

Senate Bill 1602

Sponsored by Senator COURTNEY (at the request of Joint Committee on the First Special Session of 2020)

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**.

Requires Governor to facilitate mediation sessions between forest industry and environmental interest representatives. Identifies purposes and completion goal for, and provides for confidentiality of, mediation sessions. Requires joint legislative committee hearing during 2021 regular session regarding mediation process.

Allows person to register with State Forestry Department to receive notice of pesticide applications by helicopter to forestland near person's residence or water intake used by person.

Requires notice to department of proposed or imminent pesticide application by helicopter to forestland. Requires department to give notice of application to persons registered to receive notice.

Requires notice to department upon completion or partial completion of pesticide application. Provides escalating penalties for failures to report. Caps penalties at \$5,000 per day.

Requires Pesticide Analytical and Response Center to accept requests from certain entities for records and data concerning pesticide application by helicopter to forestland. Imposes fine of \$1,000 for pesticide operator failure to timely supply records or data. Prohibits interfering with pesticide application by helicopter to forestland. Makes violation subject to fine of \$1,000 for first offense, or \$5,000 for repeat offense, within five years.

Prohibits pesticide application by helicopter to forestland in proximity to certain locations.

Requires that certain rules apply in Siskiyou Georegion.

Requires that inventoried points of diversion for water use qualifying for spray buffer be entered in department reporting system. Requires report to Legislative Assembly regarding inventory progress.

Appropriates moneys to Office of Governor for biennium ending June 30, 2021, for paying expenses related to mediation sessions.

Appropriates moneys to State Forestry Department for biennium ending June 30, 2021, for department duties, functions and powers under Act with regard to private forests.

Increases limitation on expenditures for biennium ending June 30, 2021, by State Forestry Department for carrying out department duties, functions and powers under Act with regard to private forests.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to forests; and declaring an emergency.

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

4 **SECTION 1. (1) The Governor shall facilitate the organization and holding of one or more**
5 **mediation sessions between representatives of the forest industry and representatives of**
6 **environmental interests in accordance with the Memorandum of Understanding announced**
7 **by the Governor on February 10, 2020. The Governor shall limit participation in the mediation**
8 **sessions to not more than 12 representatives, but may not limit such third party assistance**
9 **as the representatives may require.**

10 **(2) The purpose of the mediation sessions shall be to develop an approach to evaluate and**
11 **jointly recommend substantive and procedural changes to Oregon Forest Practices Act laws**
12 **and regulations to advance the attainment of federal regulatory assurances for aquatic and**
13 **riparian-dependent species.**

14 **(3) The Governor shall organize the mediation sessions with the goal of fulfilling the**
15 **purpose described in subsection (2) of this section no later than 18 months after the effective**
16 **date of this 2020 special session Act.**

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 (4) Except as provided in ORS 36.220 (1) to (4), mediation sessions described in this sec-
2 tion are not subject to ORS 36.220 to 36.238 or 192.610 to 192.690.

3 **SECTION 2.** Section 1 of this 2020 special session Act is repealed on January 2, 2023.

4 **SECTION 3.** The President of the Senate and the Speaker of the House of Representatives
5 shall arrange for legislative committees related to natural resources to hold a joint infor-
6 mational hearing during the 2021 regular session of the Eighty-first Legislative Assembly
7 regarding the mediation sessions described in section 1 of this 2020 special session Act. The
8 committees shall, at a minimum, invite the Governor to submit testimony or documents at
9 the joint informational hearing regarding the past and expected schedule and structure for
10 the mediation process and such other information concerning the mediation sessions as the
11 Governor deems reasonable and prudent to disclose.

12 **SECTION 4.** As used in sections 4 to 11 of this 2020 special session Act:

13 (1) "Department reporting system" means a forest activity electronic reporting and no-
14 tice system operated by the State Forestry Department.

15 (2) "Nearby recipient" means a person registered under section 5 of this 2020 special
16 session Act:

17 (a) Whose parcel location information is reconciled under section 5 (2) of this 2020 special
18 session Act with a tax lot that is in whole or in part less than one mile from the edge of a
19 proposed or scheduled pesticide application by helicopter to forestland; or

20 (b) Whose water intake location noted under section 5 (4) of this 2020 special session Act
21 is less than one mile from the edge of a proposed or scheduled pesticide application by heli-
22 copter to forestland.

23 (3) "Pesticide":

24 (a) Except as provided in this subsection, has the meaning given that term in ORS
25 634.006.

26 (b) Does not include fertilizer. As used in this paragraph, "fertilizer" means any sub-
27 stance, or any combination or mixture of substances, that is designed for use primarily as
28 a source of plant food, for inducing increased plant growth or for producing any physical,
29 microbial or chemical change in the soil.

30 (4) "Water use qualifying for a spray buffer" means the use of water:

31 (a) For watering not more than one-half acre of lawn or noncommercial garden;

32 (b) By one or more dwelling units for domestic animal consumption ancillary to residen-
33 tial or related use of a property;

34 (c) By one or more dwelling units for household purposes or human consumption;

35 (d) For livestock watering; or

36 (e) Supplied for community purposes through a municipal water system, a system oper-
37 ated by a federally recognized Indian tribe or a system operated by a private corporation.
38 As used in this paragraph, "community purposes" includes, but is not limited to, uses de-
39 scribed in paragraphs (a) to (d) of this subsection, commercial or industrial use, fire pro-
40 tection, watering of public parks and street cleaning.

41 **SECTION 5.** (1) A person may register with the State Forestry Department to receive
42 notices of proposed or scheduled pesticide applications by helicopter to forestland near the
43 residence of the person. To obtain registration, the person must provide the department
44 with:

45 (a) A description of the parcel where the person resides;

1 (b) Proof satisfactory to the department that the person resides at the parcel; and

2 (c) Contact information for the person that, at a minimum, includes:

3 (A) A mailing address; and

4 (B) An electronic mail address or telephone number.

5 (2) Upon the receipt of information under subsection (1) of this section, the department
6 shall reconcile the parcel location information with tax lot information and note the tax lot
7 in a geospatial layer maintained within a department reporting system.

8 (3) A person appropriating surface water for a water use qualifying for a spray buffer
9 may register with the department to receive notices of proposed or scheduled pesticide ap-
10 plications by helicopter to forestland near the water intake used by the person. To obtain
11 registration, the person must provide the department with:

12 (a) The global positioning system coordinates for the water intake;

13 (b) If the water use qualifying for a spray buffer is subject to water right requirements,
14 a permit, certificate, registration, limited license or order of determination for the water
15 use;

16 (c) If the water use qualifying for a spray buffer is exempt from water right require-
17 ments, a description of the spring box or other type of water intake and of the type of water
18 use;

19 (d) Unless established in documentation described in paragraph (b) of this subsection, an
20 attestation that the person believes the person has a lawful entitlement to make the water
21 use qualifying for a spray buffer;

22 (e) An attestation that the person controls the works at the point of diversion for the
23 water use qualifying for a spray buffer; and

24 (f) Contact information for the person that, at a minimum, includes:

25 (A) A mailing address; and

26 (B) An electronic mail address or telephone number.

27 (4) Upon the receipt of information under subsection (3) of this section, the department
28 shall note the location of the water intake in a geospatial layer maintained within a depart-
29 ment reporting system.

30 **SECTION 6.** (1) To the extent of any conflict between this section and ORS 527.610 to
31 527.770, the provisions of this section prevail.

32 (2) Notwithstanding ORS 527.670, an operator, timber owner or landowner proposing to
33 conduct a pesticide application by helicopter to forestland shall send the State Forestry De-
34 partment notice of the proposed pesticide application that includes the following:

35 (a) Identification of the pesticides likely to be used. The notice may not identify any
36 pesticides that are not likely to be used.

37 (b) Identification of the forestland units to receive pesticide application.

38 (c) Identification of a 90-day period within which the pesticide application is to occur.

39 (d) Contact information for the operator, timber owner or landowner providing the notice
40 that, at a minimum, includes a mail address, electronic mail address and telephone number.

41 (e) Any information required by State Board of Forestry rules.

42 (3) Except as provided in subsection (4) of this section, if the department reporting sys-
43 tem indicates that the location of the proposed pesticide application has one or more nearby
44 recipients, the beginning of the 90-day period identified in the notice under subsection (2)(c)
45 of this section must be 30 or more days after the date the notice is provided to the depart-

1 ment.

2 (4) If a pesticide application is not completed during the 90-day period identified in a no-
3 tice, the operator, timber owner or landowner must send a new notice before commencing
4 or completing the pesticide application. Notwithstanding ORS 527.670, if the new notice is
5 sent in the same calendar year as the original notice, the 90-day period identified in the new
6 notice must be seven or more days after the date the new notice is provided to the depart-
7 ment.

8 **SECTION 7.** (1) Upon receipt of a notice under section 6 (2) of this 2020 special session
9 Act, a State Forestry Department reporting system shall provide the operator, timber owner
10 or landowner that provided the notice with a list of, and contact information for, any nearby
11 recipients for the proposed pesticide application.

12 (2) Two weeks after receiving a notice under section 6 (2) of this 2020 special session Act,
13 and on the date of receipt of any new notice under section 6 (4) of this 2020 special session
14 Act, the department shall send notice of the proposed pesticide application to the electronic
15 mail address or telephone number of each nearby recipient for the application. The notice
16 sent by the department must include, but need not be limited to, the location and nature of
17 the proposed pesticide application and the 90-day period within which the pesticide applica-
18 tion may occur, and the mailing address, electronic mail address and telephone number
19 supplied as contact information by the operator, timber owner or landowner that provided
20 notice of the proposed pesticide application under section 6 of this 2020 special session Act.

21 **SECTION 8.** (1) An operator, timber owner or landowner that sends notice under section
22 6 of this 2020 special session Act of a proposed pesticide application by helicopter to
23 forestland shall notify the State Forestry Department prior to the pesticide application by
24 helicopter being made. A notice under this section must:

25 (a) Be made by electronic communication to a department reporting system;

26 (b) Be sent to the department no later than 7 p.m. on the day preceding the pesticide
27 application;

28 (c) Specify the day following the notice as a day for pesticide application by helicopter;

29 (d) Identify the forestland units to receive pesticide application on the specified day; and

30 (e) Contain any additional information required by State Board of Forestry rules.

31 (2) The sending of a notice under subsection (1) of this section does not limit the number
32 of days on which a pesticide application by helicopter may be made. However, a separate
33 notice is required for each day that a pesticide application by helicopter is to be made. The
34 sending of a notice under subsection (1) of this section does not require that a pesticide ap-
35 plication identified in the notice be conducted.

36 (3) Upon receipt of a notice under this section, the department shall send the schedule
37 information for the pesticide application and forestland unit identification to the electronic
38 mail address or telephone number of each nearby recipient to which the department sent
39 notice of the proposed pesticide application under section 7 of this 2020 special session Act.

40 **SECTION 9.** (1) If a forestland unit identified in a notice sent under section 8 of this 2020
41 special session Act receives an incomplete pesticide application on the date specified in the
42 notice, the operator, timber owner or landowner shall send a notice of incompleteness to a
43 State Forestry Department reporting system no later than 24 hours after the end of the date
44 specified for the application in the notice. The notice of incompleteness shall consist of desig-
45 nating the forestland units to which an incomplete pesticide application by helicopter was

1 made. Entry of a notice of incompleteness does not affect the requirement to send notice under
2 section 8 of this 2020 special session Act before completing the pesticide application.

3 (2) An operator, timber owner or landowner that sends a notice under section 8 of this
4 2020 special session Act shall send a completion verification to a department reporting sys-
5 tem no later than 24 hours after the completion of the pesticide application. The completion
6 verification shall consist of designating the forestland units to which the pesticide application
7 by helicopter was made.

8 (3) The department shall make an electronic listing of the forestland units that were
9 identified in the notice under section 8 of this 2020 special session Act available to the oper-
10 ator, timber owner or landowner in a format that allows the operator, timber owner or
11 landowner to electronically designate:

12 (a) Forestland units from the list that have received an incomplete pesticide application,
13 when sending a notice of incompleteness; and

14 (b) Forestland units from the list on which pesticide application is complete, when send-
15 ing a completion verification.

16 **SECTION 10.** (1) As used in this section, "spray season" means a period that:

17 (a) Begins on January 1 and ends on June 30 in the same calendar year; or

18 (b) Begins on July 1 and ends on December 31 in the same calendar year.

19 (2) If an operator, timber owner or landowner fails to timely send a notice under section
20 8 of this 2020 special session Act or timely send a notice of incompleteness or completion ver-
21 ification under section 9 of this 2020 special session Act for one or more forestland units, or
22 any combination of such failures on the same day:

23 (a) For the first day during a spray season on which one or more failures occur, the State
24 Forestry Department shall issue the landowner a warning.

25 (b) For the second day during a single spray season on which one or more failures occur,
26 the department shall assess the landowner a civil penalty of \$1,000.

27 (c) For a third day or any subsequent day during a single spray season on which one or
28 more failures occur, the department shall assess the landowner a civil penalty of \$5,000 per
29 day.

30 **SECTION 11.** (1) If the State Forestry Department receives a notice under section 8 of
31 this 2020 special session Act, at the beginning of the 90-day period identified in the notice,
32 the department shall designate the forestland units identified in the notice as being in
33 available status. Except as provided in subsection (2) of this section, the department shall
34 terminate the available status of a forestland unit after 90 days.

35 (2) Upon receiving a notice under section 8 of this 2020 special session Act specifying a
36 date on which a pesticide application by helicopter is to be made, the department shall
37 change the designation of any forestland unit identified in the notice to pending status.

38 (3) Upon receiving a notice of incompleteness under section 9 of this 2020 special session
39 Act, the department shall change the designation of any forestland unit identified in the
40 notice to incomplete status.

41 (4) Upon receiving a completion verification under section 9 of this 2020 special session
42 Act, the department shall change the designation of any forestland unit identified in the
43 completion verification to completed status.

44 (5) The department shall change the designation of a forestland unit from pending status
45 if, at 11:59 p.m. on the day following the pesticide application date specified for the forestland

1 unit in a notice under section 8 of this 2020 special session Act, the department has not re-
 2 ceived a notice of incompleteness or completion verification for the forestland unit. Subject
 3 to subsection (1) of this section, the department shall return a forestland unit described in
 4 this subsection from pending status to available status.

5 **SECTION 12.** (1) As used in this section, “department reporting system” has the meaning
 6 given that term in section 4 of this 2020 special session Act.

7 (2) Sections 4 to 11 of this 2020 special session Act apply to pesticide applications occur-
 8 ring on or after:

9 (a) July 1, 2021; or

10 (b) If the State Chief Information Officer gives public notice prior to July 1, 2021, that
 11 the State Forestry Department reporting system lacks the required capacity for the carrying
 12 out of sections 4 to 11 of this 2020 special session Act, the earlier of:

13 (A) July 1, 2022; or

14 (B) The date on which the State Chief Information Officer gives public notice that the
 15 department reporting system has the required capacity.

16 **SECTION 13.** (1) As used in this section, “department reporting system” has the meaning
 17 given that term in section 4 of this 2020 special session Act.

18 (2) The State Forestry Department shall develop a system to allow nondepartment mes-
 19 sages to nearby recipients described in section 7 (1) of this 2020 special session Act, notices
 20 under section 8 of this 2020 special session Act and notices of incompleteness or completion
 21 verifications under section 9 of this 2020 special session Act to be sent electronically using
 22 mobile telephone equipment to access a department reporting system. The department shall
 23 make the access system compatible with, at a minimum, the two most commonly used types
 24 of mobile telephone operating systems.

25 **SECTION 14.** (1) As used in this section:

26 (a) “Daily spray records” means records required of a pesticide operator under ORS
 27 634.146.

28 (b) “Geographic information system data” means the electronic location data recorded
 29 during a pesticide application by helicopter.

30 (c) “Health provider” means a person holding a license, certificate or permit issued under
 31 Oregon law to provide the diagnosis, treatment or care of disease or injury in the ordinary
 32 course of business or practice of a profession, when seeking to provide diagnosis, treatment
 33 or care of a patient in response to a suspected exposure of the patient to pesticide.

34 (d) “Pesticide operator” has the meaning given that term in ORS 634.006.

35 (2) The Pesticide Analytical and Response Center shall accept requests for a pesticide
 36 operator’s daily spray records and geographic information system data concerning a pesticide
 37 application by helicopter to forestland from:

38 (a) A unit of state government, as defined in ORS 174.111;

39 (b) A law enforcement agency, as defined in ORS 181A.010; or

40 (c) A health provider.

41 (3)(a) The center shall forward a request received under subsection (2) of this section to
 42 the pesticide operator that is the subject of the request. A pesticide operator that receives
 43 a request from the center shall send the center the daily spray records and geographic in-
 44 formation system data possessed or accessible to the pesticide operator concerning pesticide
 45 applications by helicopter to forestland identified in the request.

1 (b) The pesticide operator shall send the requested daily spray record information to the
 2 center no later than 24 hours after receiving the request. The pesticide operator shall send
 3 the requested geographic information system data to the center no later than five business
 4 days after receiving the request.

5 (c) Upon receiving requested information from a pesticide operator, the center shall for-
 6 ward the information received to the requesting unit of state government, law enforcement
 7 agency or health provider.

8 (4) Failure of a pesticide operator to timely send records or data as required under sub-
 9 section (3) of this section is a violation subject to a fine of \$1,000 per request.

10 (5) Records and data sent or received under this section are not public records for pur-
 11 poses of ORS 192.311 to 192.478.

12 **SECTION 15. (1) As used in this section:**

13 (a) “Interfere”:

14 (A) Means to use force, violence or action that impedes a pesticide application by heli-
 15 copter to forestland.

16 (B) Does not mean:

17 (i) The memorializing of pesticide application activities through photography, videotaping,
 18 audiotaping or other creation of an electronic record by a person on public property or on
 19 private property where the person has a lawful right to be present; or

20 (ii) Other activities to the extent that the activities are protected under the First
 21 Amendment to the United States Constitution or Article I, section 8, of the Oregon Consti-
 22 tution.

23 (b) “Nearby recipient” has the meaning given that term in section 4 of this 2020 special
 24 session Act.

25 (2) A person that intentionally interferes with a pesticide application by helicopter to
 26 forestland commits an unclassified violation punishable by a fine of:

27 (a) \$1,000, if during the five years before the date of the interference the person has not
 28 previously been found to have committed a violation under this section; or

29 (b) \$5,000, if not more than five years before the date of the interference the person was
 30 found to have committed a violation under this section.

31 (3) For purposes of this section, there is a conclusive presumption that interference is
 32 intentional if performed by a nearby recipient who was sent information under section 8 (3)
 33 of this 2020 special session Act concerning the pesticide application.

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

35 (a) “Department reporting system,” “pesticide” and “water use qualifying for a spray
 36 buffer,” have the meanings given those terms in section 4 of this 2020 special session Act.

37 (b) “Flowing water” means surface water is present at the time of a pesticide application.

38 (c) “Inhabited dwelling” means a structure or part of a structure used as a home, resi-
 39 dence or sleeping place by a person maintaining a household or by two or more persons
 40 maintaining a common household, but does not include outbuildings, yard areas or other land
 41 associated with the structure.

42 (d) “School” means the campus of:

43 (A) A Head Start program;

44 (B) A public or private institution offering instruction for all or part of prekindergarten
 45 through grade 12;

- 1 (C) The Oregon School for the Deaf;
- 2 (D) A regional residential academy operated by the Oregon Youth Authority;
- 3 (E) An education service district or community college; or
- 4 (F) A public or private college or university.

5 (e) “Sixth-level hydrologic unit” means the cataloging unit level of the 12-digit hydrologic
6 unit mapping system developed by the Federal Geographic Data Committee.

7 (f) “Type D stream” means a stream that has domestic use, but does not have fish use.

8 (g) “Type F stream” means a stream that has fish use or has both domestic use and fish
9 use.

10 (h) “Type N stream” means a stream that does not have domestic use or fish use.

11 (2) Notwithstanding ORS 527.672, a person may not directly apply pesticide by helicopter
12 to forestland:

13 (a) Less than 300 feet from an inhabited dwelling, unless the landowner is the requester
14 of the application;

15 (b) Less than 300 feet from a school, unless the school board or other governing body for
16 the school is the requester of the application; or

17 (c) Subject to subsection (4) of this section, less than 300 feet from a water intake for a
18 water use qualifying for a spray buffer:

19 (A) Within the same sixth-level hydrologic unit as a water source for water use qualify-
20 ing for a spray buffer that is registered under section 5 of this 2020 special session Act; or

21 (B) Within the same sixth-level hydrologic unit as a water source for water use qualifying
22 for a spray buffer that is identified by the State Forestry Department and for which the lo-
23 cation has been recorded in the department reporting system.

24 (3) On forestland that is subject to ORS 527.610 to 527.770, a person may not directly ap-
25 ply pesticide by helicopter near a stream:

26 (a) That is identified by the department as a Type D stream or Type F stream, within the
27 greatest of:

28 (A) 75 feet;

29 (B) The required vegetated buffer; or

30 (C) A riparian management area existing in State Board of Forestry rules on the effec-
31 tive date of this 2020 special session Act within which vegetation retention and special man-
32 agement practices are required; or

33 (b) That is identified by the department as a Type N stream and has flowing water, within
34 50 feet.

35 (4) The restrictions in subsection (2)(c) of this section are contingent upon the water
36 intake location being recorded in the department reporting system.

37 **SECTION 17.** Section 16 of this 2020 special session Act applies to pesticide applications
38 made on or after January 1, 2021.

39 **SECTION 18.** The State Board of Forestry shall adopt rules to make 2017 board rules
40 regarding salmon, steelhead and bull trout applicable for the Siskiyou Georegion.

41 **SECTION 19.** The State Board of Forestry shall make the rules adopted by the board
42 under section 18 of this 2020 special session Act effective on January 1, 2021.

43 **SECTION 20.** (1) As used in this section, “department reporting system” and “water use
44 qualifying for a spray buffer” have the meanings given those terms in section 4 of this 2020
45 special session Act.

1 (2) The State Forestry Department shall record in the department reporting system any
2 points of diversion inventoried by the Water Resources Department that are:

3 (a) For a water use qualifying for a spray buffer; and

4 (b) Mapped with sufficient precision to allow the State Forestry Department to imple-
5 ment buffers under section 16 (2)(c) of this 2020 special session Act.

6 (3) The State Forestry Department shall periodically review Water Resources Depart-
7 ment inventory information for points of diversion and update State Forestry Department
8 reporting system information as necessary to comply with subsection (2) of this section.

9 **SECTION 20a.** The State Forestry Department shall begin recording inventoried points
10 of diversion in the department reporting system as required by section 20 of this 2020 special
11 session Act no later than 60 days after the operative date of section 20 of this 2020 special
12 session Act.

13 **SECTION 20b.** (1) As used in this section, “department reporting system” and “water use
14 qualifying for a spray buffer” have the meanings given those terms in section 4 of this 2020
15 special session Act.

16 (2) Except as provided in subsection (3) of this section, the State Forestry Department
17 and the Water Resources Department shall, in the manner provided in ORS 192.245, submit
18 a report to the Legislative Assembly during the 2022 regular session:

19 (a) Stating the number of points of diversion that have been recorded in the State
20 Forestry Department reporting system under section 20 of this 2020 special session Act;

21 (b) Estimating the extent to which points of diversion for water use qualifying for a spray
22 buffer remain to be inventoried; and

23 (c) Estimating the resources required for the Water Resources Department to identify
24 points of diversion, whether already inventoried or remaining to be inventoried, with suffi-
25 cient precision to allow the State Forestry Department to identify those points of diversion
26 qualifying for a spray buffer and implement buffers under section 16 (2)(c) of this 2020 special
27 session Act.

28 (3) If section 20 of this 2020 special session Act becomes operative on or after the date
29 that the 2022 regular session of the Legislative Assembly adjourns sine die, the departments
30 shall submit the report required by this section to the Legislative Assembly during the 2023
31 regular session.

32 **SECTION 21.** Section 20 of this 2020 special session Act becomes operative on the date
33 sections 4 to 11 of this 2020 special session Act become applicable to pesticide applications
34 as determined under section 12 of this 2020 special session Act.

35 **SECTION 22.** In addition to and not in lieu of any other appropriation, there is appro-
36 priated to the Office of the Governor, for the biennium ending June 30, 2021, out of the
37 General Fund, the amount of \$175,000, which may be expended for expenses related to medi-
38 ation sessions described in section 1 of this 2020 special session Act.

39 **SECTION 23.** In addition to and not in lieu of any other appropriation, there is appro-
40 priated to the State Forestry Department, for the biennium ending June 30, 2021, out of the
41 General Fund, the amount of \$894,317, which may be expended for carrying out department
42 duties, functions and powers under sections 5 to 13 and 15 to 20 of this 2020 special session
43 Act with regard to private forests.

44 **SECTION 24.** Notwithstanding any other law limiting expenditures, the limitation on
45 expenditures established by section 2 (4), chapter 664, Oregon Laws 2019, for the biennium

1 ending June 30, 2021, as the maximum limit for payment of expenses from fees, moneys or
2 other revenues, including Miscellaneous Receipts and including federal funds from the United
3 States Forest Service for fire protection and for research projects, but excluding lottery
4 funds and federal funds not described in section 2, chapter 664, Oregon Laws 2019, collected
5 or received by the State Forestry Department, is increased by \$103,545 for the purpose of
6 carrying out department duties, functions and powers under sections 5 to 13 and 15 to 20 of
7 this 2020 special session Act with regard to private forests.

8 SECTION 25. This 2020 special session Act being necessary for the immediate preserva-
9 tion of the public peace, health and safety, an emergency is declared to exist, and this 2020
10 special session Act takes effect on its passage.

11
