

Oregon Wheat Growers League Interim Legislative Update – May 22, 2020

Upcoming Dates of Interest

May 22 nd – June 5 th	Legislative Committee Days – Virtual
?????	Possible Special Session
Sept. 24 th *	Legislative Concepts Draft Request Deadline (for 2021 Session)
Nov. 3 rd	General Election
Dec. 7 – 9 th	Interim Committee Days
Dec. 18 th *	Pre-Session Filing Deadline

**Note these are advisory dates as the calendar for the 2020 interim will need to be adopted in a concurrent resolution during a Special Session to formally establish deadlines for the 2021 Session.*

COVID-19 UPDATE

State Financial Relief Package for Agriculture

We've continued to attend weekly Zoom calls with the Governor's staff and ODA to discuss state assistance for Oregon farmers and ranchers impacted by the new OSHA temporary rule and COVID-19. The Governor's proposal "[Protecting Oregon's Food Supply and Essential Agricultural Workers](#)" is a \$29.5M relief package is broken down into three categories however details on how the funding will be distributed is still pending.

1. Agricultural Workforce Housing – \$10M
2. COVID-19 Sanitation – \$6M
3. Mitigating COVID-19 Outbreaks – \$13.5M

This week ODA secured PPE supplies, 1 million KN95 masks and 5,000 gallons of hand sanitizer, for the ag industry. We have been assured that these supplies will be dispersed to growers across the state next week at no cost.

Update from OR Department of Agriculture

ODA is beginning to develop an "agriculture playbook" related to COVID-19. The playbook is intended to provide information to the ag industry on what to do if a COVID-19 outbreak occurs within their operation. We intend to play an active role in the drafting process and anticipate these conversations will increase over the next two weeks.

ReOpening Update

The Oregon Health Authority continued reviewing applications from Counties this week – including Marion and Polk who were denied last week. Both Counties have now been approved for Phase I – Marion and Polk effective 5/22. To-date, the Governor has approved 33 counties into Phase I. Clackamas County has applied for reopening and is currently under consideration. They have recognized that they do not meet all the Governor's criteria for reopening. Washington County plans to submit its plan Friday May 22nd with a reopening goal date of June 1st. Multnomah continues discussions about timing. You can view County status' [here](#).

OHA released data today indicating more than half of the Counties are struggling to meet all public health benchmarks. Half of Oregon's counties are failing to meet at least one of six metrics, which track growth in new infections, hospitalizations, the timeliness of contact tracing and the prevalence of unknown community spread of the virus, among other things. In the news: [Half of Oregon counties facing coronavirus warning signs, state report shows](#)

POLICY UPDATE

Interim Committee Days

Starting this Friday, May 22nd the House Interim Committees will begin holding interim hearings. Because the Committees will be meeting virtually, there are only 2-3 Committees that can meet daily to meet system needs. Accordingly, the House hearings will run from 5/22 to 5/29 and the Senate will begin 6/1 for the first week of June. As a reminder, interim Committees do not pass laws, but rather hold informational hearings on issues of interest, report backs on previously adopted legislation and future legislative concepts. The Committee agendas released to-date have been COVID related – updates on impact, industry and workforce response and need. Major issues of note include:

- Utility Assistance in House Energy
- Report from Oregon's Health Care Workforce in House Health care
- Update on the Agriculture Markets in House Agriculture
- Discussions on UI Tax and CAT implementation in House Revenue
- Consumer & Business Liability Concerns in House Judiciary
- Agency Updates:
 - Oregon Health Authority
 - Department of Human Services
 - Department of Corrections
 - Natural Resource Agencies

AG's Privacy Task Force Update

The Attorney General's Office convened the interim task force this week to discuss two proposed concepts that would implement a "CCPA-type" sweeping privacy law in Oregon. The outlines are identical, except for how they handle enforcement – one contains a Private Right of Action and one proposes AG enforcement. The outlines will now be submitted to Legislative Counsel for drafting and additional conversations will take place this Fall. The AG's staff counsel did note that there will be further evaluation from their office, specifically around whether or not the timing is right for Oregon to pursue this type of legislation in 2021 as industry is coming out of COVID:

Given the pandemic, the Attorney General's Office needs to wait for more information before making an informed decision on how – and especially whether – to move forward with this privacy concept for the 2021 legislative session. We plan to submit two requests to Legislative Counsel by the end of the month for drafting. Legislative

Counsel returns drafts anywhere from June to September. In the fall, we will need to evaluate revenue forecasts, fiscal impacts (both for the State and for businesses), other legislative priorities, and other information on how – and whether – now is the time to move forward with the concept. As we are all experiencing professionally and personally, COVID-19 requires flexibility, and we hope you understand.

View proposed language (with PRA) [here](#)

View industry letter [here](#)

View retail letter [here](#)

Revenue Forecast

The long-awaited May/June Revenue Forecast was unveiled this week. The forecast provides the first glimpse into the impact the COVID-19 crisis has had on the economy and the State General Fund. The Forecast predicted over **\$10.463 Billion deficit** through the next three biennium's:

2019-21:	-\$2.69 Billion
2021-23	-\$4.38 Billion
2023-25	-\$3.38 Billion

In preparation, Governor Brown had instructed all state agencies to prepare 8.5% reduction lists (resulting in approximately 17% worth of potential cuts taken in the last year of the biennium). Those cuts reflect \$1.847 Billion in cuts and proved [devastating for social services and public safety](#) across the State. It is also understood that several “large” agencies have been asked by the Dept. of Administrative Services for further reduction exercise lists at 2% and 4% (or 4%/8% respectively taken over the last 1-year of the biennium). It is possible the Governor take immediate action for ‘small’ cuts while allowing the Legislature to return in a Special Session for more targeted cuts.

Budget Brief – Governor Authority

View memo [here](#) prepared by the Legislative Fiscal Office outlining authority for the Governor to direct proportional, across the board, agency cuts.

Oregon DEQ Objects to EPA's Draft Permits for Four Oregon Dams

Oregon DEQ submitted a letter earlier this month to the U.S. Environmental Protection Agency objecting to the agencies recently released draft water quality permits for four dams on the Lower Columbia Rivers – all four dams are federally operated. DEQ believes that the discharge from the dams will affect Oregon's water quality so negatively that would result in the violation of our water quality requirements. DEQ has requested a public hearing. Read the full letter [here](#).

Cap and Trade Executive Order Update

On March 10th Governor Brown signed [Executive Order 20-04](#) directing 16 state agencies to take actions to reduce and regulate greenhouse gas emissions (GHG) – essentially “Cap &

Trade” without the Trade via Executive Order. The order was in response to the legislature’s failure to pass cap and trade legislation during the 2019 and 2020 sessions.

Under the Governor’s Executive Order state agencies must submit implementation plans to:

- Reduce GHG emissions by 2035 to a level that is 45% below the 1990 level and to get 80% below that level by 2050;
- Consider and integrate these standards and climate change impacts into policies and budgets;
- Prioritize actions that reduce GHG emissions;
- Prioritize actions that will help vulnerable populations;
- Consult with Oregon’s Environmental Justice Task Force when making plans.

Below is a high-level overview of the implementation plans submitted by key state agencies this week – with the exception of the Oregon Department of Agriculture who was granted an extension from the Governor due to COVID-19 response efforts the agency is working on. Upon release of the plans each of the agencies emphasized that these are draft overviews and details on specific items will not be developed until the Summer or Fall of 2020. We will continue to keep you updated as we learn more.

OR Department of Environmental Quality

DEQ takes the bulk of implementation under the Executive Order. The agency’s preliminary implementation plan contains a “Cap and Reduce” program and four work plans. The work plans include expansion of Oregon’s Clean Fuels Program, reducing methane emissions from landfills, implementing a statewide transportation strategy with the Oregon Department of Transportation, and reducing food waste.

Details of the “Cap and Reduce” program are not yet developed, however, two very important distinctions between the Cap and Trade legislation considered in 2019 & 2020 and the proposed “Cap and Reduce” program by DEQ is the exclusion of electric utilities from the program (they will be regulated separately) and the deletion of the creation of a trading market for emission credits – the “trade” part of cap and trade.

Notably, DEQ announced that they will not bring forward proposals to the Environmental Quality Commission for approval until late 2021, meaning the rule won’t take effect until 2022. Read more about the timeline in [this](#) article. In the meantime, the agency plans to hold virtual listening session over the next six months and will refine the “Cap and Reduce” plan along the way.

Read each of the proposals put forward by DEQ in their entirety below:

- [Preliminary Work Plan to Expand the Oregon Client Fuels Program](#)
 - View [Slide Deck](#)
- [Preliminary Work Plan to Reduce Methane Emissions from Landfills in Oregon](#)
- [Preliminary Work Plan to Implement the Statewide Transportation Strategy](#)
- [Preliminary Work Plan to Reduce Food Waste in Oregon](#)

- [Preliminary Report on Program Options to Cap and Reduce Greenhouse Gas Emission from Certain Sources and Fuels](#)
 - In the news: [Oregon proposes omitting power plants from 'cap and reduce' plan to meet GHG target](#)

OR Oregon Department of Energy

ODOE's implementation plan includes establishing or updating energy efficiency standards for appliances equal to the most stringent in the country and working with Oregon's Building Codes Division to achieve a 60% reduction in energy use in new residential and commercial construction by 2030. ODOE identified ten categories of appliances ranging from computer monitors to portable electric spas that they will be focused on for efficiency standards. They also intend to simultaneously work on a report to present to Building Codes on the progress of achieving building energy goals by September 15, 2020. Read the full proposal from ODOE [here](#).

OR Department of Fish and Wildlife

The ODFW implementation plan must be accepted by the Fish and Wildlife Commission before it is officially in effect. The agency's two section plan is focused on adopting a Climate and Ocean Change Policy to provide overarching guidance on a coordinated, effective, and efficient response to the changing climate and ocean conditions and internal changes within the agency including alterations to their fleet management and installing solar panels to power offices. ODFW intends to complete rulemaking for the newly developed policy in 2020. Read the full proposal from ODFW [here](#).

OR Department of Forestry

ODF's implementation plan focuses on changes to agency operational protocols, continued participation in the Pacific Temperate Forest MOU policy and research efforts and revising the ODF's strategic policy document to include a goal specifically related to forest carbon and climate change. Read the full proposal from ODF [here](#).

OR Department of Transportation

ODOT intends to implement their three directives in the Executive Order in a variety of ways. The agency will partner with the Department of Land Conservation and Development (LCD) to identify and implement technical and financial assistance to metropolitan areas to conduct GHG emission reduction land use and transportation planning. ODOT intends to present a Needs Analysis and Feasibility Report in September. ODOT will also create a report on transportation electrification charging infrastructure needs and gaps throughout Oregon, with special attention placed on equity considerations and charging needs in rural areas. The report will be presented to the Governor in June 2021. Lastly, ODOT intends to ensure GHG emission implications are considered during STIP's planning process by developing a GHG reduction analysis process that will be utilized by the STIP. Read the full proposal from ODOT [here](#).

OR Water Resources Department

Much of the Department's work related to climate change is through the lens of the impacts on water supply, and the need to mitigate and adapt to those impacts. Key proposals in the

agency's implementation plan include incentivizing conserving water in agricultural and municipal water use settings through water right transactions & grant programs and implementing additional water rights programs that can be used to mitigate climate change impacts to ecosystems and communities. Read the full proposal from OWRD [here](#).

OR Public Utility Commission

The PUC held listening sessions with key stakeholders to assist in the drafting of their implementation plan. The plan submitted to the Governor's office contained three themes: the creation and promotion of GHG reduction activities; increased engagement with communities disproportionately impacted by climate change; and evaluating and working with electric service providers to develop best practices for mitigating wildfire risk. Some key details include prioritizing programs that rapidly decarbonize an industry sector and encouraging electric companies to invest in infrastructure that supports the electrification of transportation. Read the full proposal from the PUC [here](#).

OR Global Warming Commission

Oregon's Global Warming Commission was directed in the EO to report on the overall progress toward the GHG reduction goals. Their updates include:

EO 17-20 Updates:

- The Built Environment Efficiency Work Group (WG) which was established via EO 17-20 continues to meet regularly. The WG is currently focusing on a plug-load strategy in state owned buildings, appliance standards, and reducing the energy burden (financially) in existing older buildings.
- The Zero Emission Vehicle Interagency Work Group was also established via EO 17-20, the group continues to hold monthly meetings and are currently focused on increasing access to EVs & EV charging and providing Information on EVs.
 - Notably, the state currently has 31,386 registered EVs – over 50% of the 50,000 goal established by the EO.
 - DEQ has issued roughly \$13.5M in Clean Vehicle Rebates to Oregonians.
- The Zero Emission Vehicle Interagency Work Group is looking to schedule a meeting with EV charging station installation companies within the next few weeks to discuss how to continue to increase EV charging stations in Oregon.

EO 20-24 Updates:

- Kristen Sheeran, Governor's Energy and Climate Change Policy Advisor provided an overview to the Commission of the directives laid out in the EO. She noted that the implementation timeline will vary widely by agency going forward from June 2020 - late 2021
- The new Chair of the Commission, Cathy Macdonald, indicated that the Commission would likely hold an executive session in the next 6-8 weeks to decide how they will operate in alignment with the newest EO.

View the full PowerPoint presentation from the meeting [here](#).

POLITICAL UPDATE

Secretary of State Race

The race for the Democrat nominee for Secretary of State has flipped back and forth between Sen. Mark Hass-D and Sen. Shemia Fagan-D. The Oregonian has now called the race for both candidates...as of Friday morning, Fagan leads by 2,000 votes and is likely to be declared the official nominee over the weekend. She will race Sen. Kim Thatcher-R in the General.

New Senate Democrat Majority Leader—Sen. Wagner

Senator Ginny Burdick has stepped down as the Caucus Leader, a post she has held for the past 5-years. The Democrat caucus convened remotely on Friday to elect Senator Rob Wagner of Lake Oswego as their new leader. Read statements from his caucus members [here](#).

Death of Representative Mitch Greenlick

Representative Mitch Greenlick (D - NW Portland) passed away last Friday, May 15th. Greenlick served in the legislature since 2003 and was a fierce public health and justice reform advocate. He suffered from a variety of health problems over recent years and was not running for re-election this year. Read the statement from Governor Brown [here](#).

Ballot Measure to Reform Oregon's Redistricting Process

The newly formed coalition, [People Not Politicians](#), launched a direct mail campaign in an attempt to gather enough e-signatures during the "Stay Home, Stay Safe" order to qualify [IP 57](#) for the ballot in November. IP 57 would reform Oregon's redistricting process by creating an independent Citizens Redistricting Commission to draw state legislative and congressional districts. The coalition has a goal of collecting 180,000 signatures and intends to do so via 500,000 direct mail packages being sent to targeted Oregon households with a high frequency and high quantity of registered voters. The deadline to submit a minimum of 149,360 valid signatures to the Secretary of State is July 2nd.

In the news:

- [Campaign pushes for citizen commission, not Legislature, to handle redistricting in Oregon](#)