

SB 1561-2  
(LC 99)  
2/12/24 (STN/ps)

Requested by Senator STEINER

**PROPOSED AMENDMENTS TO  
SENATE BILL 1561**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating  
2 new provisions; repealing ORS 466.445 and 466.447;”.

3 Delete lines 5 through 14 and insert:

4 **“SECTION 1. (1) It is the intent of the Legislative Assembly in en-  
5 acting sections 1 to 12 of this 2024 Act to:**

6 **“(a) Establish the Oregon Environmental Restoration Fund in the  
7 State Treasury, consisting of moneys paid to the state from the  
8 Monsanto Settlement Agreement;**

9 **“(b) Provide for the investment of settlement funds and for the ex-  
10 penditure of earnings from those investments in an equitable, trans-  
11 parent and accountable manner; and**

12 **“(c) Ensure that, consistent with the terms of the Monsanto  
13 Settlement Agreement, earnings are used to supplement efforts by  
14 recognized tribal governments, executive branch agencies and dispro-  
15 portionately impacted communities for environmental remediation or  
16 restitutionary projects or purposes having a nexus with environmental  
17 harms to air, water, soil or other natural resources or human health  
18 caused by environmental contamination, particularly the presence of  
19 PCB.**

20 **“(2) It is the intent of the Legislative Assembly that projects or  
21 purposes for which allocations or transfers made under sections 1 to**

1 **12 of this 2024 Act be consistent with the terms of the Monsanto**  
2 **Settlement Agreement.”.**

3 Delete lines 24 and 25.

4 On page 2, delete lines 1 through 27 and insert:

5 **“SECTION 3. (1) The Oregon Environmental Restoration Fund is**  
6 **established in the State Treasury, separate and distinct from the**  
7 **General Fund. The Oregon Environmental Restoration Fund consists**  
8 **of:**

9 **“(a) Proceeds from the Monsanto Settlement Agreement;**

10 **“(b) Moneys transferred to the fund by the Legislative Assembly;**  
11 **and**

12 **“(c) Other amounts deposited in the fund from any other public or**  
13 **private source.**

14 **“(2) Moneys in the Oregon Environmental Restoration Fund are**  
15 **continuously appropriated to the Oregon Watershed Enhancement**  
16 **Board to be expended, consistent with the terms of the Monsanto**  
17 **Settlement Agreement, for the following purposes:**

18 **“(a) To pay the expenses of the board and the Environmental Res-**  
19 **toration Council incurred in the administration of sections 1 to 12 of**  
20 **this 2024 Act; and**

21 **“(b) To carry out section 4 of this 2024 Act.**

22 **“(3) Moneys in the Oregon Environmental Restoration Fund shall**  
23 **be invested as provided in ORS 293.701 to 293.857 and the earnings from**  
24 **such investments shall be credited to the fund.**

25 **“(4) The Oregon Watershed Enhancement Board shall administer**  
26 **the Oregon Environmental Restoration Fund.**

27 **“(5) In addition to services provided as the investment officer for**  
28 **the Oregon Investment Council under ORS 293.716, the State Treasurer**  
29 **shall provide accounting services specific to the Oregon Environ-**  
30 **mental Restoration Fund.**

1       **“SECTION 4. (1) The Environmental Restoration Council shall,**  
2 **based on the advice of the State Treasurer, establish a long-term dis-**  
3 **tribution policy for the Oregon Environmental Restoration Fund that**  
4 **seeks to maintain a stable real asset value over time while providing**  
5 **for the transfers described in subsections (3) and (4) of this section.**

6       **“(2) No later than December 1 of each year, the Environmental**  
7 **Restoration Council shall determine the amounts that shall be trans-**  
8 **ferred from the Oregon Environmental Restoration Fund by the**  
9 **Oregon Watershed Enhancement Board for the purposes of subsections**  
10 **(3) and (4) of this section. The amounts to be transferred shall be based**  
11 **on the balance of the Oregon Environmental Restoration Fund at the**  
12 **end of the prior fiscal year.**

13       **“(3) First, the board shall transfer from the Oregon Environmental**  
14 **Restoration Fund the amount reasonably necessary to cover the costs**  
15 **of the board and the Environmental Restoration Council in the ad-**  
16 **ministration of sections 1 to 12 of this 2024 Act. The amount trans-**  
17 **ferred under this subsection may not exceed 0.25 percent of the Oregon**  
18 **Environmental Restoration Fund balance at the end of the prior fiscal**  
19 **year, unless a greater amount is approved by the Environmental Res-**  
20 **toration Council.**

21       **“(4) Second, the board shall transfer from the Oregon Environ-**  
22 **mental Restoration Fund the amount determined pursuant to the**  
23 **long-term distribution policy developed under subsection (1) of this**  
24 **section, to be allocated as follows:**

25       **“(a) Fifty percent shall be transferred to the State Agency Program**  
26 **Fund established under section 10 of this 2024 Act;**

27       **“(b) Twenty-five percent shall be transferred to the Disproportion-**  
28 **ately Impacted Community Fund established under section 11 of this**  
29 **2024 Act; and**

30       **“(c) Twenty-five percent shall be transferred to the Tribal Nation**

1 **Natural Resource Program Fund established under section 12 of this**  
2 **2024 Act.”.**

3 After line 33, insert:

4 “(e) The Attorney General or the Attorney General’s designee.”.

5 In line 34, delete “(e)(A) Five” and insert “(f)(A) Six”.

6 In line 36, delete “and” and insert “or”.

7 On page 3, line 40, after “agencies” insert “that have a nexus with the  
8 projects and purposes described in the Monsanto Settlement Agreement”.

9 In line 42, delete “environmental”.

10 In line 43, delete “characterization, remediation or restitution”.

11 On page 4, line 21, delete “environmental charac-”.

12 In line 22, delete “terization, remediation or restitution”.

13 On page 5, line 9, delete “environmental characterization, remediation or  
14 restitution”.

15 Delete lines 29 through 45.

16 On page 6, delete line 1 and insert:

17 **“SECTION 9. (1) The Environmental Restoration Council, in con-**  
18 **sultation with state agencies described in section 6 (1) of this 2024 Act**  
19 **and the Environmental Justice Council, shall establish strategic pri-**  
20 **orities for amounts expended from the State Agency Program Fund**  
21 **established under section 10 of this 2024 Act and the Disproportionately**  
22 **Impacted Community Fund established under section 11 of this 2024**  
23 **Act. Before adopting strategic priorities, the Environmental Restora-**  
24 **tion Council shall compile and review relevant data or other scientific**  
25 **information.**

26 **“(2) Strategic priorities may include guidelines for distributing**  
27 **amounts on an annual or biennial basis, and for committing to fund-**  
28 **ing projects for more than one biennium, as appropriate for facilitat-**  
29 **ing program outcomes and continuity.**

30 **“(3) Priorities established under this section are not subject to the**

1 **requirements of ORS chapter 183.**

2 **“(4) The council may only establish or amend priorities under this**  
3 **section after a public hearing and an opportunity for public**  
4 **comment.”.**

5 Delete lines 8 through 10 and insert:

6 **“(3) Moneys in the State Agency Program Fund are continuously appro-**  
7 **priated to the Oregon Watershed Enhancement Board for the purpose of**  
8 **making allocations in amounts and for durations approved by the Environ-**  
9 **mental Restoration Council under section 6 of this 2024 Act. To facilitate**  
10 **program outcomes and continuity, moneys in the fund may be committed for**  
11 **funding state agency projects or programs for multiple biennia.”.**

12 After line 13, insert:

13 **“(5) The Oregon Watershed Enhancement Board shall administer the**  
14 **State Agency Program Fund.”.**

15 After line 26, insert:

16 **“(5) The Oregon Watershed Enhancement Board shall administer the**  
17 **Disproportionately Impacted Community Fund.”.**

18 After line 39, insert:

19 **“(5) The Oregon Watershed Enhancement Board shall administer the**  
20 **Tribal Nation Natural Resource Program Fund.”.**

21 Delete lines 40 through 42 and insert:

22 **“SECTION 13. Notwithstanding section 4 of this 2024 Act, the En-**  
23 **vironmental Restoration Council shall first determine the amounts to**  
24 **be transferred under section 4 of this 2024 Act no later than December**  
25 **1, 2025.”.**

26 On page 7, line 1, delete “One” and insert “Two”.

27 Delete lines 3 through 45.

28 On page 8, delete lines 1 through 13 and insert:

29 **“SECTION 15. No later than September 15, 2073, the Environmental**  
30 **Restoration Council shall submit a report to the interim committees**

1 of the Legislative Assembly related to the environment in the manner  
2 provided by ORS 192.245. The report must evaluate and make recom-  
3 mendations as to whether the long-term distribution strategy devel-  
4 oped by the council under section 4 of this 2024 Act should continue  
5 to seek to maintain a stable real asset value over time, notwithstand-  
6 ing the amendments to section 4 of this 2024 Act by section 16 of this  
7 2024 Act, or whether the distribution strategy should seek to distribute  
8 amounts from the Oregon Environmental Restoration Fund so that  
9 no balance remains in the fund after a period of 50 years.

10 **“SECTION 16.** Section 4 of this 2024 Act is amended to read:

11 **“Sec. 4.** (1) The Environmental Restoration Council shall, based on the  
12 advice of the State Treasurer, establish a long-term distribution policy for  
13 the Oregon Environmental Restoration Fund that [*seeks to maintain a stable*  
14 *real asset value over time while providing*] **provides** for the transfers de-  
15 scribed in subsections (3) and (4) of this section.

16 “(2) No later than December 1 of each year, the Environmental Restora-  
17 tion Council shall determine the amounts that shall be transferred from the  
18 Oregon Environmental Restoration Fund by the Oregon Watershed En-  
19 hancement Board for the purposes of subsections (3) and (4) of this section.  
20 The amounts to be transferred shall be based on the balance of the Oregon  
21 Environmental Restoration Fund at the end of the prior fiscal year.

22 “(3) First, the board shall transfer from the Oregon Environmental Res-  
23 toration Fund the amount reasonably necessary to cover the costs of the  
24 board and the Environmental Restoration Council in the administration of  
25 sections 1 to 12 of this 2024 Act. The amount transferred under this sub-  
26 section may not exceed 0.25 percent of the Oregon Environmental Restora-  
27 tion Fund balance at the end of the prior fiscal year, unless a greater amount  
28 is approved by the Environmental Restoration Council.

29 “(4) Second, the board shall transfer from the Oregon Environmental  
30 Restoration Fund the amount determined pursuant to the long-term distrib-

1 ution policy developed under subsection (1) of this section, to be allocated  
2 as follows:

3 “(a) Fifty percent shall be transferred to the State Agency Program Fund  
4 established under section 10 of this 2024 Act;

5 “(b) Twenty-five percent shall be transferred to the Disproportionately  
6 Impacted Community Fund established under section 11 of this 2024 Act; and

7 “(c) Twenty-five percent shall be transferred to the Tribal Nation Natural  
8 Resource Program Fund established under section 12 of this 2024 Act.

9 **“SECTION 17. The amendments to section 4 of this 2024 Act by  
10 section 16 of this 2024 Act become operative on January 1, 2075.**

11 **“SECTION 18. (1) For the biennium ending June 30, 2025, the De-  
12 partment of Administrative Services shall distribute moneys in the  
13 Polychlorinated Biphenyls Remediation and Restitution Account es-  
14 tablished under ORS 466.447 as described in subsection (2) of this sec-  
15 tion.**

16 **“(2) There is allocated for the biennium ending June 30, 2025, from  
17 the Polychlorinated Biphenyls Remediation and Restitution Account,  
18 the amount of \$5,000,000, to the Oregon Watershed Enhancement  
19 Board to implement sections 1 to 12 of this 2024 Act.**

20 **“SECTION 19. Notwithstanding ORS 466.447, the Department of  
21 Administrative services shall transfer all moneys in the  
22 Polychlorinated Biphenyls Remediation and Restitution Account es-  
23 tablished under ORS 466.447, except for the amount allocated under  
24 section 18 (2) of this 2024 Act, to the Oregon Environmental Restora-  
25 tion Fund established under section 3 of this 2024 Act, to be expended  
26 for the purposes described in section 3 of this 2024 Act.**

27 **“SECTION 20. The Polychlorinated Biphenyls Remediation and  
28 Restitution Account established under ORS 466.447 is abolished. Any  
29 moneys remaining in the account on the operative date of this section  
30 shall be transferred to the Oregon Environmental Restoration Fund**

1 established under section 3 of this 2024 Act.

2 **“SECTION 21. ORS 466.445 and 466.447 are repealed.**

3 **“SECTION 22. Sections 20 and 21 of this 2024 Act become operative**  
4 **on January 2, 2026.”.**

5 In line 14, delete “20” and insert “23”.

6 \_\_\_\_\_