

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1501

By JOINT COMMITTEE ON WAYS AND MEANS

February 28

1 On page 2 of the printed A-engrossed bill, line 1, delete the first blank and insert “February 2,
2 2022,” and delete the second blank and insert “February 7, 2022”.

3 In line 21, delete the first blank and insert “February 2, 2022,” and delete the second blank and
4 insert “February 7, 2022,”.

5 On page 3, after line 21, insert:

6 “(3) When adopting, amending or repealing rules under this section, the commission is subject
7 to the requirements to which the State Board of Forestry is subject under section 3 (5) to (11) of this
8 2022 Act.”.

9 In line 36, delete the blank and insert “February 2, 2022,”.

10 In line 37, delete the blank and insert “February 7, 2022,”.

11 On page 4, line 4, after “under” delete the rest of the line and delete line 5 and insert “rules
12 adopted, amended or repealed as part of the rule package described in section 2 of this 2022 Act.”.

13 On page 5, line 4, delete the blank and insert “February 2, 2022,”.

14 In line 5, delete the blank and insert “February 7, 2022,”.

15 In line 19, delete the blank and insert “3 and appendix B”.

16 In line 33, delete the first blank and insert “February 2, 2022,” and delete the second blank and
17 insert “February 7, 2022”.

18 On page 6, line 1, delete the first blank and insert “February 2, 2022,” and delete the second
19 blank and insert “February 7, 2022,”.

20 In line 22, delete “Section 16” and insert “Sections 16 and 16a” and delete “is” and insert
21 “are”.

22 In line 28, after “forestland” insert “owner” in both places.

23 In line 33, delete the first blank and insert “5.3.1.3” and delete the second blank and insert
24 “5.3.1.4” and delete the third blank and insert “5”.

25 In line 34, delete the first blank and insert “February 2, 2022,” and delete the second blank and
26 insert “February 7, 2022”.

27 In line 35, after “forestland” insert “owner”.

28 On page 7, line 3, after “forestland” insert “owner”.

29 After line 10, insert:

30 **“SECTION 16a. In any tax year that a tax credit allowed for use of the standard practice**
31 **in lieu of the small forestland owner minimum option is not available to small forestland**
32 **owners, State Board of Forestry rules must provide that restrictions on using the small**
33 **forestland owner minimum option related to the horizontal feet limitation applicable to fifth**
34 **field watersheds are not in effect.”.**

35 In line 16, delete the first blank and insert “February 2, 2022,” and delete the second blank and

1 insert "February 7, 2022".

2 On page 8, line 2, delete the first blank and insert "5.3.5.3" and delete the second blank and
3 insert "5".

4 In line 35, delete the first blank and insert "February 2, 2022," and delete the second blank and
5 insert "February 7, 2022".

6 On page 13, line 24, delete the blank and insert "February 2, 2022,".

7 In line 25, delete the blank and insert "February 7, 2022".

8 On page 14, line 12, delete the first blank and insert "February 2, 2022," and delete the second
9 blank and insert "February 7, 2022".

10 In line 32, delete the blank and insert "February 2, 2022,".

11 In line 33, delete the blank and insert "February 7, 2022".

12 On page 15, line 17, delete the blank and insert "February 2, 2022,".

13 In line 18, delete the blank and insert "February 7, 2022".

14 On page 16, line 22, delete "five".

15 In line 32, before "One" insert "At least".

16 In line 33, before "One" insert "At least".

17 In line 34, before "One" insert "At least".

18 On page 18, line 2, delete the blank and insert "February 2, 2022,".

19 In line 3, delete the blank and insert "February 7, 2022,".

20 On page 24, line 39, delete the blank and insert "February 2, 2022,".

21 In line 40, delete the blank and insert "February 7, 2022".

22 On page 27, delete lines 1 through 12 and insert:

23 **"SECTION 50. (1) Nothing in sections 1 to 8, 10 to 25, 30 to 39, 42 to 44, 51 and 52 of this**
24 **2022 Act and the amendments to ORS 195.308, 496.252, 496.254, 527.620, 527.630, 527.680,**
25 **527.685, 527.714, 527.990, 527.992, 610.060 and 610.105 by sections 9, 26 to 29, 40, 41 and 45 to**
26 **49 of this 2022 Act:**

27 **"(a) Affects the treaty or other rights of a federally recognized Indian tribe in Oregon.**

28 **"(b) Applies to real property that is:**

29 **"(A) Held in trust by the United States for the benefit of a federally recognized Indian**
30 **tribe in Oregon or a member of a federally recognized Indian tribe in Oregon;**

31 **"(B) Owned by a federally recognized Indian tribe in Oregon; or**

32 **"(C) Owned by an entity that is wholly owned by:**

33 **"(i) A federally recognized Indian tribe in Oregon; or**

34 **"(ii) A tribally owned or operated corporation organized pursuant to the Indian Reor-**
35 **ganization Act (25 U.S.C. 5101 to 5144).**

36 **"(2) The State Board of Forestry shall develop a process for a federally recognized Indian**
37 **tribe in Oregon to elect to join as an applicant for a habitat conservation plan described in**
38 **section 11 of this 2022 Act, consistent with the terms and requirements applicable to private**
39 **forestland under the Private Forest Accord Report dated February 2, 2022, and published by**
40 **the State Forestry Department on February 7, 2022."**

41 In line 24, delete the first blank and insert "February 2, 2022," and delete the second blank and
42 insert "February 7, 2022".

43 Delete lines 25 through 30 and insert:

44 **"NOTE: Section 53 was deleted by amendment. Subsequent sections were not renumbered."**

45 In line 40, delete the blank and insert "February 2, 2022,".

1 In line 41, delete the blank and insert “February 7, 2022,”.
2 On page 28, line 5, delete the blank and insert “February 2, 2022,”.
3 In line 6, delete the blank and insert “February 7, 2022,”.
4 In line 45, delete the blank and insert “February 2, 2022,”.
5 On page 29, line 1, delete the blank and insert “February 7, 2022,”.
6 In line 20, delete the blank and insert “February 2, 2022,”.
7 In line 21, delete the blank and insert “February 7, 2022,”.
8 On page 30, line 22, delete the blank and insert “February 2, 2022,”.
9 In line 23, delete the blank and insert “February 7, 2022,”.
10 On page 32, line 24, delete the blank and insert “February 2, 2022,”.
11 In line 25, delete the blank and insert “February 7, 2022,”.
12 On page 37, delete lines 42 through 45 and delete pages 38 and 39 and insert:
13 “**SECTION 72.** ORS 527.714, as amended by section 47 of this 2022 Act, is amended to read:
14 “527.714. (1) The rulemaking authority of the State Board of Forestry under ORS 527.610 to
15 527.770 consists generally of the following three types of rules:
16 “(a) Rules adopted to implement administration, procedures or enforcement of ORS 527.610 to
17 527.770 that support but do not directly regulate standards of forest practices.
18 “(b) Rules adopted to provide definitions or procedures for forest practices where the standards
19 are set in statute.
20 “(c) Rules adopted to implement the provisions of ORS 527.710 (2), (3), (6), (8), (9) and (10) that
21 grant broad discretion to the board and that set standards for forest practices not specifically ad-
22 dressed in statute.
23 “(2) When considering the adoption of a rule, and prior to the notice required pursuant to ORS
24 183.335, the board shall determine which type of rule described in subsection (1) of this section is
25 being considered.
26 “(3) If the board determines that a proposed rule is of the type described in subsection (1)(a) or
27 (b) of this section, or if the proposed rule is designed only to clarify the meaning of rules already
28 adopted or to make minor adjustments to rules already adopted that are of the type described in
29 subsection (1)(c) of this section, rulemaking may proceed in accordance with ORS 183.325 to 183.410
30 and is not subject to the provisions of this section.
31 “(4) If the board determines that a proposed rule is of the type described in subsection (1)(c) of
32 this section, and the proposed rule would change the standards for forest practices, the board shall
33 describe in its rule the purpose of the rule and the level of protection that is desired. *[If the pro-*
34 *posed rule would change the standards for forest practices that relate to the protection of aquatic re-*
35 *sources, the level of protection that is desired must be consistent with:]*
36 “*[(a) Requirements described in the Private Forest Accord Report dated February 2, 2022, and*
37 *published by the State Forestry Department on February 7, 2022; or]*
38 “*[(b) If a habitat conservation plan consistent with the Private Forest Accord Report has been*
39 *approved, the terms of the habitat conservation plan.]*
40 “(5) If the board determines that a proposed rule is of the type described in subsection (1)(c) of
41 this section, including a proposed amendment to an existing rule not qualifying under subsection (3)
42 of this section, and the proposed rule would provide new or increased standards for forest practices,
43 the board may adopt such a rule only after determining that the following facts exist and standards
44 are met:
45 “[*(a)(A)*] (a) If forest practices continue to be conducted under existing regulations:

1 “[(i)] (A) There is monitoring or research evidence that documents that degradation of resources
2 maintained under ORS 527.710 (2) or (3) is likely; or

3 “[(ii)] (B) In the case of rules proposed under ORS 527.710 (10), that there is a substantial risk
4 of serious bodily injury or death; [or]

5 “[(B) *The board has received reports produced by the Adaptive Management Program Committee
6 and the Independent Research and Science Team described in sections 36 and 38 of this 2022 Act that
7 review the new or increased standards the proposed rule would provide;*]

8 “(b) If the resource to be protected is a wildlife species, the scientific or biological status of a
9 species or resource site to be protected by the proposed rule has been documented using best
10 available information;

11 “(c) The proposed rule reflects available scientific information, [*and, as appropriate,*] the results
12 of relevant monitoring and, **as appropriate**, adequate field evaluation at representative locations in
13 Oregon;

14 “(d) The objectives of the proposed rule are clearly defined, and the restrictions placed on forest
15 practices as a result of adoption of the proposed rule:

16 “(A)(i) Are to prevent harm or provide benefits to the resource or resource site for which pro-
17 tection is sought; or

18 “(ii) In the case of rules proposed under ORS 527.710 (10), are to reduce risk of serious bodily
19 injury or death; and

20 “(B) Are directly related to the objective of the proposed rule and [*materially*] **substantially**
21 advance its purpose; [*and*]

22 “(e) The availability, effectiveness and feasibility of alternatives to the proposed rule, including
23 nonregulatory alternatives, were considered, and the alternative chosen is the least burdensome to
24 landowners and timber owners, in the aggregate, while still achieving the desired level of
25 protection[.]; **and**

26 **“(f) The benefits to the resource, or in the case of rules proposed under ORS 527.710 (10),
27 the benefits in reduction of risk of serious bodily injury or death, that would be achieved by
28 adopting the rule are in proportion to the degree that existing practices of the landowners
29 and timber owners, in the aggregate, are contributing to the overall resources concern that
30 the proposed rule is intended to address.**

31 “(6) Nothing in subsection (5) of this section:

32 “(a) Requires the board to call witnesses;

33 “(b) Requires the board to allow cross-examination of witnesses;

34 “(c) Restricts ex parte communications with the board or requires the board to place statements
35 of such communications on the record;

36 “(d) Requires verbatim transcripts of records of proceedings; or

37 “(e) Requires depositions, discovery or subpoenas.

38 “[(7) *If the board determines that a proposed rule is of the type described in subsection (1)(c) of this
39 section, including a proposed amendment to an existing rule not qualifying under subsection (3) of this
40 section, and that the proposed rule relates to aquatic resources, the board may adopt the rule only after
41 considering reports from the Adaptive Management Program Committee and the Independent Research
42 and Science Team.*]

43 “[(8)] (7) If the board determines that a proposed rule is of the type described in subsection (1)(c)
44 of this section, and the proposed rule would require new or increased standards for forest practices,
45 as part of or in addition to the economic and fiscal impact statement required by ORS 183.335

1 (2)(b)(E), the board shall, prior to the close of the public comment period, prepare and make avail-
2 able to the public a comprehensive analysis of the economic impact of the proposed rule. The anal-
3 ysis shall include, but is not limited to:

4 “(a) An estimate of the potential change in timber harvest as a result of the rule;

5 “(b) An estimate of the overall statewide economic impact, including a change in output, em-
6 ployment and income related to:

7 “(A) The forest products industry;

8 “(B) Other private sectors such as commercial fishing, recreational fishing and other outdoor
9 recreation; and

10 “(C) Government sectors such as public water system providers, waste treatment and built and
11 natural infrastructure;

12 “(c) An estimate of the total economic impact on the forest products industry and common
13 school and county forest trust land revenues, both regionally and statewide; and

14 “(d) An assessment of the economic impact of the proposed rule on various types of affected
15 forestland parcels and on various geographic locations that is derived from consulting stakeholders.

16 “[9] (8) The provisions of this section do not apply to temporary rules adopted by the
17 board.”.

18 On page 42, after line 5, insert:

19
20 “APPROPRIATIONS
21

22 “**SECTION 78.** Notwithstanding any other provision of law, the General Fund appropri-
23 ation made to the Department of Environmental Quality by section 1 (2), chapter 673, Oregon
24 Laws 2021, for the biennium ending June 30, 2023, for water quality, is increased by \$352,217
25 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this
26 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this
27 2022 Act.

28 “**SECTION 79.** Notwithstanding any other provision of law, the General Fund appropri-
29 ation made to the State Department of Fish and Wildlife by section 1 (2), chapter 679, Oregon
30 Laws 2021, for the biennium ending June 30, 2023, for wildlife division, is increased by \$228,558
31 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this
32 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this
33 2022 Act.

34 “**SECTION 80.** Notwithstanding any other provision of law, the General Fund appropri-
35 ation made to the State Department of Fish and Wildlife by section 1 (3), chapter 679, Oregon
36 Laws 2021, for the biennium ending June 30, 2023, for administrative services division, is in-
37 creased by \$567,897 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44
38 and 50 to 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41
39 and 45 to 49 of this 2022 Act.

40 “**SECTION 81.** Notwithstanding any other provision of law, the General Fund appropri-
41 ation made to the State Department of Fish and Wildlife by section 1 (7), chapter 679, Oregon
42 Laws 2021, for the biennium ending June 30, 2023, for habitat division, is increased by \$826,619
43 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this
44 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this
45 2022 Act.

1 “**SECTION 82.** Notwithstanding any other law limiting expenditures, the limitation on
2 expenditures established by section 2 (7), chapter 679, Oregon Laws 2021, for the biennium
3 ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or
4 other revenues, including Miscellaneous Receipts and including federal funds from the Pacific
5 Coastal Salmon Recovery Fund, but excluding lottery funds and federal funds not described
6 in section 2, chapter 679, Oregon Laws 2021, collected or received by the State Department
7 of Fish and Wildlife, for habitat division, is increased by \$64,907 to carry out the provisions
8 of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments
9 to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

10 “**SECTION 83.** Notwithstanding any other provision of law, there is appropriated to the
11 State Department of Fish and Wildlife, for the biennium ending June 30, 2023, out of the
12 General Fund, the amount of \$10,000,000, for deposit in the Private Forest Accord Mitigation
13 Subaccount established within the Oregon Conservation and Recreation Fund established by
14 ORS 496.252, for use by the Private Forest Accord Grant Program described in section 32 of
15 this 2022 Act.

16 “**SECTION 84.** Notwithstanding any other provision of law, the General Fund appropri-
17 ation made to the State Forestry Department by section 1 (4), chapter 605, Oregon Laws
18 2021, for the biennium ending June 30, 2023, for private forests, is increased by \$14,024,057
19 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this
20 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this
21 2022 Act.

22 “**SECTION 85.** Notwithstanding any other law limiting expenditures, the limitation on
23 expenditures established by section 2 (1), chapter 605, Oregon Laws 2021, for the biennium
24 ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or
25 other revenues, including Miscellaneous Receipts and including federal funds from the United
26 States Forest Service for fire protection and for research projects, but excluding lottery
27 funds and federal funds not described in section 2, chapter 605, Oregon Laws 2021, collected
28 or received by the State Forestry Department, for agency administration, is increased by
29 \$1,021,131 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to
30 52 of this 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to
31 49 of this 2022 Act.

32 “**SECTION 86.** Notwithstanding any other law limiting expenditures, the limitation on
33 expenditures established by section 2 (5), chapter 605, Oregon Laws 2021, for the biennium
34 ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or
35 other revenues, including Miscellaneous Receipts and including federal funds from the United
36 States Forest Service for fire protection and for research projects, but excluding lottery
37 funds and federal funds not described in section 2, chapter 605, Oregon Laws 2021, collected
38 or received by the State Forestry Department, for private forests, is increased by \$1,625,000
39 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to 39, 42 to 44 and 50 to 52 of this
40 2022 Act and the amendments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this
41 2022 Act.”

42 In line 9, delete “78” and insert “87”.

43 In line 15, delete “79” and insert “88”.