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Legislative Report

Sine Die edition



League of Women Voters
of Oregon

Session Under a Dark Cloud



The ominous clouds of economic decline started with the February 2008 Special Legislative Session when a critical rebalancing of the 2007-09 budget led to cuts in state services and programs and use of some reserves. As the recession deepened across the country, Oregon's unemployment figures grew along with the accompanying revenue loss from individuals and corporations. The 2009 Legislative Session starting this past January had to deal with a \$3 billion revenue shortfall in order to continue current levels of services.

This revenue shortage influenced the mood throughout the entire session. The bottom line is that \$2 billion was taken from a broad range of programs and services in education, human services, and public safety, and deeply affected decisions regarding natural resource issues and many other areas.

However, progress was made in a number of areas that didn't call for funding. Some of these were issues that had been discussed for many sessions but had received no final action. The Legislature seemed relieved to be making progress in a few areas because they were stymied by falling revenue everywhere else.

The *Sine Die Legislative Report* reviews legislative action in areas that the League followed during this fascinating and unpredictable session. Read on to hear about legislative successes and failures in our issue areas of [Governance](#), [Natural Resources](#), [Public Access](#), and [Social Policy](#).

*Kappy Eaton, Governance Coordinator
Paula Hird and Rebecca Smith, Editors*

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Governance by Kappy Eaton, Coordinator

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Governance issues revolving around budgets were of primary concern this session due to the lack of funding for just about everything. Read about struggles with the General Fund.

Printer-Friendly Version

The 2009 Legislative Session continued to address the important issues of initiative reform, ethics reform, and election law revisions begun in 2007, after 15 years of neglect. There was, for the League and other government/citizen groups, an epic increase in the number of governance bills passed and signed by the Governor.



Campaign finance reform was not on the radar screen for this session. One bill and a partner constitutional amendment to regulate contribution limits was proposed, heard and received extensive personal lobbying of legislators ([HB 3009](#), [HJR 26](#)) but did not move out of committee.

In this issue, read about landmark legislation in the following governance areas:

- [General Fund](#)
- [Elections](#)
- [Ethics](#)
- [Initiatives](#)

Thank you to Alice Bartelt, Norman Turrill, Barbara Fredericks, and Marge Easley who helped with governance issues.

General Fund Budget Barely Balances

After the cuts and use of reserves from the Rainy Day and Educational Stability Funds, the final budget has been balanced by the enacting of two tax major increases. [More on the budget and these revenue measures. . .](#)

Elections



Landmark legislation was enacted affecting Oregon elections:

- Voters can register to vote electronically, starting in 2010 ([HB 2386](#)). The League was invited to the signing of this bill, and the Governor thanked us for our work during the session and asked me to sit next to him during the signing.
- Overseas voters can return ballots by fax, starting in 2010 ([HB 2511](#))
- County election offices may start scanning ballots, but not counting votes, seven days prior to election day ([HB 3451](#))
- Voters may participate in more than one primary nomination election; up to three parties can be listed for a single Primary candidate ([SB 326](#))
- Clarification of property lines defining legislative candidate's residence ([HB 2667](#))

- Voters Pamphlet fees were increased to cover up to 50% of its cost; Initiative arguments will be \$1000; candidate statements will be \$600 ([SB 776](#))

[However, some important legislation did not pass.](#)

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Ethics

After significant reform to Oregon's ethics laws in 2007 and comprehensive changes to the Administrative Rules, some adjustments were needed in 2009. These turned out to be time-consuming and more controversial than expected. A one page bill to limit the number of public officials required to file Economic Interest Statements (EIS) morphed into more than 25 to cover additional issues.

Most local community commissions and boards and some special districts will not be required to file EIS, and current lobbying limits were retained ([SB 30](#)).

Initiatives



Initiative reform issues were discussed by the Task Force on Revenue Restructuring and carried in bill form to the Legislature. Though thoroughly reviewed in both Senate and House Rules committees, little came out, even with strong legislators as sponsors.

[There was some progress however.](#)

Natural Resources

by Peggy Lynch, Coordinator



It was a busy session in spite of the lack of funds. Natural resource issues were many and varied.

Read the summaries of the following natural resource issues we followed during this legislative session:

- [land use](#),
- [water](#),
- [climate change and energy](#),
- [Capitol planning](#),
- [mining and aggregate](#)
- [field burning](#)
- [product stewardship and recycling](#)
- [natural resource agency budgets](#)
- [invasive species](#)
- [marine reserves and other ocean issues](#).

In every area we cover, we are always pleased to have help from dedicated volunteers and to work with other like-minded organizations. [I would like to thank those who helped with natural resource issues.](#)

Land Use: Big Look Task Force



After supporting [SB 82](#) in 2005 with great hope for a broad public conversation about our statewide land use planning program with local implementation, the League was disappointed with [HB 2229](#) as originally filed. We provided testimony and worked with others to assure we both protected our forest and farmland and supported livable communities throughout Oregon. In the end, we were neutral on the final bill which provides a process for corrective remapping of rural lands by counties if they also update natural resource protections; addresses issues with regional problem solving; adds four guiding principles having no force of law; encourages other actions, but, **without monies available, these ideas are unlikely to go forward** the next couple of years.

Other Land Use Issues

[A number of other land use issues were addressed during the session, including Measure 49, destination resorts, Metolius Basin, use of farmland, and development rights.so, see what's ahead for 2009-11.](#)

Water



Water issues were a priority for the League this session. Notably, a number of bills were combined into [HB 3369](#), the Water Resources Investment Act. This bill creates a number of funding systems for water resource projects while also setting criteria to protect the public's interest in Oregon's water. Monies were specifically set aside for the Umatilla Basin's work on aquifer recovery and storage while protecting instream flows for fish. [More on this bill...](#)

The Water Resources Department's budget took a huge hit during the first round of budget cut considerations due to the fact that much of its funding is from the General Fund. A number of bills were filed to set fees to help fund this important agency.

The League was proud to champion [SB 739](#) that requires the seller of real property to test any well that supplies groundwater for domestic use for arsenic or other contaminants as necessary and notify the buyer and the Department of Human Services.

[Many more water issues were addressed this session.](#)

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Climate Change/Energy



League members attended many committee meetings and testified on a number of bills to implement our positions on the important issue of addressing global climate change. We still have work to do since many of the bills created task forces or set reduced standards from those that would get us to the goal of reducing greenhouse gasses in our atmosphere.

Unfortunately, [SB 80](#), the centerpiece of the climate package to reduce emissions in different sectors, was amended so significantly, at the request of the state's largest polluters, that the bill died.

However, there were victories. A number of goals to reduce carbon emissions in the transportation sector were implemented. Greenhouse gas emissions performance standards for power plants were adopted. Renewable energy and efficiency projects received support. [Read more about these issues and other important climate change and energy legislation.](#)

Mining, Removal/Fill and Aggregate Issues



The League continues to follow aggregate issues and works to find a balance between the demand for aggregate and the need to protect our natural resources. The League's role this session was, among other things, to monitor bills addressing these issues to make sure high value farmland wasn't compromised and aggregate studies remained unbiased. [Read more about these issues.](#)

Product Stewardship and Recycling



One of the biggest disappointments of the session was the lack of expansion of Oregon's Bottle Bill. Look for this issue to come up again next session. The one product stewardship bill that did pass is [HB 3037](#) that creates a paint stewardship pilot program with the goal of reducing paint waste, promoting paint reuse and developing a system of collecting, transporting and processing it in an environmentally sound fashion. [More bills were heard but failed.](#)

Editor's note: [Congratulations to award winner Lori Hayhurst, Purchasing and Supply Services Supervisor at the Capitol, for saving \\$228,000 and . . .](#)

Natural Resource Agency Budgets

Natural Resource Agencies are but 2% of the General Fund/lottery state budget, but they are asked to protect our air, water, and land. The League maintained its participation in the Ways and Means process to advocate for public funding for these important jobs: Department of Environmental Quality ([SB 5521](#)), Land Conservation and Development ([SB 5531](#)), Water Resources ([SB 5551](#)) and Oregon Parks and Recreation ([HB 5033](#)).

Much of the funding for Parks and other agencies was backfilled by raising fees for services. The League is very concerned about this trend since these agencies serve an important public function, often to protect the health and safety of Oregonians. In order to survive the economic crunch, we recommended that large agencies use economies of scale. [Read more about these budget issues.](#)

Marine Reserves and Other Agency Issues



The Ocean Policy Advisory Committee's recommendations concerning six near ocean sites were implemented, with the establishment of a pilot marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks. This bill also approved further evaluation of potential marine reserves. [Link here for more details.](#)

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Social Policy

by Karen Nibler, Coordinator



In a difficult economic situation such as we are experiencing, social policy issues are often those that affect people most directly. This session, many bills were considered to help Oregon's most vulnerable people deal with the current crisis and beyond.

Click below for summaries of the social policy issues we followed during this legislative session:

- [Human Services](#) (basic human needs, child welfare, seniors and people with disabilities, and mental health)
- [health care](#)
- [children's services](#)
- [homelessness](#)
- [Measure 57](#)
- [budget issues](#)
- [judiciary](#)
- [juvenile justice](#)
- [adult corrections](#)
- [gun control](#)

Thank you to Debbie Aiona and Tracy Johnson who helped me follow social policy issues this session. Jane Baumgarten of AARP also provided valuable information.

Human Services Face Increased Demands



The Governor signed the Department of Human Services Budget bill ([SB 5529](#)) on July 16 and it was effective immediately. The final recommendations were made in the Human Services Ways and Means subcommittee at a June 23 work session with some add backs. The earlier decisions in Division budgets were listed in [Legislative Report #22](#).

Key areas within Human Services are facing their share of challenges:

[Food Assistance caseloads have increased 29% plus higher benefit levels have led to a huge increase in federal funds.](#)

[Child welfare demands are expected to increase only by a small amount. Recent bills address foster care and adoption.](#)

[Seniors and People with Disabilities budget has been balanced with federal stimulus funds. Oregon Project Independence will be reviewed to determine if it can be operated more efficiently.](#)

Health services are directed to integrate physical and addiction and mental health services. Wraparound Services for children and families will be a new initiative among State agencies. [These and many more changes to Mental Health Services are mandated by bills and budget notes.](#)

Oregon Health Care Significantly Expanded



The comprehensive health care plan, [HB 2009 C](#), was signed by the Governor on June 26. After 84 changes, the final product was ultimately agreed upon by the House and Senate.



A new Oregon Health Policy Board will be appointed to oversee the Oregon Health Authority implementation, led by Bruce Goldberg, Department of Human Services director, and present a plan to the Legislature by December 31, 2010, to provide and fund access for all by 2015.

The plan includes evidence based clinical standards, quality care standards, cost containment and workforce development. [Read more about the plan and the bill's path through the legislative process.](#)

The Oregon Health Plan (OHP) now includes Healthy Kids, which will expand access to affordable health care for every child in Oregon. The program is financed by a 1% assessment on insurance premiums. OHP also has expanded coverage for low-income adults, covered by hospital assessments. Both programs were part of [HB 2116 C](#), which the Governor signed at Doernbecher Children's Hospital on August 4.

[Read about these and many other health care bills that were passed and or incorporated into the comprehensive enrolled HB 2009.](#)

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Children Services: Prevention



The Oregon Commission on Children and Families (OCCF), as well as county CCFs, Healthy Start, and Runaway and Homeless Youth programs are all dealing with serious cuts. Court Appointed Special Advocates, Relief Nurseries, and Federal Family Preservation funds will continue. More funding for youth programs has been cut. [Read the details.](#)

State Policy on Homelessness



Homelessness means the lack of a decent, safe, stable and permanent place to live that is fit for human habitation. A state policy on homelessness, [SB 200](#), was signed into law by the Governor on June 18. The law calls for a comprehensive support system that includes community-based treatment, outreach services, early intervention, housing and service management.

The wide-ranging effort will be administered through the Oregon Housing and Community Services (OHCS) Department and DHS. OHCS also provides state services for food, energy, housing and weatherization provides subsidies for affordable housing. Funding for OHCS is supported through the newly adopted Document Recording Fee and the OHCS budget, [HB 5019](#), which was signed into law July 7. LWVOR is a member of the Housing Alliance, which supports expanding housing and revenue sources for housing programs.

Public Safety Squeezed



Two factors were dominant in the Public Safety Committee this session. Every session, bills propose new crimes or expand existing crimes that create further demands on the resources of the Criminal Justice System. The passage of Measure



57 was the biggest impact on the budget this session. The loss of state revenue due to the recession was the other factor creating a squeeze on the budgets. The resolution of this dilemma was dramatically delayed until the last hours of the committee and last days of the session.

Measure 57 passed in 2008 and increased terms of imprisonment for persons convicted of specified drug and property crimes under certain circumstances. [Read about the progress and impacts of Measure 57 implementation this session.](#)

The results of Measure 57 and economic challenges led to significant changes in Public Safety budgets, which will directly impact many Oregonians. [Read about the twisting path these department budgets had to follow.](#)

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Budget Issues

[HB 5053 A](#), a companion budget bill, assigned the savings in [HB 3508](#) [see [Measure 57](#)] to restore critical services in the criminal justice system budgets. The bill did not get a vote when HB 3508 failed on June 18, and it went back to the Public Safety Committee. [HB 2290](#), with sentencing reductions to save money for criminal justice services, passed the House 59-1, but it did not come out of the Public Safety subcommittee for a Senate vote. Instead, [HB 5055](#) was sent to the House floor with large reductions in the Department of Corrections (DOC) and Oregon State Police budgets and large increases for the Oregon Youth Authority and DOC Community Corrections. [Read more about specific changes.](#)

Oregon Judiciary Budget Saved by Last Minute Efforts



Oregon Judicial Department (OJD) budget ([HB 5020](#)) passed out of Ways and Means on June 23 and was signed by the Governor on July 16. It included an expected 15% reduction of \$52 million, but efforts by the Governor and legislators were able to add back some funds with other bills and a veto. In the end, the OJD will likely retain 173 judicial positions and salary levels for the judges but lose support staff positions.

[Read about what will be saved and how it was accomplished.](#)

Juvenile Justice Budgets Rebound from 30% Cuts



The Oregon Youth Authority (OYA) was threatened with 30% reductions at the beginning of the session because its budget is made up mainly of General Funds. Although a significant improvement, the final budget bill ([HB 5051](#)), which was heard in Public Safety Ways and Means on June 22, was still 2% less than the 2007-09 approved budget, which had already sustained significant reductions. [Read about these reductions and who will be affected.](#)

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Adult Corrections Operations Hammered



The Department of Corrections (DOC), the Oregon State Police, and Criminal Fines and Assessment budgets were among the last to pass out of Ways and Means. The Governor signed his approval of these budgets on July 28.

DOC budget ([HB 5005](#)) requests continue to increase in order to manage a growing population. DOC operates 14 prisons with a population of 15,710 as of April 2009, and the Department funds 36 County Community Corrections agencies supervising 39,216 probation and parolees. **Corrections facility operations have been restricted for the next two years. No construction and no new units opened.** They will be double bunking in day rooms and releasing earlier for earned time. Community parole will have more parolees to supervise, hence the increased budget for them.

[Read about the budget shortfall and further effects of Measure 57.](#)

Gun Control Meets Federal Law



The Legislature passed and the Governor signed [HB 2853](#), which allows Oregon State Police to receive minimum information from the Judicial Department and Psychiatric Security Review Board to identify persons determined to be mentally ill, mentally retarded, or lack fitness, found guilty of a crime but insane, or committed in a civil process as a danger to self or others. [More about the bill.](#)

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Public Access by Paula Krane, Coordinator

Public Access Improved from Past



Success was ours. We have been pushing for better public access to the legislative process for the last several sessions, so legislators and administrators this session knew what we would be asking for. With the session's change in leadership and with many remembering the problems of the past, we were able to start the session with fewer access issues. The leadership started by incorporating into the rules many of the things we have been pushing for in past sessions.

[Read about the successes and challenges we faced at the Legislature, including special challenges in Ways and Means and the crunch time during closing days.](#)

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What's Ahead for the Legislature



A Special Session has been scheduled for February 2010 when legislators will look at the revenue forecast for February and make adjustments as necessary in the budget seven months into the biennium. Revenue forecasts will be made in September and December. If the September projection is for a continued decline triggering the need to rebalance the budget, **there might be a fall 2009 Special Session**, although reserves probably would be used by the Emergency Board until

February.

There is speculation that **Rainy Day/Kicker legislation will be introduced in February** along with proposals for increases in the beer and cigarette taxes for specific purposes not considered during the regular session.

The House and Senate will be adopting some new rules for the February session effecting the number of bills members may introduce and hearing notification schedules.

In the meantime, interim committees meet Sept. 29-Oct. 1, Nov. 17-19 and Jan. 12-14 ([view the schedule](#)). This process is meant to consolidate the amount of time staff is required to be at the Capitol which will save money and to provide both legislators and the public with advance notice of interim committee meetings ([read the press release](#)). The LWVOR Action Committee continues as your eyes and ears to the Legislature. We are committed to keeping the process open to all Oregonians and to helping you stay informed about these important issues. [Sign up for the Legislature's e-mail updates](#) if you would like to receive agendas for these important interim meetings. [Committee assignments for House and Senate members are also available](#). If you would like to receive agendas for these important interim meetings Remember that these interim committees may hear testimony related to bills to be introduced during the Special Session. They are as important to monitor as regular session committee meetings.

*Kappy Eaton, Governance Coordinator
Peggy Lynch, Natural Resources Coordinator*

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