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LEAGUE OF WOMEN VOTERS® OF OREGON

Legislative Report

February 2, 2012

Volume 22, Number 1

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See you at Day at the Legislature

**Tuesday
February 7th**
9:30-3:00
Oregon State
Capitol in Salem
Hearing Room 50

Welcome to the first edition of the 2012 Legislative Report



As always, our action team will be working hard to provide up-to-date information about the legislative process from the League's unique perspective. The action team's goal is to inform as well as inspire involvement, so please help us by contacting your legislators, following through on action alerts and giving us feed back on issues or bills that interest you. It promises to be a fast paced and

challenging session.

Robin Wisdom, President

Governance

Fast and Furious Legislative Session

Given the brief timeline for the first annual Oregon Assembly, February 1-February 29 or March 6, the plethora of legislative concepts sent to Legislative Counsel for bill drafting appears overwhelming. Many of the issues, as noted below in the comments by LWVOR Action members, are both complicated and critical. They are in addition to the still serious state of the economic climate, and the continuing discussions of the Governor's education and health care agendas.



*Kappy Eaton,
Governance
Coordinator*

Legislators should be prepared for a fast moving four or five weeks. Any bill to receive consideration must be heard by February 6 and be moved to the next chamber by February 14. League members will be informed through *Action Alerts* on our positions and with the analysis and summary *Legislative Report* after adjournment.

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OLCV's
**Day of Action
President's Day
Rally at the
Capitol**

On Monday,
February 20, 8am
thousands of
Oregonians from
every corner of the

What are the Governance issues we are following this session?

Election issues are critical at both state and federal levels.

- [SB 1516](#) and [SB 1517](#) are identical and provide the details for the work of the HAVA Task Force established by the 2011 session. Its charge is to review the statewide compliance of all elections with the Help America Vote Act and report to the Legislature in October. No explanation was given for filing two bills, but federal dollars are at stake for any lack of compliance.
- [HB 2257-enrolled](#) (2011) sets up electronic filing of Voter Pamphlet information. There are some issues with implementation which may need some measure tweaking.
- Destruction of unused or spoiled ballots legislation needs clarification by amendment.
- Adding a second political party to a candidate's name can cause a ballot size change and clarifying legislation is needed.
- U.S. Postal Service proposals to eliminate regional offices in Eugene, Bend and Pendleton, as well as many rural towns, will cause serious problems in Oregon's vote-by-mail system. The Legislature and the Congressional delegation must be involved.

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Fiscal Policy issues include budget rebalance, the kicker, property and other taxes.

- One last time, Sen. Morse, through [SJR 202](#), will attempt to get action on revising the revenue-eating monster known as the kicker law. This latest version of revising the kicker law would amend the Oregon Constitution to place any excess revenue over the 2% biennium projection in a Emergency Reserve Fund, established by the amendment. Limitations are placed on its use and how it is to be collected. The fate in the session is unclear because while the Senate and House Revenue committee leaders support it, Senate President Courtney does not. He still is unwilling to send it to Oregonians for a vote.
- It appears that leadership has agreed on the formula to rebalance the budget as needed from the September and December shortfalls for 2011-13. Details are sketchy, but education is to be held harmless, and human services, the second largest General Fund budget item, will take another hit. How much of the



state will gather at the state capitol for **The Day Of Action for a Strong Oregon**, demanding that legislators take bold actions to protect all Oregon families. [Sign up](#) and **add your voice** to the rally!



[Women's Health Network](#)

2012

Thought Provoking
Lecture Series

Politics and Women's Health: Is it Personal ?

Marge Easley, LWV of Clackamas, will be a guest speaker at the first lecture,

History of Women in Politics: What have we learned in the last 20 years?

Friday, February 10th,
8am-12noon

McMenamin's Kennedy School, 5736 NE 33rd Avenue, Portland

All lectures are free
For More Information visit [Women's Health Network](#) or click on [Flyer](#) for all four lectures

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Action
Committee!

reserves will be used or other reserve funds taken is not yet known. Strong advocacy to protect TANF (Temporary Assistance to Needy Families) has formed.

- [SB 1519](#) would establish a one percent transient lodging tax on specified providers of residential care and services. The revenue, along with federal participation, would be used to reimburse certified providers of residential care and services for the cost of medical care to their residents.
- [HB 4039](#) relates to modifying some of the changes to the Senior Property Tax Deferral Program enacted in 2011 and implemented immediately. The program is no longer fiscally sustainable so recipients no longer can have reverse mortgages, must report every two years on income status, reside in house, etc. The state pays local property taxes to the specific county. There was an uproar last fall when program members received tax bills because they no longer qualified - half were eliminated because of reverse mortgages. Options being considered include a three year reporting period. Funds had to be borrowed (\$19 million) from the Common School Fund to pay the taxes last year.
- [HB 4038](#) would remove the language requiring information on jobs creation from business tax credits.

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Campaign Finance Reform may be considered, but was not discussed during the interim.

- [HB 4152](#) requires that when a campaign contribution or expenditure exceeding \$1000 is made in the 14 days preceding an election, it must be reported within two calendar days.

Women's issues are headed by the 100th anniversary of female suffrage.

- [SCR 204](#) commemorates the centennial of Oregon's women's right to vote and the leaders of that movement. It finally became law in 1912 after six attempts. For obvious reasons, the League is involved with the many planned events!



- [HB 4156](#) would strengthen the sexual assault protection law. It would create a sexual assault protection order for victims who are assaulted by someone who is not a family member or intimate partner and give civil protection.

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 2012 Legislative Session
It's exciting!
Contact the [LWVOR Action Team](#)

- [HB 4123](#) is the Toxics Disclosure for Healthy Kids Act 2012. It would create a list of high priority chemicals, publish the list, allow a time period for manufacturers to disclose chemical information and authorize the Oregon Health Authority to share the information with other states.

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Natural Resources

Oregon Conservation Network (OCN)

As part of the coalition of environmental groups called the Oregon Conservation Network, we work to set Priorities for a Healthy Oregon. For 2012, OCN has selected:



Peggy Lynch, Natural Resources Coordinator

1. Keeping Oregon's Renewable Portfolio Standard so that we continue to support alternative energy sources, so they oppose HB 4073 (LWVUs Climate Change position),
2. Continuing the work of designating and supporting marine reserves (SB 1510-League is awaiting our Coastal Study and new positions before weighing in), and
3. No more cuts to the Department of Environmental Quality (DEQ) budget, an agency that administers the Clean Air and Clean Water Act (LWVOR has multiple positions on DEQ's programs).

OCN has also identified Major Threats, Bills of Support and Bills of Concern to Oregon's environment. Read further for more information.

Let Us Appeal!

League members have already been asked to weigh in on [HB 4032](#) (LC230) that would reduce citizens' access to the Land Use Board of Appeals if they do not own property, live within an unspecified distance from a property, or can prove they are "adversely affected". Another bill, [HB 4049](#), simply removes the "adversely affected" portion of HB 4032.

This is an OCN Major Threat. We ask that you actively work to help defeat these two bills. See [LWVOR land use positions](#).

Rulemaking and Legislative Oversight-too much!

There are a group of bills that could hamstring agencies from doing their job for Oregon



- [HB 4075](#) Prohibits natural resource agencies from spending mitigation dollars received until reports are received. This bill requires unnecessary reporting requirements on agencies with limited staffing.
- [HB 4106](#) Assumes that the budget process does not already address agency mission and nexus between funding and the mission. The Ways and Means Committee process already addresses this issue.
- [HB 4154](#) Directs state agencies to report and plan for assumed federal funds cuts of 10-20%. Agencies will be monitoring the federal funding process and will report as necessary to the Legislature. This bill seems to be another layer of work on agencies without additional staffing.
- [SB 1553](#) Prohibits agencies from adopting rules during regular sessions of the Legislative Assembly. The bill prohibits agencies from adopting rules that become effective before adjournment sine die of next regular legislative sessions. Agencies have work groups and task forces on which they rely to help with rulemaking. Limiting the time agencies can do rulemaking is neither efficient nor effective.
- [SB 1571](#) Prohibits agencies from adopting any rule that becomes effective on or after the effective date of the Act and before July 1, 2013 and creates a Joint Legislative Committee on Rule Review. It directs the committee to review all rules adopted by agencies. The Legislature passes statutes that govern agency actions. Rules are needed to implement the guidance of the Legislature. There is no need for further oversight that cannot be done at the next annual session as needed.

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Waste Plastics

Susann Kaltwasser of the Marion Polk League has taken the lead to defeat [HB 4081](#), which would allow pyrolysis as a "recycling" process. An Oregon business has a process for converting certain plastics into oil. That's "energy recovery" and should be so designated. Susann is also concerned that there is no certainty that PVC plastics would be incinerated in this process, a grave health concern.

Wetlands, Natural Storage

Another OCN Major Threat is [HB 4004](#) that would create a new Commission on Soil Research within Department of State Lands (DSL) and sets a list of prohibitions on regulating wetlands, a natural storage and important for Oregon's clean water. It assumes soil scientists are wetlands experts. This bill is an assault on the state's role to protect this natural storage. Oregon currently sets a clearly defined scientific process of delineating wetlands.

[SB 1582](#) tries to change wetlands processes, including setting up arbitration. It also requires that DSL use the US Army Corps of Engineers Wetlands Delineation Manual of

1987 and no other.

Columbia River, Again



Once again the issue of taking excess water from the Columbia River is on the table. [HB 4101](#) directs the Water Resources Department to "aggressively pursue" development of Columbia River water. This bill declares that

we should set up a Commission to determine how much and how to develop Columbia River water. The League believes that any decision should be based on science. We recognize the large amount of public dollars that have been spent to assure protection of salmon and minimum stream flows are a public right in this basin.

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Mercury in Lighting

The League will support SB 1512 that makes legislative findings regarding lighting that contains mercury. The bill prohibits sale or the offer for sale of lighting that contains mercury in excess of specified amounts. It makes sale or the offer for sale of certain lighting that contains mercury an unlawful trade practice.

Water Rights

The League will support [SB 1513](#) that eliminates the sunset date of 2014 and continues in effect the provision conditionally allowing water right lease to split use of water between existing right and in-stream right within same year. This program is good for Oregon's streams and should be continued.



Regional Land Use-Redux

[HB 4095](#) would allow Jackson, Josephine and Douglas Counties to petition the Land Conservation and Development Commission to establish regional definitions for "agricultural land" or "forestland" or both and would allocate \$600,000 for this purpose. ([HB 3615](#) from last session) The Oregon Farm Bureau has now stepped up to oppose this bill so we're in good company. We neither have the money nor the time to vet the policy included in this bill. Another OCN Major Threat.

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Public Access

Yes You Can!

A

ccess to the Legislature and the Legislative process becomes easier with each session. If you are interested in following a particular bill or issue, register at <http://www.leg.state.or.us/learnmore/> for committee agendas and then be prepared to act quickly. By utilizing the internet you can easily follow bills and hearings from your home computer. Agendas are available at <http://www.leg.state.or.us/comm/> and bills at http://www.leg.state.or.us/bills_laws/.



*Paula Krane
Public Access
Coordinator*



You don't need to travel to Salem to watch a hearing or floor sessions. All hearings are on the Oregon legislature website, either live or archived. (video is live; archive is audio only) Use the following website to access this material - <http://www.leg.state.or.us/listn/listenset.htm>.

There are also many ADA Resources available from audio tapes to hearing assistances to parking to wheelchair ramps and gallery access for those of you wishing to come to Salem. Everyone can have access to the legislative process. For more information on these services contact Legislative Administration at 503-986-1848. Action Committee members may also be available to host you during a visit.

During the interim, the League was busy monitoring the committees for both content and access. There were a number of committee hearings in the last eight months and all had ample advance notification and public input. Many of those hearings were on ideas that will be part of legislation proposed during this short annual session. The Oregon State Legislature wants the public to know what is happening and to be involved.

With the hope of making this short annual session run smoothly and cover the areas the Legislative Leadership thinks is important, there has been some behind the scenes negotiations on such items as what issues will be covered and number of bills that can be proposed. Rules were adopted that allowed each Legislator to introduce two bills and each committee to introduce five bills. Work Groups have also been working between sessions on particular areas of interest. Some Work Groups met behind the scenes, but others were available to the public to observe and to provide written comment.

Many of the major decisions on spending issues will be made in the Joint Ways and Means Committee and we will be there making sure that the public is involved and this committee does not set public policy, but set the benchmarks or goals to be achieved.



The Legislators are really trying to complete this short annual session in a quick and timely manner and have only allowed themselves one month or less. Because of this, preliminary hearings were held in January and notification for hearings may have been shortened from the time set for the regular session. You may be asked to help lobby your Legislator or other Legislators either from your home or by coming to Salem. Look for LWVOR *Action Alerts* in your in email! I hope we can count on you to take *action*.

I know it is hard for many of you to come to Salem to observe the Legislature in action. Any member of the Action Team would be happy to have you join them for a day to learn more about our Legislature and the process. I would be happy to help arrange this if you are interested. I hope to see many of you on at the Capitol Tuesday, February 7th at 9:30 in Hearing Room 50 for "Day at the Legislature." You might also consider making an appointment to visit your own legislators that day.

If you have any problems accessing a hearing, your legislator, finding out information about a bill, or any part of the Legislative process please let me hear from you. If we do not know about the problems then the League can not work on a solution.

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Social Policy

Sea changes are among the decisions facing the 2012 February Session.

Education

The Governor will seek approval for the Oregon Education Investment Board administrative plan and the Early Learning Council implementation.



Karen Nibler, Social Policy Coordinator

Health Care

The Oregon Health Authority will present the Oregon Health Insurance Exchange Business Plan and the Coordinated Care Organizations implementation plan.

Early Learning Council (ELC)

ELC has been meeting to plan for the transition from the Oregon Commission on Children and Families (OCCF) to the ELC. The OCCF is due to be abolished on 6-30-12 and the ELC will assume the assets and duties on 7-1-12. The Early Learning Council members have been appointed, but the

Director of the new agency has not been hired. The regional administrative agencies are not yet determined. Local governments and agencies may apply to be regional administrative hubs, but the Request for Proposal or Qualifications has not yet been started.



If the local Commissions on Children and Families are phased out on 6-30-12, will the new regional administrators be ready to start by then? Service agencies had applied to the local CCFs for program funds for this year, and many have been waiting to find out where they will apply for the second year of the biennium.

The League is concerned about the continuation of local services during this transition. There may be a gap in funding if the administrative structure is not in place in the new agency. The dedicated funds for local services have been decreasing in the past 3 biennia, and the League is also concerned about the maintenance of funds for service delivery. Please see LWVOR prepared [testimony comments](#) on [HB 4165](#).

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Oregon Health Authority (OHA)

OHA will request approval for the Business Plan for the Oregon Health Insurance Exchange (ORHIX) and for the Coordinated Care Organization implementation. The League has been monitoring the development of both concepts throughout the past two legislative sessions. The ORHIX Business Plan has been well developed and is ready to go. See [HB 4164](#). The Coordinated Care Organizations are more complex and require regional planning among local service providers. The regional coordinating agencies need reserve funds in order to manage the physical, mental and dental care for Medicaid clients in their areas. The transformation effort has been supported by federal grant funds, which may be contributing more support over the next five years. See LWVOR prepared [testimony](#) in support of [HB 4012](#).

Public Safety

Public Safety bills this session will revolve around budget decisions. The Department of Corrections may have additional budget reductions in prison operations and local community supervision. The Oregon Judicial Department requested additional funding for the Court of Appeals during the regular 2011 session and brought that unfunded request back to the 2012 Session. This is a difficult time to request additional funds when agencies have taken a 3.5% cut for the second year of the biennium. The Court of Appeals requests an additional 3 judge panel to meet the increased appeals workload. The League supports this request. Please see [testimony](#) on [HB 4026](#).

Human Services



The major purpose of the February Session is budget rebalance, which will be most critical for Human Services. The economic situation has increased demands for food stamps and financial assistance, which requires additional general funds. Restrictions in eligibility and benefits are on the table, as well as sources of new funding.



Many more health care, human services, education and judiciary issues are proposed for this session but the timeline is very short for the bill process. Anything that is controversial won't be considered due to lack of time for hearings. More on this in future *Legislative Reports*.

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