

Enrolled Senate Bill 161

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Shemia Fagan)

CHAPTER

AN ACT

Relating to the Elliott State Forest; amending sections 31 and 32, chapter 89, Oregon Laws 2022; and declaring an emergency.

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

SECTION 1. Section 31, chapter 89, Oregon Laws 2022, is amended to read:

Sec. 31. (1)(a) Sections 1, 2, 4, 5, 7 to 21 and 24 [of this 2022 Act], **chapter 89, Oregon Laws 2022**, and the amendments to ORS 30.949, 283.085, 530.450, 530.480, 530.490, 530.510 and 530.520 by sections 23 and 25 to 30 [of this 2022 Act], **chapter 89, Oregon Laws 2022**, become operative on January 1, 2024.

(b) Sections 3 and 6 [of this 2022 Act], **chapter 89, Oregon Laws 2022**, become operative upon completion of all of the events described in subsection (2) of this section.

(2) Notwithstanding subsection (1) of this section, sections 1 to 21 and 24 [of this 2022 Act], **chapter 89, Oregon Laws 2022**, and the amendments to ORS 30.949, 283.085, 530.450, 530.480, 530.490, 530.510 and 530.520 by sections 23 and 25 to 30 [of this 2022 Act], **chapter 89, Oregon Laws 2022**, do not become operative unless, on or before [July 1, 2023] **December 31, 2023**:

(a) The State Land Board ensures that financial obligations to the Common School Fund related to the Elliott State Forest are satisfied;

(b) The State Land Board votes to decouple the Elliott State Forest from the Common School Fund and authorizes actions necessary to transfer the forest to management described in sections 1 to 21 [of this 2022 Act], **chapter 89, Oregon Laws 2022**;

(c) The **Department of State Lands submits a habitat conservation plan for the Elliott State Forest to the National Marine Fisheries Service and the United States Fish and Wildlife Service [jointly publish a notice of the availability of a final habitat conservation plan for the Elliott State Forest]** pursuant to the Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 to 1544) and **the United States Fish and Wildlife Service initiates preparation of a final environmental impact statement [for the forest]** pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

(d) The Department of State Lands:

(A) Contracts for third-party expertise to provide input informing the department’s review of a plan submitted by Oregon State University addressing the financial viability of forest operations and management that are consistent with the mission and management policies described in section 2 [of this 2022 Act], **chapter 89, Oregon Laws 2022**; and

(B) After considering the input described in subparagraph (A) of this paragraph, concludes that the plan demonstrates financial viability;

(e) The State Land Board approves a forest management plan, as described in section 1 [of this 2022 Act], **chapter 89, Oregon Laws 2022**, for the Elliott State Research Forest; and

(f) The Board of Trustees of Oregon State University authorizes the university to participate in management of the Elliott State Research Forest.

(3) The State Forester may take any action upon completion of all of the events described in subsection (2) of this section and before the operative date specified in subsection (1)(a) of this section that the State Land Board, the State Board of Forestry, the State Forestry Department or the State Forester deems necessary to prepare for the establishment of the Elliott State Research Forest as described in sections 1 to 21 and 24 [of this 2022 Act], **chapter 89, Oregon Laws 2022**, and the amendments to ORS 30.949, 283.085, 530.450, 530.480, 530.490, 530.510 and 530.520 by sections 23 and 25 to 30 [of this 2022 Act], **chapter 89, Oregon Laws 2022**.

SECTION 2. Section 32, chapter 89, Oregon Laws 2022, is amended to read:

Sec. 32. The State Land Board shall report by [September 15, 2023] **February 15, 2024**, to an interim or regular committee of the Legislative Assembly related to forests, in the manner described in ORS 192.245, on whether all of the events described in section 31 (2) [of this 2022 Act], **chapter 89, Oregon Laws 2022**, occurred on or before [July 1, 2023] **December 31, 2023**.

SECTION 3. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by Senate April 11, 2023

Received by Governor:

Repassed by Senate June 15, 2023

.....M.,....., 2023

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2023

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Rob Wagner, President of Senate

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Tina Kotek, Governor

Passed by House May 23, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Secretary of State