



# Legislative Report

May 29, 2013

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## Energy Action Volunteer Appointed to the NW Energy Coalition



Theresa Gibney, Energy Action Volunteer

At its 2013 Convention Board meeting on May 19th, the State Board of the League of Women Voters of Oregon appointed Theresa Gibney, League of Women Voters of Corvallis, to serve as the League's representative to the [Northwest Energy Coalition](#) (NVEC). Theresa has served as the League's Energy Portfolio Action volunteer, following energy policy bills during the 2013 Legislative Session. She has performed legislative intern work for the Citizen's Utility Board of Oregon and apprenticed under Peggy Lynch, LWVOR Natural Resources Action Coordinator, during both the 2011 and 2013 Legislative Session. Theresa's energy background comes from three years of volunteer leadership for the Energy Action Team of the Corvallis Sustainability Coalition, one year each working for the Public Utility Commission of Oregon and the Oregon Department of Energy, and project work for the Community Action Partnership of Oregon. Theresa is trained as a mechanical engineer.

The League has been involved in the Northwest Energy Coalition since early in its formation and NVEC's purpose and advocacy is consistent with both LWVUS and LWVOR positions on energy. Specifically, the purpose of the Coalition is to promote responsible energy planning and development based on energy and economic efficiency, with full protection of the environment in the Pacific Northwest.

Theresa says, "Both NVEC and the League have missions that I believe in wholeheartedly, so I look forward to serving the League in this role."

**Congratulations, Theresa!**

## Social Policy

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The Ways and Means Education Subcommittee reviewed [HB 3231A](#) on May 22nd. A companion bill, [HB 2392A](#), was passed in House Human Services and was sent to Ways and Means. [HB 3231A](#) was sent to House Rules earlier, where it was quickly passed to Ways and Means with no recommendations. The bill establishes a Youth Development Division (YDC) in the Department of Education and transfers all records, property and employees to the Department of Education. The Director of YDC presented the budget for the division, which consisted of \$19.6 million in federal funding streams, state general fund allocations, and private funding. The League [testified](#) on [HB 2392](#) on the implementation plan.



*Karen Nibler, Social  
Policy Coordinator*

The agency presentation included a Portland gang prevention leader and his work with 70 families and 500 youth in family support and job training for youth. Representatives for the Coalition for local Commissions on Children and Families encouraged the transition and continuation of current county services for children and families. Six weeks remain in the session and programs are waiting for funding decisions for July 2013 for currently operating programs.

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## Juvenile Justice

The League has a strong [position](#) on Juvenile Justice. The following bills are in the queue to be passed this session. The League did not testify on these bills but our positions would have allowed our support.

[SB 188A](#) authorizes the Oregon Youth Authority (OYA) to establish a work release program for youth committed to the Department of Corrections who reside in OYA facilities. This does not apply to youth sentenced under Measure 11, but would apply to others sentenced in the adult system. OYA operates camp facilities in 3 locations, where residents are employed by local agencies. This bill passed the Senate in April and the House Judiciary passed the bill on May 7th. The House voted 58 yes with 2 excused on May 14th.

[SB 622B](#) protects Juvenile Court records, which are not open to the public without consent of the child. The Oregon Law Commission supported a workgroup, which made recommendations on new processes. The Senate passed the bill in April. The House Judiciary Committee amended

**LWV  
Testimony**



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### **Less Public Input as Legislative session nears end**

Oregon Legislature  
declares

**"sine die is  
emminent"**

What this means for  
Oregonians  
is

24 hour notice of public  
hearings  
in the House,  
one hour notice for all  
meetings in the Senate  
(requiring the  
President's agenda  
approval signature) and  
one hour notice for work  
sessions and meetings in  
both chambers.

### **Stand Up for Oregon Kids**

It's time to pass

**HB 3162A**

the Toxics Disclosure for  
Healthy Kids Act.

Let your  
**Legislators**

the bill and recommended a do pass on May 15th. The Juvenile Department Directors supported the bill and new processes for records under the e-court system. Youth Rights and Justice attorneys and Judicial staff asked that the new rules be delayed until July 1, 2014, to allow time to resolve issues.

[HB 2049](#) allows Oregon Youth Authority (OYA) community supervision officers to bring youth offenders, who violate parole, to a local detention facility. If the parole violator is 18 or older, he/she may be delivered to an adult jail facility. Conflicts between OYA and the counties will be resolved by a workgroup. On May 22nd the Senate Judiciary Committee passed the bill to the Senate floor for a 30 aye vote.



[HB 3183B](#) orders the sheriff to deliver a youth offender, who has been committed to the Department of Corrections, directly to the Oregon Youth Authority institutions at Hillcrest or Oak Creek. The current policy is to hold a youth offender under 18 in a Juvenile Detention Facility pending a court disposition and to place a youth offender sentenced in the adult system in the Youth Authority, rather than the Department of Corrections facilities. The youth offender may remain in the Youth Authority facilities until his 25th birthday, when he/she has to be transferred to a Department of Corrections facility to serve the remainder of the usually mandatory sentence. The Senate Judiciary also moved this bill to the Senate floor for a vote.

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## **Prostitution and Trafficking**

[SB 673A](#) was a multi-faceted bill regarding prostitution and human trafficking, which passed out of Senate Judiciary on April 18th and passed the Senate by 26 yes and 2 no votes. The House Judiciary heard the bill and proposed amendments on May 23rd, but the crime levels have not been decided. The bill has been scheduled this week in the last few days of the committee hearings this session.

[HB 2019](#), creating a crime of patronizing a trafficked child, was passed out of House Judiciary April 15th and passed the House Chamber with a 60-0 vote. The bill was referred to Ways and Means due to the fine and terms of imprisonment. It was assigned to the Ways and Means Public Safety Subcommittee.



know that you support

[HB 3162A](#)

Stand together as Oregonians and demand action to ensure that no child's



future is compromised by chemicals hidden in everyday products.

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Legislature  
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Series**

Workshops are from  
11am -1pm  
May 31

Featured speaker  
**Secretary of State  
Kate Brown**

She will provide an update on her work on elections, recent audits and her unique roll as Secretary of State in Oregon politics.

Next session is  
June 21

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[HB 2334A](#) adds a new provision - attempts to compel another person to engage in prostitution or attempts to aid or facilitate the commission of prostitution by a person under 18. The District Attorneys approved this additional language and could prove intent to compel prostitution before the fact. The Senate Judiciary passed this bill out of committee on May 14th and the chamber passed it 29 to 1 excused.

[HB 2395](#) establishes a Task Force on Human Trafficking to study and make recommendations to an interim judiciary committee no later than October 1, 2014. The bill passed the House Judiciary on March 15th and was sent to Ways and Means. The League does not have positions that cover these crimes, but readers are interested in the protection of child victims. The League has positions on services for children and families.

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## Governance

### Voter Registration: More Flexibility

Three important House-passed bills related to elections were discussed in Senate Rules on May 22nd with League support. [HB 2199A](#) (League [testimony](#)) proposes strict regulations regarding unused ballots following an election with specific reporting procedures for these ballots, and also video requirements for every room in the elections offices. The proposal to allow voter registration for 16 year olds, [HB 2988](#) (League [testimony](#)), brought some excellent testimony from teen agers, as well as opposition from the GOP and some citizens who don't want broader registration available. Community colleges and public universities would be required to partner with student government efforts in voter registration activities, including issuing information about voting and issues as part of [HB 3175A](#) (League [testimony](#)). We should see these in a committee work session soon.



*Kappy Eaton,  
Governance  
Coordinator*

On May 22nd, the House Rules committee voted 6-3 to send [HB 3521A](#) (League [testimony](#)) to Ways and Means for further amendments. This is the Secretary of State's (SOS) proposal to increase voter registration by requiring the Department of Motor Vehicles to digitally send the name, address and required voter registration data, including a signature, for all new applications for a driver's license to

issues. Get involved in the tough decisions ahead that affect us all.

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the SOS. A prepaid opt-out or choice of political party card would be sent to each person. The League supports this bill and will be considering the changes as they become available.

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## Higher Education Changes: Restructure

After months of discussions and amendments in the Senate Education and Workforce Committee and the House Higher Education and Workforce Committee, [HB 3120A](#) and [SB 270A](#) (both over 100 pages in length) were heard in the Education sub-committee of Ways and Means on May 23rd. [HB 270A](#) establishes independent governing boards for the University of Oregon and Portland State University, a time line for Oregon State University to also participate, and a process for the four regional universities to participate in the future. A work group of stakeholders spent several months on refining the bill, including the contentious issue of board composition. From comments of witnesses, the allowing of a non-voting faculty member on the board, along with a voting student, isn't really settled, even as the two legislators who sponsored the bills warned that tinkering with hard won amendments could upset its support from the higher education community.

The accompanying bill, [HB 3120A](#), is a complete restructure of the Oregon public higher education system. The principle oversight would be provided by the Higher Education Coordinating Council, and other entities, such as the State Board of Higher Education, would be phased out. Of particular importance are the requirements for coordination and cooperation among the universities and the community colleges, placing all the institutions under the same rules and regulations. The overall state education plan of 40-40-20 achievements by 2025 is built into the proposal. The committee asked serious questions, especially about the fiscal request for 15 positions. The hearing will resume on May 29th.

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## Campaign Finance Reform: Another Look

It has been 20 years since the League, OSPIRG, Common Cause, and Perot's party put together an initiative that set contribution and spending limits for Oregon candidate campaigns. It passed with 70% of the statewide vote, but the Oregon Supreme Court declared it



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unconstitutional because it violated the free speech clause and limits were not allowed. Another attempt was defeated in 2006.

[SJR 20](#) is a proposed amendment to the Constitution to allow the legislature or a citizen petition to allow limits. The Secretary of State, with two legislators, put together a group to speak to the issue at an informational hearing of the House and Senate Rules committees in mid-June. The League has been requested to participate and will provide historical background.

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## Industrial Lands: General Fund Impact

Under its Natural Resources positions, the League has been testifying against [SB 246A](#) regarding the availability and readiness of industrial land sites. The unlimited cost to the state's General Fund, no sunset date and the restriction to pay only the lesser amount of the average county or state wage to workers, among other reasons, has caused us to speak in opposition before the sub-committee on Transportation and Economic Development of Ways and Means. As currently proposed, the bill would subsidize 100% of the cost of large industrial, shovel-ready sites through cost repayment or 50% of the cost through loan forgiveness. The state could lose 100% percent of the income taxes of new employees if a business on one of the new industrial sites is also in the program where the state returns 50% of the taxes to the local community entities.



Because of strong opposition, several amendments are being considered, such as a cap on the state's General Fund support, changes to the wage clause, description of the loan terms, and a two year sunset. The Portland Audubon Society offered an amendment related to who should be responsible for certain environmental issues, such as cleanup of brownfields and saving or mitigating for wetlands. The Oregon Conservation Network called the bill a "Major Threat" unless an amendment is adopted to be sure that those who cause the pollution are responsible for removing it, and that wetlands need to be recognized for the good they do, and that "mitigating" should be a last resort.

The League is watching this bill for both fiscal and environmental reasons.

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## Open Meetings: Exemptions Discussion

The League was prepared to [testify](#) against [HB 3513](#), which contained language that seemed to exclude citizen participation in "fact-finding activities" and "off-site inspections" by governing bodies. However, the bill's sponsor agreed to an amendment to remove the questionable section, and the League testified in support.

The bill is in response to a law suit involving a county board of commissioners and will now allow a lawsuit deadline of 90 days instead of 60 days.

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## County Insolvency: Post Election Discussion

On May 29th, the Task Force on O&C (Oregon and California) counties in distress will hear reports from the three counties that had public safety funding measures on the May ballot. Lane County's levy to support 120 additional jail beds and to provide 16 juveniles at risk with beds and services passed handily. Curry County's measure was soundly defeated, and Josephine County's proposal was narrowly turned down, causing the Sheriff to think about another try in November.

Two bills, [HB 3453](#) and [HB 2206](#), (see [Legislative Report #14](#)) give authority to the Governor and the Secretary of State to deal with county services such as elections, assessment and taxation, and building codes/inspections if a county is insolvent and unable to function in those areas. Future direction will be considered by the Task Force at the meeting.

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## Charitable Donors Get More Protection

At the Legislative Process Day, Attorney General Ellen Rosenblum spoke about [HB 2060A](#). The bill sets up a reasonable expectation that charities must deliver services to receive tax benefits. On May 22nd the Senate voted on [House Bill 2060A](#), which passed on a vote of 29 - 0, with one excused. It allows the Attorney General to disqualify a charitable organization from certain tax benefits if the organization does not expend at least 30 percent of its annual expenses on program services.



Alice Bartelt, Action  
Chair

Organizations that the Attorney General disqualifies under [HB 2060A](#) must disclose to donors that they do not meet the minimum standards for a charitable group. Disqualified organizations would also no longer be eligible to receive tax deductible donations or claim a property tax exemption.

[House Bill 2060A](#) will now go to Governor John A. Kitzhaber for his signature.

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## Natural Resources

### LCDC: SB 100's 40th Anniversary

This month 40 years ago, SB 100 was signed by Governor Tom McCall. It was the beginning of a successful experiment in land use planning in Oregon. No other state has been as efficient in its use of urban land and has saved so much of our agricultural and forestry lands. The League has been a part of this effort for more than 50 years. We are proud to have supported the original legislation. We continue to support the [19 Goals](#) and spend time each legislative session protecting the values behind those goals.



*Peggy Lynch, Natural Resources Coordinator*

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### Uses on Farmland?

[HB 3040A](#) passed from House Land Use to the Ways and Means Natural Resources Subcommittee to consider funding:

1. a study between the Department of Agriculture and Land Conservation and Development (with help from five other agencies, cities and counties) related to the many current uses allowed on exclusive farmland, and
2. to form a work group after completion of the study to "recommend strategies intended to limit, avoid or address conflicts between nonfarm uses and farm uses in a manner that ensures the long-term sustainability of agriculture in this state and that provides for locating nonfarm uses on agricultural lands in areas zoned for exclusive farm use when that

is beneficial."

These recommendations would then be provided to the 2015 legislature for their consideration. The estimated cost: \$285,041.00. A public hearing on the [fiscal impact](#) will be held May 28th.

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## LCDC: Polk County's "ag tasting rooms"

Polk County has adopted a new ordinance to allow small "agricultural tasting rooms" to allow farmers to share the products they grow, as prepared food, directly with the public.



These facilities are akin to wine tasting rooms rather than farm stands. The staff of the Department of Land Conservation and Development had appealed this decision because of concern of the proliferation of urban-type uses on farmland, but needed the Land Conservation and Development Commission to officially authorize the appeal. By a 3-3 vote on May 23rd, the motion to approve the appeal did not pass. It takes a majority vote to approve.

It will be important to see how this experiment goes because it certainly might proliferate throughout Oregon.

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## Another Mining Bill

[HB 2841A](#) was passed by the House and moved to the Senate for a hearing in the Environment and Natural Resources Committee. The A-engrossed version simply memorialized that the mining community will be contacted should the Department of Environmental Quality consider rules on their businesses. This is standard practice for most state agencies. In rulemaking they attempt to include a broad range of interest groups in discussions. However, [amendments](#) were considered that would have expanded some special outreach for this one business interest.

The League and Trout Unlimited testified orally in opposition. WaterWatch of Oregon provided written [testimony](#) in opposition. The bill is set for a Work Session on May 29th.

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## On-Site Septics Redux

[HB 3172A](#) was heard in the Senate General Government, Consumer and Small Business Protection Committee on May 24th. Again, the League provided [testimony](#). We begrudgingly supported this small step, which requires the seller's statement to buyers to be more "robust" in identifying septic systems on the property and disclosing if the seller has information about the system. Realtors are also to "educate" their members on the issue of septic systems. We also used the opportunity to share the public health crisis that exists around the state due to failing septic systems.

A Work Session was held on May 29th to make some minor technical adjustments to the seller's statement.

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## Regional Solutions: Another Layer of Government?

On May 21st, [Senate Concurrent Resolution 4](#) was considered in the House Committee on Consumer Protection and Government Efficiency. It "directs the Governor's regional coordinators to notify and invite state agencies to participate as members of regional project teams once projects or programs have been implemented by an RAC. State agencies, in turn, are directed to participate when notified and are directed to prioritize time and resources for providing technical assistance."

It is important for local Leagues to become acquainted with yet another government organization, [Regional Solutions Teams](#) that are setting regional priorities and expending money and effort to advance those priorities. We have the state, cities, counties, special districts, Metropolitan Planning Organizations, Area Committees on Transportation and now Regional Solutions Teams.

Although this bill does not have a fiscal impact statement, see in the article below, Lottery Bonds is a consideration of funding for these Teams and their work.

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## Lottery Bonds

The Legislature is considering a plethora of project requests that might be funded by General Obligation or Lottery Bonds. On May 24th the Ways and Means subcommittee on Capital Construction took testimony on a number of project

requests under [SB 5506](#) and [SB 5507](#). The maximum lottery bonding authority for this biennium is between \$151 and \$154 million. See also [SB 5533](#) for a more complete list of requests and descriptions. The subcommittee heard from the following:

- Advocates for \$12 million for the Oregon Convention Center Hotel;
- The Association of Oregon Counties provided a letter with a list of "asks";
- A request for monies to help with acquisition and planning for the former Blue Heron facility in Oregon City and the property at Willamette Falls;
- The Housing Alliance, of which the League is a member, asked for \$20 million to continue their work in preserving current low income housing;
- Lane Transit District wants \$15 million to complete their West Eugene EmX project;
- The Mid-Columbia Medical Center is asking for \$2.5 million to help with building a \$55 million new hospital in The Dalles;
- Clean Energy Works is asking for a one-time \$10 million to remodel/do energy upgrades on 5,000 homes;
- The Cultural Resources and Arts section of the Oregon Business Dept. asked for \$1.75 million to invest in cultural projects, but seemed focused on helping the Confluence Project at Celilo Falls;
- The Dept. of Forestry wants \$7.6 million to complete the purchase of the Gilchrist property as a working state forest. They announced that they may receive \$3 million from the federal government which would reduce this "ask";
- The Water Resources Department and the Governor asked for \$850,000 for feasibility studies (including work on possible storage in the Deschutes Basin and work on access to storage in the Willamette Basin) and a \$10 million grant/loan fund to implement the Columbia River Umatilla Solutions Team agreement including work on the Aquifer Storage and Recovery project;
- The Governor's Office is asking for \$4 million to implement the [forest collaboratives](#) projects on the dry land forests in Eastern and Central Oregon and \$1.4 million for O&C counties timber projects;
- The Dept. of Transportation wants yet another set of Connect Oregon transportation projects;
- Duncan Wyse of the Oregon Business Council and others advocated for the Governor's request for \$2 million for each of the 11 [Regional Solutions Teams](#) to



implement their [projects](#). They also asked for \$30 million for "cross/region" projects.

If you have knowledge of any of these projects and want to weigh in, pro or con, individual League members-in their own name-can provide the committee with written testimony. The League has commented on policy bills around some of these projects, but we have not provided testimony on these omnibus bills.

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## **Dept. of Environmental Quality Budget: A Winner!**

[SB 5520](#) passed out of the Ways and Means Subcommittee on Natural Resources to the Full Ways and Means with a "do pass" recommendation. For the first time since 2009, the state will be adding more General Fund money to their budget to be sure the Clean Water and Clean Air Acts are implemented. The League provided [testimony](#) in support. Of particular note is investment in the newly adopted Integrated Water Resources Strategy, in groundwater studies and in staffing for the new Regional Solutions Teams.

Additionally, three [budget notes](#) were added to the budget. (Budget notes are specific directions to the agency.) One note addresses the expected new Environmental Protection Agency air quality standards related to ozone. Two others speak to on-site septic issues: to improve the operations of the on-site septic program and related to the La Pine area septic issue.

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## **Columbia River Gorge Commission Budget**

[SB 5511](#) passed to the Full Ways and Means Committee with a [budget](#) of \$980,598 (mostly General Funds). This amount is a 19% increase from the previous budget and greater than the Governor of Washington, the Washington State House or Senate are considering. The League provided oral testimony at a March 18th hearing. Because the Commission is a joint state agency, this budget will be adjusted at the end of the session to reflect an equal amount from each state. If the ending budget is close to that currently recommended by Oregon, additional planning positions will be added to reflect the need to address both current and long-range planning issues.

Friends of the Gorge will be monitoring any new planning

efforts to be sure protection of the Gorge as a national resource takes priority. Both The Dalles and Hood River would like to expand their urban growth boundaries and cannot do so without an update of the Gorge Master Plan.

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## Forestry Budget And Fire Safety

[SB 5521](#) was amended, but held in the Natural Resources Subcommittee so that [HB 2050A](#) and [HB 2051A](#) would go to the Full Ways and Means Committee as one package. The [budget](#) includes moneys for wildfire protection, moving forward on the forest collaboratives to thin forests, completing purchase of the Gilchrist Forest, providing additional help to small forestland owners in meeting the Forest Practices Act, and funding for stream monitoring in the Elliott Forest.



The League provided [testimony](#) in support of that important effort.

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