

SB 1501-A8
(LC 278)
2/25/22 (AG/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1501**

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

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

6 On page 3, after line 21, insert:

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

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

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

12 On page 4, line 4, after “under” delete the rest of the line and delete line
13 5 and insert “rules adopted, amended or repealed as part of the rule package
14 described in section 2 of this 2022 Act.”.

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

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

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

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

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

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

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

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

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

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

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

10 After line 10, insert:

11 **“SECTION 16a. In any tax year that a tax credit allowed for use of
12 the standard practice in lieu of the small forestland owner minimum
13 option is not available to small forestland owners, State Board of
14 Forestry rules must provide that restrictions on using the small
15 forestland owner minimum option related to the horizontal feet limi-
16 tation applicable to fifth field watersheds are not in effect.”.**

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

19 On page 8, line 2, delete the first blank and insert “5.3.5.3” and delete the
20 second blank and insert “5”.

21 In line 35, delete the first blank and insert “February 2, 2022,” and delete
22 the second blank and insert “February 7, 2022”.

23 On page 13, line 24, delete the blank and insert “February 2, 2022,”.

24 In line 25, delete the blank and insert “February 7, 2022”.

25 On page 14, line 12, delete the first blank and insert “February 2, 2022,”
26 and delete the second blank and insert “February 7, 2022”.

27 In line 32, delete the blank and insert “February 2, 2022,”.

28 In line 33, delete the blank and insert “February 7, 2022”.

29 On page 15, line 17, delete the blank and insert “February 2, 2022,”.

30 In line 18, delete the blank and insert “February 7, 2022”.

1 On page 16, line 22, delete “five”.

2 In line 32, before “One” insert “At least”.

3 In line 33, before “One” insert “At least”.

4 In line 34, before “One” insert “At least”.

5 On page 18, line 2, delete the blank and insert “February 2, 2022,”.

6 In line 3, delete the blank and insert “February 7, 2022,”.

7 On page 24, line 39, delete the blank and insert “February 2, 2022,”.

8 In line 40, delete the blank and insert “February 7, 2022”.

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

10 **“SECTION 50. (1) Nothing in sections 1 to 8, 10 to 25, 30 to 39, 42 to**
11 **44, 51 and 52 of this 2022 Act and the amendments to ORS 195.308,**
12 **496.252, 496.254, 527.620, 527.630, 527.680, 527.685, 527.714, 527.990, 527.992,**
13 **610.060 and 610.105 by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022**
14 **Act:**

15 **“(a) Affects the treaty or other rights of a federally recognized In-**
16 **dian tribe in Oregon.**

17 **“(b) Applies to real property that is:**

18 **“(A) Held in trust by the United States for the benefit of a federally**
19 **recognized Indian tribe in Oregon or a member of a federally recog-**
20 **nized Indian tribe in Oregon;**

21 **“(B) Owned by a federally recognized Indian tribe in Oregon; or**

22 **“(C) Owned by an entity that is wholly owned by:**

23 **“(i) A federally recognized Indian tribe in Oregon; or**

24 **“(ii) A tribally owned or operated corporation organized pursuant**
25 **to the Indian Reorganization Act (25 U.S.C. 5101 to 5144).**

26 **“(2) The State Board of Forestry shall develop a process for a**
27 **federally recognized Indian tribe in Oregon to elect to join as an ap-**
28 **plicant for a habitat conservation plan described in section 11 of this**
29 **2022 Act, consistent with the terms and requirements applicable to**
30 **private forestland under the Private Forest Accord Report dated Feb-**

1 **ruary 2, 2022, and published by the State Forestry Department on**
2 **February 7, 2022.”.**

3 In line 24, delete the first blank and insert “February 2, 2022,” and delete
4 the second blank and insert “February 7, 2022”.

5 Delete lines 25 through 30 and insert:

6 **“NOTE:** Section 53 was deleted by amendment. Subsequent sections were
7 not renumbered.”.

8 In line 40, delete the blank and insert “February 2, 2022,”.

9 In line 41, delete the blank and insert “February 7, 2022,”.

10 On page 28, line 5, delete the blank and insert “February 2, 2022,”.

11 In line 6, delete the blank and insert “February 7, 2022,”.

12 In line 45, delete the blank and insert “February 2, 2022,”.

13 On page 29, line 1, delete the blank and insert “February 7, 2022,”.

14 In line 20, delete the blank and insert “February 2, 2022,”.

15 In line 21, delete the blank and insert “February 7, 2022,”.

16 On page 30, line 22, delete the blank and insert “February 2, 2022,”.

17 In line 23, delete the blank and insert “February 7, 2022,”.

18 On page 32, line 24, delete the blank and insert “February 2, 2022,”.

19 In line 25, delete the blank and insert “February 7, 2022,”.

20 On page 37, delete lines 42 through 45 and delete pages 38 and 39 and
21 insert:

22 **“SECTION 72.** ORS 527.714, as amended by section 47 of this 2022 Act,
23 is amended to read:

24 “527.714. (1) The rulemaking authority of the State Board of Forestry
25 under ORS 527.610 to 527.770 consists generally of the following three types
26 of rules:

27 “(a) Rules adopted to implement administration, procedures or enforce-
28 ment of ORS 527.610 to 527.770 that support but do not directly regulate
29 standards of forest practices.

30 “(b) Rules adopted to provide definitions or procedures for forest practices

1 where the standards are set in statute.

2 “(c) Rules adopted to implement the provisions of ORS 527.710 (2), (3), (6),
3 (8), (9) and (10) that grant broad discretion to the board and that set stan-
4 dards for forest practices not specifically addressed in statute.

5 “(2) When considering the adoption of a rule, and prior to the notice re-
6 quired pursuant to ORS 183.335, the board shall determine which type of rule
7 described in subsection (1) of this section is being considered.

8 “(3) If the board determines that a proposed rule is of the type described
9 in subsection (1)(a) or (b) of this section, or if the proposed rule is designed
10 only to clarify the meaning of rules already adopted or to make minor ad-
11 justments to rules already adopted that are of the type described in sub-
12 section (1)(c) of this section, rulemaking may proceed in accordance with
13 ORS 183.325 to 183.410 and is not subject to the provisions of this section.

14 “(4) If the board determines that a proposed rule is of the type described
15 in subsection (1)(c) of this section, and the proposed rule would change the
16 standards for forest practices, the board shall describe in its rule the purpose
17 of the rule and the level of protection that is desired. *[If the proposed rule*
18 *would change the standards for forest practices that relate to the protection*
19 *of aquatic resources, the level of protection that is desired must be consistent*
20 *with:]*

21 “*[(a) Requirements described in the Private Forest Accord Report dated*
22 *February 2, 2022, and published by the State Forestry Department on February*
23 *7, 2022; or]*

24 “*[(b) If a habitat conservation plan consistent with the Private Forest Ac-*
25 *cord Report has been approved, the terms of the habitat conservation plan.]*

26 “(5) If the board determines that a proposed rule is of the type described
27 in subsection (1)(c) of this section, including a proposed amendment to an
28 existing rule not qualifying under subsection (3) of this section, and the
29 proposed rule would provide new or increased standards for forest practices,
30 the board may adopt such a rule only after determining that the following

1 facts exist and standards are met:

2 “[*(a)(A)*] (**a**) If forest practices continue to be conducted under existing
3 regulations:

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

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

9 “[*(B)* *The board has received reports produced by the Adaptive Management*
10 *Program Committee and the Independent Research and Science Team de-*
11 *scribed in sections 36 and 38 of this 2022 Act that review the new or increased*
12 *standards the proposed rule would provide;*]

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

16 “(c) The proposed rule reflects available scientific information, [*and, as*
17 *appropriate,*] the results of relevant monitoring and, **as appropriate**, ade-
18 quate field evaluation at representative locations in Oregon;

19 “(d) The objectives of the proposed rule are clearly defined, and the re-
20 strictions placed on forest practices as a result of adoption of the proposed
21 rule:

22 “(A)(i) Are to prevent harm or provide benefits to the resource or re-
23 source site for which protection is sought; or

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

26 “(B) Are directly related to the objective of the proposed rule and [*mate-*
27 *rially*] **substantially** advance its purpose; [*and*]

28 “(e) The availability, effectiveness and feasibility of alternatives to the
29 proposed rule, including nonregulatory alternatives, were considered, and the
30 alternative chosen is the least burdensome to landowners and timber owners,

1 in the aggregate, while still achieving the desired level of protection[.]; **and**
2 **“(f) The benefits to the resource, or in the case of rules proposed**
3 **under ORS 527.710 (10), the benefits in reduction of risk of serious**
4 **bodily injury or death, that would be achieved by adopting the rule are**
5 **in proportion to the degree that existing practices of the landowners**
6 **and timber owners, in the aggregate, are contributing to the overall**
7 **resources concern that the proposed rule is intended to address.**

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

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

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

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

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

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

15 “[~~(7)~~ *If the board determines that a proposed rule is of the type described*
16 *in subsection (1)(c) of this section, including a proposed amendment to an ex-*
17 *isting rule not qualifying under subsection (3) of this section, and that the*
18 *proposed rule relates to aquatic resources, the board may adopt the rule only*
19 *after considering reports from the Adaptive Management Program Committee*
20 *and the Independent Research and Science Team.*]

21 “[~~(8)~~] **(7)** If the board determines that a proposed rule is of the type de-
22 scribed in subsection (1)(c) of this section, and the proposed rule would re-
23 quire new or increased standards for forest practices, as part of or in
24 addition to the economic and fiscal impact statement required by ORS
25 183.335 (2)(b)(E), the board shall, prior to the close of the public comment
26 period, prepare and make available to the public a comprehensive analysis
27 of the economic impact of the proposed rule. The analysis shall include, but
28 is not limited to:

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

1 “(b) An estimate of the overall statewide economic impact, including a
2 change in output, employment and income related to:

3 “(A) The forest products industry;

4 “(B) Other private sectors such as commercial fishing, recreational fish-
5 ing and other outdoor recreation; and

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

8 “(c) An estimate of the total economic impact on the forest products in-
9 dustry and common school and county forest trust land revenues, both re-
10 gionally and statewide; and

11 “(d) An assessment of the economic impact of the proposed rule on vari-
12 ous types of affected forestland parcels and on various geographic locations
13 that is derived from consulting stakeholders.

14 “[9] (8) The provisions of this section do not apply to temporary rules
15 adopted by the board.”.

16 On page 42, after line 5, insert:

17
18 **“APPROPRIATIONS**

19
20 **“SECTION 78. Notwithstanding any other provision of law, the
21 General Fund appropriation made to the Department of Environ-
22 mental Quality by section 1 (2), chapter 673, Oregon Laws 2021, for the
23 biennium ending June 30, 2023, for water quality, is increased by
24 \$352,217 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to
25 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to stat-
26 utes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.**

27 **“SECTION 79. Notwithstanding any other provision of law, the
28 General Fund appropriation made to the State Department of Fish and
29 Wildlife by section 1 (2), chapter 679, Oregon Laws 2021, for the
30 biennium ending June 30, 2023, for wildlife division, is increased by**

1 \$228,558 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to
2 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to stat-
3 utes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

4 **“SECTION 80.** Notwithstanding any other provision of law, the
5 General Fund appropriation made to the State Department of Fish and
6 Wildlife by section 1 (3), chapter 679, Oregon Laws 2021, for the
7 biennium ending June 30, 2023, for administrative services division, is
8 increased by \$567,897 to carry out the provisions of sections 1 to 8, 10
9 to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amend-
10 ments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022
11 Act.

12 **“SECTION 81.** Notwithstanding any other provision of law, the
13 General Fund appropriation made to the State Department of Fish and
14 Wildlife by section 1 (7), chapter 679, Oregon Laws 2021, for the
15 biennium ending June 30, 2023, for habitat division, is increased by
16 \$826,619 to carry out the provisions of sections 1 to 8, 10 to 25, 30 to
17 39, 42 to 44 and 50 to 52 of this 2022 Act and the amendments to stat-
18 utes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022 Act.

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

1 **“SECTION 83.** Notwithstanding any other provision of law, there is
2 appropriated to the State Department of Fish and Wildlife, for the
3 biennium ending June 30, 2023, out of the General Fund, the amount
4 of \$10,000,000, for deposit in the Private Forest Accord Mitigation
5 Subaccount established within the Oregon Conservation and Recre-
6 ation Fund established by ORS 496.252, for use by the Private Forest
7 Accord Grant Program described in section 32 of this 2022 Act.

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

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

28 **“SECTION 86.** Notwithstanding any other law limiting expenditures,
29 the limitation on expenditures established by section 2 (5), chapter 605,
30 Oregon Laws 2021, for the biennium ending June 30, 2023, as the max-

1 **imum limit for payment of expenses from fees, moneys or other reve-**
2 **nues, including Miscellaneous Receipts and including federal funds**
3 **from the United States Forest Service for fire protection and for re-**
4 **search projects, but excluding lottery funds and federal funds not de-**
5 **scribed in section 2, chapter 605, Oregon Laws 2021, collected or**
6 **received by the State Forestry Department, for private forests, is in-**
7 **creased by \$1,625,000 to carry out the provisions of sections 1 to 8, 10**
8 **to 25, 30 to 39, 42 to 44 and 50 to 52 of this 2022 Act and the amend-**
9 **ments to statutes by sections 9, 26 to 29, 40, 41 and 45 to 49 of this 2022**
10 **Act.”.**

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

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

13 _____