In line 2 of the printed bill, after “forestry” insert “; and declaring an emergency”.

Delete line 4 and insert:

“SECTION 1. (1) The Governor shall facilitate the organization and holding of one or more mediation sessions between representatives of the forest industry and representatives of environmental interests in accordance with the Memorandum of Understanding announced by the Governor on February 10, 2020. The Governor shall limit participation in the mediation sessions to not more than 10 representatives, but may not limit such third party assistance as the representatives may require.

“(2) The purpose of the mediation sessions shall be to develop an approach to evaluate and jointly recommend substantive and procedural changes to Oregon Forest Practices Act laws and regulations to advance the attainment of federal regulatory assurances for aquatic and riparian-dependent species.

“(3) The Governor shall organize the mediation sessions with the goal of fulfilling the purpose described in subsection (2) of this section no later than 18 months after the effective date of this 2020 Act.

“(4) Except as provided in ORS 36.220 (1) to (4), mediation sessions described in this section are not subject to ORS 36.220 to 36.238 or 192.610 to 192.690.

“SECTION 2. Section 1 of this 2020 Act is repealed on January 2, 2023.

“SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Office of the Governor, for the biennium ending June 30, 2021, out of the General Fund, the amount of $______, which may be expended for the organization and holding of mediation sessions described in section 1 of this 2020 Act.

“SECTION 4. The President of the Senate and the Speaker of the House of Representatives shall arrange for legislative committees related to natural resources to hold a joint informational hearing during the 2021 regular session of the Eighty-first Legislative Assembly regarding the mediation sessions described in section 1 of this 2020 Act. The committees shall, at a minimum, invite the Governor to submit testimony or documents at the joint informational hearing regarding the past and expected schedule and structure for the mediation process and such other information concerning the mediation sessions as the Governor deems reasonable and prudent to disclose.

“SECTION 5. As used in sections 5 to 12 of this 2020 Act:

“(1) ‘Beneficial use’ means the use of water:

“(a) For watering not more than one-half acre of lawn or noncommercial garden;

“(b) By one or more dwelling units for domestic animal consumption ancillary to residential or related use of a property;
“(c) By one or more dwelling units for household purposes or human consumption;
“(d) For livestock watering; or
“(e) Supplied for community purposes through a municipal water system, a system op-erated by a federally recognized Indian tribe or a system operated by a private corporation. As used in this paragraph, ‘community purposes’ includes, but is not limited to, uses de-scribed in paragraphs (a) to (d) of this subsection, commercial or industrial use, fire pro-tection, watering of public parks and street cleaning.
“(2) ‘Department reporting system’ means a forest activity electronic reporting and no-tice system operated by the State Forestry Department.
“(3) ‘Nearby recipient’ means a person registered under section 6 of this 2020 Act:
“(a) Whose parcel location information is reconciled under section 6 (2) of this 2020 Act with a tax lot that is in whole or in part less than one mile from the edge of a proposed or scheduled pesticide application by helicopter to forestland; or
“(b) Whose water intake location noted under section 6 (4) of this 2020 Act is less than one mile from the edge of a proposed or scheduled pesticide application by helicopter to forestland.
“(4) ‘Pesticide’:
“(a) Except as provided in this subsection, has the meaning given that term in ORS 634.006.
“(b) Does not include fertilizer. As used in this paragraph, ‘fertilizer’ means any sub-stance, or any combination or mixture of substances, that is designed for use primarily as a source of plant food, for inducing increased plant growth or for producing any physical, microbial or chemical change in the soil.

SECTION 6. (1) A person may register with the State Forestry Department to receive notices of proposed or scheduled pesticide applications by helicopter to forestland near the residence of the person. To obtain registration, the person must provide the department with:
“(a) A description of the parcel where the person resides;
“(b) Proof satisfactory to the department that the person resides at the parcel; and
“(c) Contact information for the person that, at a minimum, includes:
“(A) A mailing address; and
“(B) An electronic mail address or telephone number.
“(2) Upon the receipt of information under subsection (1) of this section, the department shall reconcile the parcel location information with tax lot information and note the tax lot in a geospatial layer maintained within a department reporting system.
“(3) A person appropriating surface water for beneficial use may register with the department to receive notices of proposed or scheduled pesticide applications by helicopter to forestland near the water intake used by the person. To obtain registration, the person must provide the department with:
“(a) The global positioning system coordinates for the water intake;
“(b) If the beneficial use is subject to water right requirements, a permit, certificate, registration, limited license or order of determination for the beneficial use;
“(c) If the beneficial use is exempt from water right requirements, a description of the spring box or other type of water intake and of the type of beneficial use;
“(d) Unless established in documentation described in paragraph (b) of this subsection,
an attestation that the person believes the person has a lawful entitlement to make benefi-
cial use of the water;

“(e) An attestation that the person controls the works at the point of diversion for the
beneficial use; and

“(f) Contact information for the person that, at a minimum, includes:

“(A) A mailing address; and

“(B) An electronic mail address or telephone number.

“(4) Upon the receipt of information under subsection (3) of this section, the department
shall note the location of the water intake in a geospatial layer maintained within a depart-
ment reporting system.

“SECTION 7. (1) To the extent of any conflict between this section and ORS 527.610 to
527.770, the provisions of this section prevail.

“(2) Notwithstanding ORS 527.670, an operator, timber owner or landowner proposing to
conduct a pesticide application by helicopter to forestland shall send the State Forestry De-
partment notice of the proposed pesticide application that includes the following:

“(a) Identification of the pesticides likely to be used. The notice may not identify any
pesticides that are not likely to be used.

“(b) Identification of the forestland units to receive pesticide application.

“(c) Identification of a 90-day period within which the pesticide application is to occur.

“(d) Contact information for the operator, timber owner or landowner providing the no-
tice that, at a minimum, includes a mail address, electronic mail address and telephone
number.

“(e) Any information required by State Board of Forestry rules.

“(3) Except as provided in subsection (4) of this section, if the department reporting
system indicates that the location of the proposed pesticide application has one or more
nearby recipients, the beginning of the 90-day period identified in the notice under subsection
(2)(c) of this section must be 30 or more days after the date the notice is provided to the
department.

“(4) If a pesticide application is not completed during the 90-day period identified in a
notice, the operator, timber owner or landowner must send a new notice before commencing
or completing the pesticide application. Notwithstanding ORS 527.670, if the new notice is
sent in the same calendar year as the original notice, the 90-day period identified in the new
notice must be seven or more days after the date the new notice is provided to the depart-
ment.

“SECTION 8. (1) Upon receipt of a notice under section 7 (2) of this 2020 Act, a State
Forestry Department reporting system shall provide the operator, timber owner or land-
owner that provided the notice with a list of, and contact information for, any nearby re-
cipients for the proposed pesticide application.

“(2) Two weeks after receiving a notice under section 7 (2) of this 2020 Act, and on the
date of receipt of any new notice under section 7 (4) of this 2020 Act, the department shall
send notice of the proposed pesticide application to the electronic mail address or telephone
number of each nearby recipient for the application. The notice sent by the department must
include, but need not be limited to, the location and nature of the proposed pesticide appli-
cation and the 90-day period within which the pesticide application may occur, and the
mailing address, electronic mail address and telephone number supplied as contact informa-
tion by the operator, timber owner or landowner that provided notice of the proposed pesti-
cide application under section 7 of this 2020 Act.

**SECTION 9.** (1) An operator, timber owner or landowner that sends notice under section
7 of this 2020 Act of a proposed pesticide application by helicopter to forestland shall notify
the State Forestry Department prior to the pesticide application by helicopter being made.
A notice under this section must:

“(a) Be made by electronic communication to a department reporting system;
“(b) Be sent to the department no later than 7 p.m. on the day preceding the pesticide
application;
“(c) Specify the day following the notice as a day for pesticide application by helicopter;
“(d) Identify the forestland units to receive pesticide application on the specified day; and
“(e) Contain any additional information required by State Board of Forestry rules.

“(2) The sending of a notice under subsection (1) of this section does not limit the num-
ber of days on which a pesticide application by helicopter may be made. However, a separate
notice is required for each day that a pesticide application by helicopter is to be made. The
sending of a notice under subsection (1) of this section does not require that a pesticide ap-
lication identified in the notice be conducted.

“(3) Upon receipt of a notice under this section, the department shall send the schedule
information for the pesticide application and forestland unit identification to the electronic
mail address or telephone number of each nearby recipient to which the department sent
notice of the proposed pesticide application under section 8 of this 2020 Act.

**SECTION 10.** (1) If a forestland unit identified in a notice sent under section 9 of this
2020 Act receives an incomplete pesticide application on the date specified in the notice, the
operator, timber owner or landowner shall send a notice of incompletion to a State Forestry
Department reporting system no later than 24 hours after the end of the date specified for
the application in the notice. The notice of incompletion shall consist of designating the
forestland units to which an incomplete pesticide application by helicopter was made. Entry
of a notice of incompletion does not affect the requirement to send notice under section 9
of this 2020 Act before completing the pesticide application.

“(2) An operator, timber owner or landowner that sends a notice under section 9 of this
2020 Act shall send a completion verification to a department reporting system no later than
24 hours after the completion of the pesticide application. The completion verification shall
consist of designating the forestland units to which the pesticide application by helicopter
was made.

“(3) The department shall make an electronic listing of the forestland units that were
identified in the notice under section 9 of this 2020 Act available to the operator, timber
owner or landowner in a format that allows the operator, timber owner or landowner to
electronically designate:

“(a) Forestland units from the list that have received an incomplete pesticide application,
when sending a notice of incompletion; and
“(b) Forestland units from the list on which pesticide application is complete, when
sending a completion verification.

**SECTION 11.** (1) As used in this section, ‘spray season’ means a period that:

“(a) Begins on January 1 and ends on June 30 in the same calendar year; or
“(b) Begins on July 1 and ends on December 31 in the same calendar year.
“(2) If an operator, timber owner or landowner fails to timely send a notice under section 9 of this 2020 Act or timely send a notice of incompletion or completion verification under section 10 of this 2020 Act for one or more forestland units, or any combination of such failures on the same day:

“(a) For the first day during a spray season on which one or more failures occur, the State Forestry Department shall issue the landowner a warning.

“(b) For the second day during a single spray season on which one or more failures occur, the department shall assess the landowner a civil penalty of $1,000.

“(c) For a third day or any subsequent day during a single spray season on which one or more failures occur, the department shall assess the landowner a civil penalty of $5,000 per day.

“SECTION 12. (1) If the State Forestry Department receives a notice under section 7 of this 2020 Act, at the beginning of the 90-day period identified in the notice, the department shall designate the forestland units identified in the notice as being in available status. Except as provided in subsection (2) of this section, the department shall terminate the available status of a forestland unit after 90 days.

“(2) Upon receiving a notice under section 9 of this 2020 Act specifying a date on which a pesticide application by helicopter is to be made, the department shall change the designation of any forestland unit identified in the notice to pending status.

“(3) Upon receiving a notice of incompletion under section 10 of this 2020 Act, the department shall change the designation of any forestland unit identified in the notice to incomplete status.

“(4) Upon receiving a completion verification under section 10 of this 2020 Act, the department shall change the designation of any forestland unit identified in the completion verification to completed status.

“(5) The department shall change the designation of a forestland unit from pending status if, at 11:59 p.m. on the day following the pesticide application date specified for the forestland unit in a notice under section 9 of this 2020 Act, the department has not received a notice of incompletion or completion verification for the forestland unit. Subject to subsection (1) of this section, the department shall return a forestland unit described in this subsection from pending status to available status.

“SECTION 13. (1) As used in this section, ‘department reporting system’ has the meaning given that term in section 5 of this 2020 Act.

“(2) Sections 5 to 12 of this 2020 Act apply to pesticide applications occurring on or after:

“(a) July 1, 2021; or

“(b) If the State Chief Information Officer gives public notice prior to July 1, 2021, that the State Forestry Department reporting system lacks the required capacity for the carrying out of sections 5 to 12 of this 2020 Act, the earlier of:

“(A) July 1, 2022; or

“(B) The date on which the State Chief Information Officer gives public notice that the department reporting system has the required capacity.

“SECTION 14. (1) As used in this section, ‘department reporting system’ has the meaning given that term in section 5 of this 2020 Act.

“(2) The State Forestry Department shall develop a system to allow nondepartment messages to nearby recipients described in section 8 (1) of this 2020 Act, notices under sec-
tion 9 of this 2020 Act and notices of incompletion or completion verifications under section
10 of this 2020 Act to be sent electronically using mobile telephone equipment to access a
department reporting system. The department shall make the access system compatible
with, at a minimum, the two most commonly used types of mobile telephone operating sys-
tems.

“SECTION 15. (1) As used in this section:
(a) ‘Daily spray records’ means records required of a pesticide operator under ORS
634.146.
(b) ‘Geographic information system data’ means the electronic location data recorded
during a pesticide application by helicopter.
(c) ‘Health provider’ means a person holding a license, certificate or permit issued under
Oregon law to provide the diagnosis, treatment or care of disease or injury in the ordinary
course of business or practice of a profession, when seeking to provide diagnosis, treatment
or care of a patient in response to a suspected exposure of the patient to pesticide.
(d) ‘Pesticide operator’ has the meaning given that term in ORS 634.006.
(2) The Pesticide Analytical and Response Center shall accept requests for a pesticide
operator’s daily spray records and geographic information system data concerning a pesticide
application by helicopter to forestland from:
(a) A unit of state government, as defined in ORS 174.111;
(b) A law enforcement agency, as defined in ORS 181A.010; or
(c) A health provider.
(3)(a) The center shall forward a request received under subsection (2) of this section
to the pesticide operator that is the subject of the request. A pesticide operator that receives
a request from the center shall send the center the daily spray records and geographic in-
formation system data possessed or accessible to the pesticide operator concerning pesticide
applications by helicopter to forestland identified in the request.
(b) The pesticide operator shall send the requested daily spray record information to the
center no later than 24 hours after receiving the request. The pesticide operator shall send
the requested geographic information system data to the center no later than five business
days after receiving the request.
(c) Upon receiving requested information from a pesticide operator, the center shall
forward the information received to the requesting unit of state government, law enforce-
ment agency or health provider.
(4) Failure of a pesticide operator to timely send records or data as required under
subsection (3) of this section is a violation subject to a fine of $1,000 per request.
(5) Records and data sent or received under this section are not public records for
purposes of ORS 192.311 to 192.478.
“SECTION 16. (1) As used in this section:
(a) ‘Interfere’:
(A) Means to use force, violence or action that impedes a pesticide application by heli-
copter to forestland.
(B) Does not mean:
(i) The memorializing of pesticide application activities through photography, videotap-
ing, audiotaping or other creation of an electronic record by a person on public property or
on private property where the person has a lawful right to be present; or
“(ii) Other activities to the extent that the activities are protected under the First Amendment to the United States Constitution or Article I, section 8, of the Oregon Constitution.

“(b) ‘Nearby recipient’ has the meaning given that term in section 5 of this 2020 Act.

“(2) A person that intentionally interferes with a pesticide application by helicopter to forestland commits an unclassified violation punishable by a fine of:

“(a) $1,000, if the person has not previously been found to have committed a violation under this section; or

“(b) $5,000, if not more than five years before the date of the interference the person was found to have committed a violation under this section.

“(3) For purposes of this section, there is a conclusive presumption that interference is intentional if performed by a nearby recipient who was sent information under section 9 (3) of this 2020 Act concerning the pesticide application.

“SECTION 17. (1) As used in this section:

“(a) ‘Beneficial use,’ ‘department reporting system’ and ‘pesticide’ have the meanings given those terms in section 5 of this 2020 Act.

“(b) ‘Flowing water’ means surface water is present at the time of a pesticide application.

“(c) ‘Inhabited dwelling’ means a structure or part of a structure used as a home, residence or sleeping place by a person maintaining a household or by two or more persons maintaining a common household, but does not include outbuildings, yard areas or other land associated with the structure.

“(d) ‘School’ means the campus of:

“(A) A Head Start program;

“(B) A public or private institution offering instruction for all or part of prekindergarten through grade 12;

“(C) The Oregon School for the Deaf;

“(D) A regional residential academy operated by the Oregon Youth Authority;

“(E) An education service district or community college; or

“(F) A public or private college or university.

“(e) ‘Sixth-level hydrologic unit’ means the cataloging unit level of the 12-digit hydrologic unit mapping system developed by the Federal Geographic Data Committee.

“(f) ‘Type D stream’ means a stream that has domestic use, but does not have fish use.

“(g) ‘Type F stream’ means a stream that has fish use or has both domestic use and fish use.

“(h) ‘Type N stream’ means a stream that does not have domestic use or fish use.

“(2) Notwithstanding ORS 527.672, a person may not directly apply pesticide by helicopter to forestland:

“(a) Less than 300 feet from an inhabited dwelling, unless the landowner is the requester of the application;

“(b) Less than 300 feet from a school, unless the school board or other governing body for the school is the requester of the application; or

“(c) Subject to subsection (4) of this section, less than 300 feet from a water intake for a beneficial use of water:

“(A) Within the same sixth-level hydrologic unit as a water source for beneficial use that is registered under section 6 of this 2020 Act; or
“(B) Within the same sixth-level hydrologic unit as a water source for beneficial use that
is identified by the State Forestry Department and for which the location has been recorded
in the department reporting system.

“(3) On forestland that is subject to ORS 527.610 to 527.770, a person may not directly
apply pesticide by helicopter near a stream:

“(a) That is identified by the department as a Type D stream or Type F stream, within
the greatest of:

“(A) 75 feet;

“(B) The required vegetated buffer; or

“(C) A riparian management area existing in State Board of Forestry rules on the effective
date of this 2020 Act within which vegetation retention and special management prac-
tices are required; or

“(b) That is identified by the department as a Type N stream and has flowing water,
within 50 feet.

“(4) The restrictions in subsection (2)(c) of this section are contingent upon the water
intake location being recorded in the department reporting system.

“SECTION 18. Section 17 of this 2020 Act applies to pesticide applications made on or
after January 1, 2021.

“SECTION 19. The State Board of Forestry shall adopt rules to make 2017 board rules
regarding salmon, steelhead and bull trout applicable for the Siskiyou Georegion.

“SECTION 20. The State Board of Forestry shall make the rules adopted by the board
under section 19 of this 2020 Act effective on January 1, 2021.

“SECTION 21. (1) As used in this section, ‘beneficial use’ and ‘department reporting
system’ have the meanings given those terms in section 5 of this 2020 Act.

“(2) The State Forestry Department, in collaboration with the Water Resources Depart-
ment, shall develop and maintain a comprehensive inventory in the department reporting
system of beneficial use points of diversion that are located on forestland.

“SECTION 22. Section 21 of this 2020 Act becomes operative on the date sections 5 to 12
of this 2020 Act become applicable to pesticide applications as determined under section 13
of this 2020 Act.

“SECTION 23. This 2020 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
on its passage.”.