

Oregon agriculture weathers pandemic-constrained legislative session

By MATEUSZ PERKOWSKI
Capital Press

SALEM — While every legislative session has its idiosyncrasies, this year may stand out because Oregon lawmakers conducted much of their work during video conferences.

Despite a lack of in-person hearings, farmers and ranchers still made themselves heard on bills affecting their livelihoods, sometimes while contending with technical problems.

“We are impressed and grateful how the community showed up in a challenging virtual environment,” said Mary Anne Cooper, vice president of public policy for the Oregon Farm Bureau.

The session, which ended June 26, also benefited from the efforts of six lawmakers who work in agriculture and were able to effectively communicate the industry’s concerns to their colleagues, she said.

“It was a huge blessing to have those folks in the building,” Cooper said, referring to Reps. Shelly Boshart-Davis, R-Albany; Vikki Breese-Iverson, R-Prineville; Jami Cate, R-Lebanon; Bobby Levy, R-Echo; Mark Owens, R-Crane, and Sen. Chuck Thomsen, R-Hood River.

As usual, the farm industry had to play defense against legislation it considered dangerous, so its victories consisted of defeated bills as well as those that were approved. Following is a summary of the major natural resource proposals before lawmakers in 2021.

Ag overtime exemption

A proposal that would require farmers to pay their workers higher overtime wages, House Bill 2358, was subject to emotionally charged debate. The bill’s advocates claimed racism had motivated the current agricultural exemption and argued that decency and fairness meant it should be eliminated.

Farmers overwhelmingly opposed the bill, alleging it would not only hurt their economic interests but also prove harmful to workers who’d face reduced hours and ultimately receive smaller paychecks.

Markets dictate crop and livestock prices, so farmers would have to reduce their labor expenses rather than pass them along to consumers, critics said.

The proposal survived legislative deadlines by moving to the House Rules Committee, which ended up approving HB 2358 with an amendment that would phase out the exemption over several years.

The amendment also included a \$100 million transition fund that would help farmers affected by higher overtime costs. However, the proposal didn’t receive a hearing in the budget-setting Joint Ways and Means Committee before the legislature adjourned on June 26.

The farm industry hopes that an economic study will inform further discussions on the proposal, which will probably keep percolating among lawmakers and may be reintroduced during the 2022 short legislative session, said Jenny Dresler, lobbyist for the Farm Bureau.

“We’re committed to continuing the discussion,” she said.

Wildfire prevention

In the aftermath of record-breaking wildfires in 2020, it was widely agreed that lawmakers would need to take action to mitigate the threat in years to come. The \$220 million proposal that eventually passed, Senate Bill 762, raised some serious concerns along the way among rural lawmakers who feared it would entail expensive and unpopular vegetation removal in fire-prone areas.

A key source of controversy was the definition of the “wildland-urban interface,” where human development intersects with wil-



A fire burns sagebrush in eastern Oregon in this file photo. The Oregon Legislature passed measures this session to mitigate wildfire.



A hemp plant. The Oregon Legislature created a hemp commission.

demess. Areas designated this way could be subject to stricter “defensible space” regulation depending on location-specific risk classifications.

A last-minute revision meant that definition will be set by the Oregon Department of Forestry while providing landowners with

input on the process.

Provisions that will allow landowners to challenge their risk classification or their inclusion in the “wildland-urban interface” has helped defuse some of the controversy, though implementing the bill will take time, said

Samantha Bayer, the Farm

Bureau’s policy counsel.

“The bill kicks a lot of what needs to be done to rule-making,” she said.

Water

The Legislature agreed to spend a collective \$538 million on improvements to water infrastructure in several bills and agency budgets, including investments in increasing water supplies and improving monitoring technology.

Regarding water rights enforcement, House Bill 2244 changes the procedure for the “automatic stay” provision of state law, which shields irrigators from water shut-offs if they challenge state regulators in court.

The bill originally aimed to eliminate the “automatic stay” provision after the Klamath Tribes complained that junior irrigators had repeatedly stopped enforcement by filing lawsuits. In its final version, the bill changed the process to ensure that affected parties are timely notified of lawsuits. Regulators must also hold a hearing within three weeks if they override an “automatic stay” to enforce senior water rights.

A program that allows water transfers within irrigation districts to occur without formal approval from state

regulations was extended until 2030 under Senate Bill 130. Before the program was enacted, there was a backlog of such requests that stalled irrigation decisions.

Under House Bill 3103, stored water can be changed to a different use — for example, from agricultural to municipal — with approval from state regulators. Farm groups were split on the proposal.

The state Farm Bureau and Oregon Water Resources Congress pushed for more comprehensive changes to stored water law while the Oregon Cattlemen’s Association and Oregon Association of Nurseries supported the bill.

New regulations for well drilling were also approved under House Bill 2145, which was supported by the Oregon Ground Water Association but criticized by some well drillers for containing more restrictive and onerous requirements.

Food safety, water and livestock fees

The maximum fees on transactions related to food safety, water and livestock will go up due to several bills approved by lawmakers, though in some cases the farm industry convinced them to scale back the hikes.

For example, maximum food safety fees that affect dairies, food processors, bakers and others will rise by 7% in mid-2022 and 7% in mid-2023. They’d initially been proposed to increase by 15% each year under Senate Bill 33.

Likewise, the maximum brand inspection fee per head of cattle will increase from \$1 to \$1.35, but not to the \$1.50 originally proposed in Senate Bill 32.

Hemp commission

A hemp commission was approved on its fourth attempt before the Legislature. Growers will be assessed 1.5% of their hemp crop’s value to pay for the commission, which will fund research into growing methods and co-existence among

cannabis crops, among other subjects.

While the proposal generally hasn’t faced fierce opposition, it previously died in committee due to legislative shutdowns over controversial climate legislation. The idea was also criticized as untimely, since the hemp industry has undergone major growing pains with an oversupply and uncertain regulatory future.

Predator control

The ability of landowners to tax themselves to pay for predator control will end next year because House Bill 3167, which would have repealed the sunset date, died in committee. The program was created in 2015 and allowed Douglas and Coos counties to create predator control districts that raised money for trappers from USDA’s Wildlife Services.

Though repealing the sunset was approved 41-17 in the House, the bill was criticized by animal rights groups and didn’t receive a committee hearing in the Senate. The bill’s demise does not mean existing predator control districts must disband but they cannot collect revenues. Another attempt to repeal the sunset is likely next year.

Animal agriculture

Proponents of Senate Bill 832 claimed that mink farming should be banned due to its potential to spread the coronavirus, which was vigorously debated before the Senate Natural Resources and Wildfire Recovery Committee. The bill’s critics argued that the pandemic was just an excuse by animal rights activists to shut down an industry they oppose.

The bill ultimately died in committee, as did Senate Bill 583, which would have prohibited dairy farms with more than 2,500 cows. Though the Senate Energy and Environment Committee didn’t vote on the bill, the prospect of banning certain livestock sectors was alarming to agriculture groups.

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