



COLT Legislative Wrap-up – 7/9/2019

The Setting

Oregon's 80th legislative session came to an end on June 30th—with legislators working until close to midnight June 30th, the constitutional deadline for adjournment. A total of 2,768 bills were introduced, with 581 (21%) enacted so far. There are still bills to be signed by the Governor who has 30 days after the session to act on those bills--signing them, allowing them to progress without signature, or providing a veto.

This was an unusual system for a couple reasons. An election cycle brought the Democrats a super majority in both chambers, House and Senate. Super majorities (60% or more of the chamber membership) provide the power to solely pass taxes if the majority makes that choice and more power in passing policy bills by sheer numbers. Republicans pushed back with procedural steps, causing legislative bills to be read in full on the floor, word-for-word; motions to send bills back to committees; and finally leaving the Capitol twice for several days in disagreement of proposed legislative policies. For the Senate to act, there must be a quorum of 20 senators on the floor. With 18 Democrats in the Senate, at least 2 Republicans had to take part, but all 11 of the Senate Republicans reportedly left the state, denying the quorum. With their return on the final weekend of the session, the legislature had 48 hours to address over 100 bills, including many state agency budgets. A number of bills with committee support forwarded to the House or Senate floor with a "do pass" recommendation were left behind without action in the last days of the session.

Below is a summary of legislative outcomes and thoughts on future land trust advocacy in the legislative process.

COLT 2019 Policy Platform Priorities

1. Respond to threats and opportunities

A number of threats emerged during the legislative session, including a trio of bills related to wetlands and negative tax changes for the nonprofit sector. Of these, only one bad wetland bill passed. COLT members effectively mobilized to defeat surprise bills that emerged.

2. Secure \$10M in funding for the Oregon Agricultural Heritage Program (OAHP) – HB 2729

Outcome: The bill advanced to the Joint Committee on Ways and Means – the State’s budget committee – but did not advance further in the legislative process. 16 pieces of testimony in support of OAHF were submitted to the [legislative record for HB 2729](#).

Chief sponsors: Rep. Witt, Rep. Helm, Sen. Hansell.

Securing funding for OAHF will continue to be a legislative priority for COLT, as farmland protection has never been more urgent. Oregon lost 340,000 acres of agricultural land between 2012-2017, according to recent USDA census information – underscoring the urgent need to fund policy solutions that protect farm and ranch lands with high conservation value.

What you can do in the near future to build momentum for OAHF:

- [Thank the HB 2729 chief sponsors and cosponsors](#) for their leadership and ask that they consider advocating for OAHF funding during the 2020 short session.
- Set up an in-district meeting with your local legislator and urge them to support funding for the OAHF. You can find out who your legislators are [here](#).
- Continue to discuss the need for the OAHF in the conservation community so that COLT can have a larger and more diverse coalition of supporters in the next legislative session.

3. Support a cap and trade program that prioritizes investments in natural and working lands – [HB 2020](#)

Outcome: The legislature, in dramatic fashion, failed to pass HB 2020. COLT supported this bill and its 20% dedication of program revenue to natural and working lands. See COLT testimony [here](#) and [here](#). Many COLT member organizations including Pacific Forest Trust and Columbia Land Trust also submitted testimony for the record.

The bill, which would have made Oregon the second state to pass a carbon cap that applies to all economic sectors, stalled out amid intense opposition from industry and rural Oregon, threats to fiercely oppose other Democratic Party legislative achievements like the Student Success Act (education funding bill), and the desire to finish passing budget bills before the legislative session was required to end on June 30th. Please see the media coverage below, especially the third bullet point for a deeper timeline and analysis of the bill’s demise.

Ultimately, investments in forests and natural and working lands will be critical for a healthy climate future for Oregon. COLT will continue to be at the table advocating for these crucial benefits.

Recent media coverage of HB 2020 meltdown:

- **Urban-rural ‘cold civil war’ forces out cap-and-trade bill**

- [Brown: 'I am not backing down' on cap-and-trade legislation](#)
- [How Oregon's climate-change bill ran out of gas](#)

OTHER STATE PRIORITIES FOR COLT:

1. Oregon Conservation and Recreation Fund – [HB 2829](#)

Outcome: This bill allocates funding to implement the Oregon Conservation Strategy. The bill initially asked for \$17M, but was amended to appropriate a \$1M release from the general fund if private or federal match is achieved during the biennium. So, there won't be money until \$1M is secured from somewhere else. COLT submitted testimony in support of the bill in the House Committee on Natural Resources.

Chief Sponsors: Representatives Helm, Helt, Witt, and Senators Roblan, Frederick, Dembrow.

2. OWEB's Budget

[SB 5539](#) - OWEB's operating budget. COLT provided supportive [testimony](#).

[SB 5540](#) - OWEB's grants program. COLT provided supportive [testimony](#).

Status: Both of OWEB's budget bills were passed.

3. Back taxes on land acquired by conservation entity – [SB 146](#)

COLT supported SB 146 (introduced for COLT and OACD). This bill is related to additional taxes imposed upon disqualification of land from special assessment and provided that additional taxes not be imposed upon disqualification of land from special assessment if land has been acquired by an SWCD or transferred by nonprofit land trust to tax-exempt government transferee. Oregon Association of Conservation District (OACD) took the lead on advocating for this bill but it did not make it into the final tax bill.

4. Wetlands Bills (HB [2796](#), [2436](#), [2437](#), [2438](#))

A series of bills were introduced this session that came from a legislative work group focused on wetlands and removing barriers for agricultural landowners. There were also several 'anti-wetland' bills proposed by developers that aimed to weaken the wetland mitigation requirements in Oregon. **The attack on wetlands is not going away and is something that COLT and our members will continue to work on.** Wetlands are an important part of nature's circulatory system. They host wildlife and provide clean water and safety buffers to communities. In the next year, COLT will work with the Wetlands Conservancy to focus on proactive effort that helps decision makers understand the benefits of conserving wetlands in Oregon.

- COLT signed on to a letter opposing HB 2796 and also opposed HB 2436. HB 2796 did not pass.
- HB 2436 did pass after a series of amendments. The good news: provisions granting the Director of the Department of State Lands carte blanche authority to approve or deny wetland permits were not included in the bill that passed and the final bill was opposed by a small cadre of Democrats that could form the core of wetlands champions for future legislative sessions. The bad news: state resources are being used to study how the State can partially assume federal wetland permitting authorities currently administered under the Clean Water Act. This appears to be a long game play by developers to influence state permitting of wetland dredge and fill requests if and when the federal government steps back from current levels of regulation.

5. [HB 2468](#) - Protects recreation immunity for private landowners

This bill did not receive a work session before the deadline and did not advance this legislative session. COLT and the Oregon Small Woodlands Association were supportive of the bill.

6. Governor's 100-year water vision & [HCR 33](#)

HCR 33 ("Urges Governor and state agencies to work with legislators, tribal governments, water stakeholders and others in cooperative process to create comprehensive state water vision") received a public hearing in the House Committee on Rules in mid-May, but did not advance farther in the legislative process. Water will continue to be a key natural resources priority for Governor Brown and several natural resource agencies in Oregon who are thinking deeply about supporting Oregon's water infrastructure- both grey and green.

If you have any questions, please contact Kelley@oregonlandtrusts.org