2019 SUMMARY OF LEGISLATION

AGRICULTURE AND NATURAL RESOURCES
## Agriculture and Natural Resources Measures

<table>
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<tr>
<th>Category</th>
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<tr>
<td><strong>Agriculture and Food</strong></td>
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<td>SB 287, SB 390, SB 402, SB 885, SB 1019, SB 1051, HB 2057, HB 2059, HB 2060, HB 2061, HB 2437, HB 2451, HB 2579, HB 3365, HB 3401, HB 3433</td>
<td>SB 241, SB 536, SB 853, SB 876, HB 2086, HB 2137, HB 2729, HB 2740, HB 2816, HB 2980, HB 3058, HB 3085, HB 3090, HB 3091, HB 3372</td>
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<td><strong>Animals and Wildlife</strong></td>
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<td>SB 301, SB 580, SB 593, SB 883, HB 2070, HB 2829, HB 2834, HB 2841, HB 3035</td>
<td>SB 268, SB 302, SB 303, SB 398, SB 723, HB 2072, HB 2293, HB 2361, HB 2364, HB 2381, HB 2746, HB 2495, HB 3087, HB 3118, HB 3132</td>
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<td><strong>Fish and Shellfish</strong></td>
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<td>SB 42, SB 1025, HB 2574, HCR 35</td>
<td>HB 2364, HB 2378, HB 2379, HB 2381, HB 2553, HB 3016</td>
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<td><strong>Forests</strong></td>
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<td>SB 1051, HB 2222, HB 2953, HCR 14</td>
<td>SB 337, SB 694, SB 772, SB 893, SB 926, SB 931, HB 2656, HB 2659, HB 3025, HB 3044, HB 3433</td>
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<td>SB 50, SB 695, SB 753, HB 3309</td>
<td>SB 48, SB 259, SB 261, SB 339, SB 695, HB 2747, HB 2958, HB 3084, HB 3327</td>
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<td><strong>Invasive Species</strong></td>
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<td>SB 445, HB 2076</td>
<td>HB 2365, HB 2816</td>
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<td><strong>Mining</strong></td>
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<td>SB 45, SB 46</td>
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<td>Recreation</td>
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<td>SB 47, HB 2078, HB 2079, HB 2351, HB 2352, HB 2652, HB 2835, HB 3168</td>
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<td>Water</td>
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<td>SB 431, HB 2084, HB 2085, HB 2377, HB 2436</td>
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<td>SB 51, SB 254, SB 408, SB 432, SB 791, SB 946, HB 2331, HB 2438, HB 2796, HB 2819, HB 2851, HB 2853, HB 2854, HB 2856, HB 2979, HB 3081, HCR 33</td>
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The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description</th>
<th>Deadline</th>
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<tr>
<td>SB 445</td>
<td>Directs the Oregon Invasive Species Council to submit a report to the Legislative Assembly.</td>
<td>Biennially</td>
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<td>SB 1025</td>
<td>Directs the Oregon Department of Fish and Wildlife to report on the recommendations of the Tillamook Bay Clam Advisory Committee to an interim legislative committee related to natural resources.</td>
<td>December 31, 2022</td>
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<td>HB 2222</td>
<td>Directs the Oregon Department of Forestry to report on the implementation and enforcement status of the Oregon Forestland-Urban Interface Fire Protection Act to the Legislative Assembly.</td>
<td>September 15, 2019 and then again by June 15 each even-numbered year</td>
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<td>HB 2437</td>
<td>Directs Oregon State University to study and report on the impacts of dry agricultural channel maintenance activities to the interim legislative committees related to agriculture, and to the Oregon Departments of State Lands, Agriculture, and Fish and Wildlife.</td>
<td>January 1, 2025</td>
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<td>December 15 of each odd-numbered year through 2029</td>
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<td>HB 2835</td>
<td>Directs state agencies to report annually on any public use waterway sites’ restrictions, closings, openings, or reopenings during the previous calendar year to the Legislative Assembly.</td>
<td>Annually by January 1</td>
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<tr>
<td>Bill Number</td>
<td>Description</td>
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<tr>
<td>HB 2953</td>
<td>Directs Oregon Department of Forestry to report outcomes from all Good Neighbor Authority projects to an interim legislative committee related to economic development.</td>
<td>December 31, 2020 and then again, each even-numbered year</td>
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**Senate Bill 42**

Restoration and Enhancement Program

At the request of: Governor Kate Brown for State Department of Fish and Wildlife

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

Background and Current Law: The Legislative Assembly established the Restoration and Enhancement (R&E) Program in 1989 to improve recreational fishing opportunities and commercial salmon fisheries by restoring state-owned fish hatcheries, expanding hatchery production, enhancing natural fish production, and providing additional public access to fishing waters. Funding for the program comes from angling license fees for recreational and commercial permits and licenses. Under ORS 496.289, the R&E Board is currently required to meet every 120 days. Funding for the R&E Program is set to sunset on December 31, 2019.

Bill Summary: Senate Bill 42 removes the sunset on the funding for the R&E Program and changes the R&E Board meeting requirement from every 120 days to at least four times each biennium.

Oregon Laws 2019: Chapter 458

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**Senate Bill 45-A**

Mining Fees

At the request of: Governor Kate Brown for Department of Geology and Mineral Industries

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

Background and Current Law: Mineral exploration and production in Oregon are regulated by the Oregon Department of Geology and Mineral Industries (DOGAMI), in cooperation with other state, federal, and local agencies, to ensure the protection of adjacent natural resources and future beneficial use of mined lands. A five-member Governing Board of citizens, appointed by the Governor and confirmed by the Oregon Senate, oversees the Department.

Bill Summary: Senate Bill 45-A would have changed permit fees charged by DOGAMI.
**Senate Bill 46-A**

*(see House Bill 3309)*

**Surface Mining Definition**

*At the request of:* Governor Kate Brown for State Department of Geology and Mineral Industries

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

**Background and Current Law:** The Department of Geology and Mineral Industries’ (DOGAMI) Mined Land Reclamation Program is the lead program for upland and underground mining regulation in Oregon. State law requires a valid operating permit issued by DOGAMI for any surface mining that exceeds one acre of disturbance in any 12-month period, 5,000 cubic yards of excavation in any 12-month period, or when total disturbance exceeds five acres unless the activity is exempt under ORS 517.770. In 2015, the Legislative Assembly established an exclusion certificate program for small-scale mining operations. Operators must pay a one-time application fee, an annual renewal fee, and submit an annual report. Current law requires an exclusion certificate for any mining activity that removes less than 5,000 cubic yards of material and affects less than one acre of land within a 12-month period.

**Bill Summary:** Senate Bill 46-A would have required an exclusion certificate for a surface mining operation that, within a 12-month period, results in the extraction of between 500 and 5,000 cubic yards of mineral. Senate Bill 46-A would also have excluded certain excavation and grading operations from the definition of surface mining and therefore from the requirement to obtain an operating permit.

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**Senate Bill 47**

**Effective Date:** September 29, 2019

**Waterway Access Permits**

*At the request of:* Governor Kate Brown for State Marine Board

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

**Background and Current Law:** The Marine Board is charged with regulating boating activities while promoting the multiple use and enjoyment of waters of the state. While Oregon is currently experiencing a significant increase in non-motorized boating, more than three-quarters of the Board’s revenue is based on registered, motorized boats and sailboats. As a result, the agency’s fee structure does not support improving access for non-motorized boaters.

**Bill Summary:** Senate Bill 47 establishes the Waterway Access Fund to improve waterway access and promote boating safety education for the non-motorized boating community. It also requires a person operating a non-motorized boat that is more than 10 feet long to obtain a waterway access permit, sets permit fees, and eliminates the requirement to purchase an Aquatic Invasive Species permit for the same non-motorized boat.

**Oregon Laws 2019:** Chapter 507
**Senate Bill 48**

**Historic Property Tax Special Assessment**

At the request of: Governor Kate Brown for State Parks and Recreation Department

Committees: Senate Environment and Natural Resources, Senate Finance and Revenue, Joint Tax Expenditures

**Background and Current Law:** Established in 1975, Oregon's Special Assessment of Historic Property Program was the nation's first state-level historic preservation tax incentive. The program maintains a property's assessed value for 10 years equal to its assessed value at the time of application. To qualify, a property must either be listed in the National Register of Historic Places (individually or as a contributing property in a historic district) or be considered historic by the State Historic Preservation Officer and listed within two years of being certified for the program. Individuals must commit to spending 10 percent of the property value on repairs and rehabilitation to qualify for the special assessment. The special assessment program is scheduled to expire on July 1, 2020.

**Bill Summary:** Senate Bill 48 would have extended the sunset on the historic property special assessment program from July 1, 2020 to July 1, 2023. Please see House Bill 2164. This measure was enacted and extends the special assessment program until July 1, 2022.

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**Senate Bill 50**

Effective Date: September 29, 2019

**State Park Timber, Sales and Forest Product**

At the request of: Governor Kate Brown for State Parks and Recreation Department

Committees: Senate Environment and Natural Resources, House Natural Resources

**Background and Current Law:** The Public Contracting Code (PCC) applies to state and local government agencies and public educational institutions when they are procuring goods and services or contracting for construction, engineering, and related services. Contracts for the sale of timber from lands owned or managed by the state Board of Forestry and Department of Forestry are exempt from the PCC.

ORS 390.121 requires the Oregon Parks and Recreation Department (OPRD) to appraise forest products before offering the products for sale. If the appraisal exceeds $15,000, OPRD is required to use a competitive bid process.

**Bill Summary:** Senate Bill 50 exempts timber sale contracts on lands owned or managed by OPRD from the PCC and increases the value of forest product sales by OPRD that require a competitive bid process from $15,000 to $25,000.

**Oregon Laws 2019:** Chapter 90
AGRICULTURE AND NATURAL RESOURCES

Senate Bill 51

Transfer of Stored Water Rights

At the request of: Governor Kate Brown for Water Resources Department

Committees: Senate Environment and Natural Resources

Background and Current Law: Under ORS 537.120, all waters within the state of Oregon may be appropriated for beneficial use and any person intending to acquire the right to beneficial use must apply for a permit with the Water Resources Department (WRD). If a water right holder wishes to transfer the point of appropriation, type of use, or place of use, they must submit a transfer application to WRD. To approve a transfer application, WRD must determine that the proposed change will not enlarge the water right and will not injure other water rights. In 2018, the Oregon Department of Justice issued a memo concluding that, with some exceptions, state law does not authorize WRD to allow changes to a right to store water.

Bill Summary: Senate Bill 51 would have established a process to change the type of use for a storage right and ratify and declare valid any change in type of use for a storage right that was approved by the Water Resources Department prior to the effective date of the Act.

Senate Bill 241

Crop Donation Tax Credit

Chief Sponsors: Sens. Thomsen, Burdick, Hansell

Committees: Senate Environment and Natural Resources, Senate Finance and Revenue, Joint Tax Expenditures

Background and Current Law: The crop donations tax credit provides a credit against personal or corporate income taxes available to crop growers who make a qualified donation of the crop to a food bank or other charitable organization including, but not limited to, gleaning cooperatives. To be a qualified donation, donated crops must go to food banks, gleaning cooperatives, and other charitable organizations engaged in the distribution of food without charge. The credit is scheduled to expire on January 1, 2020.

Bill Summary: Senate Bill 241 would have extended the sunset on the tax credit for crop donation from January 1, 2020 to January 1, 2026 and increased the percentage of wholesale price allowed as a credit from 15 to 30 percent. Please see House Bill 2164. This measure was enacted and extends the tax credit until January 1, 2026.
Senate Bill 254-A

Levee Project Grants

Chief Sponsors: Sens. Roblan, Frederick; Rep. DB Smith

At the request of: former Rep. Deborah Boone

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

Background and Current Law: A levee is a man-made structure, usually an earthen embankment, designed and constructed to contain, control, and divert the flow of water to reduce risks from temporary flooding. According to the Federal Emergency Management Agency, when new flood maps are being issued for a community with a levee system and a levee is found to no longer meet federal standards for reducing the risks associated with a major flood, the flood risk around the levee is mapped as high-risk. Property owners in high-risk areas are subject to federal flood insurance requirements once the new maps take effect and must purchase flood insurance policies if they have mortgages from a federally regulated or insured lender. In 2015, Senate Bill 306 authorized the Infrastructure Finance Authority within Business Oregon to provide financial assistance to levee projects in the form of loans or grants from the Special Public Works Fund (SPWF), a revolving loan fund that provides loans and grants to local governments to support public infrastructure projects.

Bill Summary: Senate Bill 254-A would have extended to all public bodies the eligibility to apply for levee project grant funds.

Senate Bill 259

(see House Bill 2181-A)

Task Force on Maritime Sector Workforce Development

Chief Sponsors: Sen. Roblan; Reps. DB Smith, Gomberg

At the request of: former Rep. Deborah Boone, Oregon Coastal Zone Management Association

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

Background and Current Law: According to the Oregon Employment Department, Oregon’s maritime sector workforce totaled nearly 19,000 in 2017. Maritime sector jobs are in 33 of Oregon’s 36 counties. The State Workforce and Talent Development Board exists to identify key industries and workforce skills needed; needs for education, training, work experience, and job preparation; and opportunities for partnerships with key industry sectors to ensure access to and employment advancement for all Oregonians (Chapter 245, Oregon Laws 2005). The Board must develop and update a unified state Workforce and Talent Development Plan every biennium and submit a report about the Plan to the Governor and the Legislative Assembly every year.

Bill Summary: Senate Bill 259 would have established the Task Force on Maritime Sector Workforce Development to study the maritime sector workforce in Oregon and develop recommendations for the State Workforce and Talent Development Board to address the maritime sector in a unified statewide workforce development plan.
Oregon Coast Aquarium Funding

Chief Sponsors: Sen. Roblan; Reps. Gomberg, McKeown

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

Background and Current Law: The Oregon Coast Aquarium is a 501(c)(3) nonprofit organization located in Newport, Oregon. The Aquarium’s mission is to create unique and engaging experiences that connect visitors to the Oregon coast and to inspire ocean conservation.

Bill Summary: Senate Bill 261 would have appropriated $10 million to the Oregon Coast Aquarium for projects that have been identified as priorities for the aquarium's current capital campaign. Please note: House Bill 5050 was enacted and appropriated $5,106,587 to the Oregon Coast Aquarium.

Income Tax Subtraction for Pet Adoption

Chief Sponsors: Sen. Olsen

Committees: Senate Environment and Natural Resources, Senate Finance and Revenue

Background and Current Law: According to the American Veterinary Medical Association, the total number of companion dogs and cats in U.S. households numbered more than 143 million in 2012, with more than 36 percent of households owning dogs and more than 30 percent owning cats. Oregon ranked fourth on the list of pet-owning states, with 64 percent of households owning a pet. As of 2014, approximately 3.2 million dogs and cats were adopted each year in the U.S. from animal shelters (American Society for the Prevention of Cruelty to Animals).

Bill Summary: Senate Bill 268 would have created a personal income tax subtraction for the adoption of a dog or cat from an animal rescue entity.
Senate Bill 287

Effective Date: January 1, 2020

Farm Breweries


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

Background and Current Law: House Bill 3280 (2011) established the activities and events that a winery may hold when established as a permitted use on lands zoned for exclusive farm use (EFU); the provisions allowing for private events at wineries that met acreage and production requirements were scheduled to sunset on January 1, 2014. Senate Bill 841 (2013) allowed wineries meeting one of three production and acreage thresholds to be established as a permitted use on both EFU and mixed farm and forest land and clarified allowable activities at such wineries. Senate Bill 677 (2017) was modeled on the winery statutes and established a cider business as a permitted use on EFU and mixed farm and forest use lands.

Bill Summary: Senate Bill 287 sets standards for the establishment of farm breweries on lands zoned for exclusive farm use or mixed farm and forest use.

Oregon Laws 2019: Chapter 244

Senate Bill 301

Effective Date: January 1, 2020

Elk Damage Program


Committees: Senate Environment and Natural Resources, House Natural Resources

Background and Current Law: Property damage commonly attributed to elk includes agricultural crop and pasture reduction due to grazing; tree damage due to bark gnawing or seedling pulling; and destruction of fences, gardens, and yards. The Southwest Oregon Landowner Preference Pilot Program was created by the Legislative Assembly in 2003 to address damage caused by elk on private lands in Jackson, Josephine, Coos, Curry, and Douglas Counties by implementing less restrictive landowner preference rules for qualifying landowners in the pilot study area. While the pilot program was set to sunset in 2014, legislation enacted in 2013 expanded the program statewide by creating the Oregon Landowner Damage Program. Currently, the program is required to limit the use of damage tags to taking antlerless elk and can only be used on property owned, leased, or rented by the landowner or by a business entity that includes the landowner as a principal partner or shareholder. The statewide program is scheduled to sunset on January 2, 2020.

Bill Summary: Senate Bill 301 requires the Oregon Department of Fish and Wildlife to consider elk overpopulation when implementing the Oregon Landowner Damage Program and removes the sunset on the program.

Oregon Laws 2019: Chapter 324
**AGRICULTURE AND NATURAL RESOURCES**

**Senate Bill 302**

**Game Meat Disposition**

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) is responsible for monitoring the numbers and health of wildlife species, setting population conservation and management objectives, overseeing wildlife habitat restoration and maintenance, and regulating harvest of game animals. ODFW also establishes the allowable disposition of game meat.

**Bill Summary:** Senate Bill 302 would have allowed a person taking an antelope, bighorn sheep, deer, elk, moose, or mountain goat to retain game meat after offering the meat to a set number of charitable organizations that refuse the donation or to make any disposition of the meat authorized by ODFW.

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**Senate Bill 303**

**Use of Landowner Damage Tag on Adjacent Property**

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** Property damage commonly attributed to elk includes agricultural crop and pasture reduction due to grazing; tree damage due to bark gnawing or seedling pulling; and destruction of fences, gardens, and yards. The Southwest Oregon Landowner Preference Pilot Program was created by the Legislative Assembly in 2003 to address damage caused by elk on private lands in Jackson, Josephine, Coos, Curry, and Douglas Counties by implementing less restrictive landowner preference rules for qualifying landowners in the pilot study area. While the pilot program was set to sunset in 2014, legislation enacted in 2013 expanded the program statewide by creating the Oregon Landowner Damage Program. Currently, the program is required to limit the use of damage tags to taking antlerless elk and can only be used on property owned, leased, or rented by the landowner or by a business entity that includes the landowner as a principal partner or shareholder. The statewide program is scheduled to sunset on January 2, 2020.

**Bill Summary:** Senate Bill 303 would have authorized the use of landowner damage tags on adjacent property with written authorization from the landowner and would have repealed the sunset on the Oregon Landowner Damage Program.
Senate Bill 337

Fire Season Interagency Staffing Agreements

Chief Sponsors: Sen. Baertschiger Jr

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

Background and Current Law: The Oregon Department of Forestry (ODF) provides fire protection on approximately 16 million acres, consisting primarily of privately owned forestlands, but also state-owned and other public land, including west-side forests owned by the U.S. Bureau of Land Management. Under ORS 477.505, the State Forester may designate the beginning of fire season when conditions of fire hazard exist in a forest protection district or any part of a district.

Bill Summary: Senate Bill 337 would have directed the ODF, Oregon Department of Fish and Wildlife (ODFW), and Oregon Department of Transportation (ODOT) to enter into interagency agreements to allow the use of ODFW and ODOT personnel to provide staffing assistance to ODF as needed during any period when the State Forester has declared fire season.

Senate Bill 339

Rangeland Protection Associations

Chief Sponsors: Sen. Baertschiger Jr

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

Background and Current Law: ORS 477.317 authorizes the State Forester to enter into cooperative agreements with a rangeland protection association (RPA) to assist with organization, training, and acquisition of firefighting equipment. The earliest RPA was established in Oregon in 1964, but most began in the 1990s and 2000s. As of 2017, there were 22 RPAs established in eastern Oregon, covering 14 million acres of land. (Rangeland Fire Protection Associations: An Alternative Model for Wildfire Response, Ecosystem Workforce Program Working Paper Number 80, University of Oregon).

Bill Summary: Senate Bill 339 would have included land used primarily for cultivating crops in the definition of "rangeland" for purposes of organizing rangeland protection associations and providing fire protection for rangelands.
Senate Bill 390

Farm Direct Olive Oil

At the request of: David and Carmen Lawrence

Chief Sponsors: Sen. Boquist

Committees: Senate Business and General Government, House Agriculture and Land Use

Background and Current Law: Current statute requires the Oregon Department of Agriculture (ODA) to adopt and enforce sanitation requirements for food and food establishments, including construction and maintenance of the structure and equipment, water supply, and health and cleanliness of the personnel and premises. Specified products are exempt from ODA’s standards for food and food establishments when marketed or sold by a farm directly to consumers.

Bill Summary: Senate Bill 390 adds olive oil to the list of agricultural products exempt from ODA’s standards for food and food establishments when marketed or sold by a farm directly to consumers.

Oregon Laws 2019: Chapter 249

Senate Bill 398

Elk Depredation Hunting Tags

Chief Sponsors: Sen. Bentz

At the request of: Kenny Holiday and Jim Bentz

Committees: Senate Environment and Natural Resources

Background and Current Law: Property damage commonly attributed to elk includes agricultural crop and pasture reduction due to grazing; tree damage due to bark gnawing or seedling pulling; and destruction of fences, gardens, and yards.

Bill Summary: Senate Bill 398 would have authorized the State Fish and Wildlife Commission to issue elk depredation hunting tags to a person who demonstrated that, on each of 30 or more days in one calendar year, 50 or more elk were on the person's property. The measure would have required the Commission to issue one tag for every 50 elk demonstrated to be on a person's property.
**Senate Bill 408**  
**Utility Facilities on Exclusive Farm Use Lands**  
**Effective Date:** January 1, 2020  
**Chief Sponsors:** Sens. Hansell, Manning Jr; Rep. G Smith  
**Committees:** Senate Environment and Natural Resources, House Agriculture and Land Use  
**Background and Current Law:** Oregon law establishes that agricultural use is an efficient means of conserving natural resources; that the preservation of land for agricultural use is a state priority; and that expansion of urban development into rural lands is a concern because of conflicts between farm and urban activities, such as noise, dust or odor, and loss of open spaces from such expansion (ORS 215.243). Certain nonfarm uses may be allowed on exclusive farm use (EFU) lands.  
**Bill Summary:** Senate Bill 408 allows a county to approve a proposed division of land in an EFU zone for utility facilities necessary for public service if it finds the parcel for the nonfarm use is not larger than the minimum size necessary for the use.  
**Oregon Laws 2019:** Chapter 262

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**Senate Bill 431**  
**Urban Flood Safety and Water Quality District**  
**Effective Date:** September 29, 2019  
**Chief Sponsors:** Sen. Frederick; Rep. Gorsek  
**Committees:** Senate Environment and Natural Resources, Senate Finance and Revenue, House Revenue  
**Background and Current Law:** A 27-mile levee system that runs from North Portland through Gresham, Fairview, and Troutdale protects the area from flooding along the Columbia River. Four individual drainage districts currently manage sections of the system; these districts were formed, and their revenue structure was established, when the area was still primarily farmland. The districts have been able to fund basic operations and maintenance, but there have been limited capital improvements. Following Hurricane Katrina, the federal government overhauled federal safety standards for levees, and this local system is no longer in compliance.  
**Bill Summary:** Senate Bill 431 establishes an urban flood safety and water quality district within the urban growth boundary of Multnomah County to acquire, purchase, construct, improve, operate, and maintain works that are specified by the measure.  
**Oregon Laws 2019:** Chapter 621
**Senate Bill 432**

**Urban Flood Safety and Water Quality District**

**Chief Sponsors:** Sens. Frederick, Roblan; Rep. Gorsek

**At the request of:** former Rep. Deborah Boone

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

**Background and Current Law:** A levee is a man-made structure, usually an earthen embankment, designed and constructed to contain, control, and divert the flow of water to reduce risk from temporary flooding. According to the Federal Emergency Management Agency, when new flood maps are being issued for a community with a levee system and the levee is found to no longer meet federal standards for reducing the risks associated with a major flood, the flood risk around the levee is mapped as a high-risk area. Property owners in high-risk areas are subject to federal flood insurance requirements once the new maps take effect and must purchase a flood insurance policy if they have mortgages from a federally regulated or insured lender.

**Bill Summary:** Senate Bill 432 would have authorized the State Treasurer to issue lottery bonds in an amount that produces $10 million in net proceeds and interest earnings for purposes for which funds in the Levee Project Subaccount of the Special Public Works Fund may be used.

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**Senate Bill 445**

**Invasive Species Council Membership and Report**

**Chief Sponsors:** Sen. Roblan

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

**Background and Current Law:** ORS 570.755 defines "invasive species" to mean "nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. 'Invasive species' does not include humans, domestic livestock or nonharmful exotic organisms." In 2001, the Legislative Assembly established the Oregon Invasive Species Council to conduct a comprehensive and coordinated effort to prevent, detect, control, and eliminate invasive species harming the region’s economy, health, and natural resources. The responsibilities of the Council include maintaining an invasive species reporting hotline, educating the public about invasive species, developing a statewide plan for invasive species, and providing a grant or loan program for the eradication of invasive species.

**Bill Summary:** Senate Bill 445 requires the Council to submit a biennial report to the Legislative Assembly and revises the Council membership. House Bill 5050 (2019), appropriates $300,000 to the Council.

**Oregon Laws 2019:** Chapter 622
**Senate Bill 448-A**

Outdoor Recreation Pass

**Chief Sponsors:** Sens. Thomsen, Dembrow, Roblan; Reps. Marsh, Helm, Bonham, Helt, Lewis, Williams

**At the request of:** Oregon Outdoors, Oregon State Sheriffs’ Association, Mt. Hood Meadows, Oregon Restaurant and Lodging Association

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

**Background and Current Law:** The Oregon Office of Emergency Management (OEM) operates the State Search and Rescue (SAR) Program to address the need to find people who become lost or injured while recreating in the variety of outdoor activities for which Oregon is so well known. The purpose of the SAR program is to promote and assist in SAR activities throughout the state. To do so, SAR liaises with the Oregon County Sheriff’s Association Search and Rescue Advisory Council, whose members represent the 36 county SAR coordinators.

**Bill Summary:** Senate Bill 448-A would have directed the OEM to establish and administer an outdoor recreation search and rescue card program.

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**Senate Bill 536**

Milk Products

**Chief Sponsors:** Sen. Hansell

**At the request of:** Oregon Dairy Association

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

**Background and Current Law:** The Oregon State University Food Innovation Center (FIC) Agricultural Experiment Station is located in Portland, Oregon. The FIC website describes the center as "a resource for client-based product and process development, packaging engineering and shelf life studies, food safety, and consumer sensory testing." The FIC also conducts research into the development of processing, packaging and traceability technologies, and addresses food safety issues. The Agricultural Development and Marketing Division of the Oregon Department of Agriculture is located at the FIC.

**Bill Summary:** Senate Bill 536 would have appropriated $250,000 to the FIC to support milk product development.
Senate Bill 580  
Cyanide Devices to Control Wildlife  
Effective Date: January 1, 2020  

Chief Sponsors: Sen. Prozanski; Rep. Gomberg  

Committees: Senate Environment and Natural Resources, House Natural Resources  

Background and Current Law: Sodium cyanide ejectors have been used in various forms to manage predator damage since the 1930s. The M44 is a spring-powered device that is staked into the ground, baited, and designed to prompt a "bite and pull" response from the animal. When activated, sodium cyanide powder is ejected upward into the mouth of the animal, resulting in the animal's death. These devices are used to control populations of coyotes, foxes, and wild dogs that may carry communicable disease and are suspected or preying on livestock.  

Bill Summary: Senate Bill 580 prohibits the use of a cyanide device designed to propel a dose of sodium cyanide into an animal for the purpose of taking the animal.  

Oregon Laws 2019: Chapter 81  

Senate Bill 593  
Additional Points for Veterans for Controlled Hunts  
Effective Date: January 1, 2020  


At the request of: Ron Hjort  

Committees: Senate Veterans and Emergency Preparedness, House Natural Resources  

Background and Current Law: The Oregon Department of Fish and Wildlife (ODFW) issues tags for general hunting seasons as well as for limited-entry, controlled hunts. Most big game hunting in Oregon is limited-entry. Controlled hunts are organized by location and species, and hunters must apply in advance for an opportunity to participate in a random drawing to receive tags. The system is designed to increase unsuccessful applicants' chances of receiving a deer or elk tag over time, by giving preference points every year they do not receive a tag. ODFW may award additional preference points to individuals issued a resident annual pioneer combination hunting and angling license (persons at least 65 years old who have lived in Oregon at least 50 years). ODFW does not currently award additional preference points to individuals issued a resident disabled veteran hunting license (eligible veterans with a disability rating of at least 25 percent, as determined by the U.S. Department of Veterans Affairs).  

Bill Summary: Senate Bill 593 allows individuals issued a resident disabled veteran hunting license to be eligible to receive additional preference points for controlled hunts, the same as individuals issued a resident annual pioneer combination hunting and angling license.  

Oregon Laws 2019: Chapter 82
Senate Bill 694

Task Force on Rural Fire Protection District Community Development

Chief Sponsors: Sen. Roblan

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

Background and Current Law: Under state law, rural fire protection districts (RFPDs) may levy property taxes within the district boundary to provide fire protection and other public safety services. RFPDs may contract for water services and facilities, emergency medical service equipment and services, law enforcement services, fire protection, road lighting facilities and services, mutual communication systems, and regional oil and hazardous materials emergency response teams. The districts are governed by boards that report to the State Fire Marshal, and the State Fire Marshal cooperates in their formation and administration.

Bill Summary: Senate Bill 694 would have established the Task Force on Rural Fire Protection District Community Development.

Senate Bill 695

Promissory Notes Issued by Ports

Chief Sponsors: Sen. Roblan; Reps. McKeown, Gomberg

Committees: Senate Environment and Natural Resources, Senate Finance and Revenue, House Revenue

Background and Current Law: Oregon’s 23 ports provide recreational, commercial, and economic services to residents and businesses in Oregon and serve as state, national, and international transportation gateways. According to Business Oregon, one in six Oregon jobs, excluding construction jobs, is directly or indirectly dependent on ports. (Ports 2010, A New Strategic Business Plan for Oregon's Ports) A “promissory note” is "an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.” (Oregon Uniform Commercial Code, ORS 79.010 UCC 9-102).

Bill Summary: Senate Bill 695 places a $10 million cap on the amount of debt that a port may incur by promissory note and sets a maximum 10-year term limit on the note.

Oregon Laws 2019: Chapter 627
Senate Bill 723-B

Coyote Hunting Contests

Chief Sponsors: Sens. Dembrow, Golden

Committees: Senate Judiciary, Senate Rules, House Rules

Background and Current Law: The Oregon Department of Fish and Wildlife (ODFW) estimates that there are approximately 300,000 coyotes in Oregon. Coyotes are not a protected species, and the hunting of coyotes is not regulated by ODFW. Coyotes can be killed on an owner’s land without a hunting permit and on public land with a permit. 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 other event.

Bill Summary: Senate Bill 723-B would have prohibited individuals or groups from conducting or participating in coyote hunting contests or events for prizes. It would make a violation of the prohibition a Class A violation and require that the remains of coyotes killed during such contests to be turned over to ODFW.

Senate Bill 753

Oregon Ocean Science Trust Fundraising

Chief Sponsors: Sen. Roblan

Committees: Senate Environment and Natural Resources, House Natural Resources

Background and Current Law: The Legislative Assembly enacted Senate Bill 737, establishing the Oregon Ocean Science Trust in 2013 to promote peer-reviewed ocean and coastal resource research and monitoring. The Trust is comprised of five voting members appointed by the State Land Board, and two nonvoting legislative members, one Senator and one Representative. The Trust is funded by the Oregon Ocean Science Fund which consists of donations, legislatively appropriated moneys, interest, and moneys received from the federal government under the Outer Continental Shelf Lands Act.

Bill Summary: Senate Bill 753 authorizes the Executive Director of the Oregon Ocean Science Trust to enter into an agreement with a private, nonprofit organization, under which the organization solicits gifts, grants, and donations to support Trust activities.

Oregon Laws 2019: Chapter 94
Senate Bill 772-A

Task Force on Forest Health Enhancement


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

Background and Current Law: The reduction of forest fuel loads is one strategy that forest land owners use to make forests more resilient to fire, drought, and insect damage.

Bill Summary: Senate Bill 772-A would have created the Task Force on Forest Health Enhancement to make recommendations on achieving forest health enhancement through a statewide program similar to the federal 21st Century Conservation Service Corps. The measure directed that the program be designed to promote, facilitate, and encourage collaboration with organizations to reduce forest fuel levels and reduce barriers and provide incentives for public-private partnerships to reduce wildfire risk in forests.

Senate Bill 791

Ground Water Interference with Surface Water Right with an Earlier Priority Date

Chief Sponsors: Sen. Linthicum

Committees: Senate Environment and Natural Resources

Background and Current Law: By law, all surface and groundwater in Oregon belong to the public and are to be used for a beneficial purpose without waste. Any user, with some exceptions, must obtain a water right to use water from any source including rivers, streams, lakes, and groundwater. Oregon’s water laws are based on the principle of “prior appropriation.” This principle means that the first person to obtain a water right to a water source is the last to be shut off in times of low water availability. The date of application for a water use permit is typically the priority date for the water right.

Bill Summary: Senate Bill 791 would have established criteria for determining whether a new groundwater use impairs or interferes with a surface water right that has an earlier priority date.
Chlorpyrifos Ban

**Chief Sponsors:** Sens. Dembrow, Manning Jr, Fagan, Golden, Prozanski; Reps. Hernandez, Keny-Guyer, Neron

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** According to the U.S. Environmental Protection Agency, chlorpyrifos is used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used in the U.S. since 1965 in both agricultural and nonagricultural settings, including on corn, soybeans, fruit and nut trees, golf courses, and nonstructural wood treatments such as utility poles and fence posts. Neonicotinoids are a type of insecticide that can be applied to either a plant or soil. The Oregon Department of Agriculture (ODA) is authorized to establish, maintain, and amend a list of restricted-use pesticides and can restrict their application and use by rule.

**Bill Summary:** Senate Bill 853 would have prohibited the sale, purchase, or use of any pesticide containing chlorpyrifos and would have required the ODA to list pesticide products containing a neonicotinoid as a restricted-use pesticide. The measure would also have changed or reduced certain fees related to pesticides.

Large Concentrated Animal Feeding Operation

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

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Legislative Assembly first established a regulatory program for confined/concentrated animal feeding operations (CAFOs) in 1989. The legislation required the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and directed 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 into a formal memorandum of understanding (MOU). The MOU authorizes 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. By administrative rule, "large" CAFOs include dairies with 700 or more mature dairy cows and farms or ranches with 1,000 or more cattle, 10,000 or more sheep or lambs, or 500 or more horses. At the end of 2018, there were 519 permitted CAFO facilities in Oregon.

**Bill Summary:** Senate Bill 876 would have made several changes to permitting requirements for large CAFOs, including requiring that an applicant receive a preliminary approval prior to construction and a final approval prior to operation, and would have addressed coordination with other regulating entities. The measure would have also addressed the authority of DEQ and ODA when a CAFO has been abandoned or vacated.
Senate Bill 883

Regulation of Animal Rescue Entities

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

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

Background and Current Law: State law defines "animal rescue entity" as an "individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses and maintains in its legal custody 10 or more animals, whether physically located at a facility operated by the entity or kept, housed or maintained elsewhere, and that solicits or accepts donations in any form." (ORS 609.415)

Currently, the agency directed to enforce laws regulating animal rescue entities is the local agency that operates a city or county dog licensing and control program, or any other local agency designated by a city or county.

Bill Summary: Senate Bill 883 changes the designated enforcement agency for regulation of animal rescue entities from a city or county agency to the State Veterinarian.

Oregon Laws 2019: Chapter 557

Senate Bill 885

Willamette Valley Canola Production

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

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

Background and Current Law: In 2013, the College of Agricultural Sciences at Oregon State University was directed by House Bill 2427 to study canola and report the results to an interim legislative committee by November 1, 2017. The measure also prohibited the growing of canola in the Willamette Valley except for 500 acres necessary to conduct the study. In 2015, the Oregon Department of Agriculture (ODA) was authorized in House Bill 3382 to allow up to 500 acres for the commercial production of canola in the Willamette Valley Protected District with certain restrictions. This measure also extended the sunset on the prohibition on growing canola in the District to January 2, 2020.

Bill Summary: Senate Bill 885 extends ODA authority to allow up to 500 acres of commercial canola production in the Willamette Valley Protected District until June 30, 2023.

Oregon Laws 2019: Chapter 559
**Senate Bill 893**

**Transfer of State Lands**

**Chief Sponsors:** Sen. Roblan

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Admissions Act (1859) granted sections of every township to the state for the use of schools. According to the Oregon Department of State Lands, this land grant equaled approximately six percent of the state’s land area, or 3.4 million acres. Today, approximately 740,000 acres remain in state ownership. The Oregon Constitution and legislative action dedicate these lands and their resources and income to the Common School Fund (CSF). The State Land Board, made up of the Governor, State Treasurer, and Secretary of State, is the CSF trustee. The Board distributes a portion of the funds, twice each year, to the Oregon Department of Education, which in turn distributes the funds to school districts. In 2017, the Legislative Assembly authorized the Board to identify and submit back a list of state trust lands with limited performance potential as assets of the CSF for transfer to another state or federal agency or tribe. (Senate Bill 847, 2017)

**Bill Summary:** Senate Bill 893 would have authorized the Oregon Board of Forestry to identify certain lands that have limited revenue-generation potential or that provide high-value recreational or conservation benefits and submit a proposal to the Legislative Assembly for the transfer of lands to another state or federal agency, local government, or tribe.

**Senate Bill 926**

**Aerial Pesticide Application to State Forest Lands**

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

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

**Background and Current Law:** Under current Oregon law, a person may apply pesticides from an aircraft if they hold a pesticide applicator’s license and a license to operate the aircraft from which the pesticide is being applied.

**Bill Summary:** Senate Bill 926 would have prohibited the aerial application of pesticide to state forestland.
Senate Bill 931

Aerial Pesticide Spraying Notification

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

Committees: Senate Environment and Natural Resources

Background and Current Law: Under Oregon law, a person may apply pesticides from an aircraft if they hold a pesticide applicator’s license and a license to operate the aircraft from which the pesticide is being applied. The application of chemicals on forestland is also identified by administrative rule as a forest practice that requires written notice to the State Forester. The Department of Forestry maintains the Forest Activity Electronic Reporting and Notification System (known as "FERNS") to allow people to notify the Department prior to conducting an operation or forest practice and for subscribers to receive notification of such submittals.

Bill Summary: Senate Bill 931 would have required a person proposing to conduct an aerial application of pesticide to forestland to notify the Department of Forestry at least 12 months prior to the application, and again immediately before application, via the agency's electronic reporting and notification system, FERNS.

Senate Bill 946-A

Transfers of Stored Water Rights

Chief Sponsors: Sen. Dembrow; Rep. Helm

Committees: Senate Environment and Natural Resources, Senate Rules

Background and Current Law: A water right is connected to the land where it is used. The water right specifies the quantity of water, point of diversion, place of use, type of use, season of use, and priority date. A water right may be transferred from one place to another, the point of diversion may be changed, and the type of use allowed under the right may be changed by applying to the Oregon Water Resources Department (OWRD). A transfer application will be approved if OWRD determines that the change can be made without injury to other water rights or enlargement of the original right. In 2018, the Oregon Department of Justice issued a memo concluding that, with some exceptions, state law does not authorize OWRD to allow changes to a right to store water.

Bill Summary: Senate Bill 946-A would have allowed the holder of a water right for storing water in a pond or reservoir to apply to the OWRD to transfer the type of use of the water right.
**Senate Bill 1019**

**Effective Date: January 1, 2020**

**Egg-laying Hens**

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

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

**Background and Current Law:** In 2011, the Legislative Assembly prohibited the confinement of egg-laying hens in an enclosure that does not comply with rules adopted by the Oregon Department of Agriculture (ODA). (Senate Bill 805) Hen enclosures constructed or acquired on or after January 1, 2012 were required to meet, or be converted into, enclosures meeting standards for certification of enriched colony facility systems established in American Humane Association’s farm animal welfare certification program. Effective January 1, 2017, the measure prohibited the confinement of egg-laying hens in enclosures that provided less than 116.3 square inches of individually usable floor space per hen. The measure also established housing system conversion goals for both January 1, 2020 and January 1, 2023.

**Bill Summary:** Senate Bill 1019 directs ODA to adopt rules requiring that egg-laying hens be housed in a cage-free housing system effective January 1, 2024. The measure creates some exceptions to this requirement and prohibits buying, selling, or transporting eggs or egg products that are not produced in compliance with this requirement.

**Oregon Laws 2019:** Chapter 686

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**Senate Bill 1025**

**Effective Date: January 1, 2020**

**Clams**

**Chief Sponsors:** Sens. Johnson, Roblan; Reps. DB Smith, Witt

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

**Background and Current Law:** Molluscan shellfish, including oysters and clams, have played an important role in the history and culture of the Oregon coast. They also represent a critical component of Oregon’s marine ecosystem and provide important commercial, recreational, and ecological benefits and services to Oregonians. Commercial clammers generate about $507,500 annually from the harvest of bay clams and razor clams from Oregon waters.

**Bill Summary:** Senate Bill 1025 requires the Oregon Department of Fish and Wildlife (ODFW) to produce a survey of bay clam populations in priority areas within Tillamook Bay by December 31, 2021. The measure directs ODFW to establish the Tillamook Bay Clam Advisory Committee, comprised of a balance of persons who take bay clams for commercial or noncommercial purposes, are members of a group that advocates conservation, or otherwise have an interest in bay clams. The Advisory Committee is required to make recommendations to ODFW, including recommendations ensuring the sustainability of the clam population and balancing commercial and noncommercial taking of clams, and ODFW is directed to report to Interim Legislative Committees on or before December 31, 2022 on the Advisory Committee recommendations.

**Oregon Laws 2019:** Chapter 564
Senate Bill 1051  
**Effective Date:** September 29, 2019

**Oregon Climate Action Program Fuel Credits**

**Chief Sponsors:** Sens. Beyer, Dembrow; Rep. Power  

**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** The 2019 Legislative Assembly considered the enactment of House Bill 2020, which would have established a statewide cap-and-trade program designed to reduce greenhouse gas emissions.

**Bill Summary:** If House Bill 2020 had been enacted, Senate Bill 1051 would have required the creation of a credit for people meeting certain income requirements to mitigate a carbon price indirectly paid to purchase motor vehicle fuel and a refund to certain people to mitigate a carbon price indirectly paid to purchase fuel for certain farming and forestry activities.

**Oregon Laws 2019:** Chapter 687

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House Bill 2057  
**Effective Date:** January 1, 2020

**Commercial Weighing and Measuring Devices Fee Increase**

**At the request of:** Governor Kate Brown for State Department of Agriculture  

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

**Background and Current Law:** The Oregon Department of Agriculture operates a Weights and Measures program to ensure equity and standardization in commercial transactions for approximately 13,000 Oregon businesses statewide. The program provides testing services for weighing and measuring devices and investigates and responds to complaints of discrepancies in weighing and measuring devices. Common weighing and measuring devices include gas pumps, fuel meters, and scales for retail grocery stores, commercial vehicles, livestock, and industrial purposes. The program is funded solely from license fees for commercial weighing and measuring equipment. ORS 618.141 outlines maximum license fees for these instruments and devices. The current fee caps were established by the Legislative Assembly in 2007 and have not been modified since that time.

**Bill Summary:** House Bill 2057 increases maximum license fees for commercial weighing or measuring devices and limits the rate of fee increase to three percent per year during licensing periods beginning before July 1, 2026.

**Oregon Laws 2019:** Chapter 385
House Bill 2059
Food Establishment License Fee Increase
Effective Date: June 17, 2019

At the request of: Governor Kate Brown for State Department of Agriculture

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

Background and Current Law: The Oregon Department of Agriculture (ODA) is responsible for regulating production, processing, and distribution of food products. ODA provides licenses for the following types of food establishments: retail, bakery, meat, eggs, shellfish, dairy, nonalcoholic beverages, pet food, food processing and warehousing, home kitchen processing and baking, and refrigerated lockers. The ODA Food Safety Program is supported by food establishment license fees as well as General Fund.

Bill Summary: House Bill 2059 extends the sunset on ODA authority to annually impose limited fee increases of three percent per year for certain food production licenses.

Oregon Laws 2019: Chapter 386

House Bill 2060
Food Establishment Closure Authority
Effective Date: January 1, 2020

At the request of: Governor Kate Brown for State Department of Agriculture

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

Background and Current Law: The Oregon Department of Agriculture (ODA) is responsible for the inspection, regulation, and licensure of food establishments to ensure sanitary, healthy conditions. For licensed food establishments, ODA currently provides several notices to remind businesses to renew their licenses and pay the license renewal fee. At 90 days following failure to renew, the food establishment is considered to be operating without a license and, under ORS 561.300, ODA may initiate collections and civil penalty procedures. For food establishments that have never obtained a license, ODA administrative rule states that a food establishment is considered unlicensed 14 days following the initial ODA inspection of the establishment, and ODA may initiate collections and civil penalty procedures at that time. If a food establishment does not renew its license or pay the penalty fees, ODA does not currently have the explicit authority to close the business, and those food establishments continue to operate unlicensed.

Bill Summary: House Bill 2060 authorizes ODA, following specified notice requirements, to order closure of certain food establishments, and establishes a civil penalty for an order violation.

Oregon Laws 2019: Chapter 387
House Bill 2061  
Confined Animal Feeding Operations Fee Increase  

Effective Date: September 29, 2019

At the request of: Governor Kate Brown for Oregon Department of Agriculture

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

Background and Current Law: A confined or concentrated animal feeding operation (CAFO) is an operation in which a certain number of animals are confined for over 45 days per year. The Oregon Department of Agriculture (ODA) issues CAFO permits to facilities that meet the state or federal CAFO definition and pay an annual permit fee to provide testing and oversight to ensure ground and surface water pollution from manure is minimized. ORS 561.255 directs ODA to charge small, medium, and large CAFOs $100, $200, and $300 respectively, and to define size category tiers by rule. CAFO owners are currently charged a $50 permit application fee.

Bill Summary: House Bill 2061 requires ODA to establish annual permit fees for CAFOs by rule not to exceed $125, $250, and $900 for small, medium, and large operations. The measure also requires ODA to charge a permit application fee for new CAFOs not to exceed $100, $150, and $300 for small, medium, and large operations, and to charge a fee not to exceed $200 for a permit transfer.

Oregon Laws 2019: Chapter 388

House Bill 2070  
Agency Payment by Credit Card  

Effective Date: January 1, 2020

At the request of: Governor Kate Brown for Oregon Department of Fish and Wildlife

Committees: House Natural Resources, Senate Environment and Natural Resources

Background and Current Law: In 2001, the Oregon Legislative Assembly enacted House Bill 3099 directing the Oregon Fish and Wildlife Commission to adopt a system for renewing licenses through both the mail and the internet. Previously, the Oregon Department of Fish and Wildlife (ODFW) could not pass on to consumers the credit card fees associated with the transaction. Other agencies, such as the Oregon Departments of Transportation, Justice, and Revenue, have been able to add a surcharge to offset the credit card fees.

Bill Summary: House Bill 2070 authorizes ODFW to accept payment by credit card and establish a fee to offset costs of credit card transactions. The measure also allows contracted agents to retain a portion of fees for provided services. The measure allows ODFW to use either mail or the internet for the license renewal system.

Oregon Laws 2019: Chapter 102
Wildlife Inspection Stations

At the request of: Governor Kate Brown for Oregon Department of Fish and Wildlife

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: Oregon law allows the Oregon Department of Fish and Wildlife (ODFW) to inspect licenses, tags, permits, and wildlife (ORS 497.036). According to ODFW, wildlife check stations are currently deployed at times to help ODFW assess the conditions of wildlife, obtain harvest rate data, and to collect biological samples. There is no legal obligation for an individual transporting wildlife to stop at an inspection station.

Bill Summary: House Bill 2072 would have authorized ODFW to operate wildlife inspection stations, required an operator of a vehicle transporting taken wildlife or parts of taken wildlife to stop at wildlife inspection stations, and punished failure to stop at a wildlife inspection station as a Class A violation.

Boat Drain

At the request of: Governor Kate Brown for Oregon State Marine Board

Committees: House Natural Resources, Senate Environment and Natural Resources

Background and Current Law: In 2009, the legislature enacted House Bill 2583, the "Clean Launch Law," prohibiting a person from launching a boat into the waters of this state if the boat has visible aquatic invasive species on its exterior or interior locations. The legislature also enacted House Bill 2220 in 2009 establishing the Aquatic Invasive Species Prevention Fund to support the State Marine Board’s administration of the aquatic invasive species prevention permit program.

Bill Summary: House Bill 2076 requires boat operators to drain water from a boat before transporting it within the state, authorizes peace officers to require someone who is transporting a boat to stop at an aquatic invasive species check station, and allows for additional sources of funding for the Aquatic Invasive Species Prevention Fund.
**House Bill 2078**  
**Effective Date: January 1, 2020**  
**Boat Safety Education**

**At the request of:** Governor Kate Brown for State Marine Board

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

**Background and Current Law:** In 1999, the Oregon legislature enacted House Bill 2977 establishing a boat safety education program. The law requires that a person pass an examination that tests an understanding of boating safety, establishes a fee for the boat safety education certificate, and allows new boat owners to operate their boat for 60 days under a temporary permit before obtaining their boating safety education card.

**Bill Summary:** House Bill 2078 deletes the exemption from requirement to hold boating safety education card for new boat owners and for nonresidents operating boats with no more than 10 horsepower for fewer than 60 consecutive days.

**Oregon Laws 2019:** Chapter 156

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**House Bill 2079**  
**Effective Date: January 1, 2020**  
**Boating Law**

**At the request of:** Governor Kate Brown for State Marine Board

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

**Background and Current Law:** Under current Oregon law, a person commits the crime of reckless operation of a boat if the person operates a boat carelessly and heedlessly in willful or wanton disregard of the rights, safety, or property of others. Additionally, failure to carry personal floatation devices for each person on board that are easily accessible is a Class B violation. Meanwhile, a person convicted of boating under the influence of intoxicates (BUII) is not eligible to title, register, or number a new boat and shall have all current titles, registrations, or numberings canceled for at least one year and substantially longer for refusing to take a breath or urine test after being arrested under suspicion of BUII.

**Bill Summary:** House Bill 2079 redefines reckless boating as a manner that endangers the safety of a person or property, reduces the violation for failure to carry flotation devices, amends the punishment for a person convicted of a BUII, and creates a process for law enforcement to request a person’s consent for breath or urine testing.

**Oregon Laws 2019:** Chapter 431
**House Bill 2080**  
*Effective Date: January 1, 2020*

**State Marine Board Fees**

At the request of: Governor Kate Brown for State Marine Board

Committees: House Natural Resources, Joint Ways and Means

**Background and Current Law:** The Oregon State Marine Board is the regulatory agency for recreational boating. The Board provides education, enforcement, access, and environmental stewardship to help make boating a safe and enjoyable experience. In 2015, the legislature passed House Bill 2459 to increase the biennial fee for boat registration from $3 to $4.50 per foot and increase the original boat title or title transfer application fee from $30 to $50. According to the Board, registration revenue has decreased by 10 percent since 2015.

**Bill Summary:** House Bill 2080 increases the fees for boating safety certificates from $10 to $20, registration, or identification number certificates for sailboats over 12 feet and motorboats from $4.50 to $5 plus $5.95 per foot, boat title or title transfers from $50 to $75, and specifies that $5 of each registration or identification number certificate be deposited in the Aquatic Invasive Species Prevention Fund.

**Oregon Laws 2019:** Chapter 389

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**House Bill 2084**  
*Effective Date: June 25, 2019*

**Place-based Integrated Water Resources Planning**

At the request of: Governor Kate Brown for Water Resources Department

Committees: House Energy and Environment, Senate Environment and Natural Resources, Joint Ways and Means

**Background and Current Law:** Senate Bill 266 (2015) provided statutory authority and funding for the Oregon Water Resources Department to issue grants and provide technical assistance to facilitate place-based integrated water resources planning efforts through July 1, 2019. Place-based planning is voluntary, locally led, and tailored to the specific water challenges and stakeholder needs of the place where the planning effort is occurring. Current grant recipients include: Gilliam Soil and Water Conservation District in the Lower John Day Sub-Basin, Union County in the Upper Grande Ronde Sub-Basin, the Harney County Watershed Council in the Malheur Lake Basin, and the City of Newport in the Mid-Coast Basin.

**Bill Summary:** House Bill 2084 extends the sunset date for the place-based integrated water resources planning grant program from July 1, 2019 to July 1, 2023. The measure declares an emergency and is effective on passage.

**Oregon Laws 2019:** Chapter 482
**House Bill 2085**

**Effective Date:** September 29, 2019

**Dam Safety**

**At the request of:** Governor Kate Brown for Water Resources Department

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

**Background and Current Law:** The Oregon Water Resources Department (OWRD) oversees the safety of more than 960 dams across the state. These dams store water for agriculture, cities, industry, recreation, fisheries, and other purposes. Many of Oregon’s dam safety statutes have not been updated since 1929. According to OWRD, the following are statutorily unclear: dam owner responsibilities; the OWRD’s role during emergencies; and the process for approval of constructing, removing, and maintaining dams.

**Bill Summary:** House Bill 2085 regulates construction, modification, and removal of dams; provides for OWRD inspection of dams; requires dam owners to supply information to OWRD and to prepare an emergency plan; requires OWRD to notify dam owner if dam has a significant or high hazard rating and is in need of maintenance action; establishes dam enforcement authority for Water Resources Commission and OWRD; and authorizes the Commission to impose civil penalties for certain violations.

**Oregon Laws 2019:** Chapter 390

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**House Bill 2086-A**

**Not Enacted**

**Oregon Agricultural Heritage Program Modifications**

**At the request of:** Governor Kate Brown for Oregon Watershed Enhancement Board

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

**Background and Current Law:** The Oregon Agricultural Heritage Program and Commission were established by the Legislative Assembly in 2017 to provide voluntary incentives to farmers and ranchers to support practices that maintain or enhance both agriculture and natural resources on agricultural lands. In 2018, the Commission engaged in rulemaking related to program administration, technical assistance, farm and ranch succession planning, working land covenants and easements, and conservation management planning. Rulemaking was completed and approved by the Oregon Watershed Enhancement Board in January of 2019.

**Bill Summary:** House Bill 2086-A would have revised Oregon Agricultural Heritage Program statutes to clarify program purpose, administration, and eligibility criteria.
House Bill 2137-A

Agricultural Workforce Housing Tax Credit

At the request of: House Interim Committee on Revenue

Committees: House Agriculture and Land Use, House Revenue

Background and Current Law: The agriculture workforce housing tax credit is designed to give a state income tax credit to investors who incur costs to construct, install, acquire, or rehabilitate agricultural workforce housing. The tax credit may be taken on 50 percent of the eligible costs paid to complete an agricultural workforce housing project. The total estimated eligible costs for all approved projects for each calendar year are $7.25 million. The program is set to expire on January 1, 2020.

Bill Summary: House Bill 2137-A would have extended the sunset on tax credits for agriculture workforce housing owners and operators from January 1, 2020 to January 1, 2026 and would have created a new state income tax credit for operational and maintenance costs of agriculture workforce housing.

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House Bill 2222

Forestland-Urban Interface Fire Protection Report

Chief Sponsors: Reps. Bonham, Zika, Helt; Sen. Johnson

At the request of: former Rep. Gene Whisnant

Committees: House Natural Resources, Senate Environment and Natural Resources

Background and Current Law: In 1997, the Legislative Assembly passed the Oregon Forestland-Urban Interface Fire Protection Act. The Act declares that the State Board of Forestry and State Forester are to lead the statewide coordination of a forestland-urban interface fire protection system to provide fire protection, encourage property owners to minimize and mitigate fire hazard, and promote and encourage interaction at all levels of government and the private sector (ORS 477.023). The Act directs the State Board of Forestry to establish criteria for identifying and classifying forestland (ORS 477.027). The Act allows counties to establish a five-person classification committee (ORS 477.029) and requires forestland property owners to reduce excess vegetation, which may fuel a fire around homes and other structures.

Bill Summary: House Bill 2222 requires the Department of Forestry to annually report to the Legislative Assembly regarding the implementation and enforcement status of the Oregon Forestland-Urban Interface Fire Protection Act.

Oregon Laws 2019: Chapter 136
**House Bill 2293-A**

**License, Tag, and Permit Residency**

**Chief Sponsors:** Rep. Witt

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

**Background and Current Law:** The Oregon Department of Fish and Wildlife offers hunting and fishing licenses, tags, and permits to both Oregon residents and nonresidents. The price of resident hunting licenses, tags, and permits is typically less than the equivalent licenses, tags, and permits for a nonresident. For example, in 2019, a resident annual hunting license costs $33.50, while a nonresident annual hunting license costs $167. Currently, “residency” requires that a person reside in the state for at least six consecutive months prior to the date of application and allows for a person to be temporarily absent from the state for six months.

**Bill Summary:** House Bill 2293-A would have changed the definition of "resident" to a person who has physically resided in the state for at least six months for purposes of making application for wildlife hunting and fishing licenses, tags, and permits. House Bill 2293-A would change the definition of "resident" for purposes of making application for wildlife hunting licenses, tags, and permits.

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**House Bill 2294**

**Cervid Urine**

**Chief Sponsors:** Reps. Witt, DB Smith

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

**Background and Current Law:** Chronic wasting disease (CWD) is a fatal and contagious neurological disease that infects cervids (deer, elk, and moose). CWD has been detected in 26 states and four Canadian provinces. Scientists believe that CWD proteins likely spread between animals through bodily fluids such as saliva, blood, and urine. According to the Oregon Department of Fish and Wildlife, CWD has not yet been detected in Oregon cervids, but the introduction of the disease would cause a major impact to Oregon’s economy. Cervid urine products are used by hunters as an attractant. There is no validated test for determining the presence of CWD in cervid urine. The following states and provinces have implemented bans on cervid urine products: Alaska, Arkansas, Arizona, New Mexico, Vermont, Manitoba, Nova Scotia, Ontario, and Yukon Territory.

**Bill Summary:** House Bill 2294 prohibits the possession or use of commercial cervid attractants.

**Oregon Laws 2019:** Chapter 396
House Bill 2331-A

Well Construction

Chief Sponsors: Reps. Stark, Witt; Sen. Hansell

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: The Water Resources Commission is responsible for adopting and enforcing general rules and standards relating to the construction and maintenance of wells. A well log includes information about the well, a history of pump installation and general maintenance, and ground water level and quality. Well contractors file logs with the state upon completion of a new well and when maintenance or alterations have occurred.

Bill Summary: House Bill 2331-A would have established that the Water Resources Commission has a specific amount of time to enforce general or special standards related to well construction activities and would have established the Task Force on Oregon Well Construction Enforcement Activities.

House Bill 2351

Willamette River Greenway

Effective Date: January 1, 2020

Chief Sponsors: Reps. Power, Helm

Committees: House Natural Resources, Senate Environment and Natural Resources

Background and Current Law: In 1967, Oregon Governor Tom McCall proposed the idea of a greenway to enhance the scenic, recreational, historic, natural, and agricultural qualities along the Willamette River. The boundaries of the Willamette River Greenway were identified and adopted in the 1980s. Statewide Land Use Goal 15 specifically pertains to the Willamette River Greenway and requires that adjacent cities and counties adopt local plans and development criteria. The Oregon State Marine Board (OSMB) is currently authorized to make special regulations, including designation of boat speed and prohibition of motorboats, for the protection of game and game fish at the request of the Oregon State Fish and Wildlife Commission, or for carrying out other natural resources laws.

Bill Summary: House Bill 2351 authorizes OSMB to adopt special regulations to manage boat wake energy within the Willamette River Greenway.

Oregon Laws 2019: Chapter 192
**House Bill 2352**

**Effective Date: January 1, 2020**

**Toweds Watersports Program**

**Chief Sponsors:** Reps. Power, Helm, Reardon

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

**Background and Current Law:** In 1993, the Oregon Legislative Assembly established regulations on water skiing, surfboarding, and similar activities (ORS 830.365). These regulations include the prohibition of wake sports before sunrise or after sunset, the requirement that a person in the boat, in addition to the operator, observe the person being towed, and the prohibition of participating in wave sports while under the influence of an intoxicant or controlled substance. The Oregon State Marine Board (OSMB) implemented a program to provide mandatory boating safety education (ORS 830.082). This program sets a minimum standard of boating safety education competency, creates an exam to test for the minimum standard of safety, and includes a fee for issuance of a boating safety certificate.

**Bill Summary:** House Bill 2352 creates a towed watersports program within OSMB, requires motorboat operators to hold a towed watersports endorsement and motorboat owners to hold a certificate decal if engaged in towed watersports in specified congested waters, punishes failure to hold endorsement or certificate, and requires OSMB to establish and collect fees.

**Oregon Laws 2019:** Chapter 651

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**House Bill 2361-A**

**Not Enacted**

**Multiyear Hunting License**

**Chief Sponsors:** Rep. DB Smith

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

**Background and Current Law:** ORS 496.146 allows the Oregon Fish and Wildlife Commission to establish and prescribe fees for multiyear hunting tags. In 2018, the Oregon Department of Fish and Wildlife launched an online permit, tag, and licensing system. According to the Department, this online system provides the flexibility to offer multiyear hunting tags, while their previous tag distribution systems had not.

**Bill Summary:** House Bill 2361-A would have required the Commission to establish and prescribe fees for multiyear resident and nonresident hunting licenses, and to set the agent fee for issuance of each multiyear license at $5.
**House Bill 2364**

**Sonar Fish Counting**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Natural Resources

**Background and Current Law:** The Oregon Department of Fish and Wildlife partners with organizations to use a variety of methods to count fish, including trapping or impounding fish at counting stations and other visual surveys to estimate the total number of fish passing through the waters of Oregon. Dual-frequency identification sonar (DIDSON) is a technology that uses high-frequency sound waves to produce near video-quality images of underwater objects. It can be used to determine directional movement and estimate fish size in rivers, including in turbid and low-light conditions. DIDSON devices are typically installed underwater near one bank with the sound beam aimed toward the opposite bank to detect fish passing through the channel.

**Bill Summary:** House Bill 2364 would have required the Department to use DIDSON for counting fish and allocate funds from the Natural Resources subaccount of the Parks and Natural Resources Fund to purchase the DIDSON devices.

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**House Bill 2365**

**Sudden Oak Death**

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

**At the request of:** former Rep. Deborah Boone

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

**Background and Current Law:** Sudden Oak Death (SOD) has been detected in California coastal forests and in Curry County, Oregon. SOD can lead to the rapid death of many plant species including tanoaks, coast live oaks, and black oaks. According to a 2018 study by the American Phytopathological Society, there are four lineages of SOD. Until recently, only one lineage was reported in the western U.S., but in 2015, a second lineage known as EU1 was identified in Douglas fir saplings growing near infected tanoak trees in Curry County. The EU1 lineage is considered more aggressive and has the potential to spread across multiple species.

**Bill Summary:** House Bill 2365 would have appropriated $1.7 million to the Oregon Department of Forestry (ODF) to carry out an integrated pest management program to combat SOD and require ODF to expend $50,000 as a block grant to the Association of Oregon Counties to establish and operate a task force to encourage and coordinate county integrated pest management programs to combat SOD.
AGRICULTURE AND NATURAL RESOURCES

House Bill 2377

Effective Date: August 9, 2019

Sediment Study and Surface Water Program

Chief Sponsors: Reps. DB Smith, McKeown; Sen. Roblan

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: The Rogue River is in southwestern Oregon and flows 215 miles. The U.S. Geological Survey and the Oregon Department of Environmental Quality collect sediment and water quality data in Oregon. The Umatilla River Basin is located in north central Oregon. Over time, demand for ground water in the Basin has exceeded the supply. In December 2018, a group of stakeholders delivered recommendations to the Governor, including a five-year pilot project allowing water right holders to use surface water in lieu of ground water.

Bill Summary: House Bill 2377 appropriates $452,930 from the General Fund to the Oregon Department of Administrative Services (DAS) to contract for implementation of the first phase of a sediment study on the lower Rogue River and appropriates $1 million to DAS for distribution to Umatilla County to reimburse water right holders for increased pumping cost of surface water used in lieu of ground water.

Oregon Laws 2019: Chapter 643

House Bill 2378-A

Not Enacted

Salmon Incubation Boxes

Chief Sponsors: Rep. DB Smith

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: Incubation devices are generally placed along streams where newly hatched unfed fry can be released to augment fish populations. According to the Oregon Department of Fish and Wildlife (ODFW), production from incubation boxes has decreased since its peak in the late 1980s. A moratorium on all incubation device programs was put in place during the mid to late 2000s, which resulted in elimination or reduction of unfed fry releases. Incubation devices are often used for public education.

Bill Summary: House Bill 2378-A would have directed ODFW to establish and operate a fish incubation box pilot program for ten years in historically salmon-bearing waterways in Coos, Curry, Douglas, Jackson, and Josephine counties and report to the Legislative Assembly.
House Bill 2379-A

County Action

Chief Sponsors: Rep. DB Smith

Committees: House Natural Resources, Senate Environment and Natural Resources

Background and Current Law: Since 1951, the U.S. Army Corps of Engineers has contracted with the Oregon Department of Fish and Wildlife (ODFW) to operate seven mitigation hatcheries and fish production services in the Columbia, Willamette, and Rogue Basins. The Corps began funding the Cole M. Rivers Hatchery in 1973 to mitigate for lost salmon, steelhead, and trout production and habitat due to the construction of Lost Creek, Applegate, and Elk Creek Dams. In total, the Corps is responsible for providing 749,800 pounds of hatchery fish annually.

Bill Summary: House Bill 2379-A would have authorized, until January 1, 2030, Curry, Josephine, and Jackson Counties to take action against the Corps and seek damages for economic loss incurred by the county due to the Corps’ failure to conform with fish return goals set in mitigation requirements agreed to in the hatchery Final Environmental Impact Statement.

House Bill 2381

Salmon Prey Management

Chief Sponsors: Rep. DB Smith; Sen. Heard

Committees: House Natural Resources

Background and Current Law: The federal Marine Mammal Protection Act (MMPA) of 1972 defines the actions that states can take to manage California sea lions. Predation by a growing sea lion population can jeopardize salmon and steelhead stocks. In 2008, the Oregon Department of Fish and Wildlife (ODFW) received federal authorization under the MMPA to remove California sea lions preying on salmon and steelhead. According to the ODFW, the federal government has authorized hazing of Common Cormorant, which also prey on salmon species. The ODFW manages non-native fish that prey on salmon species through harvest and liberal bag limits in angling regulations.

Bill Summary: House Bill 2381 would have required ODFW to operate a program in southwest Oregon to control populations of species that prey on salmon.
House Bill 2436

Proposal for Partial State Assumption of the Federal 404 Permit Program

At the request of: House Interim Committee on Agriculture and Natural Resources

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

Background and Current Law: Section 404 of the Federal Water Pollution Control Act, commonly known as the Clean Water Act, establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. The U.S. Army Corps of Engineers administers the federal 404 permit program, and the U.S. Environmental Protection Agency (EPA) enforces the program. The Clean Water Act contains a provision enabling states to "assume" administration of the 404 program, provided that the state has a waterways and wetlands regulatory program equivalent to the federal program.

The State of Oregon has had a regulatory program for removal and fill activities within waters of the state since 1967. It is statutorily established as Oregon's removal-fill law (ORS 196.600 to 196.905) and is administered by the Department of State Lands (DSL). The Oregon Department of Justice has determined that the state and federal programs are sufficiently equivalent for the purposes of assumption, though there are some significant differences in exceptions to, and administration of, the programs, and further analysis is needed to ensure statutory and session laws comply with federal standards. Following EPA approval of a state application, additional legislative approval would be needed for state assumption of the 404 program to take effect.

Bill Summary: House Bill 2436 directs DSL to develop a proposal, including recommendations for legislation to be introduced during the 2020 legislative session, for DSL partial assumption of the authority to administer Federal Water Pollution Control Act section 404 permits.

Oregon Laws 2019: Chapter 652
**House Bill 2437**

**Effective Date:** August 8, 2019

**Dry Agricultural Channel Maintenance**

**At the request of:** House Interim Committee on Agriculture and Natural Resources

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

**Background and Current Law:** Oregon farmers routinely remove silt build-up from waterways on their agricultural lands to ensure that drainage of subsurface water properly occurs. 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.

**Bill Summary:** House Bill 2437 establishes a notice-based program for agricultural maintenance activities in dry, traditionally maintained channels. The measure also directs DSL to establish a streamlined general permit for maintenance in wet channels. House Bill 2437 appropriates $453,476 from the General Fund to the Department of Agriculture and Department of Fish and Wildlife for program implementation, and $239,583 to Oregon State University for a scientific study on the impacts of the maintenance activities.

**Oregon Laws 2019:** Chapter 699

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**House Bill 2438-A**

**Not Enacted**

**Funding for Public Mitigation Bank Pilot Program and Wetland Notice Responses**

**At the request of:** House Interim Committee on Agriculture and Natural Resources

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

**Background and Current Law:** Oregon’s mitigation banking system is largely privately owned. Many local jurisdictions have cited inadequate mitigation bank distribution and the high and variable cost of mitigation credits as barriers to economic and housing development, particularly in small, rural communities.

In 2018, the Oregon Department of State Lands (DSL) updated the Statewide Wetlands Inventory (SWI) to integrate national hydrography and soil data sets, which will allow the SWI to show areas that have a high probability of containing wetlands. The increased map coverage is expected to result in local jurisdictions submitting a significantly increased number of Wetland Land Use Notices to DSL.

**Bill Summary:** House Bill 2438-A would have appropriated moneys to the Oregon Cascades West Council of Governments to develop a strategic plan for the development of a regional public wetland mitigation bank, and to DSL for responding to wetland land use notices received from local governments.
House Bill 2451

Elimination of Mandatory State Onion Inspections

Effective Date: January 1, 2020

Chief Sponsors: Rep. Findley

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

Background and Current Law: Oregon’s onion inspection statutes were enacted in 1955 to establish grades and standards for Oregon onions to ensure a strong reputation in regional and national markets. The statutes require grade certification, labeling standards, and mandatory inspections at shipping. Malheur County onion growers and shippers are additionally subject to mandatory federal inspections by the United States Department of Agriculture (USDA). The USDA has regulated eastern Oregon onions via marketing order since 1957 under 7 C.F.R. §958. In general, marketing orders are initiated by industry, tailored to an individual industry’s needs, and are binding for the entire industry within a specified geographic area. Their purpose is to help provide a stable market by maintaining high produce quality, standardizing packaging and containers, and regulating product flow to market. The "958 Idaho and Oregon Onions" Federal Marketing Order authorizes grade, size, maturity, quality, marking, packing, and container regulations for onions grown in designated areas of eastern Oregon and western Idaho.

Bill Summary: House Bill 2451 eliminates mandatory state onion inspections.

Oregon Laws 2019: Chapter 108

House Bill 2553

Not Enacted

Fish Return

Chief Sponsors: Rep. Evans

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: Nutrient enhancement is a recognized benefit to fish stocks; a lack of nutrients can be a limiting factor in the recovery of salmon populations. In 2013, the Legislative Assembly enacted House Bill 2697 to allow the return of fish carcasses to the stream from which a fish was caught. Prior to House Bill 2697, it was unlawful for a person to discard any dead animal carcass into a body of water, irrigation ditch, or cistern.

Bill Summary: House Bill 2553 would have required the Oregon Department of Fish and Wildlife to adopt rules concerning the carcasses of returning hatchery fish, and to analyze return rates and report results to the Legislative Assembly.
HB 2574

Shellfish Mariculture

Chief Sponsors: Reps. McKeown, Witt

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: In 2015, the Oregon Legislative Assembly enacted House Bill 2209 to establish a Task Force on Shellfish. This Task Force produced the Oregon Shellfish Initiative outlining priorities and strategies to enhance shellfish production. In 2017, the Legislative Assembly enacted House Bill 2784 to establish the Oregon Department of Agriculture (ODA) as the lead agency responsible for administration of oyster, clam, and mussel production. In 2017, House Bill 3234 was introduced to provide funding for a variety of activities designed to support the goals of the Oregon Shellfish Initiative (the measure was not enacted).

Bill Summary: House Bill 2574 appropriates $200,000 to the Department of Land Conservation and Development, $200,000 to the ODA, and $160,000 to the Oregon Department of Fish and Wildlife for the purposes of establishing a shellfish information system, an enforcement program, and an educational program.

Oregon Laws 2019: Chapter 654

House Bill 2579

Farm-to-School Grant Program

Chief Sponsors: Reps. Clem, Post, Reardon, DB Smith

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

Background and Current Law: The Farm-to-School Grant Program, administered by the Oregon Department of Education (ODE), awards grants to school districts and partner organizations to purchase Oregon food products and to provide food-based, agriculture-based, or garden-based educational activities. The program was established in 2011, and has been modified in 2013, 2015, and 2017 to specify which grants are competitive, to tether noncompetitive grant awards to the quantity of school lunches served by school districts, and to expand the list of entities eligible to receive competitive grant funds.

Bill Summary: House Bill 2579 expands the types of entities that may receive Farm-to-School grants; establishes a new competitive grant to encourage the purchase or promotion of food produced or processed in-state; directs ODE and specified partners to evaluate program outcomes and provide technical assistance, training, and resources; and appropriates $10.35 million to the program from the General Fund.

Oregon Laws 2019: Chapter 590
**House Bill 2652**

**Boat Helmets**

**Effective Date:** January 1, 2020

**Chief Sponsors:** Reps. Gorsek, McKeown; Sen. Monnes Anderson

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

**Background and Current Law:** Oregon law requires boat outfitters and guides to carry equipment such as first-aid, life jackets, light and smoke flares, and running lights. "Outfitters and guides," as defined in ORS 704.010, include any person compensated for providing or offering outfitting and guiding services in this state or any person who holds federal special use permits for commercial outfitting and guiding. Outfitters and guides and their passengers must wear life jackets when on water rated as class III or higher.

**Bill Summary:** House Bill 2652 requires outfitters and guides operating on class III or higher waters to rent, sell, or otherwise make available helmets to all passengers.

**Oregon Laws 2019:** Chapter 163

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**House Bill 2656**

**Forest Operations**

**Not Enacted**

**Chief Sponsors:** Reps. Salinas, Power

**Committees:** House Energy and Environment

**Background and Current Law:** Forests cover about 30.47 million acres in Oregon, almost half of the state’s land base, and provide clean water, wildlife habitat, timber products, jobs, revenue for public services, recreational and tourism opportunities, biomass for energy generation, carbon storage, and more. Oregon’s forests are owned by the federal government (60 percent), private citizens (35 percent), the state government (3 percent), tribal governments (1 percent), and other public entities (1 percent). Statewide forest cover is dominated by conifers such as Douglas fir, true firs, western hemlock, and ponderosa pine. The most abundant hardwoods are big leaf maple, red alder, Oregon white oak, and cottonwoods.

**Bill Summary:** House Bill 2656 would have prohibited certain activities on forest land that supplies drinking water to a public water system, including forest harvesting that requires reforestation and requires wildlife to leave trees; construction of a new logging road; and application of a pesticide or a fertilizer. The Act would have specified criteria for exemptions, as well as noticing requirements and penalties for violations.
House Bill 2659

Forestlands Tax

Chief Sponsors: Rep. Salinas; Sen. Taylor

Committees: House Natural Resources

Background and Current Law: In 1999, the Oregon legislature established the forestland special assessment program which values and taxes timberland in an effort to offset increasing property tax rates. Under this program the landowner is required to actively grow or plan to grow a marketable species of trees on the property. Landowners may apply for the special assessment program through the county assessor who determines if the land qualifies. The area of land must be at least two contiguous acres under the same ownership.

Bill Summary: House Bill 2659 would have repealed tax exemptions for forestland covered by timber plantations and nonforested land, established that forestland that is natural or seminatural receive property tax exemptions, and required counties to allocate moneys as a result of these changes to climate adaptation and climate smart forest practices.

House Bill 2729

Oregon Agricultural Heritage Program Funding

Chief Sponsors: Reps. Witt, Helm; Sen. Hansell

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

Background and Current Law: In 2017, the Legislative Assembly authorized the Oregon Watershed Enhancement Board (OWEB) to establish the Oregon Agricultural Heritage Program (OAHP) to help Oregon farmers and ranchers plan for succession in ownership and to maintain agricultural land for future generations. Since passage, the 12-member Oregon Agricultural Heritage Commission has been established, addressed initial implementation logistics, and completed program rulemaking. ORS 541.977-541.989 directs OWEB to provide grants for conservation management plans, working land conservation covenants and easements, technical assistance, and succession planning. However, the 2017 legislation provided no funding for program implementation.

Bill Summary: House Bill 2729 would have appropriated $9,988,652 from the General Fund to OWEB to hire Oregon Agricultural Heritage Program personnel, contract for services, and provide grants to farmers and ranchers.
**Agriculture and Natural Resources**

**House Bill 2740-A**

**Hemp Commission**

**Chief Sponsors:** Rep. Wilson, DB Smith

**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, Senate 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, House 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 2740-A would have created a framework for the Oregon Hemp Commission, expanded the existing pilot program to a full commercial Oregon Hemp Program, required a state hemp plan, redefined 'hemp,' clarified ODA's authority over the program including changing registration to licensure, and brought the program and testing into compliance with federal and state requirements.

**House Bill 2746**

**Wolf Population Report**

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

**Committees:** House Natural Resources

**Background and Current Law:** Since 2011, the Oregon Department of Fish and Wildlife (ODFW) has produced an annual population report on gray wolves. In 2011, the Legislative Assembly enacted House Bill 2350 to direct the Oregon Department of Agriculture to establish and implement a wolf depredation compensation and financial assistance grant program. Funds from this grant program are awarded to counties to pay persons who suffer loss or injury to livestock or working dogs due to wolf depredation, persons who implement livestock management techniques or nonlethal wolf deterrence techniques, and to pay for the implementation and administrative costs of county wolf depredation compensation programs.

**Bill Summary:** House Bill 2746 would have required ODFW to prepare a publicly available biennial report that estimates net change in Oregon wolf populations, required the Legislative Assembly to identify the amount of state funding needed, and established an appropriation greater than the amount needed.
**House Bill 2747-A**

**Fish and Wildlife Commission**

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

**Committees:** House Natural Resources

**Background and Current Law:** The Oregon Fish and Wildlife Commission was established in 1975. The Commission develops state programs and policies concerning management and conservation of fish and wildlife resources and establishes hunting seasons and bag limits. Under current law, the Commission consists of seven members, one from each of the state congressional districts.

**Bill Summary:** House Bill 2747-A would have revised the requirements for membership on the Commission. Three members would have been appointed from west of the Cascade Mountains, three from east of the Cascades, and one member appointed at large. At least one member would have been an owner or manager of an active agricultural operation, and at least one member would have held an Oregon hunting or fishing license.

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**House Bill 2795**

**Cougar Agents**

**At the request of:** Reps. Brian Clem, Bill Post

**Chief Sponsors:** House Committee on Agriculture and Land Use

**Committees:** House Natural Resources

**Background and Current Law:** In 1994, Ballot Measure 18 passed to ban the use of bait to hunt black bear and the use of dogs to hunt black bear or cougar. Currently, the Oregon Department of Fish and Wildlife can appoint agents to use one or more dogs to hunt cougar to carry out management plans. The use of dogs for hunting cougar is also permitted when cougar cause damage, pose a public health risk, or create a public nuisance (ORS 498.012).

**Bill Summary:** House Bill 2795 would have directed the Department to create a pilot program that allows persons to use dogs for hunting or nonlethal pursuit of cougars within specified counties, required the Oregon Fish and Wildlife Commission to issue and limit cougar tags, required the Department to submit a report on the efficacy of the pilot program in 2024. The pilot would have sunset on January 2, 2026.
House Bill 2796-A

Removal-Fill of Degraded Wetlands for Needed Housing

At the request of: Rep. Bill Post

Chief Sponsors: House Committee on Agriculture and Land Use

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

Background and Current Law: Oregon's Removal-Fill Law requires individuals who plan to remove or fill material in wetlands or waterways to obtain a removal-fill permit from the Department of State Lands (DSL), and to replace lost aquatic resource functions and values through compensatory mitigation. OAR 141-085-0690 establishes the following minimum ratios for compensatory mitigation: one acre of restored wetland for one acre of impacted wetland (1:1), 1.5 acres of created wetland for one acre of impacted wetland (1.5:1), three acres of enhanced wetland for one acre of impacted wetland (3:1), and two acres of enhanced cropped wetland for one acre of impacted wetland (2:1). DSL determines the ratio of preserved wetland to impacted wetland on a case-by-case basis.

Bill Summary: House Bill 2796-A would have directed DSL to develop rules by January 1, 2021 to allow removal and fill of degraded wetlands for needed housing projects by general permit or authorization, and to establish a 1:4 compensatory mitigation ratio for such approvals.

House Bill 2816-A

Integrated Pest Management

Chief Sponsors: Reps. Keny-Guyer, Neron

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

Background and Current Law: Integrated pest management (IPM) refers to a coordinated, strategic decision-making process that identifies and uses the most appropriate pest control methods to manage crop damage with the least possible hazard to people, property, and the environment.

In 2013, the Legislative Assembly enacted House Bill 3364, which established the state IPM Coordinating Committee. The Committee includes a state IPM coordinator, an IPM coordinator from each of ten specified state agencies, an IPM coordinator from each of the seven state public universities, and a representative appointed by the Higher Education Coordinating Commission. The Committee meets periodically to share IPM information and strategies and produces a biennial report for the Legislative Assembly.

Bill Summary: House Bill 2816-A would have required that the Committee track IPM implementation progress and increase public access to meeting materials and feedback opportunities. The measure also would have established an IPM Fund in the State Treasury to appropriate moneys to the Higher Education Coordinating Commission for the work of the Committee.
**House Bill 2819**

**Groundwater Conservation**

**Chief Sponsors:** Rep. Bonham

**Committee:** House Energy and Environment

**Background and Current Law:** The Umatilla River Basin (Basin) is located in north central Oregon and includes parts of Morrow County and Umatilla County, the cities of Hermiston and Pendleton, and the Umatilla Indian Reservation. Over time, demand for groundwater in the Basin has exceeded supply, and the Oregon Water Resources Department (OWRD) has designated four critical groundwater areas and one classified area due to declines in groundwater levels. Because of limits enforced on the use of groundwater in certain critical groundwater areas, many water-rights holders have not received an allocation since the designations were put into place. In December 2018, a work group of stakeholders delivered recommendations to the Governor, which included implementation of a five-year pilot project relating to Columbia River water.

**Bill Summary:** House Bill 2819 would have directed OWRD to establish a pilot program to determine the feasibility of making Columbia River water available in critical groundwater areas of the Umatilla River Basin to reduce depletion of groundwater and allow recovery of underground aquifers.

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**House Bill 2829**

**Conservation and Recreation Fund**

**Chief Sponsors:** Reps. Helm, Helt, Witt; Sens. Roblan, Frederick, Dembrow

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

**Background and Current Law:** In 2015, the Legislative Assembly passed House Bill 2402 to establish a Task Force on Funding for Fish, Wildlife, and Related Outdoor Recreation and Education. This Task Force developed recommendations to strengthen the Oregon Department of Fish and Wildlife’s (ODFW) ability to conserve natural resources, improve hunting and fishing opportunities, and connect Oregonians to nature through outdoor recreation and education opportunities. According to the Task Force’s report, an Oregon Conservation and Recreation Fund would provide resources to improve hunting and fishing, expand opportunities for participation in outdoor recreation, and increase education and outreach.

**Bill Summary:** House Bill 2829 establishes the Oregon Conservation and Recreation Fund and advisory committee; appropriates moneys in the Fund to the Emergency Board for allocation to ODFW contingent on deposit into fund of equal amount of money from sources other than federal or state government; abolishes the fund and transfers available funds to the General Fund July 1, 2021; and sunsets the advisory committee January 2, 2022.

**Oregon Laws 2019:** Chapter 531
**House Bill 2834**

**Effective Date:** January 1, 2020

**Wildlife Corridors**

**Chief Sponsors:** Reps. Helm, Marsh, Helt; Sens. Prozanski, Dembrow

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

**Background and Current Law:** A wildlife corridor is a path that animals and plants use to travel between habitats. According to the Oregon Department of Transportation (ODOT), there were 2,212 vehicle collisions with deer and elk during the months of October and November 2018. ODOT maintains a database which illustrates where these collisions are concentrated. In 2012, ODOT constructed a wildlife crossing under Highway 97. In 2014, the Oregon Department of Fish and Wildlife (ODFW) reported an 80 percent decrease in deer mortality along the affected stretch of highway. States such as California, New Hampshire, and New Mexico have passed bills requiring or encouraging state agencies to mitigate for vehicle-wildlife collisions and conserve wildlife corridors.

**Bill Summary:** HB 2834 requires that ODFW, in consultation with ODOT, collect data regarding the connectivity of wildlife habitat areas and develop a Wildlife Corridor Action Plan.

**Oregon Laws 2019:** Chapter 272

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**House Bill 2835**

**Effective Date:** September 29, 2019

**Access to Public Use Waterways**

**Chief Sponsors:** Reps. Helm, Marsh, Power, Williams

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

**Background and Current Law:** The public has the right to use an Oregon waterway for recreation if the waterway is navigable for title purposes or if the waterway is floatable for purposes of the Public Use Doctrine. If a waterway is navigable for title purposes, a person may generally use the beds and banks up to the line of ordinary high water. Any activity allowed on other public lands is permissible up to the line of ordinary high water. A person may go above the ordinary high-water line only if absolutely necessary. The Department of State Lands is responsible for the management of state waterways.

**Bill Summary:** House Bill 2835 requires a state agency to post notice on its agency website before restricting or closing a public access site to a floatable natural waterway. The measure would also require agencies to report annually to the Legislative Assembly on any public access sites restricted, closed, opened, or reopened during the previous calendar year.

**Oregon Laws 2019:** Chapter 409
House Bill 2841

Wildlife Data

Chief Sponsors: Reps. Gomberg, Lively, DB Smith, Gorsek, Helm, Witt

Committees: House Natural Resources, Senate Environment and Natural Resources

Background and Current Law: The Oregon Department of Fish and Wildlife (ODFW) may currently refuse to disclose information regarding the habitat, location, or population of any threatened or endangered species unless the public interest requires disclosure in the particular instance (ORS 192.345 (13)). Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to determine if the public record may be withheld from public inspection (ORS 192.411). ODFW maintains a list of sensitive species, which are subject to a decline in number such that they may become eligible for listing on the state Threatened and Endangered Species List (OAR 635-100-0040); this information is subject to disclosure.

Bill Summary: House Bill 2841, with some exceptions, authorizes ODFW to refuse to disclose information regarding the habitat, location, or population of fish and wildlife species listed as threatened or endangered, under consideration for such listing, or identified as a sensitive species under ODFW rules. The measure will sunset on January 2, 2024.

Oregon Laws 2019: Chapter 532

House Bill 2851

Water Use Measurement and Reporting

At the request of: Rep. Ken Helm

Chief Sponsors: House Committee on Energy and Environment

Committee: House Energy and Environment

Background and Current Law: Under current 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 certain exceptions, must obtain a water right to use water from any source, including rivers, streams, lakes, and groundwater. When water is scarce, water users are allocated water based on the date of their water rights, 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 (OWRD), including water use reports, pump tests, and in the case of groundwater, static water level data.

Bill Summary: House Bill 2851 would have established that water users who are required by OWRD to measure water use under a water right may also be required to report the measured data to OWRD.
**House Bill 2853**

**Historic-Use Reservoirs**

At the request of: Rep. Mike McLane

Chief Sponsors: House Committee on Energy and Environment

Committee: House Energy and Environment

**Background and Current Law:** A water right is required to store water in a reservoir, construct a reservoir, or to use water stored in an existing reservoir. Additional permits and approvals from state 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 water right permitting.

**Bill Summary:** House Bill 2853 would have established a temporary process to allow the owner of an historic-use reservoir to register with the Water Resources Department. The measure would have exempted historic-use reservoirs from the requirement to have a water right.

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**House Bill 2854**

**Water Use Measurement and Reporting Task Force**

At the request of: Rep. Ken Helm

Chief Sponsors: House Committee on Energy and Environment

Committee: House Energy and Environment

**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 certain exceptions, must obtain a water right to use water from any source, including rivers, streams, lakes, and groundwater. Many water rights include conditions that require the water user to submit data to the Oregon Water Resources Department (OWRD), including water use reports, pump tests, and in the case of groundwater, static water level data.

**Bill Summary:** House Bill 2854 would have established a Task Force on Measurement and Reporting of Appropriated Water to study the measurement and reporting of appropriated water use in Oregon and to report back to the legislature by September 15, 2020.
**House Bill 2856**

**Groundwater Study Funding**

**At the request of:** Rep. Ken Helm

**Chief Sponsor:** House Committee on Energy and Environment

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

**Background and Current Law:** Oregon recognizes 19 river basins and nine major geologic areas. In each river basin, surface water and groundwater interact with one another differently, and the recharge patterns of aquifers differ depending on the geology of the location. Differences also include precipitation patterns and geographic features. Currently, state agencies monitor groundwater-level trends and groundwater quality in certain areas using tools like observation wells and basin investigations or assessments.

**Bill Summary:** House Bill 2856 would have appropriated $9 million for the Oregon Water Resources Department (OWRD) to conduct groundwater studies in priority basins and would have required OWRD to develop a 10-year groundwater study plan and report back to the legislature on how the appropriation was spent.

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**House Bill 2953**

**Effective Date:** January 1, 2020

**Good Neighbor Authority Report**

**Chief Sponsors:** Reps. Bonham, DB Smith; Sen. Heard

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

**Background and Current Law:** The Good Neighbor Authority (GNA) allows the U.S. Forest Service (USFS) to enter into cooperative agreements with states so that states can manage forests and watershed restoration on National Forest System lands. A GNA Master Agreement between the USFS and Oregon was signed in March of 2016 that allows federal funds to be used by state agency personnel or contractors for work on federal public land and provides formal authorization for local projects across land ownership boundaries. In 2018, the Legislative Assembly adopted House Bill 4118 to require the Oregon Department of Forestry (ODF) and Oregon Department of Fish and Wildlife to work with federal land management agencies to prioritize certain projects under the GNA Master Agreement; $500,000 was appropriated for these projects.

**Bill Summary:** HB 2953 requires ODF to submit a biennial report on outcomes of GNA projects to the Legislative Assembly.

**Oregon Laws 2019:** Chapter 273
House Bill 2958

Zone Director Requirements for Soil and Water Conservation Districts

Chief Sponsors: Rep. Nosse

Committees: House Agriculture and Land Use

Background and Current Law: Oregon has 45 Soil and Water Conservation Districts (SWCDs) charged with carrying out the state policy of conserving, protecting, and developing soil, water, and other natural resources. ORS 568.560 currently requires that each SWCD be governed by an elected or appointed board of five to seven directors. To qualify to become a SWCD zone director, two options are currently available: (1) the individual must own or manage 10 or more acres of land in the district, be involved in the active management of the property, be a registered voter, and either reside within the zone being represented and own or manage 10 or more acres within the district, or, reside within the district and own or manage 10 acres within the zone being represented, or (2) the individual must reside within the zone being represented, have served at least one year as a director or associate director of a district, have a conservation plan approved by the district, and be a registered voter.

Bill Summary: House Bill 2958 would have made the requirement that a zone director own or manage 10 acres or more within the district applicable only if the majority of the district lies within a county that has a population of less than 50,000 residents.

House Bill 2979-A

Tide Gates

Chief Sponsors: Reps. McKeown, Gomberg, DB Smith; Sen. Roblan

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: Tide gates serve to drain tidelands for agricultural or other uses. During low tide, water flows from the drained area to a bay or estuary through the tide gate. At high tide, the level of water holds the door closed, stopping water from flowing back into the drained area.

Bill Summary: House Bill 2979-A would have appropriated $250,000 for distribution to the Association of Oregon Counties for contracting with an independent third-party organization to provide technical assistance and information regarding tide gates.
**AGRICULTURE AND NATURAL RESOURCES**

**House Bill 2980**

**Pesticide Use Reporting System Sunset Extension**

**Chief Sponsors:** Reps. Witt, DB Smith

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

**Background and Current Law:** In 1999, the Legislative Assembly directed the Oregon Department of Agriculture (ODA) to develop a pesticide use reporting system (PURS) to collect, organize, and report information on all categories of pesticide use in Oregon. PURS included two components: an online reporting system for nonhousehold pesticide applicators, and a household pesticide use survey. The online system was implemented for the first time in 2002, but funding was withdrawn the same year. The system lapsed until 2005, when the Legislative Assembly approved funding and required reports for 2006, 2007, and 2008. In 2009, the Legislative Assembly withdrew funding for PURS again, but extended the system sunset date to June 30, 2019. PURS has not been operational since 2009.

**Bill Summary:** House Bill 2980 would have extended the sunset date for the pesticide use reporting system from June 30, 2019 to June 30, 2029.

**House Bill 3016**

**Steelhead Hatchery Production**

**Chief Sponsors:** Rep. Sprenger; Sen. Girod

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

**Background and Current Law:** The Santiam River is a tributary of the Willamette River, in western Oregon. The Oregon Department of Fish and Wildlife (ODFW) operates and manages the hatchery on the Santiam River for the U.S. Army Corps of Engineers as part of the Corps’ dam mitigation program.

**Bill Summary:** House Bill 3016 would have appropriated moneys to ODFW for activities related to summer steelhead hatchery production for the Santiam River.
**House Bill 3025**

**Carbon Sink**

**Chief Sponsors:** Rep. Evans

**Committees:** House Natural Resources

**Background and Current Law:** A carbon sink can be a natural or artificial reservoir that collects and stores carbon dioxide (CO2) for an indefinite period and has been considered a method to address global warming. The process by which carbon sinks remove CO2 from the Earth’s atmosphere is called carbon sequestration. The most common natural carbon sinks are plants, the ocean, and soil. Plants act as carbon sinks through the process of photosynthesis, where they absorb CO2 and reintroduce oxygen back into the atmosphere.

**Bill Summary:** House Bill 3025 would have required the Oregon Department of Forestry (ODF) to establish the Western Oregon Regional Carbon Sink as a geographical area and plant one billion shrubs and trees on or before January 1, 2031, established the Task Force on Western Oregon Regional Carbon Sink with a sunset date of December 31, 2020, and established the Western Oregon Regional Carbon Sink Advisory Board.

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**House Bill 3035**

**Anti-Poaching Law**

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

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

**Background and Current Law:** The Oregon State Police Fish and Wildlife Division is charged with enforcing fish, wildlife, environmental, and other criminal laws and protecting people, property, and natural resources. The Division's "Turn-in-Poachers" or "TIP" program offers preference points or cash rewards for information leading to an arrest or issuance of a citation for the illegal killing or taking of wildlife, illegally obtaining Oregon hunting or angling licenses or tags, or for information about the illegal taking, netting, snagging, dynamiting of game fish. According to the Oregon Department of Fish and Wildlife, poachers killed more mule deer than legal hunters during a six-year study of radio-collared deer in south-central Oregon.

**Bill Summary:** House Bill 3035 increases the maximum penalty for certain wildlife law offenses committed without a culpable mental state to a Class A violation ($2,00 fine) and increase the maximum penalty for certain wildlife law offenses committed intentionally, knowingly, or recklessly to a Class C felony (up to five years’ imprisonment, $125,000 maximum fine, or both).

**Oregon Laws 2019:** Chapter 274
**House Bill 3044**

**Aerial Pesticide Reporting**

**Chief Sponsors:** Rep. Wilde

**Committees:** House Natural Resources

**Background and Current Law:** Oregon law requires pesticide operators to prepare and maintain records on forms approved by the Oregon Department of Agriculture (ODA) related to the application of pesticides (ORS 634.146). These records must be kept for at least three years from the date of pesticide application and must be available for review and inspection by ODA. Upon receiving a request from any owner of field crops on which pesticides were applied, the pesticide operator must provide a written statement to the owner setting forth the required information within 40 days after the application of pesticides.

**Bill Summary:** House Bill 3044 would have required a business or individual applying a soil treatment or pesticide by aircraft to record information regarding the application conditions and submit the information to the Department of Environmental Quality for posting and notification.

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**House Bill 3058-A**

**Chlorpyrifos Pesticide Safety Review**

**Chief Sponsors:** Reps. Sanchez, Keny-Guyer, Hernandez, Neron

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

**Background and Current Law:** Chlorpyrifos is an organophosphate pesticide that has been used since 1965 in both agricultural and nonagricultural settings. It has primarily been used to control foliage and soil-borne insect pests on a variety of food and feed crops such as corn, soybeans, broccoli, cauliflower, brussels sprouts, other row crops, and fruit and nut trees. Nonagricultural uses include maintenance of golf courses, turf, greenhouses, and nonstructural wood treatments for utility poles and fence posts.

**Bill Summary:** House Bill 3058-A would have directed the Oregon Department of Agriculture to review the most current scientific data regarding the safety of pesticide products that contain chlorpyrifos, to report findings and recommendations to the Legislative Assembly by January 1, 2020, and to implement warranted restrictions.
House Bill 3081-A

Stream Gauges

Chief Sponsors: Reps. Reschke, McLane; Sen. Linthicum

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: Stream gauges measure the height of water surface in a stream or river, obtain periodic measurements of water discharge, and define the difference between the river’s height and discharge. The U.S. Geological Survey currently collects data from 13 stream gauges in Klamath County. The Oregon Water Resources Department (OWRD) manages and collects data from stream gauges around the state.

Bill Summary: House Bill 3081-A would have appropriated money from the General Fund to the Oregon Department of Administrative Services to be distributed to Klamath County to acquire and install stream gauges in the Klamath Basin.

House Bill 3084

Alternative Daily Cover

Chief Sponsors: Rep. Clem

Committees: House Natural Resources, House Revenue

Background and Current Law: The Environmental Protection Agency (EPA) requires landfill operators to place a six-inch layer of cover on top of a landfill every night. A landfill may be covered by either top soil from the surrounding area, or alternative daily cover (ADC), which is typically composed of used construction materials that have been ground by a recycler into powder. The materials used to create ADC would otherwise be disposed of in the landfill. The Department of Environmental Quality (DEQ) approves ADC designs or procedures. In 1995, the Legislative Assembly added language to statute prohibiting fees for use of ADC.

Bill Summary: House Bill 3084 would have prohibited a tax on the use of suitable material other than virgin material for daily cover at a disposal site.
Family Farmer Loan Program

Chief Sponsors: Rep. Clem

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

Background and Current Law: More than 96 percent of Oregon’s farms and ranches are family-owned and -operated. State agencies, universities, and stakeholder groups have documented increasing trends toward conversion of farmland to nonfarm uses, development, or fragmentation as farmers age and farmland prices rise. Factors that contribute to these trends include lack of succession planning for generational land transfer and barriers next-generation farmers and ranchers face in land and skill acquisition. In 2013, the Legislative Assembly established the Beginning and Expanding Farmer Loan (“Aggie Bond”) Program to facilitate loans for farmers and ranchers to finance acquisition of approved agricultural projects.

Bill Summary: House Bill 3085-A would have created a Family Farmer Loan Program to make loans directly to family farmers, including beginning family farmers, for the purchase or refinancing of agricultural land, farming equipment, or livestock; making permanent agricultural improvements to land; or restructuring operating debt carryover.

Wildlife Poaching Program

Chief Sponsors: Rep. Witt

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: The Oregon Department of Fish and Wildlife (ODFW) is responsible for sustainably managing fish and wildlife in Oregon. The Oregon State Police, Fish and Wildlife Division, plays a key role in achieving ODFW's mission through enforcement of fish and wildlife regulations. The Division is comprised of 120 sworn officers assigned statewide with specific duties and responsibilities to ensure compliance with natural resource laws. Division staff attends various meetings, gives presentations to sporting enthusiast groups, educates students of all ages, assists with hunter education classes and field days, and shows support at angling derbies and other outdoor-related events.

Bill Summary: House Bill 3087-A would have required ODFW to establish an anti-poaching awareness program and change specific wildlife violations.
House Bill 3090-A

Beginning Farmer and Rancher Incentive Program

Chief Sponsors: Rep. Clem

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

Background and Current Law: State agencies, universities, and stakeholder groups have documented increasing trends toward conversion of farmland to nonfarm uses, development, or fragmentation as farmers age and farmland prices rise. There is concern that the pipeline of next-generation farmers and ranchers is too small to replace an aging workforce. New farmers and ranchers face numerous barriers, including limited access to farmland and capital, high start-up costs, rising land prices, limited opportunities to gain farming experience, and systemic barriers for women and people of color. In 2013, the Legislative Assembly attempted to address some barriers by establishing the Beginning and Expanding Farmer Loan (“Aggie Bond”) Program to facilitate low-interest loans for new farmers and small farmers to finance capital purchases.

Bill Summary: House Bill 3090-A would have established a beginning farmer and rancher incentive program and fund for the purpose of assisting beginning farmers and ranchers with related higher education costs through loan repayment subsidies, stipends, and scholarships.

House Bill 3091

Beginning and Expanding Farmer Loan Fee Requirements

Chief Sponsors: Rep. Clem

Committees: House Agriculture and Land Use

Background and Current Law: In 2013, the Legislative Assembly established the Beginning and Expanding Farmer Loan (“Aggie Bond”) Program to help new farmers and ranchers secure low-interest loans for agricultural land acquisition and other eligible agricultural projects. Administered by the Oregon Business Development Department, the program aims to address barriers for beginning and small farmers by increasing the availability of affordable credit.

Bill Summary: House Bill 3091 would have modified fee requirements for the Beginning and Expanding Farmer Loan Program as follows: establishing a $100 maximum loan application fee; specifying that all fees combined may not exceed one percent of the face value of the bond or be less than $500; requiring that the total amount of all fees paid by a beginning farmer or bond purchaser be paid by the beginning farmer at the loan closing; and permitting the loan fee to be financed with bond proceeds or to be included in the purchase price agreed to in the sales contract.
House Bill 3118

Cougar Management

Chief Sponsors: Rep. Sprenger

Committees: House Natural Resources, House Rules

Background and Current Law: In 1994, Ballot Measure 18 passed to ban the use of dogs to hunt black bear or cougar. Currently, the Oregon Department of Fish and Wildlife (ODFW) can appoint agents to use one or more dogs to hunt cougar in order to carry out management plans, and such use of dogs is reported biennially to the Legislative Assembly (ORS 498.164). ODFW currently operates under the 2017 Cougar Management Plan. This plan does not set optimal population targets but does specify a minimum cougar population target. The primary objective of the Management Plan is to keep Oregon cougar population well above what is required for long-term sustainability.

Bill Summary: House Bill 3118 would have authorized ODFW to appoint persons to act as agents of ODFW for the purpose of managing cougar population in accordance with a cougar management plan administered by ODFW.

House Bill 3132-A

Environmental Restoration Weirs

Chief Sponsors: Reps. Helm, DB Smith; Sen. Dembrow

Committees: House Natural Resources, Joint Ways and Means

Background and Current Law: Historically, many small streams in eastern Oregon were inhabited by beaver populations and strongly influenced by beavers’ ability to modify their physical surroundings. Beaver dams have the effect of slowing the flow of water, allowing for natural overflow onto surrounding flood plains, and providing many positive benefits to stream ecosystems and their hydrologic function.

Bill Summary: House Bill 3132-A requires the Oregon Department of Fish and Wildlife to administer a program to authorize voluntary stream restoration and habitat improvement projects by participating landowners, through construction of small dams known as environmental restoration weirs.
House Bill 3168  
**Effective Date: September 29, 2019**  
**Electric Boats**  

**Chief Sponsors:** Rep. Nathanson  

**At the request of:** Clint Brumitt  

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

**Background and Current Law:** The Oregon State Marine Board (OSMB) is authorized to regulate, through administrative rules, boating in specified locations or on specified waterways. OSMB may make special regulations relating to operation of boats in any waters of this state (ORS 830.175). With some exceptions, ORS 830.180 prohibits the use of a motor for propelling a boat for any purpose on specified water bodies in Oregon, which the Board cannot change through rulemaking.  

**Bill Summary:** House Bill 3168 authorizes the use of a motor to propel a boat on the water bodies listed in ORS 830.180 only if the boat is propelled by an electric motor at a maximum of slow-no wake speed as defined by the Board and the Board adopts a rule authorizing such use on the water body.  

**Oregon Laws 2019:** Chapter 214  

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House Bill 3309  
**Effective Date: January 1, 2020**  
**Tsunami Inundation Zone**  

**Chief Sponsors:** Reps. McKeown, DB Smith, Gomberg  

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

**Background and Current Law:** The Oregon Department of Geology and Mineral Industries (DOGAMI) works to increase understanding of Oregon's geologic resources and hazards through science and stewardship. DOGAMI operates a Geological Survey and Services program to develop maps, reports, and data to help Oregon manage natural resources and prepare for natural hazards. DOGAMI also operates a Mineral Land Regulation and Reclamation program to oversee mineral production in Oregon. DOGAMI also determines a tsunami inundation zone on the Oregon coast where essential facilities may not be constructed.  

**Bill Summary:** House Bill 3309 amends the definition of surface mining and removes DOGAMI's authority to prohibit certain construction within tsunami inundation zones.  

**Oregon Laws 2019:** Chapter 502


**House Bill 3327**

Science Review Board

At the request of: Rep. Paul Holvey

Chief Sponsors: House Committee on Energy and Environment

 Committees: House Natural Resources

**Background and Current Law:** In 2015, the Oregon Legislative Assembly enacted Senate Bill 202 to establish the Task Force on Independent Scientific Review for Natural Resources. The Task Force evaluated and assessed the need for independent science review in Oregon and made recommendations to the Governor and appropriate legislative committees. The Task Force’s final report was submitted to the legislature in September 2016 and can be found here: http://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/sb202_final_report.pdf.

In 2017, Senate Bill 198 was introduced to create the Oregon Independent Science Review Board; the measure was not enacted.

**Bill Summary:** House Bill 3327 would have created the Independent Science Review Board, established the Independent Scientific Review Secretariat within the Institute for Natural Resources at Oregon State University, and would have established the Independent Scientific Review Fund.

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**House Bill 3365**

Livestock Districts

Chief Sponsors: Rep. DB Smith

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

**Background and Current Law:** Livestock districts are areas where it is not lawful for livestock to run at large. The livestock district statutes (ORS 607.008-607.055), originally created in 1957, designate all incorporated cities in Oregon as livestock districts, and establish the process for forming, changing, or dissolving a district. There are currently 10 county-wide livestock districts; most remaining counties consist of both smaller livestock districts and open range areas.

**Bill Summary:** House Bill 3365 repeals certain livestock district statutes, and establishes a county application process for forming, modifying, or dissolving a livestock district, including minimum size and public notice requirements.

**Oregon Laws 2019:** Chapter 450
**House Bill 3372**  
**Beef and Lamb Processing**

**Chief Sponsors:** Rep. DB Smith

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

**Background and Current Law:** The Federal Meat Inspection Act (FMIA) was enacted by Congress in 1906 to prohibit the sale of contaminated or misbranded meat and meat products and to ensure that livestock are slaughtered and processed in sanitary conditions. FMIA directs the U.S. Department of Agriculture (USDA) to inspect all livestock intended for human consumption before and after slaughtering and processing. The number of in-state USDA-inspected slaughter and processing facilities has decreased from more than 300 facilities to 13 over the last 35 years, which has created an access issue, particularly in remote parts of the state. FMIA was amended in 1967 to allow for state inspection programs but required that state programs be “at least equal to” the federal inspection program.

**Bill Summary:** House Bill 3372 would have required the Oregon Department of Agriculture to adopt rules for the processing and sale of beef and lamb for in-state commerce; the measure would have allowed the adopted rules to deviate from FMIA requirements, in some cases.

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**House Bill 3401**  
**Abolishment of the Orchardgrass Seed Producers Commission**

**Chief Sponsors:** Rep. Boshart Davis

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

**Background and Current Law:** The nine-member Oregon Orchardgrass Seed Producers Commission is one of 21 commodity commissions in Oregon, established to support commodity industries vital to the state economy. Orchardgrass is a tall-growing, cool-season, perennial bunchgrass that is used for forage, such as pasture, hay, greenchop, and silage. Producers of the crop have declined in Oregon in recent years.

**Bill Summary:** House Bill 3401 abolishes the Oregon Orchardgrass Seed Producers Commission and provides for the Oregon Tall Fescue Commission to close out its remaining affairs.

**Oregon Laws 2019:** Chapter 275
**House Bill 3433**

**Greenhouse Gas Sequestration and Emissions Reduction**

**Chief Sponsors:** Reps. DB Smith, Boshart Davis, Bonham, Helt, G Smith, Witt; Sens. Girod, Hansell, Heard, Linthicum, Roblan, Thomsen

**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** Carbon sequestration is the process of capturing and storing atmospheric carbon dioxide. It is one method of reducing the amount of carbon dioxide in the atmosphere with the goal of reducing global climate change. Over the past decade, Oregon has adopted various programs to reduce greenhouse gas emissions and sequester carbon.

**Bill Summary:** House Bill 3433 would have: required the Oregon Department of Forestry and the Department of State Lands to pursue shared stewardship agreements to reduce greenhouse gas (GHG) emissions related to wildfire; required certain state agencies and colleges at Oregon State University to conduct studies on opportunities for GHG emissions reductions in specified industries and sectors with a sunset date of December 31, 2020; increased the number of reviews conducted by the Oregon Department of Environmental Quality on the Clean Fuels Program from one to two no later than September 15, 2020 and February 1, 2022; and required the Oregon Department of Energy to complete a second study evaluating the impact of the Oregon Renewable Portfolio Standard on jobs in the state no later than September 15, 2020.

**House Concurrent Resolution 33**

**Comprehensive State Water Vision**

**Chief Sponsors:** Rep. Reardon; Sens. Roblan, Hansell

**Committees:** House Rules

**Background and Current Law:** Under Oregon law, all water belongs to the public. Cities, irrigators, businesses, and other water users must obtain a permit from the Oregon Water Resources Department to use water from any source.

**Bill Summary:** House Concurrent Resolution 33 would have encouraged the Governor and officers, agencies, and employees of the State of Oregon, whose responsibilities impact water resources, to work cooperatively with legislators, tribal governments, water stakeholders, and other interested parties to develop a comprehensive state water vision.
House Concurrent Resolution 35

International Year of the Salmon

Chief Sponsors: Reps. Helm, Helt, DB Smith; Sens. Dembrow, Golden, Prozanski

Committees: House Rules, Senate Environment and Natural Resources

Background and Current Law: Salmon have been an economic and ecological staple of the Northwest since before the arrival of European settlers. By the late 19th century, changes to the regional ecology threatened salmon runs and the federal government began to develop hatcheries and regulate harvests. In spite of ongoing efforts, wild salmon populations continue to languish. The International Year of the Salmon establishes a period to celebrate and educate about the contributions of wild salmon to the health and economy of the State of Oregon, the United States, Canada, and other nations around the world, and to explore ways to rebuild salmon stocks.

Bill Summary: House Concurrent Resolution 35 recognizes 2019 as the International Year of the Salmon and expresses support for the associated global initiative affirming the importance of wild salmon.