

House Bill 2365

Sponsored by Representatives WILSON, WHISNANT; Representative ESQUIVEL (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on the Transfer of Federal Land Ownership in Oregon.
Sunsets December 31, 2018.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to federal lands; and declaring an emergency.

3 Whereas more than 32 million acres, constituting roughly 53 percent, of the land base in Oregon
4 is owned by the federal government; and

5 Whereas Oregon has 11 national forests covering more than 15 million acres, or nearly one-
6 quarter of this state's land mass; and

7 Whereas Oregon also has the federally re-vested Oregon and California Railroad grant lands,
8 covering 2.6 million acres across 18 counties in a checkerboard array with private lands; and

9 Whereas Oregon has 15.7 million acres managed by nine federal Bureau of Land Management
10 districts, over a variety of landscapes, including grasslands, shrublands, woodlands, wetlands and
11 nonforested deserts; and

12 Whereas the State of Oregon manages the same variety of landscapes on state lands; and

13 Whereas congressional budget reductions have significantly diminished the capacity of federal
14 land management agencies to fulfill their responsibilities; and

15 Whereas federal nonmanagement of federal lands has stopped progress on the overlapping values
16 of economic growth, social good and healthy ecosystems and has created catastrophic fire conditions
17 on these lands; and

18 Whereas 40 percent of Oregon forestland is at high risk for a catastrophic fire; and

19 Whereas in 2013, the State of Oregon had to pay an extra \$40 million for fire suppression; and

20 Whereas the State of Oregon is pursuing a strategy of collaborative processes and state invest-
21 ments to increase the pace and scale of federal forest treatment, but the state's present pace is too
22 slow to address treatment needs long-term; and

23 Whereas in Oregon, state forest management has resulted in more than \$46 million annually in
24 revenue to forest trust land counties from managing merely three percent of the forestland base; and

25 Whereas management of private forestlands under the Oregon Forest Practices Act has resulted
26 in a sustainably harvested range of 2.5 billion board feet to 3.5 billion board feet annually from 34
27 percent of the forest landscape, in contrast to the 400 million board feet harvested from 60 percent
28 of the federal forestlands; and

29 Whereas as a direct result of nonmanagement of federal lands, unemployment rates in counties
30 with predominantly federal land have consistently been the highest in this state; and

31 Whereas nearly one in five people lives in poverty in Oregon's noncoastal counties; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 Whereas the American County Platform of the National Association of Counties states that
2 “every state should receive everything that was promised to them in their enabling acts, including
3 land transfers, if requested by an individual state and in consultation with the affected counties”;
4 and

5 Whereas other western states with large amounts of federal land ownership are considering or
6 have begun a study of the legal, economic, social and practical benefits and risks associated with
7 the transfer of federal lands to the states; and

8 Whereas a potential transfer of federal lands to the State of Oregon should not include any
9 national parks, lands designated as part of the National Wilderness Preservation System under the
10 Wilderness Act of 1964, lands belonging to an Indian tribe that are held in trust by the United
11 States, lands affirmatively ceded to the United States by state statute and national monuments; now,
12 therefore,

13 **Be It Enacted by the People of the State of Oregon:**

14 **SECTION 1. (1) The Task Force on the Transfer of Federal Land Ownership in Oregon**
15 **is established, consisting of eight members appointed as follows:**

16 **(a) The President of the Senate shall appoint two members from among members of the**
17 **Senate.**

18 **(b) The Senate Minority Leader shall appoint two members from among the members of**
19 **the Senate.**

20 **(c) The Speaker of the House of Representatives shall appoint two members from among**
21 **members of the House of Representatives.**

22 **(d) The House Minority Leader shall appoint two members from among members of the**
23 **House of Representatives.**

24 **(2) The task force shall investigate and gather research, including but not limited to**
25 **testimony on the following issues with relation to federally owned and managed lands other**
26 **than those federal lands constituting national parks, lands designated as part of the National**
27 **Wilderness Preservation System under the Wilderness Act of 1964 (P.L. 88-577, 16 U.S.C.**
28 **1131-1136), lands belonging to an Indian tribe that are held in trust by the United States,**
29 **lands affirmatively ceded to the United States by state statute and national monuments:**

30 **(a) The legal, economic, social and practical benefits and costs of a transfer of federal**
31 **land ownership to the state, including an analysis of the potential timber revenue and min-**
32 **eral leasing revenue from the transferred lands;**

33 **(b) The estimated costs to state agencies to conduct an adequate and defensible analysis**
34 **of the costs and benefits of a federal land transfer;**

35 **(c) The potential impacts of a federal land transfer on the ownership of Oregon and**
36 **California Railroad revested lands;**

37 **(d) The potential effects of a federal land transfer on federal payments to the state and**
38 **counties;**

39 **(e) State legislation that may be required to assist in or to accommodate a federal land**
40 **transfer;**

41 **(f) Any changes in the application of certain federal laws that may result from a federal**
42 **land transfer, including but not limited to potential changes in the application of the En-**
43 **dangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.), as amended, the Federal**
44 **Water Pollution Control Act (P.L. 92-500), as amended, the National Forest Management Act**
45 **of 1976 (P.L. 94-588), the Federal Land Policy and Management Act of 1976 (P.L. 94-579, 43**

1 U.S.C. 1701 et seq.) and the Equal Access to Justice Act (5 U.S.C. 504 and 28 U.S.C. 2412);

2 (g) The effect of a federal land transfer on the management of public lands in Oregon;

3 (h) The potential reduction of the local presence of federal representatives in small
4 communities due to a federal land transfer, and the potential for those federal represen-
5 tatives to be replaced by state representatives;

6 (i) The effect of a federal land transfer on federal participation in wildfire suppression,
7 and the potential increased costs to the state and private landowners that may be associated
8 with any potential changes in federal wildfire suppression participation;

9 (j) The potential for the costs of a federal land transfer to require the state to sell
10 transferred lands into private ownership; and

11 (k) Any other issues deemed applicable by the task force.

12 (3) A majority of the members of the task force constitutes a quorum for the transaction
13 of business.

14 (4) The task force shall elect one of its members to serve as chairperson.

15 (5) Official action by the task force requires the approval of a majority of the members
16 of the task force, except that in the event of a tie vote, the vote of the chairperson shall
17 decide the action.

18 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
19 ment to become immediately effective.

20 (7) The task force shall meet at times and places specified by the call of the chairperson
21 or of a majority of the members of the task force.

22 (8) The task force may adopt rules necessary for the operation of the task force.

23 (9) The task force may pre-session file legislation in the manner provided in ORS 171.130
24 for interim committees. All legislation recommended by official action of the task force must
25 indicate that it is introduced at the request of the task force.

26 (10) The task force shall report to the Legislative Assembly in the manner provided in
27 ORS 192.245 at any time within 30 days after its final meeting or at such later time as the
28 President and Speaker may designate.

29 (11) The Legislative Administrator may employ persons necessary for the performance
30 of the functions of the task force. The Legislative Administrator shall fix the duties and
31 amounts of compensation of these employees. The task force shall use the services of con-
32 tinuing legislative staff, without employing additional persons, to the greatest extent practi-
33 cable.

34 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
35 the task force in the performance of its duties and, to the extent permitted by laws relating
36 to confidentiality, to furnish such information and advice as the members of the task force
37 consider necessary to perform their duties.

38 **SECTION 2.** Section 1 of this 2017 Act is repealed on December 31, 2018.

39 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
41 on its passage.