

111TH CONGRESS
1ST SESSION

S. 901

To establish the Oregon Task Force on Sustainable Revenue for Counties,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2009

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish the Oregon Task Force on Sustainable Revenue
for Counties, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sustainable Revenue
5 for Oregon Counties Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) more than half of the land in the State of
9 Oregon is owned by the Federal Government;

1 (2) in many counties of the State, significant
2 portions of the land of the counties (often signifi-
3 cantly more than half of the land of the counties) is
4 owned by the Federal Government;

5 (3) the land described in paragraph (2) includes
6 Forest Service land and Oregon and California grant
7 land;

8 (4) the counties described in paragraph (2) are
9 unable to derive revenue from property taxes on land
10 owned by the Federal Government;

11 (5) historically, payments made by the Federal
12 Government based on revenues from harvesting tim-
13 ber (including Oregon and California grant land and
14 Forest Service payments) have provided a revenue
15 substitute for property taxes;

16 (6) the Secure Rural Schools and Community
17 Self-Determination Act of 2000 (16 U.S.C. 500
18 note; Public Law 106–393) augmented the payments
19 described in paragraph (5) because of a significant
20 decline in timber harvest revenues;

21 (7) Congress extended the payments described
22 in paragraph (6) for 1 year in 2007, and for 4 years
23 effective beginning in 2008, to provide time to de-
24 velop a long-term sustainable alternative to the pay-
25 ments described in paragraph (6);

1 (8) the prospects for a long-term extension are
2 uncertain because of concerns regarding Federal
3 budget deficits and long-term financial assistance to
4 local governments of the State;

5 (9) counties of the State that have historically
6 received the payments described in paragraph (5)
7 are in need of a sustainable, long-term revenue
8 source;

9 (10) there are opportunities for the conduct of
10 activities in the Federal forest land of the counties
11 of the State that could be structured to be economi-
12 cally and environmentally sustainable, including—

13 (A) the harvesting of timber (including
14 thinning to restore forest health) in a sustain-
15 able manner and in sustainable quantities;

16 (B) the removal of biomass material from
17 the forest land for—

18 (i) the generation of electricity; and

19 (ii) the production of cellulosic
20 biofuels;

21 (C) the conduct of activities that could—

22 (i) increase the sequestration by the
23 forest land of atmospheric carbon; or

24 (ii) provide other ecosystem services
25 for communities, such as clean water; and

- 1 (D) the conduct of recreational activities;
- 2 (11) other sources of revenue, including State
- 3 and local revenue sources, should also be considered
- 4 in selecting a sustainable, long-term revenue source;
- 5 and
- 6 (12) payments made by the Federal Govern-
- 7 ment could be continued under a variety of different
- 8 payment methodologies.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) SECRETARIES CONCERNED.—The term

12 “Secretaries concerned” means—

13 (A) the Secretary of Agriculture; and

14 (B) the Secretary of the Interior.

15 (2) STATE.—The term “State” means the State

16 of Oregon.

17 (3) TASK FORCE.—The term “Task Force”

18 means the Oregon Task Force on Sustainable Rev-

19 enue for Counties established by section 4(a).

20 **SEC. 4. TASK FORCE.**

21 (a) ESTABLISHMENT.—There is established a task

22 force to be known as the “Oregon Task Force on Sustain-

23 able Revenue for Counties”.

24 (b) MEMBERSHIP.—

1 (1) COMPOSITION.—The Task Force shall be
2 composed of 15 members, of whom—

3 (A) 4 members shall be appointed by the
4 Secretaries concerned, of whom—

5 (i) each shall represent a county of
6 the State; and

7 (ii) 2 shall represent counties in which
8 there is located Oregon and California
9 grant land;

10 (B) 1 member shall be appointed by the
11 Governor of the State as the representative of
12 the Governor of the State;

13 (C) 1 member shall be appointed by the
14 Secretaries concerned from among persons who
15 are experts in economics (including natural re-
16 source economics);

17 (D) 1 member shall be appointed by the
18 Secretaries concerned from among persons who
19 are experts in sustainable forestry practices;

20 (E) 1 member shall be appointed by the
21 Secretaries concerned from among persons who
22 are experts in scientific and economic aspects of
23 biomass energy;

24 (F) 1 member shall be appointed by the
25 Secretaries concerned from among persons who

1 are experts in the scientific aspects of eco-
2 system services that are provided by temperate
3 forests (including, at a minimum, the scientific
4 aspects of carbon sequestration);

5 (G) 1 member shall be appointed by the
6 Secretaries concerned from among persons who
7 are experts in fields relating to wildlife habitat,
8 endangered species, and biodiversity;

9 (H) 1 member shall be appointed by the
10 Secretaries concerned as a representative of the
11 forest products industry located in the State;

12 (I) 1 member shall be appointed by the
13 Secretaries concerned as a representative of re-
14 gionally or locally recognized conservation orga-
15 nizations located in the State;

16 (J) 1 member shall be appointed by the
17 Secretaries concerned as a representative of—

18 (i) organized labor; or

19 (ii) nontimber forest product har-
20 vester groups;

21 (K) 1 member shall be appointed by the
22 Secretaries concerned as a representative of
23 persons who participate in or provide rec-
24 reational activities or are engaged in related ac-
25 tivities; and

1 (L) 1 member shall be appointed by the
 2 Secretaries concerned as a representative of In-
 3 dian tribes that are located in the State.

4 (2) DATE OF APPOINTMENTS.—The appoint-
 5 ment of a member of the Task Force shall be made
 6 not later than 60 days after the date of enactment
 7 of this Act.

8 (c) TERM; VACANCIES.—

9 (1) TERM.—A member shall be appointed for
 10 the life of the Task Force.

11 (2) VACANCIES.—A vacancy on the Task
 12 Force—

13 (A) shall not affect the powers of the Task
 14 Force; and

15 (B) shall be filled in the same manner as
 16 the original appointment was made.

17 (d) INITIAL MEETING.—Not later than 30 days after
 18 the date on which all members of the Task Force have
 19 been appointed, the Task Force shall hold the initial meet-
 20 ing of the Task Force.

21 (e) MEETINGS.—

22 (1) IN GENERAL.—The Task Force shall meet
 23 at the call of the Chairperson.

24 (2) PUBLIC ACCESS.—Each meeting of the
 25 Task Force shall be open to the public.

1 (f) QUORUM.—A majority of the members of the
 2 Task Force shall constitute a quorum, but a lesser number
 3 of members may hold hearings.

4 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
 5 Task Force shall select a Chairperson and Vice Chair-
 6 person from among the members of the Task Force.

7 **SEC. 5. DUTIES.**

8 (a) CONSIDERATION AND REVIEW OF REVENUE
 9 SOURCES.—

10 (1) IN GENERAL.—The Task Force shall con-
 11 sider and review concepts for the establishment of a
 12 long-term revenue source for counties located in the
 13 State that have historically received Federal funds.

14 (2) REVENUE SOURCES.—In conducting the
 15 consideration and review under paragraph (1), in ac-
 16 cordance with paragraph (3), the Task Force shall
 17 consider—

18 (A) revenue sources proposed by relevant
 19 legislation or administrative actions;

20 (B) payments based on timber harvests
 21 (including thinning to restore forest health) car-
 22 ried out at sustainable levels;

23 (C) payments based on revenues that each
 24 county of the State could have received through
 25 property taxation if the land owned by the Fed-

1 eral Government located in the county was pri-
2 vately held and subject to a property tax;

3 (D) revenue based on—

4 (i) a portion of the proceeds from
5 sales of material collected from public land
6 located in the State for the production of
7 biomass electricity or cellulosic liquid
8 transportation fuels;

9 (ii) user fees for recreational activities
10 carried out on public land located in the
11 State;

12 (iii) payments for increases in carbon
13 sequestration; and

14 (iv) land exchanges or transfers that
15 could provide compensation for nontaxable
16 Federal land located in counties of the
17 State;

18 (E) local sources of revenue that could be
19 used to reduce or eliminate the reliance of coun-
20 ties of the State on Federal funds (including
21 taxes, user fees, or economic development ac-
22 tivities that could increase the revenue base of
23 the counties of the State);

1 (F) payments made by the Federal Gov-
2 ernment to the counties of the State, includ-
3 ing—

4 (i) guaranteed payments that are to
5 be established at a reduced level and not
6 based on timber harvest revenues; and

7 (ii) guaranteed payments that are to
8 be established—

9 (I) at a level similar to the level
10 of payments reauthorized in 2008;

11 (II) in part by timber harvest
12 revenues; and

13 (III) with the use of additional
14 Federal funds to the extent that tim-
15 ber harvest revenues described in sub-
16 clause (II) do not meet the guaran-
17 teed level of payment; and

18 (G) any other revenue source that the
19 Task Force determines to be appropriate for
20 consideration and review.

21 (3) FACTORS.—In considering each revenue
22 source under paragraph (2), the Task Force shall
23 take into account—

24 (A) the long-term sustainability of each
25 revenue source considered under paragraph (2);

1 (B) the relative value, long-term sustain-
 2 ability, and any other implication of the relative
 3 reliance of the counties of the State on revenues
 4 arising from Federal forests located in the
 5 counties, as compared to other local revenue
 6 sources;

7 (C) the potential long-term effects of each
 8 revenue source considered under paragraph (2)
 9 on the economies of the counties of the State;

10 (D) revenue sources that are used by other
 11 cities or counties of the State;

12 (E) the environmental effects of each rev-
 13 enue source considered under paragraph (2);

14 (F) the effect of each revenue source con-
 15 sidered under paragraph (2) on local revenue
 16 streams and county services; and

17 (G) comments submitted to the Task
 18 Force by a stakeholder relating to any issue or
 19 proposal considered by the Task Force.

20 (b) HEARINGS.—

21 (1) IN GENERAL.—The Task Force shall hold
 22 such hearings, meet and act at such times and
 23 places, take such testimony, and receive such evi-
 24 dence as the Task Force considers advisable to re-
 25 ceive the input and determine the opinions of the

1 public and stakeholders with respect to the establish-
2 ment of a sustainable, long-term revenue source for
3 the counties of the State.

4 (2) INCORPORATION OF PUBLIC AND STAKE-
5 HOLDER INPUT.—In preparing the report required
6 under subsection (c), the Task Force shall incor-
7 porate into the recommendations of the Task Force
8 required under subsection (c)(2), to the maximum
9 extent practicable, the public and stakeholder input
10 received under paragraph (1).

11 (c) REPORT.—Not later than 9 months after the date
12 of enactment of this Act, the Task Force shall submit to
13 the Committee on Natural Resources of the House of Rep-
14 resentatives and the Committee on Energy and Natural
15 Resources of the Senate a report that contains—

16 (1) a detailed statement of the findings and
17 conclusions of the Task Force;

18 (2) a description of not less than 2 policy sce-
19 narios for providing sustainable revenue to the coun-
20 ties of the State that are recommended by not less
21 than $\frac{3}{5}$ of the members of the Task force for con-
22 sideration by the Federal Government, the State,
23 and the counties of the State as the Task Force con-
24 siders appropriate (including such legislation and

1 administrative actions necessary to implement each
2 policy scenario);

3 (3) a description of the opinion of each member
4 of the Task Force regarding each policy scenario de-
5 scribed in paragraph (2);

6 (4) a description of the minority views of each
7 member of the Task Force who does not support any
8 policy scenario described in paragraph (2);

9 (5) a description of each revenue source consid-
10 ered but not recommended by the Task Force under
11 paragraph (2), including—

12 (A) an explanation of each reason why the
13 Task Force did not recommend the policy sce-
14 nario; and

15 (B) a description of the minority views of
16 each member of the Task Force relating to the
17 decision by the Task Force not to recommend
18 the policy scenario; and

19 (6) a summary of comments received by the
20 Task Force under subsections (a)(3)(G) and (b)(1).

21 (d) REQUIRED HEARINGS.—Not later than 60 days
22 after the date on which each committee described in sub-
23 section (c) receives the report required under that sub-
24 section, each committee shall hold a hearing to evaluate
25 the recommendations contained in the report.

1 **SEC. 6. POWERS.**

2 (a) INFORMATION FROM FEDERAL AGENCIES.—

3 (1) IN GENERAL.—The Task Force may secure
4 directly from a Federal agency such information as
5 the Task Force considers necessary to carry out this
6 Act.

7 (2) PROVISION OF INFORMATION.—On request
8 of the Chairperson of the Task Force, the head of
9 the agency shall provide the information to the Task
10 Force.

11 (b) POSTAL SERVICES.—The Task Force may use
12 the United States mails in the same manner and under
13 the same conditions as other agencies of the Federal Gov-
14 ernment.

15 (c) GIFTS.—The Task Force may accept, use, and
16 dispose of gifts or donations of services or property.

17 **SEC. 7. TASK FORCE PERSONNEL MATTERS.**

18 (a) COMPENSATION OF MEMBERS.—Each member of
19 the Task Force shall serve without compensation.

20 (b) TRAVEL EXPENSES.—A member of the Task
21 Force shall be allowed travel expenses, including per diem
22 in lieu of subsistence, at rates authorized for an employee
23 of an agency under subchapter I of chapter 57 of title
24 5, United States Code, while away from the home or reg-
25 ular place of business of the member in the performance
26 of the duties of the Task Force.

1 (c) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
 2 EES.—

3 (1) IN GENERAL.—An employee of the Federal
 4 Government may be detailed to the Task Force with-
 5 out reimbursement.

6 (2) CIVIL SERVICE STATUS.—The detail of the
 7 employee shall be without interruption or loss of civil
 8 service status or privilege.

9 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
 10 TENT SERVICES.—The Chairperson of the Task Force
 11 may procure temporary and intermittent services in ac-
 12 cordance with section 3109(b) of title 5, United States
 13 Code, at rates for individuals that do not exceed the daily
 14 equivalent of the annual rate of basic pay prescribed for
 15 level V of the Executive Schedule under section 5316 of
 16 that title.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
 19 as are necessary to carry out this Act, to remain available
 20 until expended.

21 **SEC. 9. TERMINATION OF TASK FORCE.**

22 The Task Force shall terminate 120 days after the
 23 date on which the Task Force submits the report of the
 24 Task Force under section 5(c).

