

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2379**

1 On page 1 of the printed bill, line 4, after “321.991,” insert “477.230,” and  
2 delete “477.880, 477.960, 477.970,” and insert “477.777,”.

3 In line 7, delete “and 477.777” and insert “, 477.880, 477.960 and 477.970”.

4 Delete lines 10 through 30 and delete pages 2 through 22 and insert:  
5

6 **“SEVERANCE TAX FOR FORESTRY HARVEST**  
7

8 **“SECTION 1. (1) As used in sections 1 to 5 of this 2021 Act, ‘pond**  
9 **value’ means the amount a mill will pay for a log delivered to the mill**  
10 **location.**

11 **“(2) A severance tax is imposed at the time of the harvest of timber**  
12 **from forestland.**

13 **“(3) The tax is imposed on the owner of timber at the time of har-**  
14 **vest, and remains a liability of the owner of the timber until paid.**

15 **“(4) The tax is imposed at the following rates multiplied by the pond**  
16 **value of the timber at the time of harvest, regardless of whether the**  
17 **forestland of the owner is contiguous:**

18 **“(a) 2 percent, for owners of 100 acres of forestland or less.**

19 **“(b) 3 percent, for owners of more than 100 acres, but not more than**  
20 **640 acres, of forestland.**

21 **“(c) 4 percent, for owners of more than 640 acres, but not more than**

1 3,840 acres, of forestland.

2 “(d) 5 percent, for owners of more than 3,840 acres of forestland.

3 “(e) The percentage set forth in paragraphs (a) to (d) of this sub-  
4 section, reduced by one percentage point, for owners described in  
5 paragraphs (a) to (d) of this subsection, respectively, whose forestland  
6 management is certified by the Forest Stewardship Council.

7 “(5)(a) The first 25,000 feet, board measure, of timber harvested  
8 annually by any taxpayer during each calendar year, regardless of the  
9 species or variety of the trees, shall be excluded from the total quan-  
10 tity of timber subject to the tax imposed under this section.

11 “(b) The taxpayer may select the species and varieties of trees ex-  
12 cluded under this subsection.

13 “(6) Timber subject to the severance tax imposed under this section  
14 is not taxable personal property for purposes of ORS 308.105.

15 “SECTION 2. (1) The Department of Revenue shall send a severance  
16 tax return form to an owner of timber subject to the severance tax  
17 imposed under section 1 of this 2021 Act, as shown on a State Forestry  
18 Department Notification of Operations permit issued during a calendar  
19 year.

20 “(2) Any owner of timber receiving a severance tax return sent by  
21 the Department of Revenue shall complete the return and submit the  
22 return to the department within the time prescribed in section 3 of  
23 this 2021 Act, even if the owner of timber has not incurred severance  
24 tax liability during the calendar year.

25 “SECTION 3. (1) The severance tax imposed under section 1 of this  
26 2021 Act is due and payable annually on or before April 15 of each year  
27 with respect to all timber harvested during the previous calendar year.

28 “(2)(a) At the time at which the severance tax is paid and on or  
29 before April 15 of each year, each taxpayer that has harvested any  
30 timber during the previous calendar year shall prepare a return on a

1 form prescribed by the Department of Revenue showing:

2 “(A) The pond value of all timber harvested by the taxpayer during  
3 the previous calendar year;

4 “(B) The amount of the severance tax for which the taxpayer is li-  
5 able for harvesting during the previous calendar year; and

6 “(C) Any other information that the department considers neces-  
7 sary to correctly determine the severance tax due.

8 “(b) The taxpayer shall mail or otherwise deliver the return, to-  
9 gether with a remittance for the unpaid balance of the severance tax,  
10 to the department.

11 “(c) The return must be signed and certified by the taxpayer, or a  
12 duly authorized agent of the taxpayer, as provided in ORS 305.810.

13 “(d) The department may allow, upon written application made on  
14 or before April 15, further time not exceeding 30 days for filing a re-  
15 turn.

16 “(e) The severance tax is delinquent if not paid by April 15, re-  
17 gardless of any extension of time for filing the return.

18 “(3) All severance tax payments received under sections 1 to 4 of  
19 this 2021 Act shall be credited first to penalty and then to interest  
20 accrued on the severance tax being paid and then to the severance tax.

21 “(4) A taxpayer incurring less than \$10 total severance tax liability  
22 under sections 1 to 4 of this 2021 Act in any calendar year is excused  
23 from the payment of the severance tax but is required to file a return.

24 “SECTION 4. (1) After withholding amounts equal to the actual  
25 expenses incurred by the Department of Revenue in collecting the  
26 severance tax imposed under section 1 of this 2021 Act, the department  
27 shall pay over the balance of the revenue to the State Treasurer for  
28 deposit in a suspense account established under ORS 293.445.

29 “(2) After the payment of refunds, the balance of the suspense ac-  
30 count shall be distributed as follows:

1       “(a) 40 percent to the Wildfire Management Fund created under  
2 section 5 of this 2021 Act.

3       “(b) 30 percent to the general fund of each county in the proportion,  
4 determined as of the time of harvest, that the pond value of the timber  
5 harvested in the county bears to the total pond value of all timber  
6 harvested in all counties.

7       “(c) 10 percent to the State Forestry Department Account estab-  
8 lished under ORS 526.060. Notwithstanding ORS 291.238, the moneys  
9 transferred to the State Forestry Department Account under this  
10 paragraph are continuously appropriated to the State Forester, under  
11 the supervision and direction of the State Board of Forestry, for the  
12 purposes of administering the Oregon Forest Practices Act and the  
13 forest practices monitoring program.

14       “(d) 5 percent to the Forest Research and Experiment Account es-  
15 tablished under ORS 321.185 to be used for:

16       “(A) The forest resource research, experimentation and studies de-  
17 scribed in ORS 526.215;

18       “(B) The Forest Research Laboratory established under ORS 526.225;  
19 and

20       “(C) Forestry education, including outreach programs that are co-  
21 ordinated with outdoor school programs and other forestry instruction  
22 provided by public schools for students in kindergarten through grade  
23 12.

24       “(e) 7.5 percent for distribution among rural fire protection districts  
25 that have an annual budget of less than \$50 million, to each district  
26 in the proportion that the total acreage of forestland within the  
27 boundaries of the district bears to the total acreage of forestland  
28 within the boundaries of all rural fire protection districts described in  
29 this paragraph. A rural fire protection district must use the moneys  
30 distributed under this paragraph for wildfire management equipment

1 and operations and the creation of defensible space to protect struc-  
2 tures situated on or adjacent to forestland.

3 “(f) 7.5 percent to the Watershed Conservation Grant Fund estab-  
4 lished under ORS 541.947.

5 **“SECTION 5. (1) The Wildfire Management Fund is created in the**  
6 **State Treasury, separate and distinct from the General Fund.**

7 **“(2) The Wildfire Management Fund shall consist of all moneys**  
8 **credited to the fund, including, but not limited to:**

9 **“(a) Moneys transferred to the fund under section 4 of this 2021 Act;**

10 **“(b) Moneys appropriated or transferred to the fund by the Legis-**  
11 **lative Assembly;**

12 **“(c) Amounts donated to the fund;**

13 **“(d) Earnings received on moneys in the fund; and**

14 **“(e) Other moneys or property of any kind received for the fund**  
15 **from any source.**

16 **“(3) Moneys in the fund are continuously appropriated to the State**  
17 **Forester for the payment of emergency fire costs and severity resource**  
18 **costs.**

19 **“(4)(a) If at the end of any calendar year the unencumbered balance**  
20 **in the fund exceeds \$125,000,000, the amount in excess shall be distrib-**  
21 **uted in the same manner as described in section 4 (2)(b) of this 2021**  
22 **Act.**

23 **“(b) For purposes of this subsection, on or before January 31 of each**  
24 **year, the State Board of Forestry shall determine the unencumbered**  
25 **balance in the fund as of December 31 of the previous year.**

26 **“(5) As used in this section, ‘severity resource costs’ means costs**  
27 **associated with:**

28 **“(a) Acquiring and placing centrally managed fire suppression re-**  
29 **sources for statewide use;**

30 **“(b) Acquiring fast-mobilizing, short-term contingency resources to**

1 **be used based on predictions of severe fire weather, widespread light-**  
2 **ning events or serious resource shortage due to a heavy fire season in**  
3 **this state, in the western region of the United States or nationally;**  
4 **and**

5 **“(c) The acquisition of equipment, and the operational costs, asso-**  
6 **ciated with the creation of defensible space to protect structures situ-**  
7 **ated on or adjacent to forestland.**

8 **“SECTION 6.** ORS 321.550 is amended to read:

9 “321.550. (1) No person shall harvest or cause to be harvested any timber  
10 from land in Oregon without first having notified the State Forester in  
11 writing with a copy to the Department of Revenue on forms prepared by the  
12 State Forester and the department of intent to harvest pursuant to ORS  
13 [321.005 to 321.185,] 321.560 to 321.600 and 321.700 to 321.754 **and sections 1**  
14 **to 5 of this 2021 Act.**

15 “(2) The notification shall specify where and when the harvest will take  
16 place and the nature of the harvest and shall include maps and other data  
17 as required by the State Forester and the department. The department shall  
18 establish by rule procedures to assure the receipt of the tax returns sent out  
19 or a report of nonharvest from the person. The department shall conduct  
20 field and office audits to ascertain the correctness of any timber tax return.

21 “(3)(a) If a person fails to file a written notice as required in subsection  
22 (1) of this section with respect to any harvest over 5,000 board feet, the de-  
23 partment shall notify the person. If, after the person has been notified, the  
24 person fails to file a written notice as required in subsection (1) of this sec-  
25 tion with respect to any subsequent harvest over 5,000 board feet, there shall  
26 be added to the amount of the timber tax required to be shown on the return  
27 as a result of the subsequent harvest a delinquency penalty of \$250 for each  
28 violation occurring within a calendar year. The department shall collect the  
29 penalty in the same manner as taxes are collected.

30 “(b) No penalty shall be imposed under this subsection if a penalty for

1 failure to file the notice with the State Forester has been imposed under ORS  
2 527.992.

3 “(c) The delinquency penalty shall first be added to the small tract  
4 forestland timber severance tax imposed under ORS 321.700 to 321.754, if  
5 applicable to the harvest. If the small tract forestland timber severance tax  
6 is not applicable, the delinquency penalty shall be added to the [*forest pro-*  
7 *ducts harvest tax imposed under ORS 321.005 to 321.185*] **severance tax im-**  
8 **posed under sections 1 to 5 of this 2021 Act.**

9 **“SECTION 7.** ORS 321.560 is amended to read:

10 “321.560. (1) The provisions of ORS chapters 305 and 314 as to the audit  
11 and examination of reports and returns, determination of deficiencies, liens,  
12 assessments, claims for refund, conferences and appeals to the Oregon Tax  
13 Court, and the procedures relating thereto, apply to the determination of  
14 taxes, penalties and interest imposed under ORS [*321.005 to 321.185,*] 321.560  
15 to 321.600 or 321.700 to 321.754 **or sections 1 to 5 of this 2021 Act**, except  
16 where the context requires otherwise.

17 “(2) If a taxpayer fails to file a return required [*by*] **under** ORS [*321.045*  
18 *or*] 321.700 to 321.754 **or sections 1 to 5 of this 2021 Act**, or fails to pay a  
19 tax at the time the tax becomes due, there shall be added to the amount of  
20 tax required to be shown on the return a delinquency penalty of five percent  
21 of the amount of such tax.

22 “(3) If the failure to file a return continues for a period in excess of three  
23 months after the due date, there shall be added to the amount of tax required  
24 to be shown on the return a failure to file penalty of 20 percent of the  
25 amount of such tax. This penalty is in addition to the delinquency penalty  
26 imposed by subsection (2) of this section.

27 “(4) If all or any part of the delinquency or deficiency for which a deter-  
28 mination is made is due to fraud or an intent to evade the provisions of ORS  
29 [*321.005 to 321.185,*] 321.560 to 321.600 or 321.700 to 321.754 **or sections 1 to**  
30 **5 of this 2021 Act**, or the rules adopted thereunder, a penalty of 100 percent

1 of such delinquency or deficiency shall be added, plus interest at the rate  
2 established under ORS 305.220, computed on the full amount of the delin-  
3 quency or deficiency plus penalty, from the time the return was due.

4 “(5) For purposes of this section, the amount of tax required to be shown  
5 on the return shall be reduced by the amount of any part of the tax that is  
6 paid on or before the date prescribed for payment of the tax and by the  
7 amount of any credit against the tax that may be lawfully claimed upon the  
8 return.

9 “(6) A delinquent tax or a deficiency shall bear interest at the rate es-  
10 tablished under ORS 305.220 from the time the return was due.

11 **“SECTION 8.** ORS 321.570 is amended to read:

12 “321.570. (1) If any tax imposed [*by ORS 321.005 to 321.185,*] **under ORS**  
13 **321.560 to 321.600 or 321.700 to 321.754 or sections 1 to 5 of this 2021 Act,**  
14 or any portion of the tax, is not paid within 30 days after the date that the  
15 written notice and demand for payment required under ORS 305.895 is  
16 mailed, the Department of Revenue may issue a warrant for the payment of  
17 the amount of the tax, with the added penalties, interest and cost of exe-  
18 cuting the warrant. A copy of the warrant shall be mailed or delivered to the  
19 taxpayer by the department at the taxpayer’s last-known address.

20 “(2) At any time after issuing a warrant under this section, the depart-  
21 ment may record the warrant in the County Clerk Lien Record of any county  
22 of this state. Recording of the warrant has the effect described in ORS  
23 205.125. After recording a warrant, the department may direct the sheriff for  
24 the county in which the warrant is recorded to levy upon and sell the real  
25 and personal property of the taxpayer found within that county, and to levy  
26 upon any currency of the taxpayer found within that county, for the appli-  
27 cation of the proceeds or currency against the amount reflected in the war-  
28 rant and the sheriff’s cost of executing the warrant. The sheriff shall proceed  
29 on the warrant in the same manner prescribed by law for executions issued  
30 against property pursuant to a judgment, and is entitled to the same fees as



1 provided for executions issued against property pursuant to a judgment. The  
2 fees of the sheriff shall be added to and collected as a part of the warrant  
3 liability.

4 “(3) In the discretion of the department a warrant under this section may  
5 be directed to any agent authorized by the department to collect this tax. In  
6 the execution of the warrant the agent has the powers conferred by law upon  
7 sheriffs, but is entitled to no fee or compensation in excess of actual ex-  
8 penses paid in the performance of such duty.

9 “(4) Until a warrant issued under this section is satisfied in full, the de-  
10 partment has the same remedies to enforce the claim for taxes against the  
11 taxpayer as if the state had recovered judgment against the taxpayer for the  
12 amount of the tax.

13 **“SECTION 9.** ORS 321.580 is amended to read:

14 “321.580. If any taxpayer neglects or refuses to make a return required to  
15 be made [by ORS 321.005 to 321.185,] **under ORS** 321.560 to 321.600 or 321.700  
16 to 321.754 **or sections 1 to 5 of this 2021 Act**, the Department of Revenue  
17 is authorized to determine the tax due, based upon any information in its  
18 possession or that may come into its possession. The department shall give  
19 the taxpayer written notice of the tax and delinquency charges and the tax  
20 and delinquency charges shall be a lien from the time of severance. If the  
21 tax and delinquency charges are not paid within 30 days from the mailing  
22 of the notice, the department shall proceed to collect the tax in the manner  
23 provided in ORS 321.570.

24 **“SECTION 10.** ORS 321.600 is amended to read:

25 “321.600. All taxes, interest and penalties due and unpaid under ORS  
26 [321.005 to 321.185,] 321.560 to 321.600 or 321.700 to 321.754 **or sections 1 to**  
27 **5 of this 2021 Act** constitute a debt due the State of Oregon and may be  
28 collected, together with interest, penalty and costs, by appropriate judicial  
29 proceeding, which remedy is in addition to all other existing remedies.  
30 However, no proceeding for the collection of taxes under ORS [321.005 to

1 321.185,] 321.560 to 321.600 or 321.700 to 321.754 **or sections 1 to 5 of this**  
2 **2021 Act** shall be instituted after the expiration of six years from the date  
3 the taxes were due.

4 **“SECTION 11.** ORS 321.609 is amended to read:

5 “321.609. (1) ORS [321.005 to 321.185,] 321.560 to 321.600 and 321.700 to  
6 321.754 **and sections 1 to 5 of this 2021 Act** shall be enforced and the taxes  
7 imposed [by ORS 321.005 to 321.185,] **under ORS** 321.560 to 321.600 and  
8 321.700 to 321.754 **and sections 1 to 5 of this 2021 Act** shall be collected  
9 by the Department of Revenue, which shall have the power to prescribe  
10 forms and to adopt rules for the ascertainment, assessment and collection  
11 of the taxes imposed [by ORS 321.005 to 321.185,] **under ORS** 321.560 to  
12 321.600 or 321.700 to 321.754 **or sections 1 to 5 of this 2021 Act.**

13 “(2) For the purpose of determining the taxes imposed [by ORS 321.005 to  
14 321.185,] **under ORS** 321.560 to 321.600 or 321.700 to 321.754 **or sections 1**  
15 **to 5 of this 2021 Act,** the department may:

16 “(a) Require any person to furnish any information deemed necessary.

17 “(b) Examine the books, records and files of such person.

18 “(c) Subpoena and examine witnesses and administer oaths.

19 “(d) Enter upon and inspect the land of any owner of the land from which  
20 any timber has been harvested.

21 **“SECTION 12.** ORS 321.682 is amended to read:

22 “321.682. (1) Except as otherwise specifically provided by law, it shall be  
23 unlawful for the Department of Revenue or any officer or employee of the  
24 department to divulge or make known in any manner the amount of the tax  
25 or any particulars set forth or disclosed in any report or return required to  
26 be filed under ORS [321.045 or] 321.741 **or section 3 of this 2021 Act** or any  
27 appraisal data collected to make determinations of specially assessed value  
28 of forestland pursuant to ORS 321.201 to 321.222. It shall be unlawful for  
29 any person or entity to whom information is disclosed or given by the de-  
30 partment pursuant to ORS 321.684 (2) or any other provision of state law to

1 divulge or use such information for any purpose other than that specified in  
2 the provisions of law authorizing the use or disclosure. No subpoena or ju-  
3 dicial order shall be issued compelling the department or any of its officers  
4 or employees, or any person who has acquired information pursuant to ORS  
5 321.684 (2) or any other provision of state law, to divulge or make known the  
6 amount of tax or any particulars set forth or disclosed in any report or re-  
7 turn except where the taxpayer's liability for timber tax is to be adjudicated  
8 by the court from which such process issues.

9 “(2) As used in this section, ‘officer,’ ‘employee’ or ‘person’ includes an  
10 authorized representative of the officer, employee or person, or any former  
11 officer, employee or person, or an authorized representative of such former  
12 officer, employee or person.

13 **“SECTION 13.** ORS 321.684 is amended to read:

14 “321.684. (1) The Department of Revenue may:

15 “(a) Furnish to any taxpayer or authorized representative, upon request  
16 of the taxpayer or authorized representative, a copy of the taxpayer's [*forest*  
17 *products harvest*] **severance** tax report or return required [*by ORS 321.045*  
18 *or*] **under ORS 321.741 or section 3 of this 2021 Act** that is filed with the  
19 department for any year, or a copy of any report filed by the taxpayer in  
20 connection with the return.

21 “(b) Publish a list of taxpayers who are entitled to unclaimed tax refunds.

22 “(c) Publish statistics classified so as to prevent the identification of  
23 taxable value or any particulars contained in any report or return.

24 “(d) Disclose a taxpayer's name, address and Social Security number or  
25 employer identification number to the extent necessary in connection with  
26 the processing and mailing of forms for any report or return required in the  
27 administration of ORS [*321.045 and*] 321.741 **and section 3 of this 2021**  
28 **Act.**

29 “(e) Disclose to the State Forester, upon request of the forester, for the  
30 purpose of soliciting nominations and recommendations referred to in ORS

1 526.610, the names of producers meeting producer class qualifications estab-  
2 lished under ORS 526.610 who filed forest products harvest tax returns.

3 “(f) Disclose appraisal data collected to make determinations of specially  
4 assessed value of forestland under ORS 321.201 to 321.222 to any member of  
5 a forestland value advisory committee the department has convened under  
6 ORS 321.213.

7 “(2) The department also may disclose and give access to information de-  
8 scribed in ORS 321.682 to:

9 “(a) The Commissioner of Internal Revenue or authorized representative,  
10 for tax purposes only.

11 “(b) The United States Forest Service, Bureau of Land Management and  
12 the State Forestry Department pursuant to their regulatory programs and for  
13 investigative purposes related to timber theft.

14 “(c) The Attorney General, assistants and employees in the Department  
15 of Justice or other legal representative of the State of Oregon, to the extent  
16 the department considers disclosure or access necessary for the performance  
17 of the duties of advising or representing the department pursuant to ORS  
18 [321.045 and] 321.741 **and section 3 of this 2021 Act.**

19 “(d) Employees of the State of Oregon, other than the Department of  
20 Revenue or Department of Justice, to the extent the department considers  
21 disclosure or access necessary for such employees to perform their duties  
22 under contracts or agreements between the department and any other de-  
23 partment, agency or subdivision of the State of Oregon in the department’s  
24 administration of the tax laws.

25 “(e) The Legislative Revenue Officer or the authorized representative of  
26 the Legislative Revenue Officer upon compliance with ORS 173.850. The of-  
27 ficer or representative may not remove from the premises of the department  
28 any materials that would reveal the identity of any taxpayer or any other  
29 person or the volume of harvest and value reported on individual returns and  
30 reports.

1       “(f) Any agency of the State of Oregon, or any person, or any officer or  
2 employee of the agency or person to whom disclosure or access is given by  
3 state law and not otherwise referred to in this section, including but not  
4 limited to the Secretary of State as Auditor of Public Accounts under section  
5 2, Article VI of the Constitution of the State of Oregon.

6       “(3) Each officer or employee of the department and each person described  
7 or referred to in subsection (2)(b) to (f) of this section to whom disclosure  
8 or access to the tax information is given under subsection (2) of this section  
9 or any other provision of state law, prior to beginning employment or the  
10 performance of duties involving such disclosure or access, shall be advised  
11 in writing of the provisions of ORS 321.682 and 321.686 relating to penalties  
12 for the violation of ORS 321.682, and shall, as a condition of employment or  
13 performance of duties, execute a certificate for the department, in a form  
14 prescribed by the department, stating in substance that the person has read  
15 these provisions of law, that the person has had them explained and that the  
16 person is aware of the penalties for the violation of ORS 321.682.

17

18                   **“REPEAL OF FOREST PRODUCTS HARVEST TAXES;  
19                   ABOLITION OF EMERGENCY FIRE COST COMMITTEE AND  
20                   OREGON FOREST LAND PROTECTION FUND**

21

22       **“SECTION 14. ORS 321.005, 321.011, 321.012, 321.015, 321.017, 321.035,  
23 321.045, 321.145, 321.152, 477.277, 477.295, 477.415, 477.440, 477.445, 477.450,  
24 477.455, 477.460, 477.750, 477.755, 477.760, 477.770, 477.775, 477.880, 477.960  
25 and 477.970 are repealed.**

26

27                   **“CONFORMING AMENDMENTS**

28

29       **“SECTION 15. ORS 319.010 is amended to read:**

30       “319.010. As used in ORS 319.010 to 319.430, unless the context requires

1 otherwise:

2 “(1) ‘Aircraft’ means every contrivance now known, or hereafter invented,  
3 used or designed for navigation of or flight in the air, operated or propelled  
4 by the use of aircraft fuel.

5 “(2) ‘Aircraft fuel’ means any gasoline and any other inflammable or  
6 combustible gas or liquid by whatever name such gasoline, gas or liquid is  
7 known or sold, usable as fuel for the operation of aircraft, except gas or  
8 liquid, the chief use of which, as determined by the Department of Trans-  
9 portation is for purposes other than the propulsion of aircraft.

10 “(3) ‘Airport’ means any area of land or water, except a restricted landing  
11 area, which is designed for the landing and takeoff of aircraft.

12 “(4) ‘Broker’ means and includes every person other than a dealer engaged  
13 in business as a broker, jobber or wholesale merchant dealing in motor ve-  
14 hicle fuel or aircraft fuel.

15 “(5) ‘Bulk transfer’ means any change in ownership of motor vehicle fuel  
16 or aircraft fuel contained in a terminal storage facility or any physical  
17 movement of motor vehicle fuel or aircraft fuel between terminal storage  
18 facilities by pipeline or marine transport.

19 “(6) ‘Dealer’ means any person who:

20 “(a) Imports or causes to be imported motor vehicle fuels or aircraft fuels  
21 for sale, use or distribution in, and after the same reaches the State of  
22 Oregon, but ‘dealer’ does not include any person who imports into this state  
23 motor vehicle fuel in quantities of 500 gallons or less purchased from a  
24 supplier who is licensed as a dealer under ORS 319.010 to 319.430 and who  
25 assumes liability for the payment of the applicable license tax to this state;

26 “(b) Produces, refines, manufactures or compounds motor vehicle fuels or  
27 aircraft fuels in the State of Oregon for use, distribution or sale in this state;

28 “(c) Acquires in this state for sale, use or distribution in this state motor  
29 vehicle fuels or aircraft fuels with respect to which there has been no license  
30 tax previously incurred; or

1 “(d) Acquires title to or possession of motor vehicle fuels or aircraft fuels  
2 in this state and exports the product out of this state.

3 “(7) ‘Department’ means the Department of Transportation.

4 “(8) ‘Distribution’ means, in addition to its ordinary meaning, the delivery  
5 of motor vehicle fuel or aircraft fuel by a dealer to any service station or  
6 into any tank, storage facility or series of tanks or storage facilities con-  
7 nected by pipelines, from which motor vehicle fuel or aircraft fuel is with-  
8 drawn directly for sale or for delivery into the fuel tanks of motor vehicles  
9 whether or not the service station, tank or storage facility is owned, oper-  
10 ated or controlled by the dealer.

11 “(9) ‘First sale, use or distribution of motor vehicle fuel or aircraft fuel’  
12 means the first withdrawal, other than by bulk transfer, of motor vehicle fuel  
13 or aircraft fuel from terminal storage facilities for sale, use or distribution.  
14 ‘First sale, use or distribution of motor vehicle fuel or aircraft fuel’ also  
15 means the first sale, use or distribution of motor vehicle fuel or aircraft fuel  
16 after import into this state if the motor vehicle fuel or aircraft fuel is de-  
17 livered other than to the terminal storage facilities of a licensed dealer.

18 “(10) **‘Forest products’ means products from harvested timber, but**  
19 **does not include products from short rotation fiber grown under agri-**  
20 **cultural conditions as described in ORS 321.267 (3) or 321.824 (3), west-**  
21 **ern juniper or products from harvested western juniper.**

22 “[10] (11) ‘Highway’ means every way, thoroughfare and place, of what-  
23 ever nature, open for use of the public for the purpose of vehicular travel.

24 “[11] (12) ‘Motor vehicle’ means all vehicles, engines or machines, mov-  
25 able or immovable, operated or propelled by the use of motor vehicle fuel.

26 “[12] (13) ‘Motor vehicle fuel’ means and includes gasoline and any  
27 other inflammable or combustible gas or liquid, by whatever name such  
28 gasoline, gas or liquid is known or sold, usable as fuel for the operation of  
29 motor vehicles, except gas or liquid, the chief use of which, as determined  
30 by the department, is for purposes other than the propulsion of motor vehi-

1 cles upon the highways of this state.

2 “[~~(13)~~] (14) ‘Person’ includes every natural person, association, firm,  
3 partnership, corporation or the United States.

4 “[~~(14)~~] (15) ‘Restricted landing area’ means any area of land or water, or  
5 both, which is used or made available for the landing and takeoff of aircraft,  
6 the use of which, except in case of emergency, is provided from time to time  
7 by the department.

8 “[~~(15)~~] (16) ‘Service station’ means and includes any place operated for the  
9 purpose of retailing and delivering motor vehicle fuel into the fuel tanks of  
10 motor vehicles or aircraft fuel into the fuel tanks of aircraft.

11 “[~~(16)~~] (17) ‘Terminal storage facility’ means any fuel storage facility that  
12 has marine or pipeline access.

13 **“SECTION 16.** ORS 319.320 is amended to read:

14 “319.320. (1) Upon compliance with subsection (2) or (3) of this section the  
15 Department of Transportation shall refund, in the manner provided in sub-  
16 section (2) or (3) of this section, the tax on motor vehicle fuel that is used  
17 in the operation of a motor vehicle:

18 “(a) By any person on any road, thoroughfare or property in private  
19 ownership.

20 “(b) By any person on any road, thoroughfare or property, other than a  
21 state highway, county road or city street, for the removal of forest  
22 products[, *as defined in ORS 321.005,*] or the products of such forest products  
23 converted to a form other than logs at or near the harvesting site, or for the  
24 construction or maintenance of the road, thoroughfare or property, pursuant  
25 to a written agreement or permit authorizing the use, construction or main-  
26 tenance of the road, thoroughfare or property, with or by:

27 “(A) An agency of the United States;

28 “(B) The State Board of Forestry;

29 “(C) The State Forester; or

30 “(D) A licensee of an agency named in subparagraph (A), (B) or (C) of this



1 paragraph.

2 “(c) By an agency of the United States or of this state or of any county,  
3 city or port of this state on any road, thoroughfare or property, other than  
4 a state highway, county road or city street.

5 “(d) By any person on any county road for the removal of forest  
6 products[, *as defined in ORS 321.005,*] or the products of such forest products  
7 converted to a form other than logs at or near the harvesting site, if:

8 “(A) The use of the county road is pursuant to a written agreement en-  
9 tered into with, or to a permit issued by, the State Board of Forestry, the  
10 State Forester or an agency of the United States, authorizing such person  
11 to use such road and requiring such person to pay for or to perform the  
12 construction or maintenance of the county road;

13 “(B) The board, officer or agency that entered into the agreement or  
14 granted the permit, by contract with the county court or board of county  
15 commissioners, has assumed the responsibility for the construction or main-  
16 tenance of such county road; and

17 “(C) Copies of the agreements or permits required by subparagraphs (A)  
18 and (B) of this paragraph are filed with the department.

19 “(2) Except for a farmer subject to subsection (3) of this section, the  
20 person or agency, as the case may be, who has paid any tax on such motor  
21 vehicle fuels levied or directed to be paid, as provided by ORS 319.010 to  
22 319.430, is entitled to claim a refund of the tax so paid on such fuels or for  
23 the proportionate part of tax paid on fuels used in the operation of such  
24 vehicles, when part of the operations are over such roads, thoroughfares or  
25 property. The proportionate part shall be based upon the number of miles  
26 traveled by any such vehicle over such roads, thoroughfares or property as  
27 compared to the total number of miles traveled by such vehicle. To be eligi-  
28 ble to claim such refund the person or agency, as the case may be, shall first  
29 establish and maintain a complete record of the operations, miles traveled,  
30 gallons of fuel used and other information, in such form and in such detail

1 as the department may prescribe and require, the source of supply of all fuels  
2 purchased or used, and the particular vehicles or equipment in which used.  
3 Whenever any such claim is received and approved by the department, it  
4 shall cause the refund of tax to be paid to the claimant in like manner as  
5 provided for paying of other refund claims.

6 “(3) A farmer who has paid any tax on motor vehicle fuels levied or di-  
7 rected to be paid, as provided in ORS 319.010 to 319.430, is entitled to claim  
8 a refund of the tax paid on such fuels used in farming operations in the op-  
9 eration of any motor vehicle on any road, thoroughfare or property in private  
10 ownership. To be eligible to claim such refund a farmer shall maintain in  
11 such form and in such detail as the department may prescribe and require,  
12 a record, supported by purchase invoices, of all such motor vehicle fuel  
13 purchased (including fuel purchased to operate any motor vehicle on the  
14 highway) and, for each and every motor vehicle operated on the highway, a  
15 record of all fuel used and of all miles traveled on the highway. Whenever  
16 any such claim is received and approved by the department, it shall cause  
17 the refund of tax to be paid to the claimant in like manner as provided for  
18 paying of other refund claims.

19 “(4) As used in subsections (2) and (3) of this section, ‘farmer’ includes  
20 any person who manages or conducts a farm for the production of livestock  
21 or crops but does not include a person who manages or conducts a farm for  
22 the production of forest products[, *as defined in ORS 321.005,*] or the pro-  
23 ducts of such forest products converted to a form other than logs at or near  
24 the harvesting site, or of forest trees unless the production of such forest  
25 products or forest trees is only incidental to the primary purpose of the  
26 farming operation.

27 **“SECTION 17.** ORS 319.520 is amended to read:

28 “319.520. As used in ORS 319.510 to 319.880, unless the context clearly  
29 indicates a different meaning:

30 “(1) ‘Cardlock card’ means a fuel card:

1 “(a) Capable of generating an electronic invoice or electronic statement  
2 that includes the information required by ORS 319.671 and the applicable fuel  
3 tax amount;

4 “(b) Issued for a specific vehicle, a specific piece of equipment or a group  
5 of equipment;

6 “(c) That includes the qualifying information, as designated by the De-  
7 partment of Transportation by rule, that is printed on the electronic invoice  
8 or electronic statement;

9 “(d) That allows the tax status of the cardlock card to be indicated on the  
10 electronic invoice or electronic statement and includes state tax as a sepa-  
11 rate item on the invoice or statement; and

12 “(e) That allows a cardlock card issuer to generate a statement recording,  
13 by fuel type, gallons of fuel purchased for domestic and foreign customers  
14 each month.

15 “(2) ‘Combined weight’ means the total empty weight of all vehicles in a  
16 combination plus the total weight of the load carried on that combination  
17 of vehicles.

18 “(3) ‘Delinquent’ means having failed to pay a tax or penalty within the  
19 time provided by law.

20 “(4) ‘Department’ means the Department of Transportation.

21 “(5) ‘Domestic customer’ means a customer making a purchase at a  
22 nonretail facility owned by the cardlock card issuer.

23 “(6) ‘Foreign customer’ means a customer making a purchase at a  
24 nonretail facility owned by a seller other than the cardlock card issuer.

25 “(7) **‘Forest products’ means products from harvested timber, but**  
26 **does not include products from short rotation fiber grown under agri-**  
27 **cultural conditions as described in ORS 321.267 (3) or 321.824 (3), west-**  
28 **ern juniper or products from harvested western juniper.**

29 “[7] (8) ‘Fuel’ means any combustible gas, liquid or material of a kind  
30 used for the generation of power to propel a motor vehicle on the highways

1 except motor vehicle fuel as defined in ORS 319.010.

2 “[~~(8)~~] **(9)** ‘Highway’ means every way, thoroughfare and place, of whatever  
3 nature, open to the use of the public for the purpose of vehicular travel.

4 “[~~(9)~~] **(10)** ‘Light weight’ means the weight of a vehicle when fully  
5 equipped for moving over the highway.

6 “[~~(10)~~] **(11)** ‘Motor vehicle’ means every self-propelled vehicle operated on  
7 the highway, except an implement of husbandry used in agricultural oper-  
8 ations and only incidentally operated or moved upon the highway.

9 “[~~(11)~~] **(12)** ‘Nonretail facility’ means:

10 “(a) An unattended facility accessible only by cardlock card and not as-  
11 sociated with a retail facility; or

12 “(b) An unattended portion of a retail facility separate from the retail  
13 operations and accessible only by cardlock card.

14 “[~~(12)~~] **(13)** ‘Person’ means any individual, firm, copartnership, joint ven-  
15 ture, association, corporation, trust, receiver or any group or combination  
16 acting as a unit.

17 “[~~(13)~~] **(14)** ‘Seller’ means:

18 “(a) A person that sells fuel to a user; or

19 “(b) If the fuel is dispensed at a nonretail facility, the person that owns  
20 the user’s accounts and bills the user for fuel purchased at a nonretail fa-  
21 cility.

22 “[~~(14)~~] **(15)** ‘To sell fuel for use in a motor vehicle’ means to dispense or  
23 place fuel for a price into a receptacle on a motor vehicle, from which re-  
24 ceptacle the fuel is supplied to propel the motor vehicle.

25 “[~~(15)~~] **(16)** ‘To use fuel in a motor vehicle’ means to receive into any re-  
26 ceptacle on a motor vehicle, fuel to be consumed in propelling the motor  
27 vehicle on the highways of this state; and, if the fuel is received into the  
28 receptacle outside the taxing jurisdiction of the state, ‘to use fuel in a motor  
29 vehicle’ means to consume in propelling the motor vehicle on the highways  
30 of this state.

1       **“SECTION 18.** ORS 319.831 is amended to read:

2       “319.831. (1) If a user obtains fuel for use in a motor vehicle in this state  
3 and pays the use fuel tax on the fuel obtained, the user may apply for a re-  
4 fund of that part of the use fuel tax paid which is applicable to use of the  
5 fuel to propel a motor vehicle:

6       “(a) In another state, if the user pays to the other state an additional tax  
7 on the same fuel;

8       “(b) Upon any road, thoroughfare or property in private ownership;

9       “(c) Upon any road, thoroughfare or property, other than a state highway,  
10 county road or city street, for the removal of forest products[, *as defined in*  
11 *ORS 321.005,*] or the products of such forest products converted to a form  
12 other than logs at or near the harvesting site, or for the construction or  
13 maintenance of the road, thoroughfare or property, pursuant to a written  
14 agreement or permit authorizing the use, construction or maintenance of the  
15 road, thoroughfare or property, with or by:

16       “(A) An agency of the United States;

17       “(B) The State Board of Forestry;

18       “(C) The State Forester; or

19       “(D) A licensee of an agency named in subparagraph (A), (B) or (C) of this  
20 paragraph;

21       “(d) By an agency of the United States or of this state or of any county,  
22 city or port of this state on any road, thoroughfare or property, other than  
23 a state highway, county road or city street;

24       “(e) By any incorporated city or town of this state;

25       “(f) By any county of this state or by any road assessment district formed  
26 under ORS 371.405 to 371.535;

27       “(g) Upon any county road for the removal of forest products [*as defined*  
28 *in ORS 321.005,*] or the products of such forest products converted to a form  
29 other than logs at or near the harvesting site, if:

30       “(A) Such use upon the county road is pursuant to a written agreement

1 entered into with, or to a permit issued by, the State Board of Forestry, the  
2 State Forester or an agency of the United States, authorizing such user to  
3 use such road and requiring such user to pay for or to perform the con-  
4 struction or maintenance of the county road;

5 “(B) The board, officer or agency that entered into the agreement or  
6 granted the permit, by contract with the county court or board of county  
7 commissioners, has assumed the responsibility for the construction or main-  
8 tenance of such county road; and

9 “(C) Copies of the agreements or permits required by subparagraphs (A)  
10 and (B) of this paragraph are filed with the Department of Transportation;

11 “(h) By a school district or education service district of this state or the  
12 contractors of a school district or education service district, for those vehi-  
13 cles being used to transport students;

14 “(i) By a rural fire protection district organized under the provisions of  
15 ORS chapter 478;

16 “(j) By any district, as defined in ORS chapter 198, that is not otherwise  
17 specifically provided for in this section; or

18 “(k) By any state agency, as defined in ORS 240.855.

19 “(2) An application for a refund under subsection (1) of this section shall  
20 be filed with the department within 15 months after the date the use fuel tax,  
21 for which a refund is claimed, is paid.

22 “(3) The application for a refund provided by subsection (1) of this section  
23 shall include a signed statement by the applicant indicating the amount of  
24 fuel for which a refund is claimed, and the way in which the fuel was used  
25 which qualifies the applicant for a refund. If the fuel upon which the refund  
26 is claimed was obtained from a seller to whom the use fuel tax was paid, the  
27 application shall be supported by the invoices which cover the purchase of  
28 the fuel. If the applicant paid the use fuel tax directly to the department, the  
29 applicant shall indicate the source of the fuel and the date it was obtained.

30 “(4) The department may require any person who applies for a refund

1 provided by subsection (1) of this section to furnish a statement, under oath,  
2 giving the person's occupation, description of the machines or equipment in  
3 which the fuel was used, the place where used and such other information  
4 as the department may require.

5 **“SECTION 19.** ORS 321.700 is amended to read:

6 “321.700. As used in ORS 321.700 to 321.754:

7 “(1) ‘Common ownership’ means direct ownership by one or more indi-  
8 viduals or ownership by a corporation, partnership, association or other en-  
9 tity in which an individual owns a majority interest.

10 “(2) ‘Contiguous’ means having a common boundary that is greater than  
11 a single point.

12 “(3) ‘Contiguous parcels’:

13 “(a) Includes parcels separated by public or county roads, state highways,  
14 nonnavigable streams or nonnavigable rivers.

15 “(b) Does not include parcels that are separated by an interstate highway,  
16 a navigable stream or a navigable river, unless there is an underpass, a  
17 bridge or another direct access between the separated parcels.

18 “(4) ‘Department’ means the Department of Revenue.

19 “(5) ‘Eastern Oregon’ means that portion of the State of Oregon lying east  
20 of a line beginning at the intersection of the northern boundary of the state  
21 and the western boundary of Wasco County, thence southerly along the  
22 western boundaries of the counties of Wasco, Jefferson, Deschutes and  
23 Klamath to the southern boundary of the state.

24 “(6) ‘Forestland’ means land that meets the definition of forestland under  
25 ORS 321.257 if the land is located in western Oregon or land that meets the  
26 definition of forestland in ORS 321.805 if located in eastern Oregon.

27 “(7) ‘Harvest’ means the point at which timber that has been cut, severed  
28 or removed for purposes of sale or use is first measured in the ordinary  
29 course of business as determined by reference to common practice in the  
30 timber industry.

1 “(8) ‘Land class’ means a forestland land class described in ORS 321.210  
2 or eastern Oregon forestland.

3 “(9) ‘Owner of timber’ [*has the meaning given that term in ORS 321.005*]  
4 **means any individual or combination of individuals, partnership, firm,**  
5 **corporation or association of whatever nature holding title to har-**  
6 **vested timber by virtue of:**

7 **“(a) An instrument of conveyance;**

8 **“(b) The harvesting of the timber; or**

9 **“(c) The harvesting of the timber and payment therefor.**

10 “(10) ‘Parcel’ means a quantity of land that is capable of being described  
11 in a single description by a closed traverse, as one or more subsections or  
12 sections of a township, as one or more lots, blocks or tracts in a subdivision  
13 or as one or more tax lots.

14 “(11) ‘Small tract forestland’ means forestland subject to assessment under  
15 ORS 321.700 to 321.754 and from which the harvesting of timber is subject  
16 to severance taxation under ORS 321.700 to 321.754.

17 “(12) ‘Taxpayer’ means the owner of timber at time of harvest.

18 “(13) ‘Timber’ includes logs that are capable of being measured in board  
19 feet and that meet or exceed minimum sawmill grade and other forest pro-  
20 ducts determined by the Department of Revenue by rule.

21 “(14) ‘Unit of proper measurement’ means any unit of measurement com-  
22 monly used in the timber industry for measuring timber and harvested timber  
23 products.

24 “(15) ‘Western Oregon’ means that portion of the State of Oregon lying  
25 west of a line beginning at the intersection of the northern boundary of the  
26 state and the western boundary of Wasco County, thence southerly along the  
27 western boundaries of the counties of Wasco, Jefferson, Deschutes and  
28 Klamath to the southern boundary of the state.

29 **“SECTION 20.** ORS 321.824 is amended to read:

30 “321.824. (1) Lands assessed by the Department of Revenue pursuant to



1 ORS 308.505 to 308.674 or 308.805 to 308.820 may not be assessed under ORS  
2 321.805 to 321.855.

3 “(2) Land used exclusively for growing cultured Christmas trees may not  
4 be assessed under ORS 321.805 to 321.855.

5 “(3) Land that is used to grow hardwood timber, including but not limited  
6 to hybrid cottonwood, may not be assessed under ORS 321.805 to 321.855 if:

7 “(a) The land is prepared using intensive cultivation methods and is  
8 cleared of competing vegetation for at least three years after tree planting;

9 “(b) The timber is of a species marketable as fiber for inclusion in the  
10 furnish for manufacturing paper products;

11 “(c) The timber is harvested on a rotation cycle within 12 years after  
12 planting; and

13 “(d) The land and timber are subject to intensive agricultural practices  
14 such as fertilization, insect and disease control, cultivation and irrigation.

15 “(4) Nothing contained in ORS 321.805 to 321.855 shall prevent:

16 “(a) The collection of ad valorem property taxes that became a lien  
17 against timber prior to July 1, 1962.

18 “(b) The collection of taxes, charges or assessments made pursuant to law  
19 for protection.

20 “(c) The collection of taxes levied under the provisions of ORS [321.005  
21 to 321.185 and] 321.560 to 321.600 **and sections 1 to 5 of this 2021 Act.**

22 “**SECTION 21.** ORS 321.991 is amended to read:

23 “321.991. Violation of any provision of ORS [321.005 to 321.185 and] 321.560  
24 to 321.600 **or sections 1 to 5 of this 2021 Act** is a Class A misdemeanor.

25 “**SECTION 22.** ORS 526.490 is amended to read:

26 “526.490. (1) It is the policy of the State of Oregon to encourage the  
27 afforestation of idle land for the purpose of establishing commercial forests  
28 if such afforestation is consistent with landowner objectives. The purpose  
29 of this section is to provide an incentive for afforestation by providing as-  
30 surance that the State of Oregon will not prohibit the harvesting of trees

1 planted on such lands within the first crop rotation.

2 “(2) As used in this section:

3 “(a) ‘Free to grow’ means a stand of well-distributed trees that has a high  
4 probability of remaining or becoming vigorous, healthy and dominant over  
5 undesired competing vegetation.

6 “(b) **‘Merchantable stand of timber’ means any stand on forestlands**  
7 **containing living or dead timber that is being or can be harvested.**

8 “[*(b)*] (c) ‘Parcel’ has the meaning given that term in ORS 92.010.

9 “(3) Notwithstanding ORS 527.676, 527.710 or 527.755 or any rules  
10 promulgated thereunder, and except as provided in subsection (4) of this  
11 section, a person who, after September 9, 1995, plants or causes to be planted  
12 a stand of timber that is intended to become a merchantable stand of timber  
13 [*as defined in ORS 321.005*] on a parcel owned by the person, or a portion  
14 of such parcel not less than five contiguous acres, shall not be prohibited  
15 from harvesting the planted timber provided that:

16 “(a) Prior to the time of planting, the parcel or portion thereof has not  
17 been subject to any forest practice as defined in ORS 527.620 since July 1,  
18 1972; and

19 “(b) Prior to the time of planting, the stocking of forest tree species on  
20 the subject parcel or portion thereof is less than 25 square feet of basal area  
21 per acre.

22 “(4) The provisions of subsection (3) of this section shall not apply to any  
23 land or timber located within 20 feet of any large or medium stream, or any  
24 small stream that is a fish-bearing or domestic use stream, as defined by the  
25 State Board of Forestry.

26 “(5)(a) If, within two to five years of planting under subsection (3) of this  
27 section, the person notifies the State Forester, the State Forester shall in-  
28 spect the timber and shall issue a certificate to the owner indicating that a  
29 free to grow stand of timber has been established under subsection (3) of this  
30 section and identifying the location of the timber. Upon request of the owner

1 and payment of any applicable fee, the county clerk in the county wherein  
2 the parcel is located shall record the certificate as specified under ORS  
3 205.130.

4 “(b) A person who notifies the State Forester and requests certification  
5 shall provide an accurate plat of the parcel or portion planted under sub-  
6 section (3) of this section to the State Forester as well as photographs that  
7 accurately depict the condition of the land prior to planting.

8 “(c) The State Forester may, by rule, establish a fee or schedule of fees  
9 adequate to cover such necessary expenses incurred by the State Forester in  
10 conducting inspection and certification activities. Fees may be charged to  
11 the person requesting certification.

12 “(6)(a) Except as provided in subsection (3) of this section, all forest  
13 practices conducted on the planted parcel or portion thereof shall be subject  
14 to the provisions of ORS 527.610 to 527.770, 527.990 (1) and 527.992.

15 “(b) No parcel or portion of such parcel shall be subject to the provisions  
16 of subsections (3) and (5) of this section more than once.

17 **“SECTION 23.** ORS 825.005 is amended to read:

18 “825.005. As used in this chapter:

19 “(1) ‘Carrier’ or ‘motor carrier’ means for-hire carrier or private carrier.

20 “(2) ‘Cartage carrier’ means any person who undertakes to transport any  
21 class of property by motor vehicle for compensation when the transportation  
22 is performed wholly within an incorporated city or a commercial zone adja-  
23 cent to an incorporated city.

24 “(3) ‘Certificate’ means an authority issued to a for-hire carrier under  
25 ORS 825.110.

26 “(4) ‘Combined weight’ means the weight of the motor vehicle plus the  
27 weight of the maximum load which the applicant has declared such vehicle  
28 will carry. Any declared combined weight is subject to audit and approval  
29 by the Department of Transportation.

30 “(5) ‘Department’ means the Department of Transportation.

1 “(6) ‘Extreme miles’ or ‘extreme mileage’ means the total miles operated  
2 by a vehicle over the public highways, except the extra miles necessarily  
3 operated in traversing detours or temporary routes on account of road  
4 blockades in the state.

5 “(7) **‘Forest products’ means products from harvested timber, but**  
6 **does not include products from short rotation fiber grown under agri-**  
7 **cultural conditions as described in ORS 321.267 (3) or 321.824 (3), west-**  
8 **ern juniper or products from harvested western juniper.**

9 “[7] (8) ‘For-hire carrier’ means:

10 “(a) Any person who transports persons or property for hire or who pub-  
11 licly purports to be willing to transport persons or property for hire by motor  
12 vehicle; or

13 “(b) Any person who leases, rents or otherwise provides a motor vehicle  
14 to the public and who in connection therewith in the regular course of  
15 business provides, procures or arranges for, directly, indirectly or by course  
16 of dealing, a driver or operator therefor.

17 “[8] (9) ‘Household goods’ means the personal effects or other property  
18 used or to be used in a dwelling but does not include property transported  
19 from a store or factory or property exclusively for office use.

20 “[9] (10) ‘Motor vehicle’ means any self-propelled vehicle and any such  
21 vehicle in combination with any trailing units, used or physically capable  
22 of being used upon any public highway in this state in the transportation  
23 of persons or property, except vehicles operating wholly on fixed rails or  
24 tracks and electric trolley buses. ‘Motor vehicle’ includes overdimension ve-  
25 hicles or vehicles permitted excessive weights pursuant to a special author-  
26 ization issued by a city, county or the Department of Transportation.

27 “[10] (11) ‘Permit’ means an authority issued to a carrier under ORS  
28 825.102, 825.106, 825.108 or 825.127.

29 “[11] (12) ‘Private carrier’ means any person who operates a motor ve-  
30 hicle over the public highways of this state for the purpose of transporting

1 persons or property when the transportation is incidental to a primary  
2 business enterprise, other than transportation, in which such person is en-  
3 gaged.

4 “[~~(12)~~] **(13)** ‘Privilege taxes’ means the weight-mile tax and fees prescribed  
5 in this chapter.

6 “[~~(13)~~] **(14)** ‘Property’ includes, but is not limited to, permanent loads such  
7 as equipment, appliances, devices, or ballast that are attached to, carried on,  
8 or made a part of the vehicle and that are designed to serve some functional  
9 purpose.

10 “[~~(14)~~] **(15)** ‘Public highway’ means every street, alley, road, highway and  
11 thoroughfare in this state used by the public or dedicated or appropriated  
12 to public use.

13 “[~~(15)~~] **(16)** ‘Transit-type motor vehicle’ means any passenger-carrying ve-  
14 hicle that does not have a separate space for transporting baggage or ex-  
15 press.

16 “[~~(16)~~] **(17)** ‘Transporter’ has the meaning given that term in ORS 466.005.

17 **“SECTION 24.** ORS 825.017 is amended to read:

18 “825.017. Except as provided in this section and ORS 825.026 and 825.030,  
19 this chapter does not apply to the persons or vehicles described in this sec-  
20 tion. The exemption under this section applies to the following persons and  
21 vehicles:

22 “(1) Vehicles being used by, or under contract with, any school board,  
23 district or person responsible for the administration of elementary or sec-  
24 ondary school activities, and engaged exclusively in transporting students  
25 or combinations of students and other persons to or from school, to or from  
26 authorized school activities or other activities sponsored by the governing  
27 board of a public university listed in ORS 352.002, or for purposes provided  
28 under ORS 332.427. This exemption shall not be affected by the charging of  
29 a fee to cover the costs of the transportation.

30 “(2) Vehicles being used in a taxicab operation if the vehicle:

1       “(a) Is a passenger vehicle with a passenger seating capacity that does  
2 not exceed five;

3       “(b) Carries passengers for hire where the destination and route traveled  
4 may be controlled by a passenger and the fare is calculated on the basis of  
5 any combination of an initial fee, distance traveled or waiting time; and

6       “(c) Is transporting persons or property, or both, between points in  
7 Oregon.

8       “(3) Vehicles being used for the transportation of property by private  
9 carrier by means of a single vehicle or combination of vehicles with a com-  
10 bined weight that does not exceed 8,000 pounds.

11       “(4) Vehicles being used in operating implements of husbandry.

12       “(5) Vehicles being used as a hearse or ambulance.

13       “(6) Vehicles being used over any private road or thoroughfare.

14       “(7) Vehicles being used on any road, thoroughfare or property, other  
15 than a state highway, county road or city street, for the removal of forest  
16 products [*as defined in ORS 321.005*], or the product of forest products con-  
17 verted to a form other than logs at or near the harvesting site, or when used  
18 for the construction or maintenance of the road, thoroughfare or property,  
19 pursuant to a written agreement or permit authorizing the use, construction  
20 or maintenance of the road, thoroughfare or property, with:

21       “(a) An agency of the United States;

22       “(b) The State Board of Forestry;

23       “(c) The State Forester; or

24       “(d) A licensee of an agency named in this subsection.

25       “(8) Vehicles being used on any county road for the removal of forest  
26 products [*as defined in ORS 321.005*], or the products of forest products  
27 converted to a form other than logs at or near the harvesting site, if:

28       “(a) The use is pursuant to a written agreement entered into with the  
29 State Board of Forestry, the State Forester or an agency of the United  
30 States, authorizing the owner of the motor vehicle to use the road and re-

1 quiring the owner to pay for or to perform the construction or maintenance  
2 of the county road, including any operator of a motor vehicle retained to  
3 transport logs, poles and piling for the owners who are exempt under this  
4 section;

5 “(b) The board, officer or agency that entered into the agreement or  
6 granted the permit, by contract with the county court or board of county  
7 commissioners, has assumed the responsibility for the construction or main-  
8 tenance of the county road; and

9 “(c) Copies of the agreements or permits required by this subsection are  
10 filed with the Director of Transportation.

11 “(9) Vehicles being used in transporting persons with disabilities, with  
12 or without their supervisors or assistants, to or from rehabilitation facilities  
13 or child care services if the motor vehicle is a passenger motor vehicle with  
14 a seating capacity of not more than 12 passengers. The exemption provided  
15 by this subsection applies only when the motor vehicle is operated by or  
16 under contract with any person responsible for the administration of reha-  
17 bilitation facilities as defined in ORS 344.710 to 344.730 or child care services  
18 provided by a facility licensed under ORS 329A.030 and 329A.250 to 329A.450.

19 “(10) Vehicles owned or operated by the United States or by any govern-  
20 mental jurisdiction within the United States except as provided in ORS  
21 825.022. This chapter does apply to vehicles when owned or operated:

22 “(a) As a carrier of property for hire;

23 “(b) By a transportation district organized under ORS 267.510 to 267.650;

24 “(c) By a county service district authorized to provide public transporta-  
25 tion under ORS 451.010; or

26 “(d) By an intergovernmental body formed by two or more public bodies,  
27 as defined in ORS 174.109, to provide public transportation.

28 “(11) Vehicles owned or operated by a mass transit district organized  
29 under ORS 267.010 to 267.394.

30 “(12) Vehicles owned or operated by, or under contract with, a person

1 responsible for the construction or reconstruction of a highway under con-  
2 tract with the Department of Transportation or with an agency of the United  
3 States when operated within the immediate construction project as described  
4 in the governmental agency contract during the construction period.

5 “(13) Vehicles owned or operated by, or under contract with, a charitable  
6 organization when exclusively engaged in performing transportation, either  
7 one way or round trip, necessary to the operation of the charitable organ-  
8 ization. As used in this subsection, ‘charitable organization’ means an or-  
9 ganization that has no capital stock and no provision for making dividends  
10 or profits, but derives its funds principally from public and private charity  
11 and holds them in trust for the promotion of the welfare of others and not  
12 for profit. Any organization claiming an exemption under this subsection  
13 shall file an affidavit with the department stating that it is organized and  
14 operated in accordance with the requirements of this subsection.

15 “(14) Passenger vehicles with a passenger seating capacity that does not  
16 exceed five when used in the transportation of new telephone books.

17 “(15) A vehicle that is used in a limousine service operation in which the  
18 destination and route traveled may be controlled by the passenger and the  
19 fare is calculated on the basis of any combination of initial fee, distance  
20 traveled and waiting time if the vehicle:

21 “(a) Is a passenger vehicle with a passenger seating capacity that does  
22 not exceed eight;

23 “(b) Carries passengers for hire between points in Oregon; and

24 “(c) Operates on an irregular route basis.

25 “(16) Fire trucks and rescue vehicles that are designated as emergency  
26 vehicles by the Department of Transportation under ORS 801.260, while in-  
27 volved in emergency and related operations.

28 “(17) A person who provides services related to the packing or loading  
29 of household goods if the person does not:

30 “(a) Provide or operate a motor vehicle for the movement of the household



1 goods; and

2 “(b) Act as an agent for any person who does provide or operate a motor  
3 vehicle for the movement of the household goods.

4 **“SECTION 25.** ORS 321.185 is amended to read:

5 “321.185. (1) There hereby is established in the State Treasury in the  
6 General Fund an account to be known as the Forest Research and Exper-  
7 iment Account, which account hereby is appropriated continuously to the  
8 Higher Education Coordinating Commission for distribution to Oregon State  
9 University for the purposes of ORS 526.215 and 526.225.

10 “(2) The Forest Research and Experiment Account shall consist of [*allo-*  
11 *cations from harvest taxes as provided in ORS 321.015 (1)*] **revenues from**  
12 **the severance tax imposed under sections 1 to 5 of this 2021 Act.**

13 **“SECTION 26.** ORS 477.281 is amended to read:

14 “477.281. (1) The obligation of an owner of timberland or grazing land for  
15 payment of assessments and taxes for fire protection of forestland is limited  
16 to:

17 “(a) The payment of moneys [*pursuant to ORS 321.015 (2), 477.277, 477.295,*  
18 *477.760 (4) and 477.880 to maintain the Oregon Forest Land Protection Fund*]  
19 **under sections 1 to 5 of this 2021 Act;** and

20 “(b) The payment of forest protection district assessments pursuant to  
21 ORS 477.060 and 477.205 to 477.281.

22 “(2) As used in this section, ‘obligation of an owner of timberland or  
23 grazing land for payment of assessments and taxes for fire protection of  
24 forestland’ does not include the duties or obligations of the owner under ORS  
25 477.066, 477.068 or 477.120 or the obligations of an owner of land included in  
26 a rural fire protection district pursuant to ORS 478.010.

27 **“SECTION 27.** ORS 526.675 is amended to read:

28 “526.675. [(1)] The Oregon Forest Resources Institute Fund is created in  
29 the State Treasury, separate and distinct from the General Fund. Except as  
30 otherwise provided by law, all moneys received by the Oregon Forest Re-

1 sources Institute shall be paid into the State Treasury and credited to the  
2 fund. All moneys in the fund are appropriated continuously to the institute  
3 to carry out its duties, functions and powers. Interest earnings on all moneys  
4 in the fund shall be retained in the fund.

5 *“(2) The board of directors of the institute may repay moneys from the fund  
6 to persons who paid a privilege tax levied under ORS 321.017. The board may  
7 repay the amount of tax paid upon application by the person who paid the tax.  
8 The board shall adopt rules necessary for the implementation of this sub-  
9 section. Rules adopted by the board shall include standards for the repayment  
10 of moneys and limits on the amount that may be requested.]*

11 **“SECTION 28.** ORS 197.277 is amended to read:

12 “197.277. (1) The goals and rules established in ORS chapters 195, 196 and  
13 197 do not apply to programs, rules, procedures, decisions, determinations  
14 or activities carried out under the Oregon Forest Practices Act administered  
15 under ORS 527.610 to 527.770, 527.990 (1) and 527.992.

16 “(2) No goal or rule shall be adopted, construed or administered in a  
17 manner to require or allow local governments to take any action prohibited  
18 by ORS 527.722.

19 “(3) The Land Conservation and Development Commission shall amend  
20 goals and rules as necessary to implement ORS 197.180, 197.277, 197.825,  
21 215.050, [477.440, 477.455, 477.460,] 526.009, 526.016, 526.156, 527.620, 527.630,  
22 527.660, 527.670, 527.683 to 527.687, 527.715, 527.990 and 527.992.

23 **“SECTION 29.** ORS 527.715 is amended to read:

24 “527.715. The State Board of Forestry shall establish, by rule, the stan-  
25 dards and procedures to implement the provisions of ORS 197.180, 197.270,  
26 197.825, 215.050, [477.440, 477.455, 477.460,] 526.009, 526.016, 526.156, 527.620,  
27 527.630, 527.660, 527.670, 527.683 to 527.724, 527.736 to 527.760 and 527.992.

28 **“SECTION 30.** ORS 291.055 is amended to read:

29 “291.055. (1) Notwithstanding any other law that grants to a state agency  
30 the authority to establish fees, all new state agency fees or fee increases

1 adopted during the period beginning on the date of adjournment sine die of  
2 a regular session of the Legislative Assembly and ending on the date of  
3 adjournment sine die of the next regular session of the Legislative Assembly:

4 “(a) Are not effective for agencies in the executive department of gov-  
5 ernment unless approved in writing by the Director of the Oregon Depart-  
6 ment of Administrative Services;

7 “(b) Are not effective for agencies in the judicial department of govern-  
8 ment unless approved in writing by the Chief Justice of the Supreme Court;

9 “(c) Are not effective for agencies in the legislative department of gov-  
10 ernment unless approved in writing by the President of the Senate and the  
11 Speaker of the House of Representatives;

12 “(d) Shall be reported by the state agency to the Oregon Department of  
13 Administrative Services within 10 days of their adoption; and

14 “(e) Are rescinded on adjournment sine die of the next regular session of  
15 the Legislative Assembly as described in this subsection, unless otherwise  
16 authorized by enabling legislation setting forth the approved fees.

17 “(2) This section does not apply to:

18 “(a) Any tuition or fees charged by a public university listed in ORS  
19 352.002.

20 “(b) Taxes or other payments made or collected from employers for un-  
21 employment insurance required by ORS chapter 657 or premium assessments  
22 required by ORS 656.612 and 656.614 or contributions and assessments cal-  
23 culated by cents per hour for workers’ compensation coverage required by  
24 ORS 656.506.

25 “(c) Fees or payments required for:

26 “(A) Health care services provided by the Oregon Health and Science  
27 University, by the Oregon Veterans’ Homes pursuant to ORS 408.362 and  
28 408.365 to 408.385 and by other state agencies and institutions pursuant to  
29 ORS 179.610 to 179.770.

30 “(B) Copayments and premiums paid to the Oregon medical assistance

1 program.

2 “(C) Assessments paid to the Department of Consumer and Business Ser-  
3 vices under sections 3 and 5, chapter 538, Oregon Laws 2017.

4 “(d) Fees created or authorized by statute that have no established rate  
5 or amount but are calculated for each separate instance for each fee payer  
6 and are based on actual cost of services provided.

7 “(e) State agency charges on employees for benefits and services.

8 “(f) Any intergovernmental charges.

9 “(g) Forest protection district assessment rates established by ORS 477.210  
10 to 477.265 [*and the Oregon Forest Land Protection Fund fees established by*  
11 *ORS 477.760*].

12 “(h) State Department of Energy assessments required by ORS 456.595 and  
13 469.421 (8).

14 “(i) Assessments on premiums charged by the Director of the Department  
15 of Consumer and Business Services pursuant to ORS 731.804 or fees charged  
16 by the director to banks, trusts and credit unions pursuant to ORS 706.530  
17 and 723.114.

18 “(j) Public Utility Commission operating assessments required by ORS  
19 756.310 or charges paid to the Residential Service Protection Fund required  
20 by chapter 290, Oregon Laws 1987.

21 “(k) Fees charged by the Housing and Community Services Department  
22 for intellectual property pursuant to ORS 456.562.

23 “(L) New or increased fees that are anticipated in the legislative budget-  
24 ing process for an agency, revenues from which are included, explicitly or  
25 implicitly, in the legislatively adopted budget or the legislatively approved  
26 budget for the agency.

27 “(m) Tolls approved by the Oregon Transportation Commission pursuant  
28 to ORS 383.004.

29 “(n) Portal provider fees as defined in ORS 276A.270 and established by  
30 the State Chief Information Officer under ORS 276A.276 (3) and recommended

1 by the Electronic Government Portal Advisory Board.

2 “(o) Fees set by the State Parks and Recreation Director and approved  
3 by the State Parks and Recreation Commission under ORS 390.124 (2)(b).

4 “(3)(a) Fees temporarily decreased for competitive or promotional reasons  
5 or because of unexpected and temporary revenue surpluses may be increased  
6 to not more than their prior level without compliance with subsection (1)  
7 of this section if, at the time the fee is decreased, the state agency specifies  
8 the following:

9 “(A) The reason for the fee decrease; and

10 “(B) The conditions under which the fee will be increased to not more  
11 than its prior level.

12 “(b) Fees that are decreased for reasons other than those described in  
13 paragraph (a) of this subsection may not be subsequently increased except  
14 as allowed by ORS 291.050 to 291.060 and 294.160.

15 **“SECTION 31.** ORS 477.232 is amended to read:

16 “477.232. Subject to the forest patrol assessment limitations set forth in  
17 ORS 477.230:

18 “(1) Actual costs incurred by the forester in the prevention and sup-  
19 pression of fire on grazing land or timberland located within a forest pro-  
20 tection district, in excess of the amount budgeted as required by ORS 477.230,  
21 [*but not including those costs eligible for equalization by the Oregon Forest*  
22 *Land Protection Fund,*] shall be, without regard to proceedings for the col-  
23 lection of the costs:

24 “(a) Included in the budget for the next fiscal year; and

25 “(b) Levied and assessed against the grazing land or timberland in the  
26 district.

27 “(2) Budgeted amounts not expended may be carried forward as a credit  
28 to the assessment rate for the ensuing year.

29 **“SECTION 32.** ORS 319.550 is amended to read:

30 “319.550. (1) Except as provided in this section, a person may not use fuel

1 in a motor vehicle in this state unless the person holds a valid user's license.

2 “(2) A nonresident may use fuel in a motor vehicle not registered in  
3 Oregon for a period not exceeding 30 days without obtaining a user's license  
4 or the emblem issued under ORS 319.600, if, for all fuel used in a motor ve-  
5 hicle in this state, the nonresident pays to a seller, at the time of the sale,  
6 the tax provided in ORS 319.530.

7 “(3) A user's license is not required for a person who uses fuel in a motor  
8 vehicle with a combined weight of 26,000 pounds or less if, for all fuel used  
9 in a motor vehicle in this state, the person pays to a seller, at the time of  
10 the sale, the tax provided in ORS 319.530.

11 “(4)(a) A user's license is not required for a person who uses fuel as de-  
12 scribed in ORS 319.520 [(7)] (8) in the vehicles specified in this subsection  
13 if the person pays to a seller, at the time of the sale, the tax provided in  
14 ORS 319.530.

15 “(b) Paragraph (a) of this subsection applies to the following vehicles:

16 “(A) Motor homes as defined in ORS 801.350.

17 “(B) Recreational vehicles as defined in ORS 174.101.

18 “(5) A user's license is not required for a person who uses fuel in a motor  
19 vehicle:

20 “(a) Metered use by which is subject to the per-mile road usage charge  
21 imposed under ORS 319.885; and

22 “(b) That also uses fuels subject to ORS 319.510 to 319.880.

23 “(6) A user's license is not required for a person who uses fuel in a motor  
24 vehicle on which an emblem issued for the motor vehicle pursuant to ORS  
25 319.535 is displayed.

26 “**SECTION 33.** ORS 477.230 is amended to read:

27 “477.230. (1) The annual cost of protection provided by the forester for  
28 forestland within a forest protection district shall be as follows:

29 “(a) Grazing land within the district shall be protected by the forester at  
30 a pro rata cost per acre for all grazing land within the district boundary.

1 However, forest patrol assessments levied and assessed under ORS 477.270  
2 against such lands that are not owned by public agencies may not exceed  
3 one-half of the pro rata cost per acre[, *exclusive of any assessment per acre*  
4 *under ORS 477.880*].

5 “(b) Timberland within the district shall be protected by the forester at  
6 a pro rata cost per acre for all timberland within the district boundary.  
7 However, forest patrol assessments levied and assessed under ORS 477.270  
8 against such lands that are not owned by public agencies may not exceed  
9 one-half of the pro rata cost per acre[, *exclusive of any assessment per acre*  
10 *under ORS 477.880*].

11 “(2) The cost of protection described in this section shall be in accordance  
12 with a budget for the district approved by the State Board of Forestry.

13 **“SECTION 34.** ORS 477.777 is amended to read:

14 “477.777. (1) As part of the preparation of the agency request budget  
15 submitted to the Oregon Department of Administrative Services pursuant to  
16 ORS 291.208 for the State Forestry Department, the State Forester shall  
17 prepare, in addition to any amounts budgeted for forest protection districts  
18 pursuant to ORS 477.205 to 477.281, a request for a General Fund appropri-  
19 ation for [*the following purposes:*]

20 “[*(a)*] providing funds for the purchase of emergency fire suppression costs  
21 insurance under ORS 477.775.

22 “[*(b) Acquiring and placing centrally managed fire suppression resources*  
23 *for statewide use.*]

24 “[*(c) Acquiring fast-mobilizing, short-term contingency resources to be used*  
25 *based on predictions of severe fire weather, widespread lightning events or*  
26 *serious resource shortage due to a heavy fire season in this state, in the west-*  
27 *ern region of the United States or nationally.*]

28 “[*(d) Enhancing forest protection district resources in cases where land*  
29 *productivity or other economic factors seriously limit the ability of the forester*  
30 *to perform fire protection responsibilities.*]

1       “(e) *Mitigating forest patrol assessment rates in cases where land produc-*  
2 *tivity or other economic factors seriously limit the ability of the owners of*  
3 *forestlands in the forest protection district to comply with ORS 477.210 (1).]*

4       “(2) The State Forester shall utilize critical discretion in the expenditure  
5 of the funds provided to the State Forestry Department pursuant to the sep-  
6 arate request required under subsection (1) of this section.

7       “(3) The State Forester shall report to the Emergency Board, each year,  
8 after the close of the fire season, on:

9       “(a) The nature and severity of the fire season;

10       “(b) The moneys expended on fire suppression;

11       “(c) The balance remaining from the biennial appropriation; and

12       “(d) Any matters arising out of the fire season that may require attention  
13 or warrant future consideration by the board or the Legislative Assembly.

14       “(4) When reporting the nature and severity of the fire season under  
15 subsection (3) of this section, for each fire consuming 1,000 or more acres,  
16 the State Forester shall provide information regarding the resulting losses  
17 on private lands of timber, buildings, fencing and livestock and of grazing  
18 land capacity if the land is expected to be unavailable for two or more  
19 grazing seasons.

20

21                                   **“UNIT CAPTIONS NOT PART OF LAW**

22

23       **“SECTION 35. The unit captions used in this 2021 Act are provided**  
24 **only for the convenience of the reader and do not become part of the**  
25 **statutory law of this state or express any legislative intent in the**  
26 **enactment of this 2021 Act.**

27

28                                   **“OPERATIVE AND EFFECTIVE DATES**

29

30       **“SECTION 36. Sections 1 to 5 of this 2021 Act, the amendments to**



1 statutes by sections 6 to 13 and 15 to 34 of this 2021 Act and the repeal  
2 of statutes by section 14 of this 2021 Act become operative on January  
3 1, 2022.

4 **“SECTION 37.** Any moneys remaining in the Oregon Forest Land  
5 Protection Fund on the operative date specified in section 36 of this  
6 2021 Act that are unexpended, unobligated and not subject to any  
7 conditions shall be transferred to the Wildfire Management Fund cre-  
8 ated under section 5 of this 2021 Act.

9 **“SECTION 38.** This 2021 Act takes effect on the 91st day after the  
10 date on which the 2021 regular session of the Eighty-first Legislative  
11 Assembly adjourns sine die.”.

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