

Kate's Kerfuffle

WHAT'S A WOLF WORTH?

WARNING: This column contains graphic depictions of political sausage-making and may cause an involuntary gag reflex.

I followed the fate of HB 4040 as it approached its final vote in the Oregon Senate last week. HB 4040 puts in statute a requirement that the Legislature ratify last year's decision by the Oregon Department of Fish and Wildlife (ODFW) to de-list wolves as an endangered species. That decision provoked a lawsuit by environmentalists and animal rights advocates who contend that ODFW's decision was based on bad science and didn't follow the requirements of the state's wolf management plan.

The case is currently before the Oregon Court of Appeals. HB 4040 intends to block this ongoing lawsuit. Opponents of the bill include Congressman Peter DeFazio and most Democrats in Salem, including Lane County's delegation of Floyd Prozanski, Phil Barnhart, Nancy Nathanson, Paul Holvey and John Lively. (Hoyle was not available to vote; Beyers and Edwards supported the bill).

In last week's column, I questioned how such bad public policy regarding science and animal rights could even see the light of day during this short session. I asked: When is the last time two Senate Democrats had to threaten a minority report to defeat a Republican bill with a Democrat majority in both chambers and a Democrat governor? It turns out my question was incorrect because HB 4040 was not a Republican bill after all.

The bill was filed pre-session at the request of the House Interim Committee on Agriculture and Natural Resources. That committee, chaired by Democrat Brad Witt, requested the bill as a courtesy to the governor. Keep in mind Kate Brown was governor at the time, the chief executive of state agencies, including ODFW. The correct question is why would ODFW's commission ask the governor to move this bill forward and why would she accede to its request? Further, now that it passed, would she veto the bill?

Given the timing of this bill and the lack of leadership during the special session that just adjourned, I'm not surprised HB 4040 would turn around to bite some Democrats in the ass. Timing is everything in last minute negotiations and trade-offs are essential for movement. But wolves as the sacrificial lambs? Seriously?

Consider the situation at the time this bill moved out of the House. Democrat Speaker Tina Kotek had just overseen the passage of Oregon's historic new minimum wage legislation. House Republicans were pissed, and minority leader Mike McLane stepped up the procedural obstructions, telling Kotek she had to do *something* to appease the less obstreperous members of his caucus. Kotek was also getting desperate; the stall tactics were having their effect. Kotek's prize legislation on affordable housing was in danger, as was Senate Bill 1547, the coal-restricting clean energy bill, as well as Senate President Peter Courtney's little pet bill regarding Capitol construction funds.

So, in her efforts to woo more "moderate Republicans" (I still choke on this oxymoron) to get the process back on track, Kotek moved HB 4040 to the floor for a vote. It was the perfect vehicle, requested by Gov. Brown and supported by those overwhelmingly Republican interests, the Oregon Cattlemen's Association and the Oregon Farm Bureau.

On Feb. 12, the bill passed 33-23, with 10 Democrats joining the minority party to move the bill. To Kotek's credit, after that vote the House Republicans did finally pick up the pace somewhat to allow negotiations on other key bills languishing in both chambers.

HB 4040 moved to Chair Chris Edwards' Senate Committee on Environment and Natural Resources. The bill did not come up for a vote until Friday, Feb. 26. The two Democrats on the committee, Prozanski and Michael Dembrow, had concerns that the bill might render the court of appeals case moot, and served notice of a minority report.

But the minority report never materialized. Dembrow was told that a leadership agreement reached between Senate leaders Courtney and Ted Ferrioli required that no minority report be filed on HB 4040 in exchange for the passage of several Democratic priorities.

On March 2, HB 4040 passed the Senate by a 17-11 vote, with Prozanski, Dembrow and nine other Senate Democrats voting against the bill. Late reports indicated that Kate was neutral on the bill. Really? So what will Kate do? Pocket veto?

What's a wolf worth? Affordable Portland housing? A lodging tax subsidy for Eugene track and field events? A Capitol construction fund? WTF? How do these trade-offs even arise? Do they make sense? Hell, no. Enjoy your sausage.

Tony Corcoran of Cottage Grove is a former state senator and a retired state employee.

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