



Legislative Report

June 5, 2013

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Action Alert

Protect Oregon's Rivers

[SB 838A](#)

Needs your help NOW!

To: All League Members and Concerned Oregonians

From: Peggy Lynch, Natural Resources Coordinator

ACTION NEEDED: Please contact your [Legislators](#) and tell them to vote **Yes** on [SB 838A](#). Contact the [members](#) of the Joint Committee on Ways and Means and tell them to pass [SB 838A](#) NOW.

DEADLINE FOR ACTION: NOW

MESSAGE TO CONVEY: Tell legislators to stand up for our rivers today. [SB 838A](#) is a common sense compromise to suspend suction-dredge mining. It is a harmful practice. Oregonians stand up for protecting our natural resources and so should you.

BACKGROUND: California banned suction dredge mining in 2009 and since then Oregon has seen an unprecedented rise in the practice - an imminent and immediate threat to the health and prosperity of some of our state's most iconic waterways. Suction-dredge mining is a harmful practice: a motor connected to an industrial-strength vacuum sucks up the contents of a riverbed and then spews unwanted particles back into the river. This degrades spawning areas for native salmon, destroys habitat for insects, and unearths potential toxins from the riverbed. It also has a negative impact on Southern Oregon's important fly-fishing and river guiding businesses. (source: [Oregon Conservation Network](#))

For more information contact: Peggy Lynch, zuludar@aol.com

Act today to protect our beautiful scenic rivers from this harmful practice!

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From O&C Task Force to Rules: Hearing Scheduled



*Kappy Eaton,
Governance
Coordinator*

A series of bills, containing some recommendations for addressing serious county economic issues that have been thoroughly discussed in the O&C Task Force (Oregon and California Counties) over the past three years, were scheduled for a hearing in House Rules June 3. This is their first legislative review. The six proposals have both immediate and long-term consequences for Oregon county governments and the state as a whole. Briefly stated, the economic problems of Oregon local governments in Oregon stem, not only from the recessions of the past decade, but also from a variety of tax measures that limit the ability to keep local revenues and expenditures balanced.



Each of the proposals involves state action and intervention as well as action by any county as to involvement. Currently, an Oregon county may not declare bankruptcy or insolvency. Without a lengthy explanation, here are the measures and their purpose.

- [HB 2206](#) allows the Secretary of State to assume election-related duties, functions or powers of the county clerk in a county for which the Governor has declared public safety services emergency due to fiscal distress.
- [HB 3404](#) permits counties, under certain conditions, to receive assistance payments from the County Assessment Function Fund for the 2013-14 and 2014-15 fiscal years that do not reflect changes in federal payments to the county.
- [HB 3453](#) provides that the Governor may proclaim, in affected counties, a public safety fiscal emergency, with the unanimous consent of the President and the Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.
- [HJR 2](#) proposes an amendment to the Oregon Constitution that authorizes the Legislative Assembly to refer a measure merging two or more counties to the voters of counties that are subjects of the measure.
- [SB 496](#) requires that moneys in the county's road fund and expended for public safety patrolling must be used solely for direct and indirect costs associated with the patrolling.

**LWV
Testimony**



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data and help with
planning.

Check it out!

**Stand Up for
Oregon Kids**

It's time to pass

HB 3162A

the Toxics Disclosure for
Healthy Kids Act.

A Work Session is

- [SB 581](#) extends the sunset date for provisions of the law relating to a county in fiscal distress and the fiscal assistance to county boards status.

The League submitted [comments](#) to the Rules Committee on [HB 2206](#), [HB 3404](#), [HJR 2](#), [SB 496](#) and [SB 581](#).

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Mix and Match: Elections, Redistricting, Campaign Finance, Lobbyists

When the House Rules Committee held a work session on [HB 3506](#) and [HB 3523](#) on May 29th, they essentially rewrote the contents with extensive amendments.

[HB 3523](#), which deals with electronically filing independent campaign expenditures, was altered with four amendments that were carefully adopted out of order to achieve their goal of changing the ORS (Oregon Revised Statutes) references, the filing times from "calendar days" to "business days", the date for implementation to January 1, 2014, and removing any reference to campaign pledges. It was moved with a "do pass" to Ways and Means because of fiscal impacts to the Secretary of State's election system.

[HB 3506](#) started out as a statute that would require the Secretary of State and county election clerks to provide all voting materials in a language other than English when either five percent of the population or 10,000 citizens, from age 5 up, are of one minority language speakers. Essentially, the adopted amendment replaces the original bill and would establish a Task Force on Minority Language Voting Materials, with six to nine members. Included would be the Secretary of State and the state Elections director or their designees, one House and one Senate member, and two county clerks selected by the Secretary of State and the two legislators. They may appoint one to three additional members from the community at large who are experts in language issues, community organization or population analysis. The several tasks of the group are set forth, and staff would be provided by the Secretary of State's office. The amended bill was passed, 5-4 on party lines, and referred to Ways and Means, 9-0.

[HB 2887](#) sets forth a process for adjudicating reapportionment of Congressional districts. The process includes these provisions:

- any voter could challenge the drawing of lines,
- there would be a panel of judges selected with a Special Master in charge,
- a time frame is provided for the appeal process and

scheduled **June 6** in the Joint Committee on Ways and Means.

Contact
[Committee Members](#)

and tell them to pass
[HB 3162A](#)

Stand together as Oregonians and demand action to ensure that no child's future is compromised by chemicals hidden in everyday products.



Ladies at the Legislature Brown Bag Lunch 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
Contact

[Rep Julie Parrish](#)
for more information
or call
(503) 986-1437

Take a Seat at Oregon's Kitchen Table

an experiment to
connect Oregonians to
real decisions in Salem.

[Oregon's Kitchen
Table](#)

gives Oregonians the

- the Secretary of State would be in charge of any election.

The committee later passed the bill 8-0 with a "do pass as amended" recommendation.

[HB 3528](#), which exempts registered lobbyists from reporting any money spent on lobbying other lobbyists to the Oregon Government Ethics Commission, was moved to the House floor, 9-0.

[SB 329A](#) is the new measure to make the corporate kicker language in a statute match the constitutional amendment that passed in November 2012. Starting July 1, 2013, any surplus corporate income taxes above the 2% revenue projection will go into the General Fund for public education. Unfortunately, there will be about a \$20 million corporate surplus for the current biennium that will be returned as a tax credit to businesses. It is now under consideration in the Joint Committee on Tax Credits.

[SB 306](#), the original corporate income tax bill, has been replaced. It now contains the proposal to study the feasibility and structure of imposing a revenue neutral carbon tax in Oregon. The [British Columbia model](#) was discussed in the Senate Finance and Revenue Committee in April. See [Energy](#), *A Clean Air Win/Win?*, this issue.

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Natural Resources

Appeals Bill Now a Data Collecting Bill

[SB 77B](#) passed out of the House Land Use Committee with a "do pass" to the House floor. Originally a bill the League [opposed](#) because it included an increase in appeals fees, it has turned into a bill that instructs the Land Use Board of Appeals to collect a set of data surrounding the appeals that come to them.

The League provided [testimony](#) in support of this amended bill. There may be discussions in the interim around how to consolidate appeals so everyone gets "one bite at the apple" and reduces multiple appeals on one project. The League will monitor this effort.



*Peggy Lynch, Natural
Resources
Coordinator*

opportunity to weigh in on our state's most urgent public policy issues. Get involved in the tough decisions ahead that affect us all.

[Sign In](#)

Alert!
Keystone Pipeline is ALL Risk, NO Reward

The League opposes the KXL Pipeline. We need your help.

Tell Secretary Kerry to reject it!

[Click Here](#)

Support the
Action
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Please show your appreciation of the Action Committee and the Legislative Administrator by making a donation to [LWVOR](#)

It is your support that makes it possible to carry out this advocacy work at the Legislature



Volunteer to work on issues for the 2013 Legislative Session

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Uses on Farmland

[HB 3040A](#) was heard in the Natural Resources Subcommittee on Ways and Means on May 28th. There are two elements to the bill:



1. where should composting facilities be located? and
2. with more than 50 allowed uses on Exclusive Farm Use (EFU), what is the cumulative impact of these other uses on our industrial agricultural lands?

Representative Ben Unger is working with interested parties to see if a beginning gathering of information can occur within budget constraints this session, with a look toward using that study to inform a future work group or rulemaking effort to assure our precious EFU lands are protected.

The fiscal cost of the bill is around \$285,000. Since the Department of Land Conservation and Development has a number of other rulemaking efforts on its plate this session, it will be difficult to find the money to pay for this important work. Stay tuned.

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A New Land Use/Water Bill

[HB 3536](#) was filed on May 29th by Representative John Huffman, as one of his "priority bills", and immediately assigned to House Rules. Legislators are given the opportunity to file a few bills after the regular filing deadlines each session. They are called "priority bills".

[HB 3536](#) is of interest because its intent is to move the legislatively authorized development rights from the Metolius (done as part of the Area of Critical State Concern designation a few years ago) to an area near Sisters called Aspen Lakes. The developer has been trying to use the legislature to authorize this project for a number of years. This is a local issue and should not be another "one off" land use action by the legislature. We will provide [testimony](#) in opposition on June 5th.

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Education Bill Gets "Stuffed" and EFU Attacked Again



It's exciting!
Contact the
[LWVOR Action Team](#)

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[HB 2898A](#)

, with its "Relating to Education" clause, started out as a bill sponsored by Representative Sara Gelser dealing with the rights of disabled students to access higher education. It passed the House 60-0. Mischief occurred in the Senate Committee on Education and Workforce Development on May 28th. Two amendments were adopted:



1. to allow public safety training facilities to be located as an outright permitted use on exclusive farm use (EFU) land next to community colleges, and
2. allow a city to petition for a change of school district boundaries under certain conditions. (The specific issue is a new community in Hillsboro that is close to Beaverton Schools.)

The bill now goes to the full Senate for consideration. If it passes, it will go to a Conference Committee to reconcile the two versions between the House and Senate.

The League's interest in the bill relates to our concern (and opposition) about adding yet another permitted use on EFU (Exclusive Farm Use) land, especially since this use would be allowed without any public process.

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Forest Collaboratives

On May 28th the House Agriculture and Natural Resources Committee heard a presentation on the concept of forest collaboratives: where the forest industry and environmental groups find "Zones of Agreement" to actively manage our forestlands. As a part of the discussion, Brett Brownscombe, one of Governor Kitzhaber's Natural Resources Advisors, provided a [map](#) of the areas under consideration.



Other points from the meeting:

- Availability of some federal \$\$ for collaboratives to five projects in three federal forests in Oregon
- Need to do "NEPA" assessment before a project can go forward
- Collaboratives don't work everywhere. They need local support among business and environmental partners
- From one speaker: "Look to the future: learn from each other, share the differing values." Partners are going to mills to see the jobs and products and going to the forests and looking at the environmental

- benefits of good forest management.
- People are often coming together under the local County Commission leadership
 - [SB 5533](#), Oregon Business Development Department's budget, includes an "ask" for \$4 million to continue these collaboratives.

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From Our Friends at Beyond Toxics



WE DID IT!

[HB 3364A](#), the Safe Public Places Bill has passed in both chambers of the Oregon Legislature and will be signed by the Governor this week and made effective immediately! What a sweet victory!

[HB 3364A](#) requires integrated pest management on all state owned and leased properties. The bill mandates all state agencies to coordinate their efforts, track their strategies and find alternatives to pesticides on public lands. They must use science-based practices to manage pests *"while delivering verifiable protection of children's health, public health, rivers and ecosystem health. The bill will result in less pesticides and more accountability and public input."* www.beyondtoxics.org

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Columbia River Treaty

[HB 3491](#), directing the Governor to keep the Legislature informed about the status of the Columbia River Treaty, did not go forward. Instead, Senator Jackie Dingfelder has submitted a budget note to attach to the Water Resources Department's budget to make regular reports to the Legislature. The League [testified](#) in support of [HB 3491](#) but will be equally supportive of the proposed budget note. It's about being sure that both the Governor AND the Legislature keep their eyes on the progress of this critical treaty, which is the goal of the League.

Besides flood control (where would Portland be without the dams?) and hydro power (cheap electricity has been critical to our economy), the League wants to be sure that the new treaty addresses environmental issues. The Senate Environment and Natural Resources Committee will hold an informational hearing this month and will continue to follow

this issue during the interim.

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Fish and Wildlife Budget

[HB 5013](#), the [budget bill](#) for the Oregon Department of Fish and Wildlife, was amended and approved as "do pass" to the Full Ways and Means Committee on May 29th. The League provided [testimony](#) during the public hearing in April and was pleased that the position to support the Integrated Water Resources Strategy and monies for on-going work on our marine reserves were included in the recommended budget.

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General Obligation Bond Projects

Testimony was taken on May 31st on [SB 5506](#) and [SB 5507](#), related to General Fund bond projects. Among the requests:

- From Attorney General: \$37 million to upgrade technology to help with child support collection. The federal government will provide over \$66 million.
- Dept. of Forestry: \$1.7 million for replacing a fire building in Lane County (has already been approved by Natural Resources Subcommittee on Ways and Means).
- Dept. of Administrative Services: \$53.9 million for deferred maintenance fund for state owned properties (linked to [HB 2931A](#)) as they occur during this biennium vs. the projects specific to departments asked elsewhere in their specific budgets. Current need is over \$200 million.
- Oregon Military Dept.: monies for maintenance, energy efficiency projects and remodel on armories in Medford and Roseburg and purchase property in Portland area and Christmas Valley site.
- Governor's office: \$10 million for 3 Oregon University System projects:
 - Regional Accelerator Innovative Network (RAIN) between U of O and OSU,
 - Information Technology Collaboratory (between universities and industry-a virtual entity rather than a specific site where they take research through all the steps to final product) and
 - Oregon Metals Initiative (also a collaboratory).
- Infrastructure Finance Authority: Seismic bonding for schools (\$15 million) and emergency services facilities (\$15 million).

- Oregon Dept. of Corrections: \$4.9 million Capital Construction request for repair and maintenance of facilities around the state.
- Oregon Dept. of Transportation (OWIN Project): Radio project for public safety communications: move to narrow band, replace microwave system, replace/repair towers and buildings on mountain tops. Four options have been presented to the Subcommittee on Transportation and Economic Development.
- Multnomah County: \$15 million for replacement of the Circuit Court building by 2015-16. [HB 3126](#) provides for county partnering with the state on the project. (Discussion about state's obligation to court buildings since Union and Curry County both have requests as well.)
- Oregon Dept. of Revenue: \$90 million for replacement of technology system (not in Governor's budget). General Fund \$5.1 million costs also being asked.
- Oregon Dept. of Human Services working with Oregon Health Authority: \$14+ million to continue work on technology modernization. Would work with Cover Oregon technology.
- Peace Health testified in support of the mental health hospital in Junction City: completion of 174 beds. They have a 36-bed facility in Eugene meant for emergency or short term stays but often has patients for 50 or more days. The demand is greater than they can accommodate.
- Linn County and Veterans Dept.: \$4 million for Veteran's Home in Lebanon.
- Oregon Youth Authority: \$2.1 million electronic security systems and \$3 million for deferred maintenance.
- Oregon Judicial Department: \$4.9 million Oregon Supreme Court building major renovation; Oregon e-Court project "ask" as well.
- Capitol Building: \$30 million for design phase to address seismic upgrades in 2015 when about \$250 million will be needed.
- Dept. of Education and Oregon Education Investment Board: \$10.7 million for P-20 technology/data system (aggregate data, access by stakeholders as needed, link employment forecasts, transfer of best practices).

There is testimony available on [OLIS](#) (Oregon Legislative Information System) to fully explain the projects. If you have knowledge of any of these projects and want to weigh in as an individual you 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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Energy

Studies Abound!

[HB 2893A](#) (a bill requiring a study of Oregon's Solar Incentive Programs) was signed into law on May 28th, by Governor Kitzhaber. By July 2014, the Public Utility Commission of Oregon, working with the Oregon Department of Energy, must deliver a study of Oregon's Solar Incentive Programs (the Feed In Tariff/VIR program, the Net Metering Program, and Power Purchase Agreements) and of the "solar resource value" (a measure of the costs and benefits of distributed solar energy to the grid). The bill authorizes a small extension (from 25 MW to 27.5 MW) of Oregon's Feed In Tariff pilot program, available April 2014-March 2015 for mid-sized systems only.



*Theresa Gibney,
Energy Action
Volunteer*

The League will seek to participate as a stakeholder in this process.

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Across the Finish Line!



On a 40-19 vote last week, the House joined the Senate in passing an energy efficiency standard for TVs (up to 1400 square inches), battery chargers and some outdoor lighting. This week, the Senate concurred with the revised bill, passing [SB 692C](#) out of the Senate on a 21-9 vote. The

League supported this bill with written [testimony](#) and with an [Action Alert](#) targeted at last week's vote.

Thanks to all who contacted their Representative or Senator to support this bill!

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Another Success!

Just hours ago, the House concurred with Senate amendments to [HB 2801](#)! As previously reported, this bill permits measuring the lumped cost effectiveness of all the

projects in a building and establishes standards and licensing (statewide) for measurement of the energy efficiency of homes. This bill enables goals established in the Governor's Ten Year Energy Plan.

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A Clean Air Win/Win?

[SB 306A](#), the new bill that hosts the "Clean Air Tax Study," passed out of the Senate Finance and Revenue Committee and is on its way to Ways and Means. The bill is a study bill, sponsored by Senators Boquist and Dingfelder. It builds on the bipartisan interest displayed when the Environmental Minister of British Columbia presented their [carbon tax implementation](#).



Stay tuned for this most exciting twist of this Legislative Session. The League believes in rigorous, bipartisan studies!

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Twists and Turns

In these last few weeks of the Session progress, the League will be carefully watching two bills currently in the Senate Rules Committee.

- [SB 844](#) permits voluntary carbon reduction programs for Portland General Electric, Pacific Power, Northwest Natural and Cascade Natural Gas, and Avista and
- [SB 488](#) removes the sunset on a program that encourages low carbon fuels.

As the Session winds down, we will pass on celebratory news about other alternative transportation bills and Energy and PUC (Public Utilities Commission) budgets/policies. Even though we may not have played a substantial role in their passage, this will prepare local teams for the work of the interim.

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Social Policy

[Alert on Public Safety Savings Bill HB 3194](#)

[HB 3194](#) is held up in the [Joint Committee on Public Safety](#). [Amendments](#) are prepared, but differ in the calculations of sentencing. Advocates want the bill to include changes to mandatory sentencing and second look options for juveniles sentenced in the adult system. The PEW Charitable Trust has submitted a [public opinion poll](#) on Sentencing and Corrections Reform.



Karen Nibler, Social Policy Coordinator

The League Action Committee asked readers to contact their [legislators](#) and the Public Safety Committee [members](#), and stress the importance of passing these changes in the criminal justice system. No further prison construction is in the budget and community corrections services need to be enhanced to treat offenders locally. Studies have shown that offenders respond to local treatment programs, supervision and jail sanctions. Prison is needed for violent offenders, but property and drug offenders are better served in the community. Transition services for parolees from prison decrease recidivism, but resources need to be available.

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Public Safety Hearing

The Joint Committee on Public Safety unveiled its amendments to [HB 3194](#) at the May 29th hearing. The bill retained 17 policy options from the recommendations of the Commission on Public Safety. The changes to M 11 mandatory sentences and the Second Look option for juveniles sentenced in the adult system were excluded in the compromise bill.



The M 57 changes were retained with a lower range of time for property crime sentences. Earned time of 20% on each sentence after July 1, 2013, is included with an additional 10% under additional requirements. Early Transition Programs can be extended from 30 to 90 days. Probation Violation sanctions in jails were time limited. Earned discharge from probation is allowed with no penalty for community corrections funds.

The Driving While Suspended or Revoked will remain the same. Marijuana possession charges will require 150 grams of the product. The calculation of sentencing time for all offenses was the focus of an informational presentation on May 29th, with specific attention on criminal history and multiple charges. The bill was scheduled for a work session on May 31st, but it was cancelled. Since it is in a Joint

Committee, the bill does not have to pass in order to stay alive. According to staff, the negotiations are continuing on the contents of this bill.

The League requested earlier in the session that members contact their legislators on this bill, and we need your help again. See [Action Alert](#).

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Adult Corrections

The Department of Corrections Budget, [HB 5005](#), was presented in Ways and Means Public Safety Subcommittee on May 28th. The total budget of \$1,477,871,684 for prison operations and community corrections supports 14,000 prisoners at 14 correctional facilities and community supervision in 36 counties. The budget pays for 4,509 employees with only 61 in community corrections. The budget process combined administrative departments and eliminated 41 staff. PERS adjustments lowered costs, but further cuts will be expected by the agency in order to stay within the budget.



The Board of Parole and Post-Prison Supervision, [HB 5035](#), was approved at the same hearing, as the agencies work together on release decisions. The DOC Budget bill did not include Capital Construction costs or community corrections incentive grant funds. If [HB 3194](#) creates savings, they may be used for incentive grants for county community corrections.

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OYA to Report Back in 2014

The Oregon Youth Authority (OYA) budget, [HB 5050](#), passed out of Ways and Means Public Safety Subcommittee on May 29th. The budget of \$324,853,350 was 8.2% higher than last biennium, but 22 positions were still reduced. The correctional facilities have 755 FTE (full time equivalent), community programs have 138 FTE, and program support has 99 staff. The program support section was expected to create efficiencies and report back in 2014.

The April 2013 Forecast Report predicted a reduction in OYA correctional facilities and an increased demand for community residential treatment beds. The OYA facilities residents are half Measure 11 commitments and half Juvenile Court commitments. The agency has adopted a

practice that treats youth offenders in residential treatment rather than institutions. The Budget funds 735 institutional beds and 658 residential treatment beds for the coming biennium.

OYA operates two aging facilities with deferred maintenance in the mid-valley. The agency has been requested to submit a 10 year Business Plan for the use or disposition of facilities and the progress of the Youth Reformation Model to the 2014 Legislative Session.

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One Small Step for Juvenile Justice



[HB 3327A](#) relates to expungement of juvenile court records. If a juvenile has been convicted of a sex offense and certain conditions are met, the convicted person can have the records expunged. The Senate Judiciary Committee heard from parents and young offenders who had been charged with sex offenses as juveniles and had not been able to find jobs and rent apartments due to the sex offense in legal records. They appealed for an expungement of these records so they could move on with their lives.

On May 29th this bill was passed to the Senate floor with a do pass recommendation. The Chair of the Committee commented that an additional bill to cover juveniles charged as adults would be filed in the 2014 session.

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Work Groups for the Interim

[HB 2049](#) requested that an Oregon Youth Authority (OYA) supervision officer be allowed to take a juvenile offender to a detention facility. The Senate Judiciary Committee passed the bill without an amendment and recommended a do pass. The Chair recommended that OYA and County Juvenile Departments mediate differences on this procedure. The Senate passed the bill 30 to 0.

[HB 2962A](#) proposed to set fees for electronic records from the courts. Since the courts had revised fees in HB 2712 in the 2011 session, it was recommended that a work group be set up to review the recommendations for unintended consequences. The bill was passed to the Senate floor for a vote and a referral to Ways and Means.

[HB 3363B](#) establishes a Work Group on Juvenile Court

Dependency Proceedings. The original concern was access to court records for CASA (Court Appointed Special Advocates) volunteers. The work group is set to sunset on June 30, 2015.

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