

House Bill 2114

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Forestry Department)

SUMMARY

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

Creates Stewardship Agreement Grant Fund. Continuously appropriates moneys in fund to State Board of Forestry for grants to carry out stewardship agreements.

Permits Flexible Incentives Account to be used to fund activities related to stewardship agreements. Permits Watershed Improvement Grant Fund to be used to fund activities related to stewardship agreements. Permits State Department of Agriculture and State Board of Forestry to make binding determination as to applicability of rules to particular landowner. Directs State Department of Agriculture and State Board of Forestry to assist landowner in compliance with federal Endangered Species Act. Exempts operation conducted as part of stewardship agreement from requirement of written plan. Exempts land management plans of stewardship agreements from disclosure as public record.

A BILL FOR AN ACT

1
2 Relating to stewardship agreements; creating new provisions; amending ORS 192.502, 527.670,
3 541.381, 541.399 and 541.423; and appropriating money.

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

STEWARDSHIP AGREEMENT GRANT FUND

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8 **SECTION 1. (1) The Stewardship Agreement Grant Fund is established separate and dis-**
9 **tinct from the General Fund. The Stewardship Agreement Grant Fund shall consist of all**
10 **moneys placed in the fund as provided by law. All moneys in the Stewardship Agreement**
11 **Grant Fund are continuously appropriated to the State Board of Forestry to provide grants**
12 **to carry out the purposes of stewardship agreements described in ORS 541.423. Interest ac-**
13 **cruing to the Stewardship Agreement Grant Fund shall be credited to the fund. Funds ap-**
14 **propriated and not expended by the completion of a biennium shall remain in the Stewardship**
15 **Agreement Grant Fund.**

16 **(2) The State Board of Forestry shall administer the Stewardship Agreement Grant Fund**
17 **and provide grants from the fund to landowners who have entered into stewardship agree-**
18 **ments for the purposes described in ORS 541.423.**

19 **(3) In addition to the funds made available for the purposes of ORS 541.423, the board also**
20 **may accept gifts and grants from any public or private source for the purpose of providing**
21 **the grants described in subsection (2) of this section.**

22 **SECTION 2. The State Board of Forestry may award funds from the Stewardship**
23 **Agreement Grant Fund only for the purposes described in section 1 of this 2007 Act. Any**
24 **projects that the board approves for funding must comply with the following criteria:**

25 **(1) There must be matching contribution from other program funds, in-kind services or**
26 **other investment in the project; and**

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

1 tution.

2
3 **STEWARDSHIP AGREEMENTS**
4

5 **SECTION 5.** ORS 541.423 is amended to read:

6 541.423. (1) As used in this section, “stewardship agreement” means an agreement voluntarily
7 entered into and signed by a landowner, or representative of the landowner, and the State Depart-
8 ment of Agriculture or the State Board of Forestry that sets forth the terms under which the land-
9 owner will self-regulate to meet and exceed applicable regulatory requirements and achieve
10 conservation, restoration and improvement of fish and wildlife habitat or water quality.

11 (2) The State Department of Agriculture and the State Board of Forestry may, individually or
12 jointly, enter into stewardship agreements with landowners.

13 (3) The purposes of a stewardship agreement are to provide:

14 (a) An incentive for landowners to provide for conservation, restoration and improvement of fish
15 and wildlife habitat or water quality;

16 (b) A mechanism to coordinate, facilitate and memorialize a landowner’s compliance with the
17 requirements of state and federal regulatory schemes; and

18 (c) A mechanism to combine or coordinate multiple incentive programs among agencies and
19 levels of government to:

20 (A) Improve the delivery of financial and technical assistance to landowners engaged in con-
21 servation activities;

22 (B) Reduce redundancy among programs;

23 (C) Simplify application procedures;

24 (D) Leverage the investment of federal funds;

25 (E) Make more efficient use of technical assistance funds;

26 (F) Provide greater incentives for landowners;

27 (G) Foster partnerships and improve cooperation with nongovernmental organizations;

28 (H) Provide greater environmental benefits;

29 (I) Tailor and more effectively target conservation programs administered by federal, state and
30 local governments to the unique conservation needs of, and opportunities presented by, individual
31 parcels of eligible land; and

32 (J) Give landowners an increased level of regulatory certainty.

33 (4) The State Board of Forestry and the State Department of Agriculture, in consultation with
34 the State Department of Fish and Wildlife, shall adopt by rule procedures and criteria for
35 stewardship agreements. The procedures and criteria shall include, but need not be limited to:

36 (a) The certification of a land management plan which shall, at a minimum, include:

37 (A) A comprehensive description and inventory of the subject property, its features and uses;
38 and

39 (B) A prescription for the protection of resources that exceeds land management practices,
40 standards and activities otherwise required by law and that is designed to achieve conservation,
41 restoration and improvement of fish and wildlife habitat or water quality.

42 (b) A requirement that each landowner subject to a stewardship agreement demonstrate a clear
43 capability to carry out the provisions of the land management plan and have a past record of good
44 compliance with applicable laws and regulations regarding land use and management.

45 (5) Each government agency that is a party to a stewardship agreement shall conduct periodic

1 audits on lands subject to the stewardship agreement to determine whether the land management
 2 plan is being implemented and whether the agreement should be continued, revised or discontinued.

3 (6) Stewardship agreements may provide benefits to landowners that include, but are not limited
 4 to:

5 (a) Expedited permit processing;

6 (b) Regulatory certainty;

7 (c) Priority consideration for cost-share assistance or other financial incentives and technical
 8 assistance; and

9 (d) Government certification that certain land management practices have been implemented.

10 **(7) To give landowners an increased level of regulatory certainty, the State Department**
 11 **of Agriculture and the State Board of Forestry may, individually or jointly, make a binding**
 12 **determination as to the applicability of rules of the State Department of Agriculture and the**
 13 **State Board of Forestry to a particular landowner, or a representative of the landowner, who**
 14 **has entered into a stewardship agreement. The binding determination shall require the**
 15 **landowner or representative of the landowner to abide by the local ordinances, state law and**
 16 **rules of the State Department of Agriculture and the State Board of Forestry that are in**
 17 **effect on the date the binding determination is executed, except that upon a clear showing**
 18 **of a significant threat to the public health or safety, fish and wildlife habitat or water quality**
 19 **that requires application of later-adopted ordinances, laws or rules, the State Department**
 20 **of Agriculture or the State Board of Forestry may require compliance with such later-**
 21 **adopted laws or rules.**

22 (8) The State Department of Agriculture and the State Board of Forestry may, individ-
 23 ually or jointly, make a binding determination that activities undertaken by a particular
 24 landowner, or a representative of the landowner, as part of a stewardship agreement are
 25 consistent with the purposes and policies of any relevant Safe Harbor Agreements or Candi-
 26 date Conservation Agreements entered into between the State of Oregon and agencies of the
 27 United States Government, pursuant to the federal Endangered Species Act of 1973 (P.L.
 28 93-205, 16 U.S.C. 1531 et seq.) and federal regulations.

29
 30 **FOREST PRACTICES ACT - WRITTEN PLAN REQUIREMENT**

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 32 **SECTION 6.** ORS 527.670 is amended to read:

33 527.670. (1) The State Board of Forestry shall designate the types of operations for which notice
 34 shall be required under this section.

35 (2) The board shall determine by rule what types of operations require a written plan.

36 (3) The board's determination under subsection (2) of this section shall require a written plan
 37 for operations:

38 (a) Within one hundred feet of a stream determined by the State Forester to be used by fish or
 39 for domestic use, unless the board, by rule, provides that a written plan is not required because the
 40 proposed operation will be conducted according to a general vegetation retention prescription de-
 41 scribed in administrative rule, **or unless the operation will be conducted pursuant to a**
 42 **stewardship agreement entered into under ORS 541.423; or**

43 (b) Within three hundred feet of a resource site inventoried pursuant to ORS 527.710 (3)(a) **un-**
 44 **less the operation will be conducted pursuant to a stewardship agreement entered into under**
 45 **ORS 541.423 and is consistent with the purposes and policies of any relevant Safe Harbor**

1 **Agreements or Candidate Conservation Agreements entered into between the State of**
2 **Oregon and agencies of the United States Government, pursuant to the federal Endangered**
3 **Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.) and federal regulations.**

4 (4) The distances set forth in subsection (3)(a) and (b) of this section are solely for the purpose
5 of defining an area within which a hearing may be requested under ORS 527.700 and not the area
6 to be protected by the board's rules adopted pursuant to ORS 527.710 (3)(c).

7 (5) For the purpose of determining the distances set forth in subsection (3)(a) and (b) of this
8 section "site" means the specific resource site and not any additional buffer area.

9 (6) An operator, timber owner or landowner, before commencing an operation, shall notify the
10 State Forester. The notification shall be on forms provided by the State Forester and shall include
11 the name and address of the operator, timber owner and landowner, the legal description of the
12 operating area, and any other information considered by the State Forester to be necessary for the
13 administration of the rules promulgated by the board pursuant to ORS 527.710. Promptly upon re-
14 ceipt of such notice, the State Forester shall send a copy of the notice to whichever of the operator,
15 timber owner or landowner did not submit the notification. The State Forester shall send a copy of
16 notices involving chemical applications to persons within 10 miles of the chemical application who
17 hold downstream surface water rights pursuant to ORS chapter 537, if such a person has requested
18 that notification in writing. The board shall adopt rules specifying the information to be contained
19 in the notice. All information filed with the State Forester pertaining to chemical applications shall
20 be public record.

21 (7) An operator, timber owner or landowner, whichever filed the original notification, shall no-
22 tify the State Forester of any subsequent change in the information contained in the notification.

23 (8) Within three working days of receipt of a notice or a written plan filed under subsection (6)
24 or (7) of this section, the State Forester shall send a copy of the notice or written plan to any person
25 who requested of the State Forester in writing that the person be sent copies of notice and written
26 plan and who has paid any applicable fee established by the State Forester for such service. The
27 State Forester may establish a fee for sending copies of notices and written plans under this sub-
28 section not to exceed the actual and reasonable costs. In addition, the State Forester shall send a
29 copy of the notification to the Department of Revenue and the county assessor for the county in
30 which the operation is located, at times and in a manner determined through written cooperative
31 agreement by the parties involved.

32 (9) Persons may submit written comments pertaining to the operation to the State Forester
33 within 14 calendar days of the date the notice or written plan was filed with the State Forester
34 under subsection (2), (6) or (7) of this section. Notwithstanding the provisions of this subsection, the
35 State Forester may waive any waiting period for operations not requiring a written plan under
36 subsection (3) of this section, except those operations involving aerial application of chemicals.

37 (10) If an operator, timber owner or landowner is required to submit a written plan of operations
38 to the State Forester under subsection (3) of this section:

39 (a) The State Forester shall review a written plan and may provide comments to the person who
40 submitted the written plan;

41 (b) The State Forester may not provide any comments concerning the written plan earlier than
42 14 calendar days following the date that the written plan was filed with the State Forester nor later
43 than 21 calendar days following the date that the written plan was filed; and

44 (c) Provided that notice has been provided as required by subsection (6) of this section, the op-
45 eration may commence on the date that the State Forester provides comments or, if no comments

1 are provided within the time period established in paragraph (b) of this subsection, at any time after
 2 21 calendar days following the date that the written plan was filed.

3 (11)(a) Comments provided by the State Forester, or by the board under ORS 527.700 (6), to the
 4 person who submitted the written plan are for the sole purpose of providing advice to the operator,
 5 timber owner or landowner regarding whether the operation described in the written plan is likely
 6 to comply with ORS 527.610 to 527.770 and rules adopted thereunder. Comments provided by the
 7 State Forester or the board do not constitute an approval of the written plan or operation.

8 (b) If the State Forester or the board does not comment on a written plan, the failure to com-
 9 ment does not mean that an operation carried out in conformance with the written plan complies
 10 with ORS 527.610 to 527.770 or rules adopted thereunder nor does the failure to comment constitute
 11 a rejection of the written plan or operation.

12 (c) In the event that the State Forester or board determines that an enforcement action may be
 13 appropriate concerning the compliance of a particular operation with ORS 527.610 to 527.770 or
 14 rules adopted thereunder, the State Forester or board shall consider, but are not bound by, com-
 15 ments that the State Forester provided under this section or comments that the board provided un-
 16 der ORS 527.700.

17 (12) When the operation is required to have a written plan under subsection (3) of this section
 18 and comments have been timely filed under subsection (9) of this section pertaining to the operation
 19 requiring a written plan, the State Forester shall:

20 (a) Send a copy of the State Forester’s review and comments, if any, to persons who submitted
 21 timely written comments under subsection (9) of this section pertaining to the operation; and

22 (b) Send to the operator, timber owner and landowner a copy of all timely comments submitted
 23 under subsection (9) of this section.

24
 25 **PUBLIC RECORDS EXEMPTION**

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 27 **SECTION 7.** ORS 192.502 is amended to read:

28 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

29 (1) Communications within a public body or between public bodies of an advisory nature to the
 30 extent that they cover other than purely factual materials and are preliminary to any final agency
 31 determination of policy or action. This exemption shall not apply unless the public body shows that
 32 in the particular instance the public interest in encouraging frank communication between officials
 33 and employees of public bodies clearly outweighs the public interest in disclosure.

34 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
 35 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
 36 public interest by clear and convincing evidence requires disclosure in the particular instance. The
 37 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
 38 tute an unreasonable invasion of privacy.

39 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and
 40 telephone numbers contained in personnel records maintained by the public body that is the em-
 41 ployer or the recipient of volunteer services. This exemption:

42 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
 43 unteers who are elected officials, except that a judge or district attorney subject to election may
 44 seek to exempt the judge’s or district attorney’s address or telephone number, or both, under the
 45 terms of ORS 192.445;

1 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
 2 shows by clear and convincing evidence that the public interest requires disclosure in a particular
 3 instance;

4 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
 5 fessional education association of which the substitute teacher may be a member; and

6 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

7 (4) Information submitted to a public body in confidence and not otherwise required by law to
 8 be submitted, where such information should reasonably be considered confidential, the public body
 9 has obliged itself in good faith not to disclose the information, and when the public interest would
 10 suffer by the disclosure.

11 (5) Information or records of the Department of Corrections, including the State Board of Parole
 12 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
 13 a person in custody of the department or substantially prejudice or prevent the carrying out of the
 14 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
 15 terest in disclosure.

16 (6) Records, reports and other information received or compiled by the Director of the Depart-
 17 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
 18 otherwise required by law to be made public, to the extent that the interests of lending institutions,
 19 their officers, employees and customers in preserving the confidentiality of such information out-
 20 weighs the public interest in disclosure.

21 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

22 (8) Any public records or information the disclosure of which is prohibited by federal law or
 23 regulations.

24 (9) Public records or information the disclosure of which is prohibited or restricted or otherwise
 25 made confidential or privileged under Oregon law.

26 (10) Public records or information described in this section, furnished by the public body ori-
 27 ginally compiling, preparing or receiving them to any other public officer or public body in con-
 28 nection with performance of the duties of the recipient, if the considerations originally giving rise
 29 to the confidential or exempt nature of the public records or information remain applicable.

30 (11) Records of the Energy Facility Siting Council concerning the review or approval of security
 31 programs pursuant to ORS 469.530.

32 (12) Employee and retiree address, telephone number and other nonfinancial membership records
 33 and employee financial records maintained by the Public Employees Retirement System pursuant to
 34 ORS chapters 238 and 238A.

35 (13) Records submitted by private persons or businesses to the State Treasurer or the Oregon
 36 Investment Council relating to proposed acquisition, exchange or liquidation of public investments
 37 under ORS chapter 293 may be treated as exempt from disclosure when and only to the extent that
 38 disclosure of such records reasonably may be expected to substantially limit the ability of the
 39 Oregon Investment Council to effectively compete or negotiate for, solicit or conclude such trans-
 40 actions. Records which relate to concluded transactions are not subject to this exemption.

41 (14) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
 42 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
 43 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

44 (15) Reports of unclaimed property filed by the holders of such property to the extent permitted
 45 by ORS 98.352.

1 (16) The following records, communications and information submitted to the Oregon Economic
 2 and Community Development Commission, the Economic and Community Development Department,
 3 the State Department of Agriculture, the Oregon Growth Account Board, the Port of Portland or
 4 other ports, as defined in ORS 777.005, by applicants for investment funds, loans or services includ-
 5 ing, but not limited to, those described in ORS 285A.224:

6 (a) Personal financial statements.

7 (b) Financial statements of applicants.

8 (c) Customer lists.

9 (d) Information of an applicant pertaining to litigation to which the applicant is a party if the
 10 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
 11 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
 12 concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery
 13 or deposition statutes to a party to litigation or potential litigation.

14 (e) Production, sales and cost data.

15 (f) Marketing strategy information that relates to applicant's plan to address specific markets
 16 and applicant's strategy regarding specific competitors.

17 (17) Records, reports or returns submitted by private concerns or enterprises required by law
 18 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
 19 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
 20 information is in a form which would permit identification of the individual concern or enterprise.
 21 Nothing in this subsection shall limit the use which can be made of such information for regulatory
 22 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
 23 payer of the delinquency immediately by certified mail. However, in the event that the payment or
 24 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
 25 public body shall disclose, upon the request of any person, the following information:

26 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
 27 payment or delivery of the taxes.

28 (b) The period for which the taxes are delinquent.

29 (c) The actual, or estimated, amount of the delinquency.

30 (18) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
 31 pointed counsel, and all information supplied to the court from whatever source for the purpose of
 32 verifying the financial eligibility of a person pursuant to ORS 151.485.

33 (19) Workers' compensation claim records of the Department of Consumer and Business Services,
 34 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
 35 ness Services, in any of the following circumstances:

36 (a) When necessary for insurers, self-insured employers and third party claim administrators to
 37 process workers' compensation claims.

38 (b) When necessary for the director, other governmental agencies of this state or the United
 39 States to carry out their duties, functions or powers.

40 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
 41 to identify any worker who is the subject of a claim.

42 (d) When a worker or the worker's representative requests review of the worker's claim record.

43 (20) Sensitive business records or financial or commercial information of the Oregon Health and
 44 Science University that is not customarily provided to business competitors.

45 (21) Records of Oregon Health and Science University regarding candidates for the position of

1 president of the university.

2 (22) The records of a library, including circulation records, showing use of specific library ma-
 3 terial by a named person or consisting of the name of a library patron together with the address
 4 or telephone number, or both, of the patron.

5 (23) The following records, communications and information obtained by the Housing and Com-
 6 munity Services Department in connection with the department's monitoring or administration of
 7 financial assistance or of housing or other developments:

8 (a) Personal and corporate financial statements and information, including tax returns.

9 (b) Credit reports.

10 (c) Project appraisals.

11 (d) Market studies and analyses.

12 (e) Articles of incorporation, partnership agreements and operating agreements.

13 (f) Commitment letters.

14 (g) Project pro forma statements.

15 (h) Project cost certifications and cost data.

16 (i) Audits.

17 (j) Project tenant correspondence.

18 (k) Personal information about a tenant.

19 (L) Housing assistance payments.

20 (24) Raster geographic information system (GIS) digital databases, provided by private forestland
 21 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
 22 that is not otherwise required by law to be submitted.

23 (25) Sensitive business, commercial or financial information furnished to or developed by a
 24 public body engaged in the business of providing electricity or electricity services, if the information
 25 is directly related to a transaction described in ORS 261.348, or if the information is directly related
 26 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
 27 disclosure of the information would cause a competitive disadvantage for the public body or its re-
 28 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
 29 velopment or review of generally applicable rate schedules.

30 (26) Sensitive business, commercial or financial information furnished to or developed by the
 31 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
 32 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
 33 and disclosure of the information would cause a competitive disadvantage for the Klamath
 34 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
 35 ment or review of generally applicable rate schedules.

36 (27) Personally identifiable information about customers of a municipal electric utility or a
 37 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
 38 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
 39 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
 40 lease personally identifiable information about a customer, and a public body providing water, sewer
 41 or storm drain services may release the name, date of birth, driver license number, telephone num-
 42 ber, electronic mail address or Social Security number of a customer, if the customer consents in
 43 writing or electronically, if the disclosure is necessary for the utility, district or other public body
 44 to render services to the customer, if the disclosure is required pursuant to a court order or if the
 45 disclosure is otherwise required by federal or state law. The utility, district or other public body

1 may charge as appropriate for the costs of providing such information. The utility, district or other
2 public body may make customer records available to third party credit agencies on a regular basis
3 in connection with the establishment and management of customer accounts or in the event such
4 accounts are delinquent.

5 (28) A record of the street and number of an employee's address submitted to a special district
6 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

7 (29) Sensitive business records, capital development plans or financial or commercial information
8 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

9 (30) Documents, materials or other information submitted to the Director of the Department of
10 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
11 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
12 or subsidiaries under ORS 646.380 to 646.398, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
13 to 717.320, 717.900 or 717.905, ORS chapter 59, 722, 723, 725 or 726, the Bank Act or the Insurance
14 Code when:

15 (a) The document, material or other information is received upon notice or with an under-
16 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
17 the document, material or other information; and

18 (b) The director has obligated the Department of Consumer and Business Services not to dis-
19 close the document, material or other information.

20 (31) A county elections security plan developed and filed under ORS 254.074.

21 (32) Information about review or approval of programs relating to the security of:

22 (a) Generation, storage or conveyance of:

23 (A) Electricity;

24 (B) Gas in liquefied or gaseous form;

25 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

26 (D) Petroleum products;

27 (E) Sewage; or

28 (F) Water.

29 (b) Telecommunication systems, including cellular, wireless or radio systems.

30 (c) Data transmissions by whatever means provided.

31 (33) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
32 ignates the information as confidential by rule under ORS 1.002.

33 (34) If requested by a public safety officer as defined in ORS 181.610, the home address, home
34 telephone number and electronic mail address of the public safety officer. This exemption does not
35 apply to addresses and telephone numbers that are contained in county real property or lien records.

36 **(35) Land management plans required for voluntary stewardship agreements entered into**
37 **under ORS 541.423, unless the landowner or a representative of the landowner grants per-**
38 **mission to disclose the plan.**

39
40 **MISCELLANEOUS**

41
42 **SECTION 8. The unit captions used in this 2007 Act are provided only for the convenience**
43 **of the reader and do not become part of the statutory law of this state or express any leg-**
44 **islative intent in the enactment of this 2007 Act.**