

# Legislative Report, Volume 30, Number 7 – June 2020

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## Climate Emergency

By Claudia Keith, Julie Chapman, Shirley Weathers, Cathy Frischmann and Lynette Pierson

### Racism and the Environment

The League adds their [voice supporting](#) ending systemic racial injustice and inequality which requires ensuring environmental justice continues to be foundational in the Oregon Climate Action Plan (OCAP). In

Oregon, the [Environmental Justice Task Force](#) (EJTF) provides [primary oversight](#) and representation for the executive and legislative branches including OCAP.

[The League is in agreement with many organizations](#), which may include the topics expressed in a June MIT Technology Review article; “We were essentially saying that climate change is not just a technical problem. It’s not just an issue of emissions. It’s an issue of the systems that have allowed an industry that essentially poisons people to continue”...” [The Roosevelt Institute’s Rhiana Gunn-Wright says the events of 2020 underscore the need for broader coalitions to push for sweeping economic, environmental and criminal justice reforms.](#)” Related, [here is the link](#) to the LWV Green New Deal talking points. [Via our RenewOregon coalition partner](#) social media post: “It’s an ongoing process, breaking down the walls between issue areas. We have to teach and reteach ourselves that racial justice is climate justice. We have to work to show up for all of it because we have to solve them together or we won’t solve anything”, linked to this NYT resource: [Read up on the links between Racism and the Environment.](#)

### **Climate Crisis National Polling – via our coalition partners:**

“ [It’s okay to keep advocating to solve the climate crisis, even as we deal with COVID-19 and its fallout.](#) The pandemic has changed a lot about our lives and it’s shuffled the issues the general public most cares about. Thankfully, the climate crisis has, so far, remained a top-tier issue for most people/voters. [Polling by Yale University/George Mason University — after the pandemic/lockdowns took hold](#)— shows record/near record concern about the climate crisis despite everything else going on.”

### **Carbon Policy Executive Order**

Governor Kate Browns March 2020 [Executive Order 20-04](#) (EO) Directs State Agencies to take Actions to Reduce and Regulate Greenhouse Gas Emissions. EO 20-04 establishes new science-based emissions reduction goals for Oregon. [The executive order directs 16 state](#) agencies/commissions to take [specific actions to reduce emissions and mitigate](#) the impacts of climate change; which provides overarching direction to state agencies to exercise their statutory authority to help achieve Oregon’s climate goals. Most of the 16 state agencies required to respond to the EO have now [filed their preliminary plans](#) now referred to as the [Oregon Climate Action Plan](#) by the coalition. [Here is a high-level summary](#) of the EO directives.

This May 29 [JDSupra article](#) points out a number of high-level issues just related to the DEQ (Dept. of Environmental Quality) May 15 report. See this [BioMass Magazine article](#) which highlights the timeline and detail information specific to the expansion of the Clean Fuels Program.

### **Oregon Global Warming Commission**

A few days ago the League signed onto this [coalition letter addressed](#) to the Oregon Global Warming Commission highlighting the urgency related to the EO and the critical timeline required to meet the emission reduction targets. Do note, the League in our pragmatic OCAP advocacy approach agreed to targets that only reflect 80% reduction by 2050. The May 13, 2020 Oregon Global Warming Commission virtual public meeting offered [recommendations](#) to reduce transportation emissions, by supporting a broad range of alternatives, including the transition to electric vehicles, urban planning and alternatives for fueling freight transport.

### **Climate Issues and Forest Carbon Sequestration (Josie Koehne)**

On June 3 the Board passed a temporary rule based on a [Memorandum of Understanding](#) (MOU) signed between members of the timber industry and conservation groups to protect the Siskiyou Georegion to increase logging and aerial herbicide spraying buffer zones to 300 feet, currently set at 60 feet, along all streams (not just fish-bearing streams) until the legislature reconvenes again to pass the legislation [HB 4168 A](#). The engrossed bill passed the committee and went to Ways and Means where it died with over a hundred other bills because of the Republican walk out, so it was never voted on and approved by the governor, so it was never enrolled. Will probably have to get a new bill number and go through the whole process again. This will help keep the water cool for fish and reduce temperatures in the region, which will help with wildfire mitigation.

Also at the June 3 board meeting questions were approved for the Department of Justice on the legal authority of the board and the ODF to set rules and guidelines to reach climate CO2 emissions targets as required by Governor Brown's March 10 Executive Order: Oregon Climate Action Plan ([EO 20-04](#)). Sixteen state agencies were required to provide their agency's plan by May 15th to reach these goals. The ODF submitted its plan on time, which called for legal, state and regional studies to establish carbon sequestration baselines to guide their decision-making process, but it failed to provide any specific direction as to how to meet the reduced carbon targets.

The [ODF 2021-23 Proposed Policy Option Packages \(PoPs\)](#) included a "Forests Climate Change Mitigation and Adaptation" proposal for implementing EO for \$3.23 million (for 9 FTEs) focusing on: afforestation; improved forest management; improved utilization of harvest and wood-processing residuals and; increased use of wood in long-lived products.

The March 4 Board of Forestry meeting also heard reports about the sequestration of carbon in Oregon public and private forests, which is referred to as Goal G in the 2011 Forest Work Program. The March board meeting approved the 2020 – 2021 Board of Forestry Work Plan put together by Chad Davis, Partnership & Planning Director, within the Dept. of Administrative Services which "coordinates policy analysis and input to the Governor's Office and other state agencies, and partners with federal land management agencies to achieve cross-boundary restoration work."

The Work Plan highlighted an April 2019 report contracted from US Forest Service that assessed that carbon storage in Oregon's forests is approximately 3.2 billion metric tons. Each year, Oregon's forest sequesters approximately 30.9 million metric tons of CO2 equivalents.

The report calls for more studies, including a framework for valuation of Ecosystem Services (non-timber) "to help inform a spectrum of decisions ranging from forest management plans to rule changes for the Forest Practices Act. Currently, there is insufficient data around values of ecosystem services in Oregon due to the complexity and costs of studies, timelines, and failure to reach consensus on "what are ecosystem services?" much less which services should be prioritized for valuation."

The timeline to gather data, revise Goal G, and analyze existing policies to achieve outcomes in the face of climate change won't be available until the summer of 2021, and an assessment of statutory authority and analysis of existing policies won't be done until November of 2021.

All this seems to be a rather long, drawn-out process of data collection before rules are decided and concrete targets are set to meet the EO goals. A number of fish and wildlife and other conservation groups have formed a coalition to get quicker action on rules and decision-making. The Oregon Climate Council (OEC) and the Oregon Climate Action Plan (OCAP) coalition has written a letter to the Oregon Global

Warming Commission (OGWC), created by EO 20-04, to coordinate all the climate work of all the agencies. The coalition letter calls for the OGWC to create a structure for public input, a communications strategy and a timeline for public input on agency implementation plans in order to reach the goals of the EO. The LWVOR signed on to the OCAP letter.

## **ODFW'S Climate and Ocean Change Policy**

On Thursday, June 11, the Oregon Dept. of Fish and Wildlife (ODFW) Commissioners participated in a workshop considering climate change in fish and wildlife management and the draft Climate and Ocean Change Policy. The Policy will be the framework under which ODFW will evaluate the impacts of climate change on the resources under its stewardship, adopt management practices to safeguard those resources and minimize the impacts to communities that depend on these resources. The draft Policy also includes an ambitious goal for ODFW's operations to reach carbon neutrality by mid-century. The Policy will come before the Commission later this year and public testimony will be taken. A link to the workshop will be available on the ODFW website.

## **Climate Adaptation Framework**

The Dept. of Land Conservation and Development will continue to lead a work group on climate impacts to impacted communities, advancing DLCD's existing work to update the state's [climate adaptation framework](#).

## **Every Mile Counts/Transportation Electrification (Julie Chapman and Peggy Lynch)**

On March 10, 2020, [Governor Kate Brown directed state agencies](#) to use the authority invested in them to meet the state's climate pollution reduction goals. The actions state agencies take must be carried out in a cost-effective manner, and prioritize work that helps vulnerable populations and those most impacted by climate change. The aim is to preserve public health and protect Oregon's economic vitality, natural resources and environment.

The Statewide Transportation Strategy, or STS, is a state-level scenario planning effort that examines all aspects of the transportation system, including the movement of people and goods, and identifies a combination of strategies to reduce greenhouse gas, or GHG, emissions. Oregon's 2013 [Statewide Transportation Strategy: A 2050 Vision for Greenhouse Gas Reduction](#) outlined ways to fight climate change by reducing transportation-related greenhouse gas emissions with a goal of reducing overall emissions to at least 75 percent below 1990 levels. Through her March 2020, Executive Order, Governor Brown directed the Oregon Department of Transportation (ODOT), Department of Land Conservation and Development (DLCD), Department of Environmental Quality (DEQ) and Department of Energy (DoE) to identify specific actions to help the state get back on track with the strategy's vision.

The four agencies have developed a two-year Multi-Agency Implementation Work Plan to make progress toward the vision (Via Rep. Susan McLain's newsletter). The result is [Every Mile Counts](#), a program reflecting Oregon's 2020 greenhouse emission reduction goal of 80% below 1990 levels by 2050.

In addition, there will be new "targets" for MPOs (Metropolitan Planning Organizations—largest city areas in the state) to meet. Metro's Climate Smart program is an outcome of the original work on this effort. Other MPOs have done some "scenario planning" to move toward targets. ODOT has formed a new [Climate](#)

[Office](#) as part of this program; they also have other goals specific to their agency.

In November 2019, members of LCDC resolved to adopt new requirements to create local transportation plans that reduce greenhouse gas emissions. The Commission intends for new rules to integrate housing and transportation choices in the solutions, and create more affordable and accessible communities as a result.

In May, the League provided [testimony](#) to LCDC to remind them of this 10-year effort and our encouragement that they work with ODOT to find funding to move this project forward. Funding is needed for this important effort since it requires local jurisdictions to engage residents to reduce auto travel and support alternative transportation projects and methods. Unlike DLCD, which is funded almost entirely by General Funds (in short supply due to the revenue downturn), ODOT has a variety of funding sources that we hope can be accessed to continue this work. LCDC received a [staff report](#) on this project at its May 21 meeting.

Climate Emergency Team Recruitment: We need help and we're happy to support volunteers with mentoring and information sharing!

Each of the 16 state agencies and related oversight commissions is actively planning for their rulemaking processes. It is critical that we continue to grow our CE Action Committee team to follow this public process and provide testimony where applicable. The League CE Team will be actively recruiting volunteers in early July after the Redistricting Petition signature-gathering process is complete.

## **[Oregon Environmental Justice Campaign and Educational Resources](#)**

The League is considering becoming more active in this area that a number of groups are supporting. Cathy and I attended in May the [Environmental Justice Pathways Webinar: Unjust Care: Pandemics & Race](#). In April the Environmental Justice Pathways Webinar was on the topic of [Historical Intersections of Race, Economy, and Environment in Oregon](#). It included experts in Oregon's social and racial history discussing historical intersections of race, economy, and environment in Oregon. The panelists framed how past injustices impact Oregon's current environmental policy and what we must do to confront a pattern of injustice in our state.

### **Jordan Cove Energy Project (JCEP) (Shirley Weathers)**

Since the March 2020 issue, the JCEP has moved into a whole new phase. The previous two years (and more) of furious work on state and federal permitting processes have largely given way to appeals and other legal proceedings.

- On March 19, the Federal Energy Regulatory Commission (FERC) issued an Order approving the two Natural Gas Act authorizations under its control. The State of Oregon, several Tribes, affected landowners facing eminent domain, the statewide coalition opposing the Project, and others filed Requests for Rehearing on the Order with FERC. FERC denied the Requests on May 22. Within days, the foregoing entities filed Petitions for Review of the FERC denial of Rehearing Requests in the D.C. Circuit Court of Appeals. That process is pending.
- The FERC Order prohibits construction activities until all other required permits are in hand. JCEP lacks many necessary state and federal permits and most of the local permits JCEP has managed to obtain are being appealed. The biggest challenges JCEP faces are denials by the State of Oregon of the Section 401

(of the federal Clean Water Act) certification and the Coastal Zone Management Act (CZMA) concurrence. State agencies considering permit applications found myriad adverse impacts on the human and natural environment and violations of Oregon laws would occur via Project construction and operations. In response to both denials, JCEP is looking to the federal government to overrule Oregon's decisions. They petitioned FERC to find that the State had waived its authority over the Section 401 permit by exceeding the 12-month time limit to make its decision and petitioned the Secretary of Commerce to override Oregon's objection to the CZMA concurrent. In both cases, the State AG's Office has prepared and submitted the necessary legal documents. Those processes are pending. Depending on the outcomes, court action could result.

- An outside, national non-profit group (Consumer Energy Alliance) with strong, long-standing ties to the fossil fuel industry money and lobbyists has created an "astroturf" (faux-grassroots) entity called the Western States and Tribal Natural Gas Initiative (WSTN). It has begun a campaign to put additional pressure on Governor Brown to drop her [resolve](#) to defend Oregon's laws and authority.

Finally, on the human side, here is a [link](#) to how this proposed project is affecting property owners whose land happens to lie on the pipeline route. There's a lot here. The blogs are excellent. Many of us know these people

## Office of Economic Analysis (OEA) (Claudia Keith)

The [June 2020 OEA detail report](#) provided to the Legislative policy committees on May 20, no longer refers to Climate Change as it has in the last 5+ quarters. It's unclear what science was used to justify this decision; it's most likely a political and or [financial decision](#). "Best's ( a Bond rating company) Special Report: Pandemic Creates a Severe Test for Municipal Bond Market...The expertise and risk management practices of (bond) insurers and their investment managers will be tested..."

Previous OEA quarterly forecast reports had this paragraph:

"Climate and Natural Disasters. Weather forecasting is even more difficult than economic forecasting a year or two into the future. While the severity, duration and timing of catastrophic events like earthquakes, wildfires, and droughts are difficult to predict, we do know they impact regional economies. Fires damage forests and tourism. Droughts in particular impact our agricultural sector and rural economies to a larger degree. Whenever Cascadia, the big earthquake, hits, we know our regional economy and its infrastructure will be crippled and in need of immediate repairs. Some economic modeling suggests that Cascadia's impact on Oregon will be similar to Hurricane Katrina's on New Orleans. Longer-term issues like the potential impact of climate change on domestic migration patterns are likewise hard to predict and outside our office's forecast horizon. There is a reasonable expectation that migration flows will continue to be strong as the rest of the country becomes less habitable over time."

Bond insurers, municipal or corporations, are required to report significant risk factors. The central banks and many investment groups like [BlackRock are pushing for Climate Plan and related risk exposure](#) be included in reporting. [In Europe the central banks are now considering requiring](#) accurate climate risk reporting. It's just a matter of time before this responsible and prudent fiduciary approach is implemented in the U.S. It's understood the global [economic recovery](#) will be green focused. [The IMF 'Equity Investors Must Pay More Attention to Climate Change Physical Risk' - \\$1.3 Trillion per year.](#)

## Our Children's Trust (Cathy Frischmann)

Four or five state Leagues are in the process of recommending to LWVUS to stand in solidarity with Our Children's Trust 'Juliana v Gov' [resolution](#) to call on members of Congress to publicly support the youth and the constitutional rights of young people to life, liberty, and property free from government endangerment. The OCT lawsuit against the state of Florida was [dismissed](#) on June 6, 2020 and the decision will be [appealed](#).

## **Climate Emergency Declaration (Claudia Keith)**

[Milwaukie is the only Oregon city](#) with a Climate Emergency declaration to date. [Portland has a published Draft of their Climate Emergency Declaration](#). The [city of Portland will vote](#) on this resolution June 30. Read the updated Climate Emergency Declaration: [Download PDF file Updated Climate Emergency Declaration](#). Four or five other Oregon jurisdictions have declared a climate crisis. [San Diego CA passed a Climate Emergency on March 10](#).

Globally, [1731 Jurisdictions have declared emergencies, 94 in the U.S, affecting 820 million people in 30 countries](#). The 94 U.S. cities represent 32M Americans, ~10% of the U.S. population.

LWVOR voted on [this Climate Emergency resolution](#) at the May 2019 Convention, the first state League in the country to do so. Just recently the LWVOR Board voted to support the annual program planning proposal to add Climate Emergency to the "Making Democracy Work" League campaign or as an equal priority. LWVOR and many other Leagues are taking this proposal to the LWVUS June Convention.

[Oregon Health Professionals](#) have declared a climate state of emergency and an [MIT report connects](#) the dots between Coronavirus and Greenhouse Gas Emission reductions. OHA recently published [Climate Equity Level Setting Training Materials](#)

## **LWV June 2020 National Convention – Climate Emergency Caucus**

Wed June 24 5pm-6pm ET

### **[Climate Emergency – Time for All Hands on Deck](#)**

LWV of California, LWV of Massachusetts, LWV of Oregon, LWV of Evanston (IL), LWV of Lee County (FL)

The League has strong positions, and a long history of environmental/climate action. The caucus will familiarize you with where we are and how your League can plug in. You'll come away with:

- Climate action ideas, strategies and resources that Leagues are using successfully in their communities and their states.
- Ways to use the nonpartisan voice of the League to bridge politics in encouraging climate action.
- Messages that will help citizens understand and want to engage in addressing the climate emergency.

[Register Here](#) or email [climatechange@lwvc.org](mailto:climatechange@lwvc.org).

## **Rail Safety and Hazard Waste Storage**

LWVOR will consider a letter on the topic of [Oil storage in rail cars on privately owned](#) rail lines. 'Liquefied

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petroleum gas stored in rail cars near U.S. Highway 20' (a few miles from three schools and a state-run [children's farm home](#).) From the Democratic-Herald Albany newspaper article: "Snow (from DEQ) added: "We absolutely understand this may not satisfy the concerns of those who live nearby, but we do want to reassure everyone that our role focuses on preventing incidents," Snow said. "We will continue to work with the railroads/shippers to make sure they are following the regulations that we oversee."

(Find Ocean Acidification, Wildfire Prevention, 100 Year Water Vision, Fracking, Air Quality, Hazardous Waste/Fossil Fuel Transportation (Oil Trains) in the Natural Resource Section.)

**YOUR HELP IS NEEDED! It would be great to have a few more dedicated volunteers. If any of these policy areas interest you: Energy DOE, Transportation DOT, State Agency Climate Adaptation Planning, LCDC, DEQ, etc.) please contact Claudia Keith, [ca.keith@comcast.net](mailto:ca.keith@comcast.net) or Peggy Lynch, [peggylynchor@gmail.com](mailto:peggylynchor@gmail.com).**

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# Education Policy

By Barbara Sellers-Young and Chris Vogel

## Education and COVID-19

The Oregon Department of Education has issued this [46-page guidance](#) for districts. As contexts change and needs evolve, we will continue to update this guidance and link it to the [Ready Schools, Safe Learners webpage](#). Media updates from the [Oregonian](#), [Oregon Live](#) and [KGW8](#) offer insights. All public school districts, private schools, and state-sponsored charters are required to make Operational Blueprint(s) for all of their schools available on their website. They are also required to submit the website link to ODE no later than August 15, 2020. As ODE receives submissions from school districts, [this page will be updated. Please check back for updates.](#)

## Education Budget

The [Oregon School Boards Association](#) says, "We're still crunching the final numbers, but it looks like a proportional cut to the State School Fund could be somewhere in the neighborhood of \$300 million to \$400 million. That is a lot of money, but the state expects to have more than \$1.75 billion in reserves this biennium, including \$800 million in the Education Stability Fund. There is clearly a path for the Legislature to prioritize what the Fund would mean. As you're budgeting, we're going to want to know what cuts would look like to your district. How many teachers or days or programs would a reduction translate to? We're working with the Confederation of Oregon School Administrators and the Oregon Association of School Business Officials to prepare information so legislators know what cuts really mean." Additionally, [OSBA notes](#), "It helps that state lawmakers have been responsible budget managers and have been socking away money in reserve accounts in anticipation of a recession. Those reserves, which were created largely in response to the 2008 economic collapse, include the Rainy-Day Fund (\$949 million) and the Education Stability Fund (\$800 million) and will have approximately \$1.75 billion by the end of this biennium. What all this means for

Oregon schools is unclear. Rough estimates based on the report calculate the General Fund hole as significantly less than the \$1.8 billion deficit factored into Gov. Kate Brown's 8.5% General Fund reduction exercise earlier this month. If the governor recalculates her proposed allotment reductions based on this forecast, then the reduction is closer to 4%, or an approximate \$300 million cut to the State School Fund, according to the Confederation of Oregon School Administrators. Given the healthy state of cash reserves, the Legislature has a clear path to protect the State School Fund and ensure the needs of our most vulnerable and historically under-served students and families are met," keeping the State School Fund whole, at least for this biennium."

## Education Committees

[Doug Wilson](#), Principal Legislative Analyst, [Colt Gill](#), Director of the Oregon Department of Education, and [Ben Cannon](#) from the Higher Education Coordinating Committee informed the committees on the pending state budget deficit and its impact. Doug Wilson specifically went into detail regarding how the anticipated budget's shortfall will be \$867 million for the current year and \$3,693 million for the 2021-23 period. He suggested that there were ongoing discussions regarding how to address the budget issue through reduced spending, increased revenue, redirected resources, tapping reserve funds, and delayed spending. Colt Gill

focused his comments on a combination of the cost of individual programs and how budget issues might impact them as well as how elementary and secondary schools had addressed the issue of online education and whether or not that might continue into the fall. Ben Cannon expressed concerns the colleges, universities, and community colleges are facing with regard to enrollment which is being challenged by the uncertainty of what the future holds with regards to COVID-19.

Other people giving testimony noted the political crisis related to the death of George Floyd to advocate that the state not allow the current fiscal situation to place the education of minorities in jeopardy. Others testifying represented private and community colleges. Those concerned with minorities included: Andrea Valderrama, Advocacy Director, Coalition of Communities of Color, [Amanda Manjarrez](#), Director of Public Policy and Government Affairs, [Foundation for a Better Oregon/Chalkboard Project](#), [Avinnash Tiwari](#), Instructor of English, Director of Black Studies, United Academics of the University of Oregon, Elona Wilson, Portland Organizer, Stand for Children, [Heather Olivier](#), Southern Oregon Program Coordinator, [FACT Oregon](#), and Rudyane Rivera-Lindstrom, Director of Diversity, Equity, and Inclusion, Higher Education Coordinating Commission. Those who gave testimony for private institutions and community colleges included: Greg Hamann, President, [Linn Benton Community College](#), Miles Davis, President, [Linfield College](#); Oregon Alliance of Independent Colleges and Universities, [Kim Ierien](#), President, [Concorde Career Colleges](#).

## Early Learning

On [6/2/2020](#) the [OLIS video](#) covers COVID-19 Update Miriam Calderon, Early Learning System Director, Early Learning Division, Oregon Department of Education addressed emergency childcare, and reopening childcare centers to general families beyond emergency workers. Simon Workman, Director, Early Childhood Policy, Center for American Progress presented the [Economics of Childcare](#). On [6/16/2020](#) "[Raise Up Oregon, A Statewide Early Learning System Plan 2019-2023](#)" is previewed by Sue Miller, Early Learning Council.

**If you are willing and able to follow education issues, we need you! You determine your own level of volunteered time. Work on bills relating to early learning, schools K-12 or P-21, career technical**

training, community colleges, or universities. Will you work from home to read and analyze bills, watch committee hearings recorded on OLIS, or write summaries on bills for this Legislative Report? [chrsvogelvolunteerlwvor@gmail.com](mailto:chrsvogelvolunteerlwvor@gmail.com)

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# Governance

By Norman Turrill, Governance Coordinator

## Redistricting

LWVOR is assisting with IP 57, for an Independent Citizens' Redistricting Commission. If you have not signed yet, [e-petitions are still available](#) from the People Not Politicians PAC. Processing continues for another week before July 2 deadline.

## Elections and Emergency Preparedness (Becky Gladstone)

LWVOR is conducting several caucuses at the 2020 LWVUS virtual Convention, from this portfolio: PRIVACY AND CYBERSECURITY TODAY 1:00-2:00 PT / Monday, June 22. We will be organizing for a national concurrence in 2022. Registration is still open and all League members are welcome: [Register Here](#)

## Legislating Remotely

Legal barriers to conducting legislative proceedings virtually was discussed, with relevant Oregon constitutional articles, amendment history, requirements and barriers, and the need for revision. See the Committee hearing [video](#). These problems arise today:

- **Limited use:** The Governor can only invoke a “catastrophic emergency” to convene the legislature remotely once, not repeatedly during a session.
- **Single-purpose session:** Business addressed must be limited to the declared catastrophe at hand, so COVID-19 and a forest fire, or major earthquake, for example, couldn't be addressed concurrently. By next January, we may be in a COVID-19 resurgence, without a vaccine.
- **Timing may not be possible by November:** This must be addressed through a constitutional amendment, referred by the legislature to a vote of the people. This is possible but very difficult in a tight time frame for this November's election. There is a minimum of 54 days between when the legislature refers an issue to the ballot and when an election can occur. This is driven by a federal law requiring absentee ballot mailing for overseas, mostly military voters. Suspension of routine provisions might be needed.  
See the [2019-2020 Oregon elections calendar](#).
- **Special session preferences vary:** The House, Senate, and Governor each have different preferred dates for convening a special session.
- **Special sessions not for policy discussions:** There is concern with addressing policy decisions in special

sessions.

Sen. Steiner-Hayward called for a special session, prior to the November election, to call for a constitutional amendment, under certain circumstances, with strict sideboards, to allow the legislature to convene a virtual session so legislators are able to vote, on the equivalent of “the floor”. We would need to assure process transparency, that the correct people are voting, etc. The Senate and House would each need to adopt new rules to allow this constitutional amendment:

1. The Governor would need to declare a state of emergency.
2. Presiding officers would have to determine that it is inadvisable for the legislature to convene in person, for physical reasons, like absence of the building to meet in, or public health concerns, for example.
3. A 2/3 majority would still be required for a quorum, with the one change that it would become 2/3 of members “who are able to participate”, with at least a simple majority of each chamber, at least 16 people. To elaborate the point, if legislators were incapacitated, for example by an earthquake, precinct committee persons may be too busy to follow protocols to officially fill those vacancies.
4. Article IV, Section 19, about the full reading of bills, would not apply under these circumstances.

## Background

Oregon Constitution Article 10A allows declaration of a catastrophic disaster, defined in the provision, entirely at the discretion of the Governor. Section 5 of the article allows the legislature to meet somewhere other than the Capitol, to use remote technology to virtually meet and conduct a session. Governor Brown has currently declined to invoke the provision. The legislature is now required to meet in person, when in session. Interim committee meetings are addressed differently since they are intended to gather information, then advise the legislature when they meet in session.

## Immigration (Claudia Keith)

[During the LWVOR Council on May 16, 2020, delegates voted to adopt the following immigration resolution:](#)

*“Be it resolved the League of Women Voters reaffirms our commitment to Immigration reform: laws that provide efficient, expeditious systems for immigrants to enter the United States. The League stands in solidarity with immigrants and our partners in the immigrant rights community. Congress must take immediate action to pass common sense, fair immigration policies that end crisis at our borders, ends separation of families, ensures their health and safety, and provides a clear path to citizenship which includes DACA (Deferred Action for Childhood Arrivals), young people.” Find more information on [LWVUS Immigration Policy](#).*

LWVOR will submit a motion at the upcoming LWV June Convention. This [letter](#) was recently sent to over 700 League contacts per the LWV Convention Resolution process. LWVOR is also hosting a very informative Immigration caucus at the national convention. We encourage non-convention attendees to register. We do have tentative plans to record the event. Information below.

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## Climate Migration, Immigration and Human Rights: What You Need to Know!

Climate migration is a humanitarian crisis and a human rights issue. With the League of Women Voters celebrating its centennial, it is appropriate to lift up the unique role played in the development of the Universal Declaration of Human Rights. This is a key that makes democracy work. Actionable takeaways attendees expect to gain from this caucus:

- Recognize the issue of climate refugees as it relates to climate emergency and strategies to address it with humanitarian and democratic principles,
- Better understanding the history and opportunities, and how to work with local immigration and refugee policy to protect human rights,
- Encourage Leagues to incorporate in their climate emergency plans to reduce greenhouse gas emissions, environmental justice which includes humanitarian refugee issues of citizens, and non-citizens migrating to safer locations.

Confirmed Panelists: Dr. Linda Wassenich, former LWV board member and LWV Immigration Google Group rep, Dr. Edward Maibach, Director of Mason's Center for Climate Change Communication, George Mason University, Bill Holston, ED, Human Rights Institute, Dallas Texas, and Dulce Garcia, Executive Director, Border Angels/ Angeles de la Frontera, San Diego, California

League members [Register Here](#) or contact [LWVOR@LWVOR.org](mailto:LWVOR@LWVOR.org).

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Two Action committee members attended [Environmental Justice Pathways Webinar: Unjust Care: Pandemics & Race](#) in May, both updated on major issues affecting over 50,000 Oregonians not qualifying for any Federal COVID-19 benefits. In April this same group provided this webinar: Environmental Justice Pathways Webinar: [Historical Intersections of Race, Economy, and Environment in Oregon](#), with experts in Oregon's social and racial history, discussing historical intersections of race, economy, and environment in Oregon. Panelists framed how past injustices impact Oregon's current environmental policy and what we must do to confront a pattern of injustice in our state.

Rebecca Gladstone and I attended a very informative ZOOM meeting on June 8 with [Oregon Coalition Against Hate Crimes](#), with 20+ organization representatives. [ODOJ provided up-to-date](#) hate crime stats which reflected a minimal correlation to the pandemic or race-related crimes. Over 70% of the hate crimes reflected related to GLBT and binary gender people. LWVOR has asked for information related to becoming a partner and or supporter of this coalition. We are researching this group and will be looking at their bylaws, coalition partners, board, and funding sources.

E-Board Funding – the [Joint Emergency Board](#) has met four times this year and approved over \$320M to a variety of groups including \$20M to the Oregon Workers Relief Fund. This fund is for working Oregonians that do not qualify for any Federal distributions of COVID-19 benefits, many who are documented and non-documented workers. This article provides more details: [Oregon Emergency Board releases \\$247 million in federal](#).

**If you are willing and able to follow governance issues, we need you! You determine your own level of volunteer time. Will you work from home to read and analyze bills, watch committee hearings recorded on OLIS, or write summaries on bills for this Legislative Report? Contact [n.turrill@lwvor.org](mailto:n.turrill@lwvor.org)**

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# Natural Resources

By Peggy Lynch, Natural Resources Coordinator

## Budgets (Peggy Lynch)

Our Natural Resource volunteers have forward-looking information on upcoming important issues, including budgets, air quality, radioactive waste, land use, water, and other critical issues shared below. Climate Change, Diversity, Equity and Inclusion are lenses under which our agencies are responding.

League members had been engaged in preparation for the 2021-23 biennium when COVID-19 appeared. The League has since been engaged in meetings around cuts to the current 2019-21 biennium, while also adjusting our requests for 2021-23. We have watched while the Joint Emergency Board has allocated federal

funds awarded the state for use ONLY for COVID-related costs. Those federal funds CANNOT be used to “backfill” budget deficits.

Agencies were asked to provide the Governor with an effective 17% cuts’ list of General Fund dollars from their 2019-21 legislatively approved budgets. The cuts were required by budget line item (divisions) rather than overall agency expenditures. Most natural resource agencies looked for position vacancies and held off hiring new staff so as to protect current staffing and offered up monies not expended from grant programs, travel and other services and supplies. These lists are available on each agency’s website.

Their 2021-23 Agency Request Budgets are due soon to the Dept. of Administrative Services (DAS). Those documents should also be on their websites. However, because agencies did not have time to adjust their requests in light of the over \$4 billion expected reduction in available revenue for 2021-23, expect to see major changes over the next months. Agencies, with DAS approval, provide an Agency Request Budget (ARB) to the Governor’s office by September. She will consider all the agency requests and develop the Governor’s Request Budget (GRB) which is due to the legislature and the public by December 1 of 2020 in anticipation of the 2021 long session. A reminder: The Governor proposes, the Legislature disposes.

The Governor has asked that agencies Refocus their requests to address Equity as a result of the public protests that have occurred around the state, not only on police reform but in recognition of the historic injustices, especially on Peoples of Color. The message “Black Lives Matter” is being heard. The Governor also expects to continue to focus on climate change policies.

We expect a special session (or several) to be called soon to officially rebalance the 2019-21 budgets. It is possible that we will see more changes after the Sept. 23 Revenue Forecast as it is unclear how deeply these cuts really are since there is little history to guide our economists on the length of this recession. It is also unknown if the U.S. Congress will provide federal dollars to help fund state and local governments for general expenses not specifically related to COVID-19 (the federal funding limitation so far).

In order to help chairs of natural resource committees perform their oversight role during the pandemic, legislative analysts provided this [report](#) on what the 13 natural resource agencies have been doing in

response to the crisis.

## Agriculture

The Office of Governor Kate Brown is accepting applications for two open positions on the Oregon State Board of Agriculture. Applicants must be actively engaged in the production of agriculture commodities. A third position—for a member of the public—is also open. (The current public member has been asked to reapply for a second term by the Director of the Oregon Department of Agriculture). Applications must be submitted by close of business July 17, 2020. The [Oregon State Board of Agriculture](#) is a 10-member board that advises the Oregon Department of Agriculture on policy issues, develops recommendations on key agricultural issues and provides advocacy of the state's agriculture industry in general. To apply, complete an [interest form](#) and include supplemental information such as a resume, statement of interest and a short bio. For complete steps and details, visit the State of Oregon Executive Appointments [website](#).

## Air Quality (Susan Mates)

### Air Quality and COVID-19 – and Environmental justice

A recent study shows that the coronavirus pandemic is considerably [more dangerous in areas with poor air quality](#). In Italy, an initial study found that [the virus can travel far distances](#) on tiny particles of air pollution. Locally, PSU's Professor Vivek Shandras testified on the [Public Health Impacts of Air Pollution](#) to the House Committee on Energy and Environment in May, concerning how some of Portland's communities have been disproportionately affected, and how that can be a genetic legacy.

### Cleaner Air Oregon (CAO) Update

Keith Johnson, [CAO](#) program manager, reported at the June 1 DEQ Air Quality Stakeholders Meeting that the program is largely accomplishing its mission, and much of the technical work is groundbreaking. That has slowed their progress. One of their goals was to evaluate 20 facilities with the worst emissions. In this first year, they have only been able to call in 9 of those. Assessments for each can be accessed [HERE](#). On the positive side, many companies are trying to be proactive, so emissions have been reduced even before CAO's assessment process takes place. On the down side, budgeting woes will most likely freeze hiring for mandated positions, further slowing the process.

[Permitting for new facilities](#) has been the CAO priority, which allows them to determine for the first time that new facilities can meet limits. Community engagement is also one of the core program tenets, and outreach to community stakeholders has begun to determine what people would like to see in this regard.

### Air Pollution Penalties

The DEQ is striving to continue its mission to protect the environment and enforce Oregon laws, while still considering COVID-19 effects. With that in mind, [in April](#) they issued a \$22,800 penalty for city air violations by [Roseburg Forest Products Co.](#) [Stimson Lumber Company](#) was also fined (\$33,000), and [Owen-Brockway Glass Container, Inc.](#) another \$15,600 in March. All three companies were among the first 20 facilities to be assessed by the [Cleaner Air Oregon](#) program.

### Environmental Quality Commission (EQC) update

Find information on EQC teleconferences here: [Apr 24, 2020](#) and [May 7, 2020](#) (and [part 2](#)). [Hazard Index rules](#), which allow the DEQ to establish more protective health standards, were officially adopted. Vehicle Inspection Program ([VIP](#)) [fee increases](#) were passed on a temporary basis, but the DEQ's Air Contaminant Discharge Program ([ACDP](#)) [fee increase proposal](#) was kicked down the road, a victim of timing. The Commission is very aware of trying to balance the need for [funding and implementing programs](#) the legislature has mandated the DEQ to run, with the impacts on businesses crippled by COVID-19.

Upcoming issues: Oregon is considering the adoption of [emission standards implemented in California](#) for new diesel trucks. That may help address some issues behind the [Indirect Source Petition](#) denied earlier.

### **VW Grants Rulemaking Advisory Committee: [March 2020](#)**

A variety of stakeholders on the Rulemaking Committee met to begin hammering out rules for distributing the remaining funds from the [VW Environmental Mitigation Trust Agreement](#), which are designed to reduce diesel emissions in Oregon, most of which come from non-road diesel equipment such as backhoes, logging equipment, and cranes. This was the [first meeting for this committee](#), established in 2019 by [HB 2007](#). Meeting notes [HERE](#).

[May 2020](#): The second meeting began honing nuts and bolts about how funds will be granted. Draft rules [HERE](#). The next meeting, in July, will discuss best practices from other states, how to reduce diesel emissions among vulnerable populations, and how to recruit targeted fleet owners such as minority or women-owned businesses.

### **DEQ [Non-Road Emission Inventory Report](#): April 2020**

Three years in the making, [this study](#) was authorized by HB 5006 in 2017 and sought to characterize the activity and emissions as a snapshot for one year of activity. There were some surprises, not so much about values, but about the distribution of emissions. One of the key findings was that statewide fuel consumption tracks almost 1:1 with greenhouse gas emissions. Older equipment is the main culprit, with agriculture producing about 35%, logging 27%, and construction 13%. Diesel pollution in Multnomah County was found to be the worst in the state, with the main source (over 40%) from construction. Rail and maritime sources were not included. Half of the fleet was determined to be essentially uncontrolled.

The data from this report will allow the DEQ detailed information at the county level which shows which sources of non-road equipment are responsible for emissions, the age of equipment that might be targeted for grants for retrofits, etc. The DEQ will be using this information in future modeling and to develop the most important strategies to implement programs such as the roll-out of VW Mitigation funds. Equipment retirement in the years ahead will alter these figures, although slowdowns and other economic factors will change the turnover rates of older equipment.

There will be a [Virtual Community Meeting for AmeriTies West](#) on June 23. The business, located in The Dalles, has notified DEQ it plans to install an emissions control device that will reduce some air pollutants and odors produced during operations. AmeriTies staff will give a presentation on the emissions device, and DEQ will provide an update on the facility's air toxics assessment process. DEQ, Oregon Health Authority, and AmeriTies staff will also be available to answer questions.

### **Diesel Technology Forums**

The March 30 meeting addressed [reducing greenhouse gas emissions with advanced biofuels](#). Most recent data available evaluating California's [Low Carbon Fuels Standard](#) has demonstrated that diesel engines and equipment using advanced biofuels, including biodiesel and renewable diesel fuel, have delivered more greenhouse gas reduction benefits than vehicle electrification and even ethanol. In Oregon, they are expected to play a key role in Governor Brown's [Executive Order 20-04](#) of March 10, 2020.

## Major Federal Environmental Rules Weakened

The Trump administration [moved to weaken two major environmental protections](#), including on clean air. (New York Times)

## Arlington Landfill Radioactive Waste Dumping (Shirley Weathers)

Midway into the 2020 Legislative Session, the Oregon Department of Energy (ODOE) issued a [Notice of Violation](#) to Chemical Waste Management (CWM), permittee of the Arlington Landfill in Gilliam County, for acceptance over three years of 2.5 million pounds of Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) from the Bakken Oil Fields in ND. This acceptance of 64 separate shipments was illegal. Disposal of such materials violate the disposal prohibition in ORS 469.525 and OAR 345-050. The NOV came after a five-month investigation based on a "tip" from a resident of ND. [HB 4014](#) was amended during the session in an effort to make needed statutory changes to better protect Oregon from this happening again, but like most other bills, did not pass when the Session ended due to lack of a quorum. ODOE provided an [update](#) to the Senate Environment and Natural Resources Committee on June 4, 2020.

The NOV called for a Risk Assessment Analysis and Corrective Action Plan to be prepared by the company. ODOE officials reported that they are comfortable with both the process CWM is using and progress indicated by [draft documents](#) they provided by deadlines on April 30 and May 29. This work is designed to correct CWM practices that led to the violation, ascertain health and safety risks associated with the waste in the past, present, and future, and determine how the buried waste is to be handled.

Preventing Oregon from becoming a target for TENORM dumping is a stated goal of the department and ODOE concluded during the investigation that preceded the NOV that Oregon's laws and regulations are outdated and need strengthening. Most were put in place before hydraulic fracturing (fracking)—the source of vast quantities of this type of waste—became widespread. The department is pursuing the following to accomplish the necessary changes:

- A Rulemaking Advisory Committee will be established to evaluate and recommend changes to rules at OAR 345-029 to ensure a situation like Arlington doesn't happen again. The committee will need to resolve confusion about enforcement and penalties if further dumping occurs. Membership may be decided in June and include regulated entities such as landfills and waste generators, public and environmental groups, local government, university technical experts, DEQ, tribes, and the public at large. Rulemaking should be completed by November.
- Statutory fixes are still needed to resolve issues with enforcement and investigation authorities in OAR 345-029. The Rulemaking Advisory Committee will look at ways to better define investigative powers, including by legislative action, to accomplish revamped and enhanced enforcement and an outreach program to prevent the disposal of radioactive waste in Oregon.
- ODOE will again work with the legislature to rectify statutory problems to allow appropriate definition of radioactive waste. This was also to have been addressed in [HB 4014](#). Current statute prevents ODOE or

radioactive waste. This was also to have been addressed in [HB 4014](#). Current statute prevents ODOE or EFSC from initiating broader rulemaking regarding what qualifies for exemption from the term “radioactive waste.” This will also involve rulemaking.

## Climate

Although our legislative report has a separate section on Climate, there is obviously a nexus with many of the reports in this Natural Resource section. We encourage you to read both reports.

### Coastal Issues (Peggy Joyce)

Territorial Sea Plan update: on May 6, 2020 via Zoom the [Ocean Policy Advisory Council \(OPAC\)](#) unanimously approved a brand new process, [the Rocky Habitat Web Mapping Tool](#), for public comments, suggestions, additions or changes to the rocky habitat site management designations, known as Marine Research Areas, Marine Gardens/Education Areas and Marine Conservation Areas, all of which are part of the proposed ongoing update to Oregon’s [Rocky Habitat Management Strategy](#).

This Web Mapping Tool is an online public comment portal that allows users to visualize an area of the coast, its resources and site uses; communicate and collaborate with others; and create project proposals that can be submitted online. The pilot phase of this process started June 1, 2020 and will continue through December 31, 2020 after which initial proposals will be vetted by OPAC in early 2021 continuing thereafter on an annual basis. Interested parties are encouraged to use the Mapping Tool’s ‘forums’ feature to build collaborative proposals that represent a variety of interests, needs and perspectives. Additional user support, information and resources is available at the Rocky Habitat Web Mapping Tool [user guide](#) proposal [walk-through](#).

This public opportunity is part of the ongoing update of [Oregon’s Territorial Sea Plan](#) a coordinated framework of coastal sites managed by multiple state and federal agencies.

### Columbia River Treaty (Phil Thor)

On March 12, the United States and Canada concluded the ninth round of [negotiations](#) to modernize the Columbia River Treaty regime in Washington, District of Columbia. The last round of negotiations was held on September 10-11, 2019, near Cranbrook, British Columbia. The United States seeks to achieve a modernized Treaty regime that will ensure the effective management of flood risk; provide a reliable and economical power supply; and improve the ecosystem. For more information on the Treaty and upcoming town halls, please visit: <https://www.state.gov/columbia-river-treaty/> or send an email to [ColumbiaRiverTreaty@state.gov](mailto:ColumbiaRiverTreaty@state.gov).

### Department of Geology and Mineral Industries (DOGAMI) (Peggy Lynch)

At the June 5 Emergency Board meeting, the Dept. of Geology and Mineral Industries (DOGAMI) Geological Survey and Services Division was [funded](#) for the second year of the biennium. The Mineral Land Regulation and Reclamation Division is funded by permit fees. Although there was a proposal to increase their fees in 2019, that bill did not pass and the 2020 session closed without any action, which has caused a reduction in staff for that division

## Department of State Lands

The State Land Board [met](#) on June 9 to approve the department's budget requests and receive information on the Common School Fund. They also considered the purchase of more South Slough Estuarine Marine Reserve lands.

## Drug Take-Back Program

The Oregon legislature adopted [HB 3273](#) (2019) establishing a drug take-back program in Oregon and requiring DEQ to adopt rules for that program. This program is a statewide product stewardship program for safely disposing of unused medications. DEQ expects to complete this rulemaking by the fall of 2020. To learn more about this rulemaking and the advisory committee you can view the rulemaking web page at: [Drug Take-Back Rulemaking Web Page](#).

## Elliott State Forest

Here is a [link](#) to learn the status of our iconic forest.

## Forestry (Josie Koehne)

The League has been following the deliberations of the Board of Forestry and Senate Wildfire Reduction Committee meetings and reviewed several planning documents since the end of the session in March. When the 2020 session ended, there was no vote to approve a number of agency budgets, including the Department of Forestry (ODF). At the time there was approximately \$10 million appropriated for ODF for the 2019 fire season that has not yet moved to the agency. The department is in a financial crisis; its money will run out in August without an influx of cash, just as the wildfire season is expected to be in full swing under extreme drought conditions. The cost of wildfire suppression has increased sevenfold since 2013, from \$10 million to \$70 million annually due to extremely hazardous large fires caused by worsening climate conditions rarely seen before then. Expenditures include large equipment and infrared sighting and communications systems purchases. The budget appropriations to fight wildfires come out of the general ODF budget, which has not kept up with increased fire suppression demands. The department has been under scrutiny for not invoicing for accounts receivables in a timely manner to FEMA and other State and federal agencies to recover costs owed to ODF for its past firefighting seasons. According to ODF's June 1 report to Ways & Means, the department still needs to bill \$28 million to recover its costs since 2013 but has recovered approximately 83% to date. ODF explains that there are several reasons for this: "legacy" invoicing systems, complicated requirements from those agencies in order to be paid, and reduced staff to handle the complex billing, and other agencies (BLM, USFS) not getting their federal dollars. A private contractor was hired to make department improvement recommendations. The department has gotten loans from DAS and private sources to cover operational cash flow issues and these debts are being repaid (some with interest).

The COVID crisis has added costs in preparation for the main firefighting season. Smaller dispersed camps with boxed meals, PPE equipment, travel restrictions with just two people per vehicle all add costs. But according to the division fire chief, the department is ready to respond as it has done a lot of prep work and will have better coordination among emergency response teams.

At the end of the session, there was a Memorandum of Understanding signed between members of the timber industry, headed by Greg Miller (Stimson Lumber) and conservation groups, headed by Bob Van Dyke of the Wild Salmon Center to prevent logging close to fish streams, increasing buffer zones, and increasing herbicide spraying buffers near schools and dwellings from 60 to 100 feet as part of a bill not passed by end of session, [HB 4168 A](#). Both parties do not want to lose progress in working together, so on June 3, the Board of Forestry passed a [temporary rule](#) to protect streams and herbicide/pesticide use in the fragile and endangered Siskiyou region to prevent further damage to fish and health in the region until the legislature reconvenes in a special session, or next year to vote on approval. See this [recent article](#).

The Western Forest Management Plan and Habitat Conservation Plan will be revised and presented to the Board in October for approval. A study of the carbon sequestration in wood products is also due this fall.

An Oregon Department of Forestry (ODF) [State Forests Advisory Committee](#) will meet virtually at 8:30am June 19 to learn about public comments received on planned state forest activities and receive an update on COVID-19 impacts on the recreational use of state forests. Meeting Instructions and the full meeting agenda are [posted](#).

## Land Use/Housing (Peggy Lynch)

The League continues to be engaged in rulemaking on “middle housing”. See Legislative Report on Housing for more information. A [staff report](#) was presented to the Land Conservation and Development Commission (LCDC) on May 21. If you or someone you know would like to comment or submit questions related to HB 2001/HB 2003 (2019), rulemaking, or the implementation of these bills, please send them to [housing.dlcd@state.or.us](mailto:housing.dlcd@state.or.us). Interested parties are also encouraged to [sign-up for rulemaking process updates](#). League members Peggy Lynch, Debbie Aiona and Nancy Donovan are participating in various rulemaking committees. The League provided [testimony](#) to LCDC regarding on-going work on this rulemaking.

In the meantime, the Oregon Housing and Community Services (OHCS) Dept. is working on the Regional Housing Needs Assessment project, a part of HB 2003. Summary notes will be available on the project website. Meeting recordings will also be [posted](#).

LCDC is proposing [5 Policy Option Packages](#) for the 2021-23 session, although we expect to see these requests shrink to align with both housing and climate change. May 29, 2020: Happy 47<sup>th</sup> Birthday, SB 100, Oregon’s award-winning land use planning program. With its 19 Goals, the program addresses where we live, work, play, shop and how we get there. Currently, Goal 10, Housing, has been enhanced by legislative action to work toward providing housing for ALL Oregonians at a price they can afford. There is also a discussion about how to link climate issues to the Goals—or whether or not to create a new Goal 20 on Climate. Watch for opportunities to participate in this discussion this fall.

## Aggregate/Farmland Issue (Marge Easley)

The League has long followed issues related to the encroachment of aggregate mining onto high value farmland in the Willamette Valley. The Legislature attempted to deal with the ongoing conflict through the passage of HB 2202 during the 2013 Legislative Session, resulting in ORS 517.825. Finally, after much delay, the Oregon Department of Geology and Mineral Industries (DOGAMI) has begun the process of writing a rule to clarify the law’s provisions. The first of several meetings of the Rule Advisory Committee, consisting of

representatives from DOGAMI, Natural Resources, Oregon Farm Bureau, and Oregon Concrete and Aggregate Producers Association (OCAPA), was held on June 11, with initial discussion centering on the definition of terms, differences between local and state permitting laws, planning requirements for the opening and closing of a mining site, potential water table issues during phased projects, and whether the law applies to other minerals besides aggregate. We will continue to monitor the progress of the committee.

## **Oregon Department of Fish and Wildlife (ODFW) (Peggy Lynch)**

A return of a Habitat Division is being considered for the 2021-23 legislative session. See their draft proposed budget and Policy Option Packages [here](#).

## **Oregon Watershed Enhancement Board**

OWEB depends on lottery funds for most of its budget. It is now in a [budget crisis](#) due to that Lottery Fund drop. They have had to take a number of immediate actions to reduce costs. The agency has immediately transferred a team of five staff to work full time to help stand up and manage the state's new Food Security and Farmworker Safety program. Their salaries will be covered by federal CARES Act funding throughout the summer and fall. In addition, the agency has reduced or eliminated office leases, travel, contracts, in-person board meetings and other reductions that maximize savings to the operations budget.

## **Parks**

[2019-21 Budget Update](#): The May 2020 Lottery forecast was released May 20, 2020. It reflects a decrease in Lottery Fund revenue for the Department of \$27,855,954. Since the close of session (June 2019), the Lottery Fund revenue forecast has decreased by \$25,947,309. The Department's budget was built on a Lottery Fund revenue forecast of \$109.5 million and the May 2020 forecast is \$83.5 million. Although Oregon's State Parks are moving toward opening, be sure to check their website [stateparks.oregon.gov](http://stateparks.oregon.gov) to the status of access to camping, restrooms, showers, etc.

2021-23 Agency Request Budget Approval ([Action](#)) the budget being built now will change during the Governor's Budget process and the Legislative process as better information emerges.

## **Transportation**

See information in the Climate section on the Statewide Transportation Strategy and Every Mile Counts programs.

## **Water (Peggy Lynch)**

Oregon is in drought—in spite of the rainy June. The Oregon Dept. of Forestry provided [information](#) on both the drought and concerning fire season on the May 28 in the House Committee on Natural Resources.

The League has supported funding for groundwater studies in Oregon, as well as supported place-based planning efforts. The results of the [Harney County groundwater study](#) shows the need to consider regulation of groundwater use in order to protect groundwater in the area.

Be aware of cyanobacteria (harmful algae) blooms this summer. Summer is right around the corner...and so is harmful algae bloom season. Because only a fraction of our beautiful lakes, rivers and reservoirs are sampled, be on the look-out for toxin-producing cyanobacterial (harmful algal) blooms. When in doubt, just stay out! For more information [visit our website](#) and watch this [video](#).

## Wetlands

The League is participating in a [Work Group](#) as the state considers whether or not to partially “assume” federal 404 permit authority over some wetlands of the state. The League wants to assure that, should DSL assume the permitting authority, current regulatory environmental protections will remain unchanged.

**YOUR HELP IS NEEDED YEAR ROUND! League members are engaged in rulemaking, workgroups and task forces as we prepare for the next session. We need observers, notetakers and or testifiers at natural resource agency Boards and Commissions. If you are interested in natural resource issues, please contact Natural Resources Coordinator Peggy Lynch @ [peggylynchor@gmail.com](mailto:peggylynchor@gmail.com).**

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# Revenue and Tax Reform

**By Josie Koehne, Revenue Coordinator**

Due to the coronavirus, the expected funds from all Oregon sources is down from the projected budget of \$85.8 billion below. The May 20 Forecast projects the General Fund to be \$19.3, not \$22.2 billion. Lottery funds and Other Funds will also be reduced.

Governor  
Brown  
issued an  
Executive  
Order on  
March 10  
for all  
state  
agencies  
to prepare  
an 8.5%  
budget  
reduction  
and file it  
by May 15.  
Because  
this comes

so late in the budget cycle, this amounts to a 17% reduction.

On May 20, the much-anticipated Office of Economic

Analysis (OEA) forecast was even more dire than expected. The projected \$19.3 billion in General and Other Fund revenue was [\\$ 2.7 billion less](#) or (-11.5%) than the last forecast. The accuracy of the forecast depends on how soon the economy will recover from the pandemic of course, which no one can predict.

There is currently \$878 million in the Rainy Day Fund put aside from past prosperous years and \$708 million in the Education Stability Fund, for a total of \$1.586 billion in reserve funds that legislators might use. But not all of this money can be used and would require enough support to pass in order to be accessed. A special session has been called for June 24th. Republicans say they will only meet to deal with issues related to the coronavirus, not any of the other issues and bills left hanging since the walkout. Meanwhile, a Joint Emergency Board composed of 20 Democrats and Republicans has been meeting online. On June 5, the [e-board voted](#) to approve more than \$247 million of federal Coronavirus Relief Fund dollars that came through the CARES ACT to support Oregonians and small businesses impacted by the coronavirus pandemic. The Coronavirus Relief Fund is one of 46 different funding streams. \$410 million was released to Oregon counties and cities for health-related relief. Approved e-board allocations are for housing and rental assistance (\$75 million), for Oregon workers who cannot access federal employment insurance or employee provided benefits (\$10 million), personal protective equipment (PPE) for small businesses (\$10 million), childcare and health workers, rural central and eastern Oregon broadband (\$20 million), technical assistance to minority-owned small businesses (\$3 million), etc. among the 21 items on the list. Other federal streams went directly to Oregon's most populous counties, Multnomah and Washington counties.

The Federal CARES Act provided almost \$1.4 billion for Oregon to address the emergency caused by COVID 19. How that money is to be spent is a contentious issue. Read more [here](#).

Americans started to become aware of COVID 19 dangers around the first week in March. Oregon's 2020 regular session closed March 5 after Republicans in both chambers walked out to prevent a quorum from voting on a climate cap-and-trade bill ([HB 1530](#)) they opposed. As a result, over 100 bills also died, including approvals for state agency budgets for the remainder of the biennium. Due to the CDC's March 17 recommendation to stay home and shelter in place, businesses that cater to high-density crowds, such as restaurants, travel and hospitality industries, music and sports venues tanked overnight. On March 27, the CARES ACT was signed into federal law to provide money via the Coronavirus Relief Fund for businesses and individuals to receive financial help to compensate for job losses as a direct result the precipitous economic downturn. Oregon unemployment filings skyrocketed (412,000), about a 250% increase, completely overwhelming the Employment Department, which has been highly criticized for its long waits and slow

response in handling claims. 75% of the filers earn under \$50K per year. Oregon got nearly \$1.4 billion to handle the crisis and Oregon legislators are still figuring out the best way to get money into the hands of those who most need it. Counties and cities received \$410 million of that money but want more for [economic stimulus in rural areas](#), not just for COVID health response reimbursements. The state is expecting another round of federal stimulus money that is rumored to come in by mid-July.

The House Interim Revenue and Senate Interim Finance and Revenue committees have been holding public informational meetings online. The Finance committee met May 20 to hear an informational meeting about the May 20 Revenue Forecast (see the video recording [here](#)). The report estimates that it will take four to five years to recover from the current recession. The [May 29 House](#) revenue meeting focused on the tax impact of the Cares Act tax provisions on Oregon's General Fund revenue due to our statutory connection to federal income taxes. The loss due to the new Cares tax provisions is expected to be [\\$182 million](#). Due to these federal subtractions allowed on Oregon tax forms, there is a slight average increase in Oregon taxes of about \$150 for middle- and upper-income taxpayers. The net operating loss provisions in the CARES Act that only the more profitable pass-through businesses can take advantage of (ones that report their business income on their personal tax return), as well as the increase in charitable giving deductions in the act were presented by LRO. These tax provisions help wealthier tax payers and reduce Oregon revenue. The LWVOR (among non-profit organizations) is considering recommending that Oregon disconnect from these specific Cares Act tax provisions. We are meeting with Oregon groups concerned about budget cuts to social services to find recommendations we might make to increase revenue without raising taxes. Tax changes would be very hard to do given that they would require approval from Republicans in a special session, which is highly unlikely. In the [video recording](#), starting at 45 minutes, Rep. Alisa Keny-Guyer raises these issues about a potential disconnection from the CARES Tax provisions as other states have done. The OEA [Other Funds Revenue report](#) was also discussed. Other Funds includes fees and contributions that are often earmarked for specific purposes, which include PERS contributions, OHA (health insurance payments), ODOT (gas taxes) and Employment (unemployment insurance contributions) departments' collections and licensing and other fees. Compared to Feb-April of last year, the Other Funds revenue is also down by 11%. Other reports were about the new CAT tax on businesses (rules are in process) to fund the Student Success Act and about COVID's effect on unemployment.

What can be done about the expected revenue shortfall? Read more [here](#).

A coalition of organizations led by Daniel Hauser, Oregon Center for Public Policy (OCPP), concerned about severe cuts to social services as part of the proposed budget cuts, has also been meeting online for the past several weeks. LWVOR is among participating organizations, many of whom were part of the Revenue Roundtable. The group has been preparing a list of options for revenue recovery for 2020-2021 for legislators. The list of revenue-raising or revenue-preserving ideas for the near term is soon to be circulated among all the legislators. Some of the ideas include Oregon disconnecting from the federal tax break for Opportunity Zones [HB 4010 A](#), which the League supports (see our testimony [here](#)), and disconnecting in whole or in part from several tax break provisions for millionaires and very profitable businesses that were part of the 880 page CARES Act which few signatories were aware of at the time. Other interesting ideas include limiting tax credits. One states that in the event of allotment cuts in an economic emergency, such as we are now facing, "the amount of a state income tax expenditure that may be claimed by a taxpayer in a tax year is reduced in the same manner and by the same percentage that program allotments are reduced." This seems an equitable solution since the proportion of cuts that our poorest citizens face would be shared by wealthier folks who can claim these tax credits which most taxpayers can't take advantage of. It would spread the pain of cuts across a much wider base, thereby lessening the rate of cut for all. This idea should

attract both Republican and Democratic legislators' support and could possibly pass in a short session, whereas some other ideas would require more time to be realized in the next full session.

**If you are willing and able to follow tax issues, we need you! You determine your own level of volunteered time. Will you work from home to read and analyze bills, watch committee hearings recorded on OLIS, or write summaries on bills for this Legislative Report? Contact [lwvor@lwvor.org](mailto:lwvor@lwvor.org).**

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# Social Policy

**By Karen Nibler, Marge Easley, Bill Walsh, Nancy Donovan and Debbie Aiona, Social Policy Portfolio**

Since the Short Session ended with no allocations for additional needs or services, we looked for the E-Board on June 5 to take care of emergent state needs. The first allocation to the Department of Administrative Services (DAS) assigned federal funds for rental assistance and housing programs through Community Action Agencies for the remainder of the biennium.

The Department of Justice (DoJ) received funds for mental health services for domestic violence victims. The Department of Human Services (DHS) received increased funds for the 211 Phone Line for the increase in calls during the pandemic. The Public Utility Commission will expand access to telephone and internet.

The Housing and Community Services were assigned extra funding for energy assistance. The Oregon Worker Relief Funds will go to unemployed workers. The Oregon Health Authority (OHA) will get additional funds for behavioral health services for tribes, residential homes, and community outreach for addiction services.

Broadband capacity will be expanded to rural schools, health care providers, and frontier communities to build a rural network. All A and B Hospitals are eligible for financial stabilization in small communities. PPE will be available for small businesses. Funds were designated for 22 Child Care Providers.

Federal Coronavirus Relief Funds of \$1.5 billion were received for state expenses, local government expenses, and reserve funds.

An earlier E-Board on April 23 added to agency funds. Specifically, the Public Defense Services Consortium received funding for a new contract model and additional staff from a Special Purpose Appropriation. DHS had salary adjustments for workers from a SPA. DoJ received grant funds for providers of Domestic and Sexual Violence Survivors. Small businesses were eligible for grants and loans. Coronavirus Relief Funds were available from the federal Cares Act for both E-Board meetings.

Public Safety issues are currently management of social distancing in court hearings and jury deliberations and postponement of court cases. Jail and prison facility operations are difficult with a contagious virus. Four prisons have cases and need resources to isolate and treat prisoners. Staff is at risk too.

Next session, legislation on Police Accountability will be expected in response to recent national incidents and past Oregon incidents of police overreactions. Police training and department protocols will be under scrutiny. The public will pay attention and respond to legislative discussions and actions.

## **Gun Safety (Marge Easley)**

COVID-19 has had an alarming impact on the purchase of firearms in Oregon, as was reported during a Senate Interim Judiciary Committee hearing on June 3. Major Tom Worthy from the Oregon State Police (OSP) presented a PowerPoint showing that the Firearm Instant Check System experienced historic increases in background check requests from January to May. OSP staff, working from home for the first time, are dealing with an increased workload while staffing levels have decreased substantially. Compared to the same period in 2019, daily averages for background checks are up by 50 percent – 115,383 full background checks completed in 2019 as compared to 172,690 in 2020. Wait times for background checks have shot up, from an average of 10 minutes in 2019 to as long as 4 to 30 hours in 2020.

These numbers are very concerning, and the League will continue to press for additional gun violence prevention legislation, including the elimination of the Charleston Loophole (issuing a permit if a background check cannot be completed within 3 days) and safe storage.

## **Health Care (Bill Walsh)**

On May 22 the House Interim Committee on Health Care had an interesting Zoom meeting on the COVID-19 situation and workforce. OHA Director Patrick Allen summarized the situation 90 days into the pandemic, the public health response, and lessons learned. Six workforce practitioners testified, all noting the fearsome issues around the lack of PPE (Personal Protective Equipment) and unanticipated challenges. Six people highlighted disparities and access problems in populations of color and culture, mainly essential workers. Three administrators noted problems with reimbursements in hospitals and medical and mental health systems. The last speaker from the Center for Health Systems Effectiveness addressed potential solutions for rural hospital budgeting such as capitation, global budgeting and all/multi-payer systems models, the need for universal access to address disparities, and the need for overall restructuring to get control of costs and planning, change payment incentives, as opposed to the profit-driven status quo system. View the recording [here](#).

On June 1 the Senate Health Care Committee held a Zoom meeting with a similar agenda as the House committee. Patrick Allen updated OHA information. Five CCO providers reported on their various strategies to provide services, address risks, and pass funds to community groups focused on COVID-19. A CEO and a CFO discussed hospital financial issues: income losses due to stopping elective surgeries, layoffs, PPE price increases as well as under-manufacturing difficulties. Federal funds are fast running out, especially in small and rural hospitals. Nine speakers addressed Health Care Workforce issues, all noting PPE shortages and inconsistencies threatening workers and their patients. The acting director of the Department of Consumer Business Services reported on insurance company compliance with voluntary agreements during the pandemic, including most self-insured groups outside of the regulatory sphere. Claims are up and telemedicine is being reimbursed with pay parity at this time, but that will likely be an issue when emergency orders end. The last speaker from the Oregon Community Health Information Network shared what is known about numbers and services to special populations, physical and mental health. Telehealth is very important with these people as is access to broadband access in rural areas. View the recording [here](#).

On a related matter, the LWVOR Action Committee endorsed a request by Health Care for All Oregon – Action to sign on to a letter of support for the Health Care Emergency Guarantee Act ([H.R. 6906](#) and [S. 3790](#)). HCEGA would create a Medicare For All program for the duration of the pandemic. Since this is federal legislation, we had to get permission from LWVUS to sign on. LWVOR President Becky Gladstone got the process started and we had our official OK within two days – remarkable.

## **Housing (Nancy Donovan and Debbie Aiona)**

In the wake of the COVID-19 pandemic, the Legislature’s Emergency Board is shoring up capital to help people find shelter, pay rent, and assist landlords and owners of affordable rental housing to stay afloat during this ongoing crisis.

The E-Board approved funding to the Housing and Community Services Department (HCSD) in meetings held on 4/23 and 6/5/2020.

### **Safe Shelter and Rental Assistance**

On 4/23, the E-Board approved an allocation of \$12,000,000 from the Emergency Fund to HCSD for safe shelters for those impacted by income loss (unemployment or underemployment) due to COVID-19, or who are vulnerable to infection or health problems associated with the virus because of inadequate shelter or housing.

- Up to \$3,500,000 will fund safe shelter alternatives, such as hotel and motel vouchers for vulnerable populations including the homeless and farmworkers, whose living situations and underlying health conditions make them particularly susceptible to severe consequences from exposure to COVID-19.
- At least \$8,500,000 will be disbursed by HCSD to Community Action Agencies to provide rental assistance payments to landlords impacted by income loss due to the pandemic. The rental assistance will be targeted to COVID-19 impacted low-income people at 50% or less of area median income.

### **Rent Assistance, Housing Stabilization, and Mortgage Assistance**

At a work session on 6/5/2020, the E-Board recommended transferring \$75,000,000 in funding from the Coronavirus Relief Fund to HCSD. The funds will provide administrative funding and rental assistance to landlords losing income (unemployment or underemployment) due to COVID-19, and operating assistance to affordable rental housing projects under contract with HCSD. The breakdown is:

- HCSD will use \$55 million in funding for rental assistance to landlords of tenants who are unemployed or underemployed due to COVID-19. Eligible households must be at or below 80% of area median income for the county in which they reside. Community Action Agencies will administer rental assistance via existing agreements.
- HCSD will use \$20 million to provide operating support to owners of affordable rental housing projects that have long-term affordability covenants with HCSD. Due to COVID-19, some of these projects may face higher than sustainable levels of rent arrearages\* allowable with the Governor’s eviction moratorium. The funding will be loaned, allowing owners to continue operations, capitalize reserves, and/or provide for deferred maintenance during COVID-19 recovery. \*Arrearages”, think “in arrears”, or overdue debt accruing on recurring contractual payments.

## Energy Assistance

On 6/5/2020 the E-Board also recommended a grant of \$15,000,000 from the Coronavirus Relief Fund to HCSD for energy assistance payments to persons with incomes adversely impacted by circumstances due to COVID-19. Funds will be used for program delivery and direct bill payment assistance on behalf of residential customers of electric and natural gas utilities.

## Reallocated HCSD Funding

HCSD received \$25 million from the U.S. Treasury to fund foreclosure prevention. The Hardest Hit program was established in February 2010 to provide funds to states severely impacted by the housing and financial crisis. HCSD received permission from the Treasury to use its remaining Hardest Hit funds to provide mortgage payment assistance to Oregonians with incomes adversely impacted by the coronavirus.

## Housing and Community Services Legislative Agenda

HCSD will need to submit its Legislative Agenda final concepts this June, which then will move through the Governor's office for vetting.

## News from The Housing Alliance

- The H.A. has yet to start its 2021 Housing Opportunity planning. In normal years, the 2021 planning process begins in April, however, it has been delayed so the alliance can work through immediate COVID-19 needs; agenda planning will begin soon.
- They are actively advocating to extend the current eviction moratorium scheduled to sunset on 6/30/2020 to protect people who rent their homes. Governor Kate Brown issued a moratorium on evictions for non-payment of rent due to COVID-19 or no-cause evictions. Her [Executive Order issued April 1](#) prevents a landlord from giving an eviction notice or filing an eviction lawsuit related to non-payment of rent or a no-cause eviction. The concern is whether people will be back to work and will have enough income to pay rent.
- They are advocating that the Legislature enact a repayment period, during which tenants could catch up on back rent owed as a result of the moratorium.
- If there is another federal COVID-19 relief bill, advocates hope the package will include funds for rent and mortgage payment assistance and more.

## Update on House Bills 2001 and 2003

In 2019 the Legislature passed House Bill 2001 which requires cities with a population of 10,000 or more, and all cities within the Portland Metro boundary with a population of more than 1,000 to allow duplexes in lands zoned for single-family dwellings.

Also, in 2019 the Legislature passed HB 2003 to help communities meet the diverse housing needs of those in the state. The law requires medium and large cities to study future housing needs of their residents and to develop strategies to produce housing that their residents need. Peggy Lynch, Debbie Aiona and Nancy Donovan are participating in various rulemaking committees on HB 2001 and HB 2003.

The next meeting is a Housing Production Strategy Technical Advisory Committee (HPSTAC) scheduled for June 18 via Zoom to review:

- homelessness and fair and equitable housing changes to the minimum requirements of the Housing Production Strategy Report;
- engagement, Housing Production Strategy Report review criteria, and enforcement criteria; and
- feedback on specific tools available to cities and on a prototype HPS guidance document.

Please refer to the Natural Resources section of this report for additional information on these two bills related to land use.

**YOUR HELP IS NEEDED! If any of these areas interest you, please contact [lwvor@lwvor.org](mailto:lwvor@lwvor.org).**

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