

## 2020 SUMMARY OF LEGISLATION

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# Environment and Natural Resources

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## TASK FORCES AND REPORTING REQUIREMENTS

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There were no task forces or reporting requirements created by bills in this policy area.

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**[Senate Bill 1502-A](#)****Not Enacted****Assistance for Bankrupt Agricultural Cooperative Members****Chief Sponsors:** Sens. Courtney, Girod**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** NORPAC Foods Inc., a cooperative owned by farmer members, was first established by a group of Stayton area farmers in 1924 and called the Stayton Canning Company. It expanded over time to become one of the largest food processors in the state, with hundreds of participating farms from Eugene to Portland. It sought Chapter 11 bankruptcy protection in the fall of 2019. The economic disruption and uncertainty for farmer members, as a result of NORPAC's financial situation, has been significant.

**Bill Summary:** Senate Bill 1502-A would have created a 20-year low-interest loan program administered by the Oregon Business Development Department to assist farmers who were members of NORPAC.

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**[Senate Bill 1513-B](#)****Not Enacted****Confined Animal Feeding Operations****At the request of:** Senate Interim Committee on Environment and Natural Resources**Committees:** Senate Environment and Natural Resources, Senate Rules, Joint Ways and Means

**Background and Current Law:** The legislature first established a regulatory program for confined animal feeding operations (CAFOs) in 1989. The legislation directed the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and the Oregon Department of Agriculture (ODA) to inspect CAFO facilities. In 1993, the CAFO statutes were amended to direct the Environmental Quality Commission (EQC) and ODA to enter a formal memorandum of understanding authorizing ODA to perform the CAFO-related functions of DEQ and the EQC.

Most CAFO permits are for dairy operations, but other types of operations with concentrated, confined holding, or feeding of animals, also require a permit. At the end of 2018, there were 519 permitted CAFO facilities in Oregon.

In 2019, Senate Bill 876 was introduced but not enacted. The measure would have made several changes to permitting requirements for large CAFOs, including requiring that an applicant receive preliminary approval prior to construction and final approval prior to operation. It would have also addressed coordination with other regulating entities.

**Bill Summary:** Senate Bill 1513-B would have required large CAFOs to obtain a water quality permit from DEQ or ODA, receive preliminary approval before constructing or installing a facility, and receive final approval before the facility was populated with animals. Prior to final approval, the agency would have been required to consult with the Water Resources Department to confirm that the water use was authorized at the level and duration described in the proposed qualifying operation permit. The measure also would have authorized DEQ or ODA to clean, repurpose, or decommission the waste treatment system of an abandoned or vacated CAFO and recover fees for that work from any responsible party.

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[House Bill 4051-A](#)**Not Enacted****Oregon Hemp Commission**

**At the request of:** House Interim Committee on Agriculture and Land Use for Oregon Industrial Hemp Farmers Association, Oregon State University

**Committees:** House Agriculture and Land Use, Senate General Government and Emergency Preparedness

**Background and Current Law:** Industrial hemp is an agricultural product that is regulated by the Oregon Department of Agriculture (ODA) and refers to cannabis varieties that are grown for fiber, seed, oil, or as a cover crop. The legislature has passed a series of laws related to industrial hemp over the past decade. In 2009, the Legislative Assembly enacted Senate Bill 676, which authorized the production, possession, and commerce of industrial hemp commodities in Oregon. Oregon's first industrial hemp grower was licensed by ODA in early 2015. In 2016, House Bill 4060 updated and clarified provisions related to the regulation of industrial hemp and authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed. In 2017, Senate Bill 1015 provided for processing and sales of industrial hemp concentrates and extracts. In 2018, House Bill 4089 established the Oregon Industrial Hemp Agricultural Pilot Program, an agricultural hemp seed certificate program, the Industrial Hemp Fund, and further modified industrial hemp statutes related to testing, regulation, personal possession, and tetrahydrocannabinol concentration limits.

**Bill Summary:** House Bill 4051-A would have created a framework for the Oregon Hemp Commission (Commission) overseen by the Oregon Department of Agriculture. The measure would have authorized the Commission to establish certain assessments.

[House Bill 4072-B](#)**Not Enacted****Oregon Hemp Commission**

**Chief Sponsors:** Reps. Witt, Wilson, Helm; Sens. Hansell, Prozanski

**At the request of:** Oregon State University, Oregon Industrial Hemp Farmers Association, Oregon Farm Bureau

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Industrial hemp is an agricultural product that is subject to regulation by the Oregon Department of Agriculture (ODA) and refers to cannabis varieties that are grown for fiber, seed, oil, or as a cover crop. The legislature has passed a series of laws related to industrial hemp over the past decade. In 2009, the Legislative Assembly enacted Senate Bill 676, which authorized the production, possession, and commerce of industrial hemp commodities in Oregon. Oregon's first industrial hemp grower was licensed by ODA in early 2015. In 2016, House Bill 4060 updated and clarified provisions related to the regulation of industrial hemp and authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed. In 2017, Senate Bill 1015 provided for processing and sales of industrial hemp concentrates and extracts. In 2018, House Bill 4089 established the Oregon Industrial Hemp Agricultural Pilot Program, an agricultural hemp seed certificate program, the Industrial Hemp Fund, and further modified industrial hemp statutes related to testing, regulation, personal possession, and tetrahydrocannabinol concentration limits.

**Bill Summary:** House Bill 4072-B would have directed ODA to administer the Oregon Hemp State Program (Program) for studying growth, cultivation, and marketing of hemp, and would have required ODA to adopt rules to implement the Program in accordance with federal law. The measure would have authorized ODA to charge license and renewal fees to pay for the cost of administering the Program. House Bill 4072-B would have also required ODA to establish rules for the commercial shipment of hemp.

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[House Bill 4152-A](#)

Not Enacted

**State Program for Meat Inspection****Chief Sponsors:** Reps. Smith DB, Breese-Iverson, Witt; Sen. Roblan**Committees:** House Agriculture and Land Use

**Background and Current Law:** The Federal Meat Inspection Act (FMIA) was passed by Congress in 1906; it prohibits the sale of contaminated or misbranded meat and meat products and ensures that livestock are slaughtered and processed in sanitary conditions. FMIA directs the U.S. Department of Agriculture to inspect all livestock before and after slaughtering and processing if the meat is intended for human consumption. FMIA was amended by the Wholesome Meat Act of 1967, which requires states to have inspection programs “at least equal to” the federal inspection program.

**Bill Summary:** House Bill 4152-A would have authorized the Oregon Department of Agriculture (ODA) to adopt rules to establish a program for state inspection of the processing and sale of meat products. ODA would have been authorized to establish license requirements and a fee schedule. The measure would have required that any rules that were adopted would impose requirements that were at least equal to the requirement under FMIA. The program would have been fully administered by the state after it received full federal approval.

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[House Bill 4155](#)

Not Enacted

**Regional Implementation of Traditionally Maintained Channels Program****Chief Sponsors:** Reps. McLain, Smith DB, Clem**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Oregon farmers remove silt build-up from waterways on their agricultural lands to ensure drainage of subsurface water. Typically, the volume of material they are legally allowed to remove under the state removal-fill law is limited to 50 cubic yards without a permit for most channels and 100 cubic yards with a streamlined general permit. The removal of larger quantities of material may be permissible with an individual permit. The Department of State Lands (DSL) is the regulatory agency that administers the removal-fill law and issues permits for activities that occur within waters of the state. The legislature passed House Bill 2437 in 2019, establishing a notice-based program for agricultural maintenance activities in dry, traditionally maintained channels. The measure also directed DSL to establish a streamlined general permit for maintenance activities in wet channels.

**Bill Summary:** House Bill 4155 would have established that the DSL or the Oregon Department of Agriculture rules for implementing the traditionally maintained channels program could provide for regional implementation, while also requiring implementation throughout the state within a five-year period.

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[House Bill 4158](#)**Not Enacted****Industrial Hemp****At the request of:** Association of Oregon Counties**Chief Sponsors:** Rep. Wilson**Committees:** House Agriculture and Land Use

**Background and Current Law:** Industrial hemp is an agricultural product that is subject to regulation by the Oregon Department of Agriculture (ODA), and refers to cannabis varieties that are grown for fiber, seed, oil, or as a cover crop. The legislature has passed a series of laws related to industrial hemp over the past decade. In 2009, the Legislative Assembly enacted Senate Bill 676, which authorized the production, possession, and commerce of industrial hemp commodities in Oregon. Oregon's first industrial hemp grower was licensed by ODA in early 2015. In 2016, House Bill 4060 updated and clarified provisions related to the regulation of industrial hemp and authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed. In 2017, Senate Bill 1015 provided for processing and sales of industrial hemp concentrates and extracts. In 2018, House Bill 4089 established the Oregon Industrial Hemp Agricultural Pilot Program, an agricultural hemp seed certificate program, the Industrial Hemp Fund, and further modified industrial hemp statutes related to testing, regulation, personal possession, and tetrahydrocannabinol concentration limits.

**Bill Summary:** House Bill 4158 would have directed ODA to develop an Oregon Hemp Plan for the establishment of the Oregon Hemp State Program for the commercial production and sale of hemp. The measure would have required the Oregon Liquor Control Commission to track commercial Industrial hemp shipments through electronic tracking systems.

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[House Bill 4052](#)

Not Enacted

**Residency Requirements for Wildlife Licenses, Tags, and Permits**

**At the request of:** House Interim Committee on Natural Resources for Oregon Hunters Association

**Committees:** House Natural Resources, Senate General Government and Emergency Preparedness

**Background and Current Law:** The Oregon Department of Fish and Wildlife offers hunting licenses, tags, and permits, and, like most states, typically offers the lowest prices to state residents. For example, in 2019, the cost of an annual hunting license for an Oregon resident was \$33.50, while a nonresident annual hunting license cost \$167. The current definition of “resident” requires applicants to have resided in the state for at least six consecutive months prior to the date of application and allows for temporary absence from the state during that period for purposes other than establishing residency elsewhere.

**Bill Summary:** House Bill 4052 would have amended the definition of “resident” to require license, tag, or permit applicants to be physically present in the state for at least six months prior to applying, and would have excluded those who merely own property or pay property taxes in Oregon or claim residency elsewhere.

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[House Bill 4053-B](#)

Not Enacted

**Dog Licensure Modifications**

**At the request of:** House Interim Committee on Natural Resources for Multnomah County

**Committees:** House Natural Resources, House Rules

**Background and Current Law:** Currently, a county may not issue a dog license until an official has been shown proper certification of a rabies inoculation by the pet owner. When Multnomah County changed its online licensing system to require the uploading of the inoculation certificate by a pet owner to ensure compliance with the statute, the county observed a dramatic reduction in the number of licenses purchased through the online system, likely due to owners not having the vaccination document readily available and needing to obtain it from their veterinarian.

**Bill Summary:** House Bill 4053-B would have required a county to condition dog licensing upon the owner presenting a rabies inoculation certificate. The measure would have authorized counties to allow a 60-day grace period following issuance of a dog license for the owner to present the certificate, or for the county to receive verification by other acceptable means.

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## [House Bill 4075-A](#)

**Not Enacted**

### Prohibition on Coyote Contests for Prizes

**Chief Sponsors:** Reps. Witt, Nosse

**Committees:** House Natural Resources, Senate Rules

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) estimates that there are 300,000 coyotes in Oregon. Coyotes are not a protected species and the hunting of coyotes is not regulated by ODFW. Coyotes are statutorily defined as predatory animals and can be killed on an owner's land without a hunting license, and on public land with a license. There is currently no limit on the number of coyotes that can be killed by a single individual or during a single hunting contest or event.

**Bill Summary:** House Bill 4075-A would have prohibited coyote contests, competitions, tournaments, or derbies for prizes or other inducement; required a person in violation to forfeit the remains to ODFW; and would have punished violators with a Class A violation. The measure would have exempted a raffle conducted by a nonprofit organization if the raffle did not award prizes based on the number, weight, or size of the coyotes taken.

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## [House Bill 4091](#)

**Not Enacted**

### Sage-Grouse Mitigation Program In-Lieu Fee Fund

**Chief Sponsors:** Rep. Barreto; Sen. Findley

**Committees:** House Natural Resources, Senate Environment and Natural Resources

**Background and Current Law:** Oregon currently has an in-lieu fee (ILF) option as an alternative to compensatory mitigation for development impacts to sage-grouse habitat, yet it has not been used by developers. All ILF funds are designated to be placed into the State Wildlife Fund, a low-interest fund designed for short-term investment. The Oregon Department of Fish and Wildlife (ODFW) has calculated the impact of different interest rates on ILF costs and has determined that by using a combination of short- and intermediate-term accounts, the ILF cost can be reduced by approximately ten percent for a 30-year impact, and up to 25 percent for a 100-year impact.

**Bill Summary:** House Bill 4091 would have established the Sage-Grouse Mitigation Program In-Lieu Fee Fund to receive fees in lieu of compensatory mitigation for impacts to sage-grouse habitat. The measure would have continuously appropriated fund moneys to ODFW for efforts to restore, protect, enhance, or increase habitat for sage-grouse, and allowed fund moneys to be invested in an intermediate-term investment pool if approved by the State Treasurer.

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[Senate Bill 1530-B](#)**Not Enacted****Oregon Greenhouse Gas Initiative****Chief Sponsors:** Sens. Roblan, Dembrow, Beyer, Taylor**Committees:** Senate Environment and Natural Resources, Joint Ways and Means

**Background and Current Law:** A cap-and-trade program is a market-based system designed to reduce greenhouse gas (GHG) emissions. Total allowed emissions are capped at a given level that decreases each year. Emitters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government. Allowances are purchased at auctions held either by the government or a contracted third party. Allowances may also be distributed for free, often to emissions-intensive, trade-exposed industries. Covered entities may also purchase offset credits to meet their compliance obligations. Offsets represent a verified emission reduction of one ton of carbon dioxide equivalent from an uncapped sector. At the end of each compliance period, emitters must remit a number of allowances equal to their emissions or face a penalty. Companies may sell surplus allowances to other companies. This type of program uses the proceeds generated from the auction of allowances for designated purposes.

**Bill Summary:** Senate Bill 1530-B would have modified state anthropogenic greenhouse gas (GHG) emissions reduction levels goals. The measure would also have established the Greenhouse Gas Reduction Board (Board) and the Office of Greenhouse Gas Regulation (Office), and required the Board to adopt the Oregon Greenhouse Gas Initiative (OGGI) by rule. The measure would have declared that the purposes of the regulatory and investment portion of OGGI were to: a) achieve emission level reductions; b) promote GHG emissions sequestration and mitigation; c) promote adaptation and resilience by natural and working lands, fish and wildlife resources, communities, the economy, and the state's infrastructure in the face of climate change and ocean acidification; and d) provide assistance to households, businesses, and workers impacted by climate change or climate change policies. The measure would have required the Board to place a cap on the total regulated anthropogenic GHG emissions by setting allowance budgets starting in 2022 through 2050, and provided a system for covered entities to buy and sell allowances and offset credits used to demonstrate compliance.

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[House Bill 4024-B](#)**Not Enacted****Hydrofluorocarbons Prohibition**

**At the request of:** House Interim Committee on Rules for Representative Julie Fahey

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Hydrofluorocarbons (HFCs) are chemicals made up of hydrogen, fluorine, and carbon. HFCs are used as refrigerants, aerosol propellants, foam blowing agents, solvents, and fire retardants. The major emissions source of these compounds is their use as refrigerants—for example, in air conditioning systems in both vehicles and buildings. HFCs have high global warming potential. Overall, fluorinated gas emissions in the United States increased by about 69.7 percent between 1990 and 2017. According to the U.S. Environmental Protection Agency, the increase has been driven by a 239.9 percent increase in emissions of HFCs since 1990, as they have been widely used as a substitute for ozone-depleting substances.

**Bill Summary:** House Bill 4024-B would have prohibited certain products that use or contain HFCs from entering into commerce in Oregon, if the product was manufactured by a specified date. The measure would have required the Department of Consumer and Business Services to adopt rules amending the state building code as necessary to align the requirements of measure or rules adopted by the Environmental Quality Commission pursuant to legislation. House Bill 4024-B would have appropriated \$176,600 General Fund to the Department of Environmental Quality to conduct rulemaking, implement and enforce restrictions, and provide ongoing reporting. Finally, House Bill 4024-B would have permitted state contracting agencies to give a preference to products that do not use or contain HFCs.

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[House Bill 4167](#)**Not Enacted****Oregon Greenhouse Gas Initiative****At the request of:** Representative Tina Kotek**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** A cap-and-trade program is a market-based system designed to reduce greenhouse gas (GHG) emissions. Total allowed emissions are capped at a given level that decreases each year. Emitters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government. Allowances are purchased at auctions held either by the government or a contracted third party. Allowances may also be distributed for free, often to emissions-intensive, trade-exposed industries. Covered entities may also purchase offset credits to meet their compliance obligations. Offsets represent a verified emission reduction of one ton of carbon dioxide equivalent from an uncapped sector. At the end of each compliance period, emitters must remit a number of allowances equal to their emissions or face a penalty. Companies may sell surplus allowances to other companies. This type of program uses the proceeds generated from the auction of allowances for designated purposes.

**Bill Summary:** House Bill 4167 would have modified state anthropogenic greenhouse gas (GHG) emissions reduction levels goals. The measure would also have established the Greenhouse Gas Reduction Board (Board) and the Office of Greenhouse Gas Regulation (Office), and required the Board to adopt the Oregon Greenhouse Gas Initiative (OGGI) by rule. The measure would have declared that the purposes of the regulatory and investment portion of OGGI were to: a) achieve emission level reductions; b) promote GHG emissions sequestration and mitigation; c) promote adaptation and resilience by natural and working lands, fish and wildlife resources, communities, the economy, and the state's infrastructure in the face of climate change and ocean acidification; and d) provide assistance to households, businesses, and workers impacted by climate change or climate change policies. The measure would have required the Board to place a cap on the total regulated anthropogenic GHG emissions by setting allowance budgets starting in 2022 through 2050 and provided a system for covered entities to buy and sell allowances and offset credits used to demonstrate compliance.

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[House Bill 4066-A](#)**Not Enacted****Public Utility Commission Authority**

**At the request of:** House Interim Committee on Energy and Environment for Representative Karin Power

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** Senate Bill 978 (2017) directed the Oregon Public Utility Commission (PUC) to establish a public process for investigating how developing industry trends, technologies, and policy drivers impact the existing regulatory system and incentives the PUC currently employs. One of the items identified by some participants in the SB 978 (2017) report was that an efficient way to reduce emissions is by electric utilities working to reduce emissions outside of the electric sector through beneficial electrification of other fuel uses, such as electric vehicles and other forms of electrified transportation.

Oregon Governor Kate Brown created the Governor's Council on Wildfire Response by executive order in January of 2019. The Council was tasked with reviewing Oregon's current model for wildfire prevention, preparedness, and response, and analyzing whether the current model is sustainable given increasing wildfire risks. The Council met regularly for nine months and formed three subcommittees that focused on mitigation, fire suppression, and adaptation and recovery. The product of the Council's extensive work was a final report that concluded that some or all of the current models are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons.

**Bill Summary:** House Bill 4066-A would have authorized the PUC to allow electric companies to recover costs for prudent investments in infrastructure measures that support the adoption of electric vehicles if certain criteria were met. In addition, the measure would have directed electric companies and consumer-owned utilities (COU) to use revenues from participating in the Clean Fuels Program for programs to accelerate transportation electrification. Finally, House Bill 4066-A would have required electric companies and COUs to create and operate under approved risk-based wildfire protection plans.

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[House Bill 4068-A](#)

Not Enacted

## Electric Vehicle Infrastructure

**At the request of:** House Interim Committee on Energy and Environment for Representative Marty Wilde

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** The Department of Consumer and Business Services (DCBS) adopted Electric Vehicle (EV) Ready Parking standards (standards) in 2017. The standards require newly constructed parking facilities in certain occupancies with 50 or more open parking spaces to have conduit run from the service to at least five percent of the open parking spaces. The conduit must be sized to fit wiring for at least a level 2 charger (40 amp). The EV Ready Parking standards are required in the cities of Portland, Eugene, Salem, and Gresham.

**Bill Summary:** House Bill 4068-A would have required the Director of DCBS to adopt state building codes that required at least 20 percent of parking spaces in certain buildings to provide electric vehicle charging infrastructure. It also would have allowed municipalities to adopt building codes that require a higher percentage of parking spaces to provide electric vehicle charging.

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[House Bill 4135](#)

Not Enacted

## Utility Investments in Electric Vehicle Infrastructure

**Chief Sponsors:** Rep. McKeown; Sen Roblan

**Committees:** House Energy and Environment

**Background and Current Law:** Approximately one-third of Oregon's greenhouse gas emissions come from the transportation sector. The 2009 Oregon Legislative Assembly passed House Bill 2186 authorizing the Oregon Environmental Quality Commission to adopt rules to reduce the average carbon intensity of Oregon's transportation fuels by 10 percent over a 10-year period; this is known as the Clean Fuels Program. The 2015 Oregon Legislative Assembly passed Senate Bill 324 allowing the Department of Environmental Quality to fully implement the program in 2016. The 2017 Oregon Legislative Assembly passed House Bill 2017 to include cost containment provisions for the program.

Senate Bill 978 (2017) directed the Oregon Public Utility Commission (PUC) to establish a public process for investigating how developing industry trends, technologies, and policy drivers impact the existing regulatory system and incentives the PUC currently employs. One of the items identified by some participants in the SB 978 (2017) report was that an efficient way to reduce emissions is for the electric utilities to support the beneficial electrification of other fuel uses, such as electric vehicles and other forms of electrified transportation.

**Bill Summary:** House Bill 4135 would have required an electric company or consumer-owned utility to expend any revenues from participating as a credit aggregator or credit generator in the Clean Fuels Program on transportation electrification. House Bill 4135 would have authorized the PUC to allow electric companies to recover costs for prudent investments or expenses in infrastructure measures that support transportation electrification if certain criteria are met. The measure would have also required that electric companies and consumer-owned utilities invest no less than one percent of total rates collected annually from retail electricity consumers in programs to accelerate transportation electrification.

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[House Bill 4151-A](#)**Not Enacted****Funding for Electric Vehicle Infrastructure****Chief Sponsors:** Reps. Smith DB, Witt; Sen. Roblan**Committees:** House Energy and Environment, House Revenue

**Background and Current Law:** Approximately one-third of Oregon's greenhouse gas emissions come from the transportation sector. In 2017, the Legislative Assembly passed House Bill 2017, which proposed two new vehicle taxes in Oregon: the vehicle privilege tax and vehicle use tax. The former is a tax for the privilege of selling vehicles in Oregon, while the latter applies to vehicles that are required to be registered and titled in Oregon, but that were purchased from out-of-state dealers. House Bill 2017 also authorized the Department of Environmental Quality to provide rebates to qualifying Oregonians who purchased certain types of zero-emission vehicles. The rebate program drew on funding from the newly adopted taxes, depositing revenues from the privilege tax to contribute \$12 million annually to the Zero-Emission Incentive Fund established by House Bill 2017. The initiative was subsequently modified through House Bill 4059 in 2018 and House Bill 2592 in 2019. Rebates are administered through a zero-emission and electric vehicle rebate program and the Charge Ahead Oregon Program.

**Bill Summary:** House Bill 4151-A would have increased the vehicle privilege and use taxes and directed revenue from the increased privilege tax to supplement rebates granted through the zero-emission and electric vehicle rebate program and Charge Ahead Oregon Program. House Bill 4151-A would also have required that electric companies invest no less than one percent of total rates collected annually from retail electricity consumers in programs to accelerate transportation electrification, and authorized the Public Utility Commission to allow electric companies to recover certain infrastructure costs in support of transportation electrification from ratepayers.

[House Bill 4049](#)**Not Enacted****Renewable Energy Certificates for Electricity from Combustion of Solid Waste**

**At the request of:** House Interim Committee on Agriculture and Land Use for Marion County Board of Commissioners

**Committees:** House Energy and Environment, House Rules

**Background and Current Law:** The Oregon Renewable Portfolio Standard (RPS) directs Oregon utilities to source a specified percentage of their retail electricity sales with generation from qualified renewable resources by set dates. ORS 469A.130 requires the Oregon Department of Energy to establish a system of renewable energy certificates (RECs) that can be used by an electric utility or service supplier to establish compliance with the applicable RPS. The Western Renewable Energy Generation Information System (WREGIS) issues RECs for Oregon-certified energy facilities that generate qualifying renewable power. Facilities receive one REC for one megawatt-hour of qualifying renewable energy they deliver to the grid. Utilities and electricity service suppliers purchase and then retire these RECs to demonstrate compliance with the RPS. The legislature added facilities that generate electricity from direct combustion of municipal solid waste as an eligible generation source under the RPS in 2010; these facilities are eligible for RECs for electricity generated on or after January 1, 2011.

**Bill Summary:** House Bill 4049 would have established limited eligibility for RECs for facilities that generate electricity from the direct combustion of municipal solid waste and became operational before January 1, 1995, if the facility had been registered with WREGIS at any time.

[House Bill 4067-A](#)**Not Enacted****Differential Energy Burden**

**At the request of:** House Interim Committee on Energy and Environment for Representative Karin Power

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Public Utility Commission (PUC) regulates investor-owned utilities and is responsible for ensuring utility customers have access to safe, reliable, and high-quality utility services at just and reasonable rates. The scope and mandate of the PUC is determined by the legislature, which requires the PUC to balance the interests of customers and utility companies by ensuring that rates are both fair and provide adequate revenue for utilities to be financially sound (ORS 756.040).

Senate Bill 978 (2017) directed the PUC to use a public process to consider how its role as regulator of Oregon's investor-owned utilities might evolve, given changes in the energy industry and in energy policy. The PUC gathered input from stakeholders and compiled results into a report that was submitted to the legislature on September 14, 2018. One key recommendation was to authorize the PUC to improve equitable and affordable access to energy services by considering not only the broad interests of customers, but specific needs of low-income customers and environmental justice communities.

**Bill Summary:** House Bill 4067-A would have required the PUC to provide for a comprehensive classification of service that took into account the differential energy burdens on low-income customers and other economic, social equity, or environmental justice factors that affect affordability for certain classes of utility customers.

The measure would have authorized the PUC to enter into agreements to provide financial assistance for organizations that represent interests of low-income residential customers and residential customers who are members of environmental justice communities in regulatory proceedings before the PUC. House Bill 4067-A would have also directed the PUC to establish a public process for investigating equity strategies and incorporating their findings from the public process into a report to the Environmental Justice Task Force and the Governor's Office.

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**[Senate Bill 1512](#)****Not Enacted****Forestland Transfers**

**At the request of:** Senate Interim Committee on Environment and Natural Resources

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Constitution directs the State Land Board, made up of the Governor, Treasurer, and Secretary of State, to “manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management” (Or. Const. art. VIII, sect. 5). In 2017, the Oregon Legislative Assembly authorized the State Land Board to identify and submit to the Legislative Assembly a list of state trust lands with limited performance potential as assets of the Common School Fund for transfer to another state or federal agency or tribe (ORS 273.462 - 273.464).

In 2019, Senate Bill 893 would have authorized the State Board of Forestry to identify and transfer lands with limited revenue-generating potential, or those that provided high-value recreational or conservation benefits, to other governmental entities or tribes. The measure was not enacted.

**Bill Summary:** Senate Bill 1512 would have authorized the State Board of Forestry to identify lands with limited revenue-generating potential or that provide high-value recreational or conservation benefits, and then transfer identified lands to another state or federal agency, local government, or tribe. The measure would have required the Board to obtain approval from the county where the lands are located and from the governing authority of the proposed receiving entity prior to transferring lands.

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**[House Bill 4168-B](#)****Not Enacted****Forestry Memorandum of Understanding**

**At the request of:** Governor Kate Brown

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** In February, representatives from Oregon’s forest industry and environmental interests signed a Memorandum of Understanding to achieve greater business certainty for forest landowners and industries; greater environmental certainty for the survival and recovery of threatened and endangered species and to ensure that drinking water and aquatic resources are protected; and a durable framework and process to resolve future issues.

**Bill Summary:** House Bill 4168-B would have directed the Governor to facilitate mediation sessions between the forest industry and environmental interests on changes to the Oregon Forest Practices Act; established a notice-based system for aerial pesticide spray, provided for access to spray records, and established penalties for failure to provide timely notice or information; prohibited aerial pesticide spray within 300 feet of an inhabited dwelling, school, or water intake; established new buffer requirements for streams with domestic use, fish use, or both uses; and required the Oregon Department of Forestry to make 2017 board rules regarding salmon, steelhead, and bull trout applicable for the Siskiyou Georegion.

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[Senate Bill 1555](#)

Not Enacted

**Parsonage Development Near Places of Worship****Chief Sponsors:** Sen. Heard**Committees:** Senate Housing and Development, Senate Rules

**Background and Current Law:** A parsonage is typically a dwelling that is provided by a religious institution where its officiant can reside. In Oregon, wherever a nonresidential place of worship is allowed on real property, cities and counties must allow reasonable uses of the property for activities associated with the particular religious practice, such as weddings, worship, and instruction, and including residential housing. Such residential housing is allowed so long as at least half of what is available is affordable to households with incomes up to 60 percent of the median family income in the area; the property is within the urban growth boundary; and the property is zoned for such use and otherwise compliant with land use regulations and other development criteria.

**Bill Summary:** Senate Bill 1555 would have required local governments to allow development of residential dwellings for the exclusive use of religious officials and their households at or near allowed, conforming places of worship regardless of statewide land use planning goals so long as the dwelling was no more than 2,500 square feet, located no more than 300 feet from an existing place of worship, and not sited on high-value farmland to the extent possible.

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[House Bill 4012-B](#)

Not Enacted

**Stevens Road Urban Growth Boundary Expansion****Chief Sponsors:** Representative Brian Clem**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 2009, the Legislative Assembly adopted House Bill 3298 which designated a portion of the Metolius River Basin as an area of critical state concern, prohibiting the siting of a destination resort in that area. In 2009, the Legislative Assembly also adopted House Bill 2228 which allowed for the establishment of one or two small-scale recreational communities in conjunction with a transfer of development opportunity from a Metolius resort site.

**Bill Summary:** House Bill 4012-B would have authorized the owner of the Stevens Road tract in Bend to purchase the development opportunity from the holder of the transferrable development opportunity at the Metolius resort site. This tract is owned by the Department of State Lands. The measure would have also established standards and a process for the development opportunity to be applied to the Stevens Road Tract, effectively bringing the land into the city's urban growth boundary

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## [House Bill 4014-B](#)

**Not Enacted**

### Various Provisions Related to Land Use

**Chief Sponsors:** Reps. Post, Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Oregon's Statewide Land Use Planning Goal 3, 'Agricultural Lands,' requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Certain nonfarm uses are also allowed on EFU-zoned lands. In 2019, the legislature passed House Bill 2106 allowing dog training classes or testing trials to be conducted outdoors or in farm buildings in existence on or before January 1, 2019, rather than January 1, 2013.

ORS 92.017 establishes when a lawfully created lot or parcel remains a discrete lot or parcel and was last amended in 1993.

Until 2017, Oregon county planning, zoning, and housing laws allowed the construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use or rural residential use only if the ADU would be used for farmworkers. In 2017, the legislature authorized counties to allow a property owner in an area zoned for rural residential use to construct a new single-family dwelling, subject to certain conditions, and to convert a historic home on the same lot or parcel to an ADU (House Bill 3012).

In 1979, Oregon prohibited the establishment, operation, or licensing of a waste disposal facility in the state for radioactive waste (ORS 469.525). The disposal of radioactive waste at a facility at Arlington, Oregon has recently been reported.

**Bill Summary:** House Bill 4014-B would have made four distinct policy changes. First, the measure would have established that lawfully created units of land would remain lawfully established units of land following a judgment that relocated a property line, prohibiting the requirement of additional procedures for denying permits based on judicial boundary changes. Second, it would have directed the Oregon Department of Energy (ODOE) to submit a report to the legislature describing: the recent radioactive waste disposal event and actions taken by the agency to prevent a reoccurrence; funding options to support an enhanced enforcement program; and recommendations for potential legislative changes regarding consultation and enforcement. Third, the measure would have amended the definition of radioactive waste and provided additional enforcement authority to ODOE and the Energy Facility Siting Council. Finally, House Bill 4014-B would have exempted dog training facilities from state structural specialty codes.

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[House Bill 4106](#)**Effective Date: February 27, 2020****Happy Valley Parks and Recreation Services****Chief Sponsors:** Reps. Bynum, Meek; Sen. Thomsen**Committees:** House Agriculture and Land Use, Senate Finance and Revenue

**Background and Current Law:** The Clackamas County Board of Commissioners, acting as the Board of Directors for the North Clackamas Parks and Recreation District (NCPRD), and the city of Happy Valley have been involved in a legal dispute over parks and recreation services. They have recently come to an agreement to resolve the claims between the parties. One part of the agreement was the passage of legislation to withdraw the city of Happy Valley from NCPRD.

**Bill Summary:** House Bill 4106 provides that a city in Clackamas County that was annexed into a county parks and recreation service district between January 1, 2005 and December 31, 2006, by a vote of city electors, is deemed withdrawn from and no longer a part of the county service district as of June 30, 2020.

**Oregon Laws 2020:** Chapter 2, (2020 Laws)

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[House Bill 4093](#)**Not Enacted****Wood Residue Solid Waste Exception****Chief Sponsors:** Reps. Breese-Iverson, Smith DB; Sen. Roblan**Committees:** House Energy and Environment

**Background and Current Law:** The processing of lumber products can generate a certain amount of wood residue, or wood "waste" material. Wood residue can be converted into useful byproducts such pellets and bricks for heating, pulp and paper products, and composites like particle board. Unused wood residue may also be incinerated. Oregon currently exempts uncontaminated, appropriately permitted wood residue from being regulated as a solid waste if it is combusted as fuel by its generator or purchased at fair market value and then combusted as fuel.

**Bill Summary:** House Bill 4093 would have broadened and clarified the exception for wood residue from regulations governing solid wastes to include all wood residue that has value to its generator or a purchaser.

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[House Bill 4105](#)**Not Enacted****Oil and Gas Transportation****Chief Sponsors:** Reps. Power, Marsh, Nosse; Sen. Golden**Committees:** House Energy and Environment

**Background and Current Law:** The United States is producing more oil on an annual basis than it has in 30 years, and extraction companies are increasingly relying on railroads to deliver these products to refineries. Recent technological advances such as hydraulic fracturing and horizontal drilling are driving the increase in oil and natural gas extraction by unlocking access to resources in Canada and the U.S. that were previously considered too costly to develop. According to the U.S. Energy Information Administration, crude oil production reached a record level of 12.23 million barrels per day (b/d) annually in 2019.

**Bill Summary:** House Bill 4105 would have prohibited state agencies from authorizing the construction of new oil or gas infrastructure on state-owned real property, and would have required that facilities that unload oil or gas from railcars notify the Oregon Department of Transportation (ODOT) of the volume, type, and vapor pressure of each shipment. The measure would have required ODOT to inform the State Fire Marshall and, if the amount exceeded a certain quantity, the legislature. The measure would have also provided a timeframe to prohibit the loading or unloading of oil or gas from railcars with a certain vapor pressure once the total volume transported reached a specified point.

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[Senate Bill 1562](#)**Not Enacted****Groundwater Management Area in Lower Umatilla Basin****Chief Sponsors:** Sens. Hansell, Dembrow; Rep. Barreto**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** The Lower Umatilla Basin is one of three designated Groundwater Management Areas in Oregon. The designation was made in 1990 by the state Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA) due to nitrate-nitrogen concentrations above seven milligrams per liter in the region. Oregon's Groundwater Quality Protection Act requires the designation because high nitrate concentrations in drinking water are linked to serious health concerns. After an area is designated, a local groundwater management committee is formed to work with state agencies to develop a plan to reduce area contamination.

**Bill Summary:** Senate Bill 1562 would have appropriated \$250,000 General Fund dollars to ODA to convene, facilitate, and staff an interagency task force through January 2, 2030, to achieve removal of the Groundwater Management Area designation from specified parts of the Lower Umatilla River Basin.

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[House Bill 4043](#)**Not Enacted****Materials for Local Water Projects**

**At the request of:** House Interim Committee on Veterans and Emergency Preparedness for Representative Paul Evans

**Committees:** House Water

**Background and Current Law:** The Environmental Protection Agency (EPA) sets standards for drinking water and waste water quality and treatment through the Clean Water Act and National Primary Drinking Water Regulations. Construction of public drinking water systems is regulated by Oregon Drinking Water Services under the Public Health Division of the Oregon Health Authority, subject to OAR 333-061-0050. Construction of waste water systems is regulated by the Oregon Department of Environmental Quality, subject to OAR Chapter 340. Procurement rules for publicly funded construction projects can be found in ORS Chapter 279C and include provisions requiring competitive bidding and a least-cost policy requiring analysis of project costs prior to finalization of a public contract.

**Bill Summary:** House Bill 4043 would have prohibited a local government, local contracting agency, or a local contract review board from restricting the use of piping materials in a publicly funded drinking water or wastewater project, if the piping materials met specific performance standards. The bill provided that appropriate piping materials may have been required for a water project based on the recommendation of a licensed professional engineer in connection with the specific project. The provisions would have applied to public contracts for water projects on or after the operative date of the bill.

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[House Bill 4069](#)

Not Enacted

## Water Use Measurement and Reporting

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water

**Background and Current Law:** By law, all surface and groundwater in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Water users, with some exceptions, must obtain a water right to use water from any source. When water is scarce, water users are allocated water based on the date of their water right, with holders of the oldest water rights allocated water first, and holders of newer water rights receiving their allocation according to the availability of water. Many water rights include conditions that require the water user to submit data to the Oregon Water Resources Department (WRD), including water use reports, pump tests, and in the case of groundwater, static water level data.

**Bill Summary:** House Bill 4069 would have declared that water use measurement and reporting was a benefit to all water users and would have established a policy for the state to actively promote water use measurement and reporting and to encourage government coordination and cooperation to provide financial support to measure and report water use. House Bill 4069 would have established that if an entity was required by WRD to measure water use under a water right permit, certificate, limited license, decree, order of determination, or groundwater registration, that the entity could have been required to report this information to WRD.

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[House Bill 4070](#)

Not Enacted

## Low-Interest Septic System Loan Program

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water, Joint Ways and Means

**Background and Current Law:** A septic system is the most common method of sewage treatment for homes and businesses that are not connected to an area-wide sewage treatment system. Over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. Septic systems that fail or malfunction can pollute Oregon's land and waterways with raw sewage and create public health hazards. In 2016, Senate Bill 1563 required the Oregon Department of Environmental Quality (DEQ) to establish a program to award grants for developing and administering a low-interest loan program for the repair, replacement, upgrade, or evaluation of residential or small business on-site septic systems. This program is known as the Clean Water Loan Program (ORS 454.779).

**Bill Summary:** House Bill 4070 would have appropriated \$2 million of the General Fund, for the biennium ending July 1, 2021, to DEQ to award a grant of no less than \$1,950,000 for a low-interest loan program to repair, replace, upgrade, or evaluate residential or small business on-site septic systems pursuant to ORS 454.779.

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## [House Bill 4071-A](#)

**Not Enacted**

### Harmful Algal Blooms

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water, Joint Ways and Means

**Background and Current Law:** Harmful algal blooms (HABs) are high concentrations of certain types of algae that produce toxic compounds, known as cyanotoxins. HABs can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water. HABs can also result in hypoxia, or low oxygen, in water bodies, which can kill fish and other wildlife.

Oregon has been experiencing increasing numbers of HABs, including blooms on the North Santiam River that affected drinking water quality for the City of Salem in 2018. In response, a work group made up of stakeholders whose work intersects with drinking water quality or recreational water quality came together in 2019 to consider short-term and long-term strategies for addressing HABs and related impacts to Oregonians.

**Bill Summary:** House Bill 4071-A would have appropriated \$95,000 to the Oregon Department of Environmental Quality (DEQ) to purchase an instrument to analyze water samples for cyanotoxins and would have directed DEQ to make the instrument available to higher education institutions for education, training, and research during times it was not needed by DEQ. The measure would have appropriated an additional \$215,000 to DEQ for staff to collect water samples and assist with analysis and would have appropriated \$100,000 to the Oregon Health Authority for a Small Utility Outreach Coordinator to work with small water suppliers and water suppliers who depend on a vulnerable water body to make sure they have plans, tools, and training to address HABs and other water-related emergencies.

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## [House Bill 4077](#)

**Not Enacted**

### Domestic Well Testing

**Chief Sponsors:** Rep. Lively; Sen. Roblan

**Committees:** House Water

**Background and Current Law:** Domestic well testing is the process of having an accredited laboratory test water from a private well for possible contaminants, most commonly arsenic, nitrates, and E. Coli. ORS 448.271 requires the testing of domestic well water for arsenic, nitrates, and total coliform bacteria at the time of a real estate transaction. The seller of the property must report the results to the Oregon Health Authority (OHA) and to the buyer within 90 days of receipt.

**Bill Summary:** House Bill 4077 would have modified well testing requirements for the sale or exchange of real estate that includes a well that is used for domestic purposes, adding an E. Coli test if the initial test indicates the presence of total coliform bacteria. The bill would have required the accredited laboratory that conducts the tests to electronically report the results to the seller, the buyer, and to the Oregon Department of Environmental Quality (DEQ). DEQ would have reported the results to OHA and would have been authorized to use the information to address groundwater quality.

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## [House Bill 4086](#)

**Not Enacted**

### Granting Stay in Contested Final Order

**Chief Sponsors:** Reps. Wilde, Sanchez

**Committees:** House Water

**Background and Current Law:** Like most western states, Oregon follows the “prior appropriation” doctrine of water use, often referred to as “first in time, first in right.” This means that when there is insufficient water to satisfy all water rights, water users with senior priority dates make a “call” to receive water, and users with junior water rights are shut off until the rights of the senior users making the call are satisfied.

Adjudication is the process by which pre-1909 vested water rights are quantified and documented through an administrative and judicial procedure. Approximately two-thirds of the state has been adjudicated. The administrative phase of adjudication concludes with the presentation of the adjudicator’s findings of fact and a final order of determination filed by the Oregon Water Resources Department (WRD) with the applicable court. The judicial phase of the process is the review of the final order by the courts. Adjudication claimants or contestants who dispute WRD’s determination have an opportunity to file exceptions to be reviewed by the court. The court ultimately issues a water rights decree affirming or modifying the final order of determination, and WRD issues water right certificates in accordance with the court’s decree.

**Bill Summary:** House Bill 4086 would have removed the routine stay of enforcement by WRD prompted by the filing of a petition with the court to contest a final order in an adjudication. Instead, a stay would have been granted if a petitioner made a motion for the stay, the court ruled that the petitioner would have been likely to prevail on the merits of the case, and the petitioner had put up a bond or other financial surety from which attorney fees and costs to WRD or the Oregon Water Resources Commission could have been deducted, should the court have found against the petitioner or if the petitioner voluntarily withdrew the filing.

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## [House Bill 4092](#)

**Not Enacted**

### Registration of an Existing Reservoir

**Chief Sponsors:** Reps. Breese-Iverson, Helm

**Committees:** House Water, Senate Environment and Natural Resources

**Background and Current Law:** A water right is required to store water in a reservoir, construct a reservoir, or to use water stored in a reservoir. Additional permits and approvals from other agencies may be necessary prior to the construction of a water storage facility. An application for a water right may not legally be considered for a reservoir located or proposed in areas of the state that the legislature has set aside as “withdrawn.” Waters located in withdrawn areas are reserved for specific purposes or otherwise restricted from the issuance of new water rights.

**Bill Summary:** House Bill 4092 would have authorized the owner of a specific property located in a withdrawn area of Jackson County to apply to the Oregon Water Resources Department (WRD) to register an existing reservoir on the property. The bill would have established conditions for the reservoir and required the property owner to apply for registration by July 1, 2021 and abide by all conditions; if the owner had failed to do so, WRD would have been authorized to order the removal of the reservoir.

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[Senate Bill 1514-A](#)  
[\(see Senate Bill 1536-B\)](#)

Not Enacted

## Near-Term Wildfire Fuel Reduction Projects

**At the request of:** Senate Interim Committee on Wildfire Prevention and Recovery

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** Oregon Governor Kate Brown created the Governor's Council on Wildfire Response (Council) in January 2019 and tasked the Council with reviewing Oregon's current programs for wildfire prevention, preparedness, and response, and analyzing whether the current system is sustainable given increasing wildfire risks. The Council's final report concluded that current programs are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations; Senate Bill 1514-A reflects content from recommendations 14-20.

**Bill Summary:** Senate Bill 1514-A would have required the Oregon Department of Forestry to establish, execute, and complete up to 15 projects to reduce hazardous fuels and restore landscape resilience on public or private forestlands and rangelands by June 30, 2021, and to provide interim and final reports to the legislature. Senate Bill 1514-A was incorporated into Senate Bill 1536-B, the Omnibus Wildfire Bill.

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[Senate Bill 1515-A](#)

Not Enacted

## Wildfire Workforce Foundation

**At the request of:** Senate Interim Committee on Wildfire Prevention and Recovery

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** Several youth workforce programs carry out forest health and forest fuel load reduction projects in Oregon. These programs offer young people an education-based work experience modeled after the Civilian Conservation Corps of the 1930s, while helping achieve wildfire risk reduction goals. While no wildfire workforce foundation currently exists in Oregon, the National Fish and Wildlife Foundation is a similar concept and model, in that it builds public-private partnerships and investments to implement mission-driven work at a landscape scale.

**Bill Summary:** Senate Bill 1515-A would have required the Higher Education Coordinating Commission to develop a privately and publicly funded wildfire workforce foundation to achieve forest restoration and wildfire reduction through youth workforce development programs and to report to the legislature by December 1, 2020.

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[Senate Bill 1516-A](#)**Not Enacted****Oregon Department of Forestry Modernization**

**At the request of:** Senate Interim Committee on Wildfire Prevention and Recovery

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Forestry (ODF) Fire Protection program protects 16 million acres of forest, including privately owned, state-owned, and by contract, federally owned forests in western Oregon. The current statutory funding mechanism for fire protection relies on a mix of assessments to private and public landowners within the 12 fire protection districts for which ODF has jurisdiction.

**Bill Summary:** Senate Bill 1516-A would have created a program for the periodic review and modernization of ODF structure and programs to ensure effectiveness and efficiency. The measure would have required the State Forester to levy an additional \$10.80 on each tax lot assessed under forest protection district statutes, and would have appropriated \$6 million General Fund moneys for two administrative positions, the conversion of seasonal positions up to 35 permanent full-time positions, and for firefighting equipment needs.

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[Senate Bill 1536-B](#)**Not Enacted****Omnibus Wildfire Bill**

**At the request of:** Governor Kate Brown for Office of the Governor

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** Oregon Governor Kate Brown created the Governor's Council on Wildfire Response (Council) in January 2019 and tasked the Council with reviewing Oregon's current programs for wildfire prevention, preparedness, and response, and analyzing whether the current system is sustainable given increasing wildfire risks. The Council's final report concluded that current programs are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations; Senate Bill 1536-B contains provisions related to recommendations 1-4 and 14-20.

**Bill Summary:** Senate Bill 1536-B would have required: electric companies and utilities to create and operate under approved risk-based wildfire protection plans; the Oregon Department of Forestry (ODF) to develop and maintain a comprehensive statewide wildfire risk map; ODF, Oregon State University, and the Department of Land Conservation and Development (DLCDC) to assess regional wildfire risk; DLCDC to organize a Land Use and Wildfire Policy Advisory Committee to make recommendations to the legislature on how to implement the Council's final recommendations through the statewide land use planning program; ODF to establish, execute, and complete up to 15 projects to reduce hazardous fuels and restore landscape resilience on public or private forestlands and rangelands by June 30, 2021, and to provide interim and final reports to the legislature; and appropriations of General Fund moneys to DLCDC and ODF.

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[House Bill 4054-A](#)  
[\(see Senate Bill 1536-B\)](#)

Not Enacted

## Wildfire Land Use, Biomass, and Council Provisions

**At the request of:** House Interim Committee on Natural Resources for Representative Brad Witt

**Committees:** House Natural Resources, Joint Ways and Means

**Background and Current Law:** Oregon Governor Kate Brown created the Governor's Council on Wildfire Response (Council) in January 2019 and tasked the Council with reviewing Oregon's current programs for wildfire prevention, preparedness, and response, and analyzing whether the current system is sustainable given increasing wildfire risks. The Council's final report concluded that current programs are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations; House Bill 4054-A is related to recommendations 3, 4, 34, and 37.

**Bill Summary:** House Bill 4054-A would have: required the Oregon Department of Forestry, Oregon State University, and the Department of Land Conservation and Development (DLCDC), to assess regional wildfire risk; required DLCDC to organize a Land Use and Wildfire Policy Advisory Committee to make recommendations to the legislature on how to implement the Council's final recommendations through the statewide land use planning program; directed the Council to develop a sustainable model for comprehensive wildfire strategy funding; and directed the Oregon Department of Energy to commission a study to determine whether renewable energy generation is a feasible means for disposing of materials from wildfire fuel load reduction projects. The land use provisions of House Bill 4054-A were incorporated into Senate Bill 1536-B, the Omnibus Wildfire Bill.

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[House Bill 4166-B](#)

Not Enacted

## Wildfire Protection and Suppression Cost and Funding Source Study

**At the request of:** Representative Paul Holvey

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** The Governor's Council on Wildfire Response was created by executive order in January of 2019. The Council was tasked with analyzing whether Oregon's current model for wildfire prevention, preparedness, and response, is sustainable given increasing wildfire risks. The product of the Council's work was a final report that concluded that current models are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons.

**Bill Summary:** House Bill 4166-B would have allocated \$250,000 in General Fund moneys to the Department of Administrative Services to contract with an independent economist to study, in consultation with an expert project team or advisory group, the actual costs of and source of funding used for wildfire protection and suppression on lands protected by the State Forestry Department and to report their findings and recommendations by March 1, 2021.

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## [Senate Bill 1511-A](#)

**Not Enacted**

### Artificial Beaver Dams

**At the request of:** Senate Interim Committee on Environment and Natural Resources

**Committees:** Senate Environment and Natural Resources, House Rules

**Background and Current Law:** Historically, many small streams in eastern Oregon were inhabited by beavers, and were strongly influenced by the semi-aquatic rodents' ability to modify their physical surroundings. The dams that beavers construct have the effect of slowing the flow of water, allowing for natural overflow onto surrounding flood plains, and providing many benefits to stream ecosystems and their hydrologic function. Beavers were nearly extirpated from the Pacific Northwest by 1900, largely as a result of the hunting and trapping of beavers for their furs.

In 2019, House Bill 3132-A would have directed the Oregon Department of Fish and Wildlife (ODFW) to adopt rules and administer a program authorizing the voluntary construction of environmental restoration weirs in specified basins and qualifying streams. The measure was not enacted.

**Bill Summary:** Senate Bill 1511-A would have required ODFW to adopt rules and administer a program to authorize the voluntary construction of environmental restoration weirs for stream restoration and habitat improvement in eastern Oregon.

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## [Senate Bill 1554](#)

**Not Enacted**

### Oregon Greenhouse Gas Initiative

**Chief Sponsors:** Sen. Roblan; Reps. Mitchell, Smith DB

**Committees:** Senate Environment and Natural Resources, Joint Ways and Means

**Background and Current Law:** Oceans absorb a portion of the carbon dioxide (CO<sub>2</sub>) released into the atmosphere each year. "Ocean acidification" is the term given to the chemical changes in the ocean that result from CO<sub>2</sub> absorption. "Hypoxia" refers to oxygen-deficient waters.

In 2017, the Oregon Legislative Assembly established the Oregon Coordinating Council on Ocean Acidification and Hypoxia (Council). The Council consists of 13 members including the Governor or Governor's designee, directors or their designees from various state agencies, and representatives of ocean industries, conservation organizations, and the scientific, academic, and tribal communities. The Council reviews and utilizes relevant, scientifically supported information to identify research activities, strategies, and initiatives to address Oregon's vulnerabilities to ocean acidification and hypoxia, while increasing public awareness of the science and impacts of ocean acidification and hypoxia. The Council's first biennial report to the Legislative Assembly and to the Ocean Policy Advisory Council was submitted in September 2018 and recommends actions in five areas.

**Bill Summary:** Senate Bill 1554 would have appropriated funds for grants and other purposes related to ocean acidification and hypoxia.

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[Senate Bill 1564-A](#)**Not Enacted****Mattress Stewardship Program****Chief Sponsors:** Sens. Manning Jr., Dembrow; Rep. Fahey**Committees:** Senate Labor and Business, Joint Ways and Means

**Background and Current Law:** In 2009, Oregon became the first state in the nation to enact a law requiring architectural paint manufacturers to implement a program to reduce waste, increase reuse and recycling, and safely dispose of remaining unusable paint and other coatings. The paint product stewardship program is paid for by consumers who pay an assessment on each container of paint product registered for sale in Oregon. Retailers remit the assessment back to manufacturers, who pay a stewardship organization to manage collections and provide outreach and education to consumers on how to estimate the right amount to purchase, and how to reuse and recycle paint products.

**Bill Summary:** Senate Bill 1564-A would have established a statewide mattress product stewardship program for the recovery and recycling of used mattresses. The Department of Environmental Quality (DEQ) would have been required to certify a stewardship organization to implement and administer the program, which would have been financed by an assessment at the point of sale. Producers, renovators, and retailers would have been required to register with the stewardship organization, which would have provided free collection and recycling service throughout the state.