

Requested by Representative BARNHART

**PROPOSED AMENDMENTS TO
HOUSE BILL 3312**

1 Delete lines 4 through 6 of the printed bill and insert:

2 **“SECTION 1. Section 2 of this 2017 Act is added to and made a part**
3 **of ORS chapter 468.**

4 **“SECTION 2. (1) As used in this section:**

5 **“(a) ‘Baseline federal standards’ means the standards and require-**
6 **ments contained in a federal environmental law, as those standards**
7 **and requirements were in existence on January 19, 2017.**

8 **“(b) ‘Federal environmental law’ means any federal law relating to**
9 **protection of the environment, natural resources or public health, and**
10 **any federal regulations adopted thereto, that is federally administered**
11 **by the United States Environmental Protection Agency.**

12 **“(2) To the extent authorized by federal law and except as otherwise**
13 **provided by state law, for any federal environmental law that the En-**
14 **vironmental Quality Commission or the Department of Environmental**
15 **Quality has been delegated authority to administer, or for any state**
16 **law administered by the department that is an analogue to a federal**
17 **environmental law, the commission may not amend or revise the**
18 **commission’s rules to be less stringent than the baseline federal**
19 **standards, but may adopt rules that are more stringent than the**
20 **baseline federal standards.**

21 **“SECTION 3. (1) As used in this section:**

1 “(a) ‘Baseline federal standards’ means the standards and require-
2 ments contained in a federal environmental law, as those standards
3 and requirements were in existence on January 19, 2017.

4 “(b) ‘Federal environmental law’ means any federal law relating to
5 protection of the environment, natural resources or public health, and
6 any federal regulations adopted thereto, that is federally administered
7 by the United States Environmental Protection Agency.

8 “(c) ‘Natural resource agency’ means the Department of Environ-
9 mental Quality, the State Department of Agriculture, the State De-
10 partment of Energy, the State Department of Fish and Wildlife, the
11 State Forestry Department, the Department of Land Conservation and
12 Development, the State Parks and Recreation Department, the Water
13 Resources Department, the Oregon Health Authority and the Oregon
14 Watershed Enhancement Board.

15 “(2) No later than September 15, 2018, each natural resource agency
16 that has been delegated authority to administer federal environmental
17 law shall submit a report, in the manner provided by ORS 192.245, to
18 the interim legislative committees on the environment and natural
19 resources that:

20 “(a) Identifies each federal environmental law that the natural re-
21 source agency has been delegated authority to administer and the na-
22 ture of the natural resource agency’s delegated authority;

23 “(b) For each federal environmental law described, identifies any
24 notice published in the Federal Register on or after January 19, 2017,
25 and before August 15, 2018, that proposes to change a federal regu-
26 lation in a manner that may diminish the level of environmental pro-
27 tection afforded by the federal environmental law; and

28 “(c) For each notice identified in the report under paragraph (b) of
29 this subsection, includes:

30 “(A) A statement of whether the natural resource agency believes

1 that the proposed federal rulemaking, if adopted, may result in federal
2 standards and requirements that are less stringent than baseline fed-
3 eral standards;

4 “(B) Recommendations, that may include recommendations for
5 legislation, for actions that may be taken by the natural resource
6 agency in order to continue state implementation of federal environ-
7 mental laws in a manner that results in standards and requirements
8 that are at least as stringent as baseline federal standards, regardless
9 of regulatory changes or proposed regulatory changes at the federal
10 level; and

11 “(C) Additional resources that the natural resource agency may
12 need to enable the agency to continue state implementation of federal
13 environmental laws in a manner that results in standards and re-
14 quirements that are at least as stringent as baseline federal standards,
15 in light of regulatory changes or proposed regulatory changes at the
16 federal level.

17 **“SECTION 4. Section 3 of this 2017 Act is repealed on December 31,
18 2018.”.**

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