result of adoption of the proposed rule:

(A)(i) Are to prevent harm or provide benefits to the resource or resource site for which protection is sought[.]; or

(ii) In the case of rules proposed under ORS 527.710 (10), are to reduce risk of serious bodily injury or death; and

(B) Are directly related to the objective of the proposed rule and [substantially] materially advance its purpose; and

(e) The availability, effectiveness and feasibility of alternatives to the proposed rule, including nonregulatory alternatives, were considered, and the alternative chosen is the least burdensome to landowners and timber owners, in the aggregate, while still achieving the desired level of protection[; and].

(f) The benefits to the resource, or in the case of rules proposed under ORS 527.710 (10), the benefits in reduction of risk of serious bodily injury or death, that would be achieved by adopting the rule are in proportion to the degree that existing practices of the landowners and timber owners, in the aggregate, are contributing to the overall resource concern that the proposed rule is intended to address.]

(6) Nothing in subsection (5) of this section:

(a) Requires the board to call witnesses;

(b) Requires the board to allow cross-examination of witnesses;

(c) Restricts ex parte communications with the board or requires the board to place statements of such communications on the record;

(d) Requires verbatim transcripts of records of proceedings; or

(e) Requires depositions, discovery or subpoenas.

(7) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, including a proposed amendment to an existing rule not qualifying under subsection (3) of this section, and that the proposed rule relates to aquatic resources, the board may adopt the rule only after considering reports from the Adaptive Management Program Committee and the Independent Research and Science Team.

(7)] (8) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, and the proposed rule would require new or increased standards for forest practices, as part of or in addition to the economic and fiscal impact statement required by ORS 153.335 (2)(b)(E), the board shall, prior to the close of the public comment period, prepare and make avail-

able to the public a comprehensive analysis of the economic impact of the proposed rule. The analysis shall include, but is not limited to:

- (a) An estimate of the potential change in timber harvest as a result of the rule;
- (b) An estimate of the overall statewide economic impact, including a change in output, employment and income[.] related to:

(A) The forest products industry;

(B) Other private sectors such as commercial fishing, recreational fishing and other outdoor recreation; and

(C) Government sectors such as public water system providers, waste treatment and built and natural infrastructure;

(c) An estimate of the total economic impact on the forest products industry and common school and county forest trust land revenues, both regionally and statewide; and

(d) *Information derived from consultation with potentially affected landowners and timber owners and] An assessment of the economic impact of the proposed rule [under a wide variety of circumstances, including varying ownership sizes and the geographic location and terrain of a diverse subset of potentially affected forestland parcels] on various types of affected forestland parcels and on various geographic locations that is derived from consulting stakeholders.*

[8] (9) The provisions of this section do not apply to temporary rules adopted by the board.

SECTION 48. ORS 527.990 is amended to read:

527.990. (1) Subject to ORS 153.022, violation of ORS 527.670, 527.672, 527.676, 527.740, 527.750, [or] 527.755, 527.788 or 527.797, or any rule promulgated under ORS 527.710 or section 2 or 44 of this 2022 Act, is a Class A misdemeanor. Each day of operation in violation of an order issued under ORS 527.680 (3) shall be deemed to be a separate offense.

(2) Violation of ORS 527.260 (1) is a Class A misdemeanor. Violation of ORS 527.260 (3) is a Class C misdemeanor.

SECTION 49. ORS 527.992 is amended to read:

527.992. (1) In addition to any other penalty provided by law, any person who fails to comply with any of the following may incur a civil penalty in the amount adopted under ORS 527.685:

(a) The requirements of ORS 527.670, 527.672, 527.676, 527.740, 527.750, [or] 527.755, 527.788 or 527.797.

(b) The terms or conditions of any order of the State Forester issued in accordance with ORS 527.680.

(c) Any rule or standard of the State Board of Forestry adopted or issued pursuant to ORS 527.710 or section 2 or 44 of this 2022 Act.

(d) Any term or condition of a written waiver, or prior approval granted by the State Forester pursuant to the rules adopted under ORS 527.710.

(2) Imposition or payment of a civil penalty under this section shall not be a bar to actions alleging trespass under ORS 105.810, nor to actions under ORS 161.635 or 161.655 seeking to recover an amount based on the gain resulting from individual or corporate criminal violations.

EFFECT OF POLICIES ON INDIAN TRIBES

SECTION 50. (1) Nothing in sections 1 to 8, 10 to 25, 30 to 39, 42 to 44, 51 and 52 of this 2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630, 527.690, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act:

(a) Affects the treaty or other rights of a federally recognized Indian tribe in Oregon.

(b) Applies to real property that is:

(A) Held in trust by the United States for the benefit of a federally recognized Indian tribe in Oregon or a member of a federally recognized Indian tribe in Oregon;

(B) Owned by a federally recognized Indian tribe in Oregon; or

(C) Owned by an entity that is wholly owned by:

(i) A federally recognized Indian tribe in Oregon; or
(ii) A tribally owned or operated corporation organized pursuant to the Indian Reorganization Act (25 U.S.C. 5101 to 5144).

(2) The State Board of Forestry shall develop a process for a federally recognized Indian tribe in Oregon to elect to join as an applicant for a habitat conservation plan described in section 11 of this 2022 Act, consistent with the terms and requirements applicable to private forestland under the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.

RULEMAKING CONCERNING PESTICIDE APPLICATIONS

SECTION 51. The State Forestry Department may adopt rules to implement the provisions of ORS 527.786 to 527.793, 527.794, 527.795, 527.796, 527.797 and 527.798.

REPORTS TO LEGISLATIVE ASSEMBLY

SECTION 52. The State Board of Forestry shall report annually to a committee or interim committee of the Legislative Assembly related to forestry, in the manner described in ORS 192.245, on progress in implementing the requirements of the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.

NOTE: Section 53 was deleted by amendment. Subsequent sections were not renumbered.

CONTINGENT OPERATIVE DATES

SECTION 54. (1) The Legislative Assembly intends that the policies described in sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to ORS 192.308, 496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act shall remain in effect only if:

(a) An incidental take permit related to an approved habitat conservation plan consistent with the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, is issued on or before December 31, 2027;

(b) The State Board of Forestry has not made a finding that the habitat conservation plan imposes more than a de minimis difference in economic or resource impacts, at the level of landscapes, relative to rules adopted or amended as part of the rule package described in section 2 of this 2022 Act; and

(c) The incidental take permit remains in effect.

(2) The legislative intent described in subsection (1) of this section is established by sections 55 to 64 of this 2022 Act.

SECTION 55. (1) If an incidental take permit related to an approved habitat conservation plan responsive to the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, is issued on or before December 31, 2027, an author of the Private Forest Accord Report may, no later than 14 days after the date the incidental take permit is issued, petition the State Board of Forestry to make a finding as to whether the habitat conservation plan imposes more than a de minimis difference in economic or resource impacts, at the level of landscapes, relative to rules adopted or amended as part of the rule package described in section 2 of this 2022 Act.

(2) If the board receives a petition described in subsection (1) of this section, the board shall issue a finding no later than 45 days after the date the petition is received.

(3) If the board finds that the habitat conservation plan imposes more than a de minimis difference:

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- (a) On or before the 91st day after the date the board makes the finding, the board shall:
 - (A) Repeal new rules adopted as part of the rule package described in section 2 of this 2022 Act.
 - (B) Amend rules in effect on or before the effective date of this 2022 Act as needed to conform with repeals described in subparagraph (A) of this paragraph.
 - (C) Amend any other rules as needed to conform with repeals described in subparagraph (A) of this paragraph.
 - (b) On or before the 120th day after the board makes the finding, the State Fish and Wildlife Commission shall amend rules as needed to conform the rules with actions taken by the board under paragraph (a) of this subsection.
- SECTION 56. If, pursuant to section 55 (1) and (2) of this 2022 Act, the State Board of Forestry does not make a finding or finds that the habitat conservation plan described in section 55 (1) of this 2022 Act does not impose more than a de minimis difference, as described in section 55 (1) of this 2022 Act, and the incidental take permit described in section 55 (1) of this 2022 Act is subsequently revoked or invalidated:
 - (1) On or before the 180th day after the date that any appeals process related to the revocation or invalidation has been exhausted or foregone, whichever occurs first, the board shall:
 - (a) Repeal new rules adopted as part of the rule package described in section 2 of this 2022 Act.
 - (b) Amend rules in effect on or before the effective date of this 2022 Act as needed to conform with repeals described in paragraph (a) of this paragraph.
 - (c) Amend any other rules as needed to conform with repeals described in paragraph (a) of this paragraph.
 - (2) On or before the 210th day after the date that any appeals process related to the revocation or invalidation has been exhausted or foregone, whichever occurs first, the State Fish and Wildlife Commission shall amend rules as needed to conform the rules with actions taken by the board under subsection (1) of this section.
- SECTION 57. If an incidental take permit related to an approved habitat conservation plan consistent with the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, is not issued on or before December 31, 2027:
 - (1) On or before April 1, 2028, the State Board of Forestry shall:
 - (a) Repeal new rules adopted as part of the rule package described in section 2 of this 2022 Act.
 - (b) Amend rules in effect on or before the effective date of this 2022 Act as needed to conform with repeals described in paragraph (a) of this subsection.
 - (c) Amend any other rules as needed to conform with repeals described in paragraph (a) of this subsection.
 - (2) On or before May 1, 2028, the State Fish and Wildlife Commission shall amend rules as needed to conform the rules with actions taken by the board under subsection (1) of this section.
- SECTION 58. On or before February 1, 2028, the State Board of Forestry shall report to a committee or interim committee of the Legislative Assembly related to forestry, in the manner described in ORS 192.245, on:
 - (1) Whether the incidental take permit described in section 11 of this 2022 Act was issued on or before December 31, 2027.
 - (2) Whether the board has received a petition to make a finding described in section 55 (1) and (2) of this 2022 Act.
- SECTION 59. If an incidental take permit related to an approved habitat conservation plan consistent with the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, is issued on or before December 31,

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2027, but is subsequently revoked or invalidated, after the date that any appeals process related to the revocation or invalidation has been exhausted or forgone, whichever occurs first, the State Board of Forestry shall:

(1) Promptly report the revocation or invalidation to a committee or interim committee of the Legislative Assembly related to forestry, in the manner described in ORS 192.245.

(2) Notify the Office of the Legislative Counsel of the revocation or invalidation as soon as practicable.

SECTION 60. Sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act are repealed.

SECTION 61. (1) Except as otherwise provided in sections 62 and 63 of this 2022 Act, the repeal of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act by section 60 of this 2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 65 to 76 of this 2022 Act become operative only if the State Board of Forestry finds, pursuant to section 55 (1) and (2) of this 2022 Act, that the habitat conservation plan described in section 55 (1) of this 2022 Act imposes more than a de minimis difference, as described in section 55 (1) of this 2022 Act.

(2) If the board finds, pursuant to section 55 (1) and (2) of this 2022 Act, that the habitat conservation plan described in section 55 (1) of this 2022 Act imposes more than a de minimis difference, as described in section 55 (1) of this 2022 Act, the repeal of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 65 to 76 of this 2022 Act become operative on the 150th day after the date the board makes the finding.

SECTION 62. (1) Except as otherwise provided in sections 61 and 63 of this 2022 Act, the repeal of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act by section 60 of this 2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 65 to 76 of this 2022 Act become operative only if:

(a) Pursuant to section 55 (1) and (2) of this 2022 Act, the State Board of Forestry does not make a finding or finds that the habitat conservation plan described in section 55 (1) of this 2022 Act does not impose more than a de minimis difference, as described in section 55 (1) of this 2022 Act; and

(b) The incidental take permit is subsequently revoked or invalidated.

(2) If the events described in subsection (1)(a) and (b) of this section occur, the repeal of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act by section 60 of this 2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 65 to 76 of this 2022 Act become operative on the 240th day after the date that any appeals process related to the revocation or invalidation has been exhausted or foregone, whichever occurs first.

SECTION 63. (1) Except as otherwise provided in sections 61 and 62 of this 2022 Act, the repeal of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act by section 60 of this 2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 65 to 76 of this 2022 Act become operative only if an incidental take permit related to an approved habitat conservation plan consistent with the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, is not issued on or before December 31, 2027.

(2) If an incidental take permit related to an approved habitat conservation plan consistent with the Private Forest Accord Report is not issued on or before December 31, 2027, the repeal of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act by section 60 of this 2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630,

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527.680, 527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 65 to 76 of this 2022 Act become operative on June 1, 2028.

SECTION 64. Sections 59 and 62 of this 2022 Act are repealed on January 2, 2077.

CONTINGENT AMENDMENTS

SECTION 65. ORS 196.308, as amended by section 9 of this 2022 Act, is amended to read: 196.308. Notwithstanding the requirement to pay just compensation for certain land use regulations under ORS 196.305 (1), compensation is not due for:]

(1)] the enforcement or enactment of a land use regulation established in ORS 30.930 to 30.947, 527.310 to 527.370, 561.995, 569.360 to 569.495, 570.010 to 570.050, 570.105 to 570.190, 570.305, 570.310, 570.320 to 570.360, 570.405, 570.412, 570.420, 570.425, 570.450, 570.700 to 570.710, 570.755, 570.770, 570.775, 570.780, 570.790, 570.800, 570.995, 596.095, 596.100, 596.105, 596.393, 596.990 or in administrative rules or statewide plans implementing these statutes.

(2) The enforcement, adoption or amendment of a rule adopted or amended by the State Board of Forestry:]

[a) As part of the rule package described in section 2 of this 2022 Act.]

[b) After the board has considered reports that pertain to the rule from the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act.]

SECTION 66. ORS 496.252, as amended by section 28 of this 2022 Act, is amended to read:

496.252. (1) The Oregon Conservation and Recreation Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Conservation and Recreation Fund shall be credited to the fund.

(2) Moneys in the fund are continuously appropriated to the State Department of Fish and Wildlife to carry out activities that serve to protect, maintain or enhance fish and wildlife resources in Oregon. The activities for which the department may expend fund moneys include, but are not limited to:

- (a) Promoting the health of Oregon's ecosystems and fish and wildlife species by implementing conservation programs and strategies identified in the Oregon Conservation Strategy, as defined in ORS 541.890, including conservation programs and strategies for the nearshore identified in the marine component of the Oregon Conservation Strategy;
 - (b) Improving engagement of the public in hunting and fishing opportunities and in other outdoor recreation opportunities related to and in support of healthy fish, wildlife and habitats;
 - (c) Improving educational outreach and engagement of the public, including diverse and underserved communities, related to and in support of healthy fish, wildlife and habitats;
 - (d) Engaging in, and providing funding for, joint projects of the department and the State Parks and Recreation Department or other state agencies as recommended by the Oregon Conservation and Recreation Advisory Committee established under ORS 496.254; and
 - (e) Other conservation, management, research, habitat improvement, enforcement, outdoor recreation or education activities.
- (3) The fund shall consist of:
- (a) Moneys appropriated to the State Department of Fish and Wildlife for deposit in the fund or otherwise transferred to the fund; and
 - (b) Gifts, grants, contributions or other donations for use as described in subsection (2) of this section, that are received by the department from any public or private source and caused to be deposited and credited to the fund; and].
- [c) Moneys in the subaccount described in subsection (4) of this section.]
- [4) The Private Forest Accord Mitigation Subaccount is established in the fund. The subaccount shall consist of moneys appropriated to the department for deposit in the subaccount or otherwise transferred to the subaccount and gifts, grants, contributions or other donations that are received by

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the department from any public or private source and caused to be deposited and credited to the sub-account. Moneys in the subaccount may be used for:]

(a) The purposes described in, and the administration of, section 32 of this 2022 Act.}]

(b) Conducting outreach to persons that own or operate an artificial obstruction, as defined in ORS 509.580, to further the goal of fish passage.}]

(c) Conducting outreach to persons that may undertake projects described in section 32 of this 2022 Act.}]

(5) (4) The department and the Oregon Conservation and Recreation Advisory Committee shall jointly submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of moneys deposited in the fund, other than moneys deposited in the Private Forest Accord Mitigation Subaccount,] and on the status of various activities funded by the moneys.

(6) The department and the Private Forest Accord Mitigation Advisory Committee shall jointly submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of moneys deposited in the Private Forest Accord Mitigation Subaccount and on the status of various activities funded by the moneys.}]

SECTION 67. ORS 496.254, as amended by section 29 of this 2022 Act, is amended to read:

496.254. (1) The Oregon Conservation and Recreation Advisory Committee is established as an advisory committee to the State Fish and Wildlife Commission and the State Department of Fish and Wildlife for the purpose of carrying out the duties described in subsection (2) of this section. The commission shall determine the number of members of the committee and the geographical representation by the members. The Governor shall appoint the members of the committee. The Associate Director of Outdoor Recreation, or the associate director's designee, shall serve as a nonvoting, ex officio member.

(2) The committee shall review department policies regarding the use of Oregon Conservation and Recreation Fund moneys,] other than policies regarding the use of Private Forest Accord Mitigation Subaccount moneys,] and make recommendations to the commission and the department regarding the use of fund moneys for implementing and administering department activities.

(3) Members of the committee may not receive compensation for service as members. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member may be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from moneys available to the department for the purpose of reimbursement of committee members.

SECTION 68. ORS 527.620, as amended by section 40 of this 2022 Act, is amended to read:

527.620. As used in ORS 527.610 to 527.770, 527.990 and 527.992:

(1) "Aquatic resource" means:]

(a) A species addressed in the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, and the resources on which the species relies. or]

(b) If a habitat conservation plan consistent with the Private Forest Accord Report has been approved, a species addressed in the habitat conservation plan and the resources on which the species relies.}]

(2) (1) "Board" means the State Board of Forestry.

(3) (2) "Cumulative effects" means the impact on the environment which results from the incremental impact of the forest practices when added to other past, present and reasonably foreseeable future forest practices regardless of what governmental agency or person undertakes such other actions.

(4) (3) "DBH" means the diameter at breast height which is measured as the width of a standing tree at four and one-half feet above the ground, on the uphill side.

(5) (4) "Edge of the roadway" means:

(a) For interstate highways, the fence.

(b) For all other state highways, the outermost edge of pavement, or if unpaved, the edge of the shoulder.

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[66] (5) "Forest practice" means any operation conducted on or pertaining to forestland, including but not limited to:

- (a) Reforestation of forestland;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species;
- (d) Application of chemicals;
- (e) Disposal of slash, and
- (f) Removal of woody biomass.

[77] (6) "Forest tree species" means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.

[88] (7) "Forestland" means land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.

[89] (8) "Harvest type 1" means an operation that requires reforestation but does not require wildlife leave trees. A harvest type 1 is an operation that leaves a combined stocking level of free to grow seedlings, saplings, poles and larger trees that is less than the stocking level established by rule of the board that represents adequate utilization of the productivity of the site.

[100] (9) "Harvest type 2" means an operation that requires wildlife leave trees but does not require reforestation. A harvest type 2 does not require reforestation because it has an adequate combined stocking of free to grow seedlings, saplings, poles and larger trees, but leaves:

- (a) On Cubic Foot Site Class I, II or III, fewer than 50 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre;
- (b) On Cubic Foot Site Class IV or V, fewer than 30 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre; or
- (c) On Cubic Foot Site Class VI, fewer than 15 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre.

[110] (10) "Harvest type 3" means an operation that requires reforestation and requires wildlife leave trees. This represents a level of stocking below which the size of operations is limited under ORS 527.740 and 527.750.

[120] (11) "Landowner" means any individual, combination of individuals, partnership, corporation or association of whatever nature that holds an ownership interest in forestland, including the state and any political subdivision thereof.

[129] (12) "Operation" means any commercial activity relating to the establishment, management or harvest of forest tree species except as provided by the following:

- (a) The establishment, management or harvest of Christmas trees, as defined in ORS 571.505, on land used solely for the production of Christmas trees.
- (b) The establishment, management or harvest of hardwood timber, including but not limited to hybrid cottonwood, that is:

(A) Grown on land that has been prepared by intensive cultivation methods and that is cleared of competing vegetation for at least three years after tree planting;

(B) Of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;

(C) Harvested on a rotation cycle that is 12 or fewer years after planting; and

(D) Subject to intensive agricultural practices such as fertilization, cultivation, irrigation, insect control and disease control.

(c) The establishment, management or harvest of trees actively farmed or cultured for the production of agricultural tree crops, including nuts, fruits, seeds and nursery stock.

(d) The establishment, management or harvest of ornamental, street or park trees within an urbanized area, as that term is defined in ORS 221.010.

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- (e) The management or harvest of juniper species conducted in a unit of less than 120 contiguous acres within a single ownership.
- (f) The establishment or management of trees intended to mitigate the effects of agricultural practices on the environment or fish and wildlife resources, such as trees that are established or managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed lands.
- (g) The development of an approved land use change after timber harvest activities have been completed and land use conversion activities have commenced.
- [14] (13) "Operator" means any person, including a landowner or timber owner, who conducts an operation.
- [15](a) "Significant violation" means:]
- [A] Violation of ORS 527.670 (6) by engaging in an operation without filing the requisite notification; or]
- [B] Continued operation in contravention of an order issued by the State Forester under ORS 527.680 (2)(a), (3) or (5); or]
- [C] A violation resulting in major damage to a resource described in ORS 527.710 (2) for which restoration is expected to take more than 10 years.]
- [6] "Significant violation" does not include:]
- [A] Unintentional operation in an area outside an operating area of an operation for which sufficient notification was filed pursuant to ORS 527.670 (6).]
- [B] Continued operation in contravention of an order issued by the State Forester under ORS 527.680 (2)(a), (3) or (5), where an operator, timber owner or landowner demonstrates that it did not receive the order; or]
- [C] Failure to timely notify the State Forester of an intent to continue an operation into the next calendar year.]
- [16] (14) "Single ownership" means ownership by an individual, partnership, corporation, limited liability company, trust, holding company or other business entity, including the state or any political subdivision thereof. Single ownership includes ownership held under different names or titles where the same individual or individuals, or their heirs or assigns, are shareholders (other than those of public corporations whose stock is traded on the open market), partners, business trustees or officers, or otherwise have an interest in or are associated with each property.
- [17] (15) "State Forester" means the State Forester or the duly authorized representative of the State Forester.
- [18] (16) "Suitable hardwood seedlings" means any hardwood seedling that will eventually yield logs or fiber, or both, sufficient in size and quality for the production of lumber, plywood, pulp or other forest products.
- [19] (17) "Timber owner" means any individual, combination of individuals, partnership, corporation or association of whatever nature, other than a landowner, that holds an ownership interest in any forest tree species on forestland.
- [20] (18) "Visually sensitive corridor" means forestland extending outward 150 feet, measured on the slope, from the outermost edge of the roadway of a scenic highway referred to in ORS 527.755, along both sides for the full length of the highway.
- [21] (19) "Wildlife leave trees" means trees or snags required to be retained as described in ORS 527.676 (1).
- [22] (20) "Written plan" means a document prepared by an operator, timber owner or landowner that describes how the operation is planned to be conducted.
- SECTION 69.** ORS 527.630, as amended by section 41 of this 2022 Act, is amended to read:
- 527.630. (1) Forests make a vital contribution to Oregon by providing jobs, products, tax base and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources and by providing a habitat for wildlife and aquatic life. Therefore, it is declared to be the public policy of the State of Oregon to encourage economically efficient forest practices that ensure the continuous growing and harvesting of forest tree species and the maintenance of

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forestland for such purposes as the leading use on privately owned land, consistent with sound management of soil, air, water, fish and wildlife resources and scenic resources within visually sensitive corridors as provided in ORS 527.755 and to ensure the continuous benefits of those resources for future generations of Oregonians.

(2) It is recognized that operations on forestland are already subject to other laws and to regulations of other agencies which deal primarily with consequences of such operations rather than the manner in which operations are conducted. It is further recognized that it is essential to avoid uncertainty and confusion in enforcement and implementation of such laws and regulations and in planning and carrying out operations on forestlands.

(3) To encourage forest practices implementing the policy of ORS 527.610 to 527.770, 527.990 and 527.992, it is declared to be in the public interest to vest in the State Board of Forestry exclusive authority to develop and enforce statewide and regional rules pursuant to ORS 527.710 and to coordinate with other state agencies and local governments which are concerned with the forest environment.

(4) It is recognized that ensuring compliance with, and enforcing, ORS 527.610 to 527.770 and rules and orders adopted or issued thereunder is essential to protect Oregon's natural resources. It is further recognized that onsite inspections are necessary to further the policy of ORS 527.610 to 527.770, 527.990 and 527.992.]

(5) It is recognized that enforcement of the policy of ORS 527.610 to 527.770, 527.990 and 527.992 is necessary to support the integrity of the policy and give the public confidence that standards for forest practices are being followed. It is further recognized that an effective enforcement program must include:]

(a) Adequate training and education of enforcement officers, operators, timber owners and landowners.]

(b) Clear technical guidance.]

(c) Implementation expectations that are transparent and easily understood by operators, timber owners and landowners.]

(6) It is declared to be the policy of the State of Oregon that the program for implementing enforcement under ORS 527.680, 527.683, 527.685, 527.690 and 527.700 be adequately funded, and that the board:]

(a) Use inspections and enforcement as tools to deter future violations and to educate and train operators, timber owners and landowners.]

(b) In exercising enforcement discretion, including discretion to impose penalties, prioritize addressing significant violations, other consequential violations and the actions of repeat violators.]

(7) (4) The board may adopt and enforce rules addressing scenic considerations only in accordance with ORS 527.755.

(8) (5) The board shall adopt and enforce forest practice rules to reduce the risk of serious bodily injury or death from a rapidly moving landslide only in accordance with ORS 527.710 (10). As used in this subsection, "rapidly moving landslide" has the meaning given in ORS 195.250.

(9) (6) The State of Oregon should provide a stable regulatory environment to encourage investment in private forestlands.

SECTION 70. ORS 527.680, as amended by section 45 of this 2022 Act, is amended to read:

527.680. (1) Whenever the State Forester determines that an operator has committed a violation under ORS 527.990 (1), the State Forester may issue and serve a citation upon the operator or authorized representative. The State Forester shall cause a copy of the citation to be mailed or delivered to the timber owner and landowner. Whenever the State Forester determines that the landowner has failed to comply with the reforestation rules under ORS 527.710, the State Forester may issue and serve a citation upon the landowner or authorized representative. Each citation issued under this section shall specify the nature of the violation charged and any damage or unsatisfactory condition that has occurred as the result of such violation.

(2) Whenever a citation is served pursuant to subsection (1) of this section, the State Forester:

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(a) Shall issue and serve upon the landowner or operator or authorized representative an order directing that the landowner or operator cease further violation. If the order is served upon an operator, the State Forester shall cause a copy of such order to be mailed or delivered to the timber owner and landowner; and

(b) May issue and serve an order upon the landowner or operator and shall cause a copy of such order to be mailed or delivered to the timber owner and landowner, directing the landowner or operator, where practical and economically feasible, to make reasonable efforts to repair the damage or correct the unsatisfactory condition specified in the citation within a period specified by the State Forester.

(3) In the event the order issued under subsection (2)(a) of this section has not been complied with, and the violation specified in such order is resulting in continuing damage, the State Forester by temporary order may direct the landowner or operator to cease any further activity in that portion of the operation that is resulting in such damage. Such temporary order shall be in effect until the date of the expiration of the period as prescribed in subsection (4) of this section or until the date that the violation ceases, whichever date occurs first.

(4) A temporary order issued under subsection (3) of this section shall be served upon the landowner or operator or authorized representative, and the State Forester shall cause a copy of such temporary order to be mailed or delivered to the operator, timber owner and landowner. If requested by the operator, timber owner or landowner, the State Board of Forestry, following the appeal procedures of ORS 527.700, must hold a hearing on the temporary order within five working days after the receipt by the board of the request. A temporary order issued and served pursuant to subsection (3) of this section shall remain in effect not more than five working days after such hearing unless the order is sooner affirmed, modified or revoked by the board.

(5) If a landowner or operator fails to comply with a final order issued under subsection (2)(b) of this section within the time specified in the order, or if the landowner or operator fails to comply with a final order imposing civil penalties for violation of any provision of the Oregon Forest Practices Act, the State Forester may issue an order that prohibits the affected landowner or operator from conducting any new operations on any forestland in this state until the landowner or operator has complied with the order to correct an unsatisfactory condition, make repair or pay the civil penalty, as the case may be, to the satisfaction of the State Forester.

[(6) The State Forester may require an operator, timber owner or landowner to provide financial assurance before conducting a new operation if the State Forester has, within the preceding three-year period, made a finding under ORS 527.685 (6) applicable to the operator, timber owner or landowner.]

SECTION 71. ORS 527.685, as amended by section 46 of this 2022 Act, is amended to read:

527.685. (1) The State Board of Forestry shall by rule establish the amount of civil penalty that may be imposed for a particular violation. Except as provided in *subsections (5) and (6)* subsection (5) of this section, a civil penalty may not exceed *[\$10,000]* \$5,000 per violation.

(2) In imposing a penalty authorized by this section, the State Forester may consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of statutes, rules, orders and permits pertaining to the Oregon Forest Practices Act.

(c) The gravity and magnitude of the violation.

(d) Whether the violation was repeated or continuous.

(e) Whether the cause of the violation was an unavoidable accident, negligence or an intentional act.

(f) The size and type of ownership of the operation.

(g) Any relevant rule of the board.

(h) The cooperativeness of the person incurring the penalty and the person's efforts, if any, to correct the violation.

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(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board determines to be proper and consistent with the public benefit. Upon the request of the person incurring the penalty, the board shall consider evidence of the economic and financial condition of the person in determining whether a penalty shall be remitted or mitigated.

(4) The board, by rule, may delegate to the State Forester, upon such conditions as deemed necessary, all or part of the authority of the board provided in subsection (3) of this section to assess, remit or mitigate civil penalties.

(5) For a violation of ORS 527.745, or rules for reforestation adopted pursuant to ORS 527.745, the State Forester may impose a civil penalty in an amount equal to the estimated cost of reforesting lands pursuant to ORS 527.690.

[(6) If the State Forester makes a finding that an operator, timber owner or landowner has a history of significant violations that shows a pattern of willful disregard for the requirements of ORS 527.610 to 527.770 or rules or orders adopted or issued thereunder, the State Forester may impose a civil penalty in an amount not to exceed \$50,000 per significant violation. In imposing the penalty, the State Forester shall consider, in addition to the factors described in subsection (2) of this section:]

[(a) The degree, if any, to which the operator, timber owner or landowner derived economic benefit from the significant violation.]

[(b) The proportion of total operations conducted by the operator, timber owner or landowner related to which significant violations have occurred compared to the total number of operations conducted by the operator, timber owner or landowner, while accounting for the organizational structure of the operator, timber owner or landowner.]

SECTION 72. ORS 527.714, as amended by section 47 of this 2022 Act, is amended to read:

527.714. (1) The rulemaking authority of the State Board of Forestry under ORS 527.610 to 527.770 consists generally of the following three types of rules:

(a) Rules adopted to implement administration, procedures or enforcement of ORS 527.610 to 527.770 that support but do not directly regulate standards of forest practices.

(b) Rules adopted to provide definitions or procedures for forest practices where the standards are set in statute.

(c) Rules adopted to implement the provisions of ORS 527.710 (2), (3), (6), (8), (9) and (10) that grant broad discretion to the board and that set standards for forest practices not specifically addressed in statute.

(2) When considering the adoption of a rule, and prior to the notice required pursuant to ORS 183.335, the board shall determine which type of rule described in subsection (1) of this section is being considered.

(3) If the board determines that a proposed rule is of the type described in subsection (1)(a) or (b) of this section, or if the proposed rule is designed only to clarify the meaning of rules already adopted or to make minor adjustments to rules already adopted that are of the type described in subsection (1)(c) of this section, rulemaking may proceed in accordance with ORS 183.325 to 183.410 and is not subject to the provisions of this section.

(4) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, and the proposed rule would change the standards for forest practices, the board shall describe in its rule the purpose of the rule and the level of protection that is desired. *[If the proposed rule would change the standards for forest practices that relate to the protection of aquatic resources, the level of protection that is desired must be consistent with:]*

[(a) Requirements described in the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022; or]

[(b) If a habitat conservation plan consistent with the Private Forest Accord Report has been approved, the terms of the habitat conservation plan.]

(5) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, including a proposed amendment to an existing rule not qualifying under subsection (3) of this section, and the proposed rule would provide new or increased standards for forest practices,

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the board may adopt such a rule only after determining that the following facts exist and standards are met:

[(a)/(A)] (a) If forest practices continue to be conducted under existing regulations:

[(i)] (A) There is monitoring or research evidence that documents that degradation of resources maintained under ORS 527.710 (2) or (3) is likely; or

[(i)] (B) In the case of rules proposed under ORS 527.710 (10), that there is a substantial risk of serious bodily injury or death; *[(or)]*

[(B) The board has received reports produced by the Adaptive Management Program Committee and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act that review the new or increased standards the proposed rule would provide;]

(b) If the resource to be protected is a wildlife species, the scientific or biological status of a species or resource site to be protected by the proposed rule has been documented using best available information;

(c) The proposed rule reflects available scientific information, *[(and, as appropriate,)]* the results of relevant monitoring and, as appropriate, adequate field evaluation at representative locations in Oregon;

(d) The objectives of the proposed rule are clearly defined, and the restrictions placed on forest practices as a result of adoption of the proposed rule:

(A)(i) Are to prevent harm or provide benefits to the resource or resource site for which protection is sought; or

(ii) In the case of rules proposed under ORS 527.710 (10), are to reduce risk of serious bodily injury or death; and

(B) Are directly related to the objective of the proposed rule and *[(materially)]* substantially advance its purpose; *[(and]*

(e) The availability, effectiveness and feasibility of alternatives to the proposed rule, including nonregulatory alternatives, were considered, and the alternative chosen is the least burdensome to landowners and timber owners, in the aggregate, while still achieving the desired level of protection; *[(; and]*

(f) The benefits to the resource, or in the case of rules proposed under ORS 527.710 (10), the benefits in reduction of risk of serious bodily injury or death, that would be achieved by adopting the rule are in proportion to the degree that existing practices of the landowners and timber owners, in the aggregate, are contributing to the overall resources concern that the proposed rule is intended to address.

(6) Nothing in subsection (5) of this section:

(a) Requires the board to call witnesses;

(b) Requires the board to allow cross-examination of witnesses;

(c) Restricts ex parte communications with the board or requires the board to place statements of such communications on the record;

(d) Requires verbatim transcripts of records of proceedings; or

(e) Requires depositions, discovery or subpoenas.

[(7) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, including a proposed amendment to an existing rule not qualifying under subsection (3) of this section, and that the proposed rule relates to aquatic resources, the board may adopt the rule only after considering reports from the Adaptive Management Program Committee and the Independent Research and Science Team.]

[(8)] (7) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, and the proposed rule would require new or increased standards for forest practices, as part of or in addition to the economic and fiscal impact statement required by ORS 183.385 (2)(b)(E), the board shall, prior to the close of the public comment period, prepare and make available to the public a comprehensive analysis of the economic impact of the proposed rule. The analysis shall include, but is not limited to:

(a) An estimate of the potential change in timber harvest as a result of the rule;

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- (b) An estimate of the overall statewide economic impact, including a change in output, employment and income related to:
- (A) The forest products industry;
 - (B) Other private sectors such as commercial fishing, recreational fishing and other outdoor recreation; and
 - (C) Government sectors such as public water system providers, waste treatment and built and natural infrastructure;
- (c) An estimate of the total economic impact on the forest products industry and common school and county forest trust land revenues, both regionally and statewide; and
- (d) An assessment of the economic impact of the proposed rule on various types of affected forestland parcels and on various geographic locations that is derived from consulting stakeholders.
- [9] (8) The provisions of this section do not apply to temporary rules adopted by the board.
- SECTION 73.** ORS 527.990, as amended by section 48 of this 2022 Act, is amended to read:
- 527.990. (1) Subject to ORS 153.022, violation of ORS 527.670, 527.672, 527.676, 527.740, 527.750[,] or 527.755[, 527.788 or 527.797,] or any rule promulgated under ORS 527.710 [or section 2 or 44 of this 2022 Act,] is a Class A misdemeanor. Each day of operation in violation of an order issued under ORS 527.680 (3) shall be deemed to be a separate offense.
- (2) Violation of ORS 527.260 (1) is a Class A misdemeanor. Violation of ORS 527.260 (3) is a Class C misdemeanor.
- SECTION 74.** ORS 527.992, as amended by section 49 of this 2022 Act, is amended to read:
- 527.992. (1) In addition to any other penalty provided by law, any person who fails to comply with any of the following may incur a civil penalty in the amount adopted under ORS 527.685:
- (a) The requirements of ORS 527.670, 527.672, 527.676, 527.740, 527.750[,] or 527.755[, 527.788 or 527.797,]
 - (b) The terms or conditions of any order of the State Forester issued in accordance with ORS 527.680.
 - (c) Any rule or standard of the State Board of Forestry adopted or issued pursuant to ORS 527.710 [or section 2 or 44 of this 2022 Act,]
 - (d) Any term or condition of a written waiver, or prior approval granted by the State Forester pursuant to the rules adopted under ORS 527.710.
 - (2) Imposition or payment of a civil penalty under this section shall not be a bar to actions alleging trespass under ORS 105.810, nor to actions under ORS 161.635 or 161.655 seeking to recover an amount based on the gain resulting from individual or corporate criminal violations.
- SECTION 75.** ORS 610.060, as amended by section 26 of this 2022 Act, is amended to read:
- 610.060. [Except as provided in section 23 of this 2022 Act,] Nothing in the wildlife laws is intended to deny the right of any person to control predatory animals as provided in ORS 610.105.
- SECTION 76.** ORS 610.105, as amended by section 27 of this 2022 Act, is amended to read:
- 610.105. [Except as provided in section 23 of this 2022 Act,] Any person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock which is infested with ground squirrels and other noxious rodents or predatory animals, as soon as their presence comes to the knowledge of the person, may, or the agent of the person may, proceed immediately and continue in good faith to control them by poisoning, trapping or other appropriate and effective means.

CONFORMING AMENDMENTS

SECTION 77. ORS 105.810 is amended to read:

105.810. (1) Except as provided in ORS 477.089 and 477.092 and subsections (4) to (7) of this section, whenever any person, without lawful authority, willfully injures or severs from the land of another any produce thereof or cuts down, girdles or otherwise injures or carries off any tree, timber or shrub on the land of another person, or of the state, county, United States or any public corporation, or on the street or highway in front of any person's house, or in any village, town or

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city lot, or cultivated grounds, or on the common or public grounds of any village, town or city, or on the street or highway in front thereof, in an action by such person, village, town, city, the United States, state, county, or public corporation, against the person committing such trespasses if judgment is given for the plaintiff, it shall be given for treble the amount of damages claimed, or assessed for the trespass. In any such action, upon plaintiff's proof of ownership of the premises and the commission by the defendant of any of the acts mentioned in this section, it is prima facie evidence that the acts were committed by the defendant willfully, intentionally and without plaintiff's consent.

(2) A court may, in its discretion, award to a prevailing party under subsection (1) of this section reimbursement of reasonable costs of litigation including but not limited to investigation costs and attorney fees.

(3) A court may, in its discretion, award to a prevailing plaintiff under subsection (1) of this section reasonable costs of reforestation activities related to the injury sustained by the plaintiff.

(4) A contract logger is liable only for actual damages in an action under this section if:

(a) The contract logger conducts an operation under a signed, written contract with a person the contract logger reasonably believes to be the legal owner of the produce, trees, timber or shrubs in the operation area;

(b) The contract identifies the operation area by a metes and bounds description or other sufficient legal description;

(c) Before the contract logger begins harvesting in the operation area, the person who engages the contract logger under the contract:

(A) Locates, marks and protects from damage all survey monuments in the operation area;

(B) Flags, stakes or otherwise clearly marks the boundaries of the operation area; and

(C) Provides the contract logger with a copy of the deed, contract or other instrument that the person who engages the contract logger under the contract relies upon as proof of ownership of the produce, trees, timber or shrubs in the operation area;

(d) The contract logger verifies the deed, contract or instrument described in paragraph (c)(C) of this subsection against the metes and bounds description or other sufficient legal description in the contract;

(e) The contract logger retains a copy of the deed, contract or instrument described in paragraph (c)(C) of this subsection for at least three years; and

(f) The contract logger does not receive written notice that any person has a claim of title to the land or timber in the operation area that is adverse to the person who engages the contract logger under the contract.

(5) Subsection (4) of this section does not affect an action for double or treble damages against a contract logger for damages outside the operation area as described in subsection (4) of this section.

(6) If an action is brought under this section against a contract logger, and the contract logger was engaged to harvest the timber by a person who purported to own the timber or to have authority to harvest the timber, the person who engaged the contract logger must be joined in the action as a defendant unless jurisdiction over the person cannot be had. If a judgment is entered against the contract logger and against the person who engaged the contract logger, the contract logger shall not be required to pay any part of the judgment unless the plaintiff establishes that the judgment cannot be enforced against the person who engaged the contract logger. The plaintiff may enforce the judgment against the contract logger only if:

(a) The plaintiff makes a good faith effort for at least six months after the judgment becomes final and subject to execution to enforce the judgment against the person who engaged the contract logger; and

(b) The court determines, upon motion of the plaintiff, that all or part of the judgment cannot be collected from the person who engaged the contract logger.

(7) Subsections (2) and (3) of this section apply in an action against a contract logger under subsection (4) of this section.

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(8) For purposes of this section:

- (a) "Contract logger" means a person engaged in a commercial timber harvesting operation.
- (b) "Operation" has the meaning given that term in ORS 527.620 [(12)].

APPROPRIATIONS

SECTION 78. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (2), chapter 673, Oregon Laws 2021, for the biennium ending June 30, 2023, for water quality, is increased by \$352,217 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

SECTION 79. Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Fish and Wildlife by section 1 (2), chapter 679, Oregon Laws 2021, for the biennium ending June 30, 2023, for wildlife division, is increased by \$228,558 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

SECTION 80. Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Fish and Wildlife by section 1 (3), chapter 679, Oregon Laws 2021, for the biennium ending June 30, 2023, for administrative services division, is increased by \$567,897 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

SECTION 81. Notwithstanding any other provision of law, the General Fund appropriation made to the State Department of Fish and Wildlife by section 1 (7), chapter 679, Oregon Laws 2021, for the biennium ending June 30, 2023, for habitat division, is increased by \$826,619 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

SECTION 82. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (7), chapter 679, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the Pacific Coastal Salmon Recovery Fund, but excluding lottery funds and federal funds not described in section 2, chapter 679, Oregon Laws 2021, collected or received by the State Department of Fish and Wildlife, for habitat division, is increased by \$64,907 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

SECTION 83. Notwithstanding any other provision of law, there is appropriated to the State Department of Fish and Wildlife, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$10,000,000, for deposit in the Private Forest Accord Mitigation Subaccount established within the Oregon Conservation and Recreation Fund established by ORS 496.252, for use by the Private Forest Accord Grant Program described in section 32 of this 2022 Act.

SECTION 84. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (4), chapter 605, Oregon Laws 2021, for the biennium ending June 30, 2023, for private forests, is increased by \$14,024,057 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

SECTION 85. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter 605, Oregon Laws 2021, for the biennium

ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter 605, Oregon Laws 2021, collected or received by the State Forestry Department, for agency administration, is increased by \$1,021,131 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

SECTION 86. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (5), chapter 605, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter 605, Oregon Laws 2021, collected or received by the State Forestry Department, for private forests, is increased by \$1,625,000 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

CAPTIONS

SECTION 87. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EMERGENCY CLAUSE

SECTION 88. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

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Passed by Senate March 2, 2022

Lori L. Brooker
Lori L. Brooker, Secretary of Senate

Peter Courtney
Peter Courtney, President of Senate

Passed by House March 3, 2022

Dan Rayfield
Dan Rayfield, Speaker of House

Received by Governor:

12:52 p.m. MARCH 09, 2022

Approved:

2:50 p.m. MARCH 17, 2022
Kate Brown
Kate Brown, Governor

Filed in Office of Secretary of State:

1:54 p.m. MARCH 30, 2022
Shemia Fagan
Shemia Fagan, Secretary of State