

Legislative Report, Volume 30, Number 4 – February 2020

[Sign up for the Legislative Report](#)

In This Issue

[Climate Change](#)

[Education](#)

[Governance](#)

[Natural Resources](#)

[Revenue and Tax Reform](#)

[Social Policy](#)

Climate Change

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

Carbon Cap & Invest (Julie Chapman)

There are two identical climate bills [SB 1530 A](#) and [HR 4167](#) headed to the Joint Ways and Means (JW&Ms)

There are two identical climate bills, [SB 1530 A](#) and [HB 4167](#), needed to the joint ways and means of bills. Bills from both chambers allow for flexibility to choose the bill with the best chances for passage. Senate Bill SB 1530 A (discussed [here](#)) was scheduled for a work session in J W&Ms on Monday morning, February 24, at 9AM. [House Bill 4167](#) passed out of House Rules last night will be scheduled shortly. This is the last hurdle before votes in the full Senate and House. LWVOR testimony strongly [supports these identical bills](#).

ACTION: WE NEED YOUR HELP! The next two weeks in Salem are crucial.

We want to be in the halls, in the House and Senate chambers and in our legislators' offices – making sure they know how important it is to pass climate legislation in 2020. You will find your LWVOR Climate team there. Wear your LWVOR pin.

Also, would you please contact your [representative and senator](#) to express your support for the bills? Your email or phone call can be [eloquent](#) or very simple: some variation of “I support the Oregon Greenhouse Gas Initiative. A ‘Yes’ vote is an ethical stand to cut our emissions.” Please ask all your friends to call and write as well.

We need constituents to ask Republican Legislators to stay in the capitol to vote: “Please remain at work in Salem.” There is an endless stream of rhetoric [threatening a walk-out](#) to deny quorum. Democratic Senator Betsy Johnson and Representative Witt, are also on record opposing the bills.

Radioactive Fracking Waste (Shirley Weathers)

[HB 4014 – A11 Amendment](#): Discovery that over 2 million tons of radioactive waste from North Dakota fracking fields had been illegally dumped in an Oregon landfill led to a late-breaking effort to strengthen Oregon’s laws against this kind of activity.

Fracking produces massive amounts of harmful water and other wastes, some of it radioactive, that producers must dispose of. Oregon’s statutory protections against disposal of such waste from out-of-state have not been updated since before the fracking boom, resulting in relatively weak laws and regulatory measures designed to detect and enforce against illegal dumping. Chemical Waste Management in Arlington, Gilliam County illegally accepted 2.5 million tons of radioactive waste between 2016 and 2019. Action is being taken in this case, but after initial investigation, the Oregon Department of Energy (ODOE) found it urgent to ask for a statutory fix. It is provided in the form of the –11 amendment to HB 4014A, a land-use bill already passed by the House that exempts dog training facilities from state structural specialty codes. On February 21, 2020, the Senate Environment and Natural Resources Committee sent the bill to the Senate Floor with a Do Pass recommendation. The House Committee on Energy and Environment will hold a session on 2/27 to allow ODOE to provide more information about this issue.

Fossil Fuel Restriction Bill (Shirley Weathers)

[HB 4105](#), designed to address two issues related to safety and environmental protection related to fossil fuel activities and infrastructure, has been referred for further work in the interim.

The bill has two main thrusts: 1) prohibiting state agencies from allowing new fossil fuel infrastructure on or across state lands and 2) upgrading Oregon’s oil train standards to reduce risks of explosion and fire in the event of derailments like the one that took place in Mosier in 2016. The public hearing in the House Energy and Environment Committee on 2/11 brought testimony primarily from supporters of the bill, including the

[LWVOR](#).

Waste Combustion as Renewable Energy

The League is following [HB 4049](#), a bill that could provide energy credits for Covanta, a waste treatment plant in Brookings outside of Salem. The League is a member of Oregon Conservation Network, (OCN) an Environmental Lobby group categorizing this bill as a major threat. OPB/NPR 'think out loud' [included this 'burning trash' topic](#). This bill recently moved to House Rules without recommendation.

Jordan Cove Energy Project (JCEP) (Shirley Weathers)

The Federal Energy Regulatory Commission's (FERC) ultimate Decision Order on JCEP has been delayed again, but the action they took on February 20 suggests a 2-1 vote for "conditioned approval," perhaps sometime next week, despite key Oregon permit rejections.

First, the day before FERC's meeting, the Oregon Department of Land Conservation and Development (DLCD) became the third key state agency to say no to JCEP by releasing its decision to "Object" to JCEP's Coastal Zone Management Act (CZMA) Consistency Certification. DLCD's [decision letter](#) and materials explain in detail why the agency "has determined the proposed project has not established consistency with multiple enforceable policies of the OCMP. DLCD objects to JCEP's consistency certifications."

At the FERC meeting the following day, Chairman Chatterjee raised the JCEP issue early in the meeting, declaring his support. Then Commissioner Glick indicated, while an earlier Commission had rejected the JCEP, "they are back and Commission *is approving* it this time (emphasis added)." He referenced dissenting remarks he had prepared, making clear that a Decision Order approving the project had been readied for the meeting, declaring that he found the project to be not in the public interest. Then the third member, Commissioner McNamee, stated that "for the time being my vote is a nay in order to give myself more time to see what the . . . information [for Oregon] is and inform my decision on the project." He indicated he expected to be ready to vote again in around a week. Another issue this time may be being used for is to prepare JCEP to appeal DLCD's decision to the Secretary of State, who can overrule the state's decision. FERC's Order should need to state explicitly that JCEP can start construction only if Secretary Ross does that because by law, a CZMA consistency certification is required.

Our Children's Trust (Claudia Keith)

LWVUS jointly with LWVOR will be submitting a new amicus brief to support Our Children's Trust (OCT) planned appeal to the full 9th Circuit Court. OCT staff will participate at a UCLA "[Human Rights and the Climate Crisis](#)" conference February 28 and most likely at UofO PIELC March 5-8 conference. Follow OCT tweets: @youthvgov.

Oregon Economic Analysis (Claudia Keith)

["All business and policy decisions need to be examined through the lens of climate change, researchers at McKinsey said."](#)

The League continues to be concerned that the [Oregon Economic Analysis Quarterly Report](#), presented to

House and Senate policy committees each quarter, lacks a Climate reality fiduciary perspective. [The most](#) recent [OEA report dated February 12](#) continues to avoid climate change risk. The League will continue to encourage DAS/OEA and the Governor's office to address this critical issue. The League is concerned that this issue needs broader consideration related to future costs to the state, the effect on future revenue and applicable future bond rating [stress tests](#). (The Biggest Threat to Financial Stability Is the Climate – [The American Prospect](#).)

Here are additional recent articles related to Climate fiduciary issues: Bloomberg “ [Climate Change is coming to your home town Bonds](#)”, [PBS](#), “Why climate change means new risks for U.S. financial markets, [Moody's recent quarterly report](#) mentions Climate a number of times and SASB February 21 news, “[Sustainability Has Climbed The Corporate Ladder – Now What?](#) . Other related News: [Insurance Journal](#), [Forbes](#), [NYT](#), [P&I](#), [Yahoo Finance](#), [Forbes](#), [Water Finance & Management](#), [LSE](#), [JDSupra](#), [Forbes](#) and [IMF stress Testing](#).

Climate Emergency Declaration

One of the first Oregon cities to declare a Climate Crisis Resolution was [Hood River](#). More recently Benton County voted to approve a Climate Crisis (Emergency) resolution on February 4. The city of Milwaukie passed a [Climate Emergency Resolution in January](#). The City of Corvallis passed a Climate Crisis resolution in September. Ashland is [aggressively moving on Climate](#). This past week, CEO and President of Kaiser Permanente commented: [Climate is a Public Health Crisis](#). Oregon university students in Jan step up, “[ASOSU passes climate emergency resolution aiming to foster student activism, hold OSU accountable, 500 Oregon Health leaders declare](#) and City of [Chicago declared](#) on February 19.

A group of concerned League members from six states has sent a message to all Leagues across the country to ask them to consider adding Climate Emergency/Change to their recommended League Program priorities. This group is also working on a related LWVUS Convention Caucus, June 2020 in Washington D.C. The proposal could affect LWV program education and advocacy priorities. The LWVOR Board voted on 2/14/20 to support this Climate Change proposal.

[1394 Jurisdictions have declared, 86 in the U.S. Affecting 820M people in 26 countries.](#)

LWVOR voted on this resolution during the [May 2019 Convention](#), the first state League in the country to do so.

[PIELC \(Public Interest Environmental Law Conference, UO Law\)](#)

A conference, 'MOVE: Migration on a Changing Planet' will be held on March 5-8. The League will be tabling at this conference. Let us know if you are interested in volunteering.

(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 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 or Peggy Lynch,

[Back to top](#)

Education Policy

By Barbara Sellers-Young and Chris Vogel

Education Bills

[House Committee On Education](#) did not meet this week as long floor sessions kept House members busy—all bills were read in entirety. Monday [2/24/2020](#) House Education will have a public hearing and work session for [SB 1520](#) modifying school reimbursement rates for purposes of schools that provide free or reduced price meals under National School Lunch Program or School Breakfast Program.

[HB 4160](#) would have established a Task Force on Student Success for Underrepresented Students in Higher Education. [Senate Committee On Education](#) will hold an informational hearing on [2/25/2020](#). The bill would have directed the task force to develop student success policy proposals focusing on the increasing likelihood of student success in higher education for students from populations that are underrepresented in higher education enrollment. This bill may return in 2021.

The League does not have positions that allow testimony on all bills. For additional insight into bills impacting education this session. You may wish to read [Concussion protocol, school meals, sexual conduct: 5 Oregon education bills still in play, Statesman Journal](#)

To get more details on testimony, bills, meeting materials on education issues look here: [House Committee On Education](#), [Senate Committee On Education](#), and [Joint Committee On Ways and Means Subcommittee On Education](#).

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? chrisvogelvolunteerlwvor@gmail.com

[Back to top](#)

Governance

By Norman Turrill, Governance Coordinator

[Campaign Finance](#)

Campaign Finance

Task Force proposed on Political Campaign Contribution Limits

[HB 4124 A](#), which would establish a Task Force on Political Campaign Contribution Limits, was amended and passed out of House Rules on a party-line vote to Ways & Means. The League and others have so far not been able to support the bill in its current form. The task force would be composed largely of legislators and others with an interest in higher contribution limits. The bill would also delay implementation of Measure 47 adopted by the voters in 2006 if the Oregon Supreme Court enables it during a pending court case. This would allow time for legislators to replace it during the 2021 session, based on the work of this Task Force.

Additions proposed to SEIs and campaign spending limits

[HB 4123](#) would require statements of economic interest (SEI) to include certain information about sources of income for businesses in which a public official or candidate, or member of household of a public official or candidate, is an officer or holds a directorship if the source of income has legislative or administrative interest and 10 percent or more of the total gross annual income of business comes from that source of income. The bill would also prohibit a candidate from expending campaign money for professional services rendered by certain businesses required to be listed on the candidate's SEI. The League supported this bill in its 2/4/20 hearing, and it is now scheduled for a House floor vote 2/24.

Quick fix for minor political parties

[HB 4026](#) reduces the number of electors who must be registered as members of a minor political party in order for the minor political party to retain political party status from one-half of one percent to one-quarter of one percent of total number of registered electors in the state. This bill is a quick fix for a rather narrow problem caused by the Motor Voter law greatly increasing the number of non-affiliated voters (NAVs). The House passed this bill 43-15, it passed the Senate Rules unanimously and is now headed to the Senate floor.

Public Records

Bill would make the Public Records Advocate independent

[SB 1506](#) would establish the Public Records Advocate as an independent office within the executive department. It authorizes Public Records Advisory Council to appoint the advocate. It authorizes the council to support or oppose legislation relating to public records law and to request legislators to introduce legislation relating to public records law. This bill comes after the controversy around the resignation of the first Public Records Advocate last year. The League supports this bill. It was passed by the Senate unanimously, and it now awaits a hearing in House Rules 2/24.

Redistricting

Redistricting initiatives certified ballot titles appealed to Oregon Supreme Court

Redistricting reform has pointedly not been discussed in the legislature. However, the [three initiative petitions](#) filed by a diverse coalition of organizations, [People Not Politicians](#) led by the League, have now received excellent certified ballot titles from the Attorney General. However, not unexpectedly, our

received excellent written ballot titles from the Attorney General. However, not unexpectedly, our opponents have now appealed these ballot titles to the Oregon Supreme Court, as a way to delay the petitioning. It is unknown how long the court will take to consider these appeals. These initiatives propose to amend the state constitution to institute a 12-member independent citizens commission to redistrict the state for both congressional and legislative districts. These proposals are aimed at the 2020 general election ballot.

Immigration (Claudia Keith)

The League provided [testimony](#) on February 5 for [HB 4121](#). This bill did not move from its policy committee last week, so it has died in committee. It's unclear if the end-of-session W&M budget-balancing bill will address this topic. A bipartisan bill, if funded, would eliminate Federal detainees at NORCOR (Northern Oregon Regional Correctional Facility) and create needed space for a number of Oregon counties. Several news articles have been published, [OPB](#), [KATU](#) and Corvallis Advocate.

We are following [HB 4099 A](#), which passed out of committee with a Do Pass and an amendment and is still in W&M. It would change the Oregon tuition residency status of students from three Pacific island countries.

[SB 1568 A](#) modifies protective proceedings to permit vulnerable youth guardianships for youth who are eligible for special immigrant status and who are unable to be reunified with parent for various reasons. See Social Policy LR.

The League is considering a letter, supporting the IMIRJ (Interfaith Movement for Immigrant Justice) and the ACLU, about the Uniform Trial Court Rules (UTCRC) 3.190. The [UTCRC committee meets in April](#) and the deadline for testimony is March 20. This advocacy is related to Oregon's trial court rule prohibiting warrantless ICE arrests in and around Oregon courthouses. [Many public comments have already been submitted](#).

LWV of Oregon will be submitting a proposal for an Immigration/Refugee caucus in June at the LWVUS convention in D.C.

Resilience and Open Government (Rebecca Gladstone)

Vigilance was needed this week to keep up with unusually volatile scheduling for hearings and bills within agendas, in light of anticipated repeat partisan walk-outs.

[HCR 204](#): We supported this centennial commemorative bill and reinforced the relationship between the founding of the League of Women Voters and passage of the 19th amendment with [our testimony](#). It passed through both House and Senate Rules committees this week. Aside from excused absences, frequent in this session's volatile rescheduling, it has passed unanimously so far.

[HB 4144](#): We continue to monitor resilience bills including this urban search and rescue gear bill, to catalog needed equipment provided for [SPIRE Grants](#), awarding funding to local governments for purchasing and distribution of equipment, including vehicles and other property, to be used during an emergency to decrease the risk for loss of life and property damage. Note that the grant application period is currently open. Oregon House Bill 2687 funded the program and became effective in August 2017. HB 4144 has not had a public hearing yet. Our positions support seismic and emergency preparedness.

[HB 4126](#): We are monitoring this bill with interest, regarding wearing of face masks during “riots”. We anticipate having clearer positions to respond after consideration of our current Privacy and Cybersecurity Today study has been completed. We caution, in observing face mask use in Hong Kong, ruled illegal this fall because it hampered facial recognition, was quickly back-pedaled with public health concern to prevent the spread of the COVID-19 pandemic.

YOUR HELP IS NEEDED! If any of these areas interest you, please contact Norman Turrill at n.turrill@lwvor.org.

[Back to top](#)

Natural Resources

By Peggy Lynch, Natural Resources Coordinator

Budgets (Peggy Lynch)

Bills with a cost that survived Policy Committees are beginning to show up in Ways and Means Subcommittees as well as fee bills created by Ways and Means. Watch agendas for the [Natural Resources Subcommittee](#) to provide input to committee members. The League will be actively involved after this short session in advocating for funding requests and policy changes in preparation for the 2021-23 biennium.

Air Quality (Susan Mates)

Promote electric vehicles and fund the Vehicle Inspection Program to curb greenhouse gases. Get updates on the Covanta facility and hydrofluorocarbons.

[HB 4024 A](#) has been assigned to the Ways and Means Subcommittee on Natural Resources. The amended bill requires the Environmental Quality Commission (EQC) to work toward curbing the use of certain products that use or contain hydrofluorocarbons (HFCs) and requires the Dept. of Consumer and Business Services to align building codes with EQC rules. HFCs have high global warming potential – thousands of times larger than that of carbon dioxide – and continue to emit for the entirety of their useful life. The major emissions source of HFCs is in their use as refrigerants. The League provided [testimony](#) in support.

[HB 4049](#) is a second attempt to give [renewable energy certificates](#) to facilities that generate electricity from the direct combustion of municipal solid waste. The only facility that would benefit seems to be [Covanta Marian](#), one of the [first twenty facilities](#) the [Cleaner Air Oregon](#) program will assess to determine health risks from toxic air contaminant emissions. Burning garbage is not a renewable resource, and incentives meant to create new sources of renewable energy should not go to a plant that has been operating for three decades. The League is adamantly opposed and we are part of a coalition to defeat this bill again this session. Covanta’s last quarter earnings were 150% above shareholder expectations, and Covanta is a global corporation, but the pollution problem is a local one. The Committee passed the bill without recommendation and sent it to the Committee on Rules where it does not have current hearings scheduled.

The DEQ is asking for modest fee increases for their Vehicle Inspection Program (VIP) in [SB 5702](#). The VIP is an important tool in keeping our state's air pollution in check, as poorly maintained cars emit 3 to 4 times the emissions of a properly functioning car. The VIP program has been running in the red since 2013, so this bill will provide funds to keep the program afloat. The League provided [testimony](#) in support. The bill has a work session scheduled on Feb. 24 in the Ways and Means Subcommittee on Natural Resources.

Approximately 40% of Oregon's greenhouse gases come from the transportation sector. Dramatically increasing the use of electric vehicles (EVs) is one of the most significant steps we can take to reduce those emissions. Several bills are being considered do just that.

Among other goals, [HB 4068 A](#) would modify state building codes to require new construction of certain types of buildings to include initial electric vehicle (EV) charging infrastructure. [HB 4066 A](#) would allow electric companies to recover the costs of investing in infrastructure for EV charging and would require electric companies to put wildfire protection plans in place. 40% of catastrophic fires in California were caused by breakdowns in electrical transmission systems. Both bills have passed the House and the Senate Committee on Environment and Natural Resources. They are on to the Senate floor.

[HB 4151](#) is meant to encourage people in the Metro-area to increase their use of electric vehicles. It would increase the privilege tax that dealers charge on the sale of motor vehicles and use that money to provide additional rebates to low income purchasers. The bill was moved to House Revenue due to the new tax proposal.

Forestry (Josie Koehne)

Several bills to address funding for the Oregon Department of Forestry and for wildfire mitigation and prevention efforts are pending due to the fate of the Cap and Invest bill, SB 1530.

The previously reported compromise deal between 13 timber companies and 13 environmental groups to work together over the next 18 months on a Habitat Conservation Plan and to modify the Oregon's Forest Practices Act (FPA) to protect salmon and other species on private lands could be in jeopardy due to the threatened walkout on the Cap and Invest bill, SB 1530 (hearing in Full Ways and Means February 24 at 9 a.m.). The revision of rules for the FPA is expected by the 2022 session. The agreement is that ballot measures proposed for November election initiated from both sides would be scrapped and a newly heard bill with the -2 amendments ([HB 4168](#)) would be passed this session. The League is supportive of this historical effort to protect public health and to support our timber industry. Of note is that, in 2015, the League supported the electronic notification system that will be enhanced under this bill. We support funding and final passage of this critical bill.

Several bills related to wildfire and the funding crises facing the Oregon Dept. of Forestry

(ODF) have been sent to Ways and Means. The most complex and extensive bill that the Governor backs is [SB 1536](#), Governor Brown's big, comprehensive wildfire bill. The bill, with the -3 amendment, was sent to Ways and Means. The League submitted testimony on February 5th. [Read comments here](#). Elements of this bill are separated into other individual bills listed below which also are awaiting action in Ways & Means. This bill requires public utility companies to submit plans for wildfire prevention and mitigation to the Public Utilities Commission (PUC) and for the ODF in collaboration with others to draw up very detailed wildfire risk

maps. It allows insurers to use these maps to adopt coverage provisions and underwriting standards to encourage property protection approaches. It also allows the Fire Marshall and local governments to adopt more stringent defensible space requirements and for the Oregon Health Authority to oversee installations of smoke infiltration systems. It authorizes joint partnerships between state and federal agencies to administer and enforce a wildfire strategy program based on the 2019 Governor's Council on Wildfire Response report along with its recommendations for a sustainable model for funding this comprehensive wildfire strategy.

[HB 4054 A](#) has become the vehicle for the Land Use and Mapping concepts that were in SB 1536 and provides for a new Land Use and Wildfire Policy Advisory Committee. The Dept. of Land Conservation and Development (DLCD) would oversee and coordinate the development and maintenance of a comprehensive statewide map detailed to the property-ownership level. The ODF shall collaborate with Oregon State University, DLCD, the State Fire Marshal, other state and local governments and officials in developing these maps. Appropriates \$350,000 General Fund to DLCD, \$100,000 General Fund to ODF, \$50,000 General Fund to OSU, and \$61,900 General Fund to ODOE, with impacts on cities, counties, public universities as well.

Another bill, [HB 4066 A](#), focuses on electric utility companies and actions by the Public Utility Commission for de-energizing power lines. Allows electricity companies to recover costs from retail electricity consumers for certain prudent infrastructure measures.

[SB 1514 A](#) requires ODF to establish not more than 15 projects designed to reduce wildfire danger on public or private forestlands and rangelands through the restoration of landscape resiliency and the reduction of hazardous fuel levels. ODF, in consultation with many others, will establish test projects. OSU has demonstration projects with private-public partnerships ready to go for study. Referred to Ways and Means where budget requests range from \$2 million to \$25 million.

[SB 1516 A](#), filed by Senator Baertschiger, calls for modernization of ODF's structure and programs to ensure effectiveness and efficiency, including but not limited to department programs relating to wildfire and to reduce the diversion of department resources from other programs to wildfire prevention and response. The bill provides \$6 million from the General Fund for retaining/hiring 35 personnel, moving some from part-time to full-time work, and money for two administrative assistants (presumably to assist with billing). \$1 million is to be reserved for severe wildfire prevention and mitigation. It also adds a \$10.80 assessment per tax lot that goes directly into the ODF budget to fight wildfires. This bill was also referred to Ways and Means. Senator Golden expressed concern about the micromanagement of the ODF workforce (too prescriptive) and Senator Prozanski wanted to make sure procedures were improved before adding more funding to the ODF. Separately, the League is supporting funding for the continuation of an accounting contractor who is examining the financial procedures of ODF so as to improve their business processes, especially around getting invoices out for reimbursement from wildfire expenses due Oregon from other agencies.

[SB 1512](#) would have allowed ODF to transfer lands to other government agencies or departments that are not suitable for timber harvest with limited revenue-generation potential or that provide high-value recreational or conservation benefits, or to change management framework applied to lands. The Hug Point controversy prompted action on this bill. With the compromise on the Forest Practices Act (see [HB 4168](#) above), this bill died in committee.

[HB 4023](#) requires ODF to obtain the concurrence of the Environmental Quality Commission before adopting rules related to commission water quality standards. The bill is sitting in House Rules as is [HB 4025](#). Imposes prohibitions, restrictions, and requirements regarding clearcutting and other forest operations near forest

waters. With the introduction of HB 4168 it is assumed these bills will not be heard this session.

Land Use (Peggy Lynch)

Should the Common School Fund add more land to Bend? New amendments expected for [HB 4012 A](#). ADUs in rural residential lands? Addressing radioactive waste in Arlington both added to [HB 4014 A](#). See the status of other bills reported on last week.

[HB 4012](#) was amended by the [-7 amendments](#) in an attempt to resolve the transfer of development opportunities (TDOs) that were assigned to two developers when the Metolius was declared an Area of Critical State Concern in 2009. The developers had been given a number of extensions and locations to use the TDOs. Rep. Clem is now suggesting that the Dept. of State Lands sell 261+ acres belonging to the Common School Fund that were not included in Bend's last urban growth boundary expansion and buy out the TDOs. The League did not provide testimony since the amendments appeared shortly before the public hearing, but the Chair requested that we join a Work Group trying to address this unusual land-use issue. Look for new amendments in the Senate Environment and Natural Resources Committee on Feb. 25.

[HB 4014 A](#), originally a bill to address a property owner's issue with dog training facilities and lot line adjustments, had a "relating clause" (Relating to use of land) that allows other issues that have to do with the use of land to be amended into the bill. The [-11 amendments](#) were adopted by the Senate Environment and Natural Resources Committee on Feb. 21. Included in the amendments are two separate issues. One allows counties to adopt regulations to add accessory dwelling units (ADUs) in rural residentially zoned lands with certain sideboards. The League worked on this issue over the summer of 2018 and during the 2019 session (see [SB 88 A](#)). A new sideboard clearly addresses the concern around wildfire risks. The other issue amended into the bill is around recent information that radioactive fracking materials have been dumped into a hazardous waste facility in Arlington. (See also Climate Change article on this issue.) The amendment provides clarity to the Oregon Dept. of Energy on their ability to refuse these materials, new rulemaking and better enforcement should such a violation occur in the future.

[HB 4084 A](#) establishes a fund (\$750,000) to pay for systems development charges for rural affordable multifamily housing. The League provided [testimony](#) in support and was pleased to see it move to Ways and Means. [HB 4095 A](#) now simply requires the Dept. of Land Conservation and Development continue reporting on a pilot program for Bend and Redmond. It has passed the House, the Senate Committee and is headed to the Senate floor as also [HB 4090](#) that will allow Pendleton to participate in the pilot.

[SB 1555](#), a bill that would allow a parsonage on farmland, relates to a specific issue in Douglas County, was moved to Senate Rules.

[HB 4054 A](#) is a significant land-use bill as well as a forestry bill (See also Forestry report). If passed, it creates a new Land Use and Wildfire Policy Advisory Committee to the Dept. of Land Conservation and Development. This 24-member committee will begin to work out issues around high-risk fire areas and how local governments might address areas designated as such. This bill, along with others related to the Wildfire Council recommendations, was sent to Ways and Means.

Toxics/Pesticides (Amelia Nestler)

[HB 4100](#) is a bill that would allow a parsonage on farmland, relates to a specific issue in Douglas County, was moved to Senate Rules.

[HB4109](#), banning chlorpyrifos, a neurotoxic pesticide, passed the House. The Senate Committee on Environment and Natural Resources will hear the bill on Feb. 25. The League [supports](#) this bill.

Water (Amelia Nestler/Peggy Lynch)

Addressing Harmful Algal Blooms, work on the Oregon Water Vision with new Governor's Advisory Committee while water measurement dies again.

[HB 4071 A](#) (on funding to test for Harmful Algal Blooms or HABs) was amended and sent to Ways and Means for funding of equipment and additional staff. The League [supports](#) this bill.

The League is working with others to continue to move the Oregon Water Vision forward by getting modest funding this session. The Governor has [appointed](#) Senator Arnie Roblan and Bruce Taylor to convene a Water Future Advisory Council to continue this work, along with the Oregon Watershed Enhancement Board's Director Meta Loftsgaarden continuing work on the Vision. Senator Roblan and Mr. Taylor provided a preview at the Feb. meeting of the House Committee on Water. The Governor's staff is scheduled to provide a more in-depth update at 8 a.m. on Feb. 25 in the House Committee on Water.

[SB 1537](#) includes not only a request for funds to implement a Shake Alert System in Oregon, but also to begin addressing high hazard unsafe dams in Oregon. The League provided [testimony](#) in support. The House Committee on Veterans and Emergency Preparedness will get an update on Oregon's high hazard dams on Feb. 25.

[HB 4069](#), a bill related to water measurement and reporting, died in Committee but not before the House Water Committee Chair Rep. Ken Helm called those for and against the bill to find a compromise in the interim because measurement data is critical to the Water Vision and he expects to see a bill that can pass in 2021. You can [listen](#) to the conversation at about 40 minutes into the hearing.

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.

[Back to top](#)

Revenue and Tax Reform

By Josie Koehne, Sally Garlick and Chris Vogel

Opportunity Zones

The Opportunity Bill [HB 4010](#) (now HB 4010 A) passed out of House Revenue Thursday evening with the -15 amendment, a compromise on the bill. The amendment, unfortunately, keeps the Oregon connection to the federal capital gains tax break. The only modification is that it would not completely eliminate the capital

gains tax if an investment is held for at least ten years. Instead of a 100% elimination of the capital gains tax after ten years, 50% of the tax will still be owed to Oregon. Although it does not preserve all state revenue, it preserves some and at least the bill requires reporting to the Department of Consumer and Business Services with transparency about the types of opportunity zone projects underway each year, and it calls for a study on its effectiveness that LRO will make with stakeholder involvement. Several representatives expressed concerns about not disconnecting and having no sideboards to direct investments to those areas most in need and that would not push out local businesses and residents. The bill narrowly passed with no carrier named for the bill.

Because we see this as a drain on Oregon's revenue, we want to provide more information and talking points for your elected Representatives and Senators to consider. We would like to call attention to the fact that this is not an economic investment tool that most Oregonians will benefit from, but rather a means for wealthy individuals to eliminate their capital gains taxes by reinvesting in Qualified Opportunity Zone funds.

Qualified Opportunity Funds are only open to accredited investors with either:

- At least \$1 million in net assets, excluding the value of a primary home, or
- At least \$200,000 in annual income (\$300,000 when combined with a spouse's) for each of the previous two years and an expectation of the same this year or
- Individuals with large capital gain who set up their own fund for independent investment.

The projected high rate of return is what attracts these investors in the first place. And it is the Fund Managers who decide on the specific investment project, not the state. Some QOZ fund websites are projecting an annualized internal rate of return ranging from 7% to 18%.

It is unlikely that profit margins will be high enough for the tax incentive to work for investment in rural or truly distressed areas that would actually benefit those populations.

Why? There is no opportunity zone requirement that the qualifying investments be for the benefit of people who live in the arbitrarily determined "zones". There are no protections against gentrification that would push-out low-income residents. There are no requirements for involving minority-owned or small businesses and no prevailing-wage rules. In fact, an Oregon investor even would get the tax break for investing in any opportunity zone outside of the state! It's hard to even track how much potential revenue loss that could amount to!

In addition, Oregon or a local community does not have a voice in the nature or placement of these investment projects. As the Business Oregon website states: "Aside from the opportunity zone nomination process, state government does not have an ongoing, official role under federal law."

The projects that are currently using the funds are not just a "mistake" in downtown Portland. Other projects underway are for large, expensive office and luxury apartment complexes in Salem and Beaverton and a golf resort at the coast all of which will more than likely displace low-income businesses and residents from these areas. A few minimum wage jobs servicing these projects will be created but at the expense of lost tax revenue that would be needed to supplement services to these populations and their children.

Opportunity Zone investors are not likely to be those who will be funding workforce or affordable housing projects or rural businesses, transportation or communications projects that will lift up the local

communities in which they will be located. The design of the program incentivizes highly profitable investments, some of which were already planned or would have happened without this tax “incentive.”

For these reasons, we feel that adding on an Oregon tax subsidy for these projects would only compound problems for those living in low-income and distressed areas of the state, artificially driving up local real estate values and further negatively impacting these residents and businesses that future property tax gains will not compensate for.

There are better tools to drive economic development that works for the local community, such as direct grants and loans for new, innovative businesses and small business expansion projects, perhaps, rather than for high-end hotels. We have growing economic disparity and such projects will just add to that divide. We hope you will consider these arguments.

Although the League would have preferred to see the disconnect bill as originally written without this amendment, we support HB 4010 A because we recognize that the reporting requirement on these opportunity zone projects to the Department of Consumer and Business Affairs and posting to the transparency website, and the LRO analysis will provide accountability for these state investments. Perhaps

there will be future modifications should the state subsidies prove too costly or not benefit the distressed communities for which they were intended.

Estate Tax

[SB 1560](#), the estate tax bill that raised the exemption from one million dollars to \$2.5 died in committee. [LWVOR Testimony](#) opposed this bill.

A distillery subsidy bill, [SB 1565](#) was passed to Ways & Means on Feb. 10 but may get enough support to pass. It would establish rates of compensation to be paid by the Oregon Liquor Control Commission to a distillery retail outlet agent for distilled liquor retail sales by the agent.

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?

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[Back to top](#)

Social Policy

By Karen Nibler, Social Policy Coordinator

House Human Services heard two Senate bills on Monday, [SB 1518 A](#) on The Department of Human Services and [SB 1519 A](#) on Oregon Health Authority.

SB 1518 A is an omnibus bill which covered an adoption goal after a child is 12 months in custody, Family First services as an alternative to removal of children, and a background registry for service providers. SB 1519 A is a bill on the Long Term Care Registry for DHS and OHA workers, requiring background checks on criminal and driving offenses. The committee noted that support staff in the DHS Developmentally Delayed Program received an increased wage in 2019.

Both bills passed the Senate Human Services Committee and the Senate floor with a 28 to 2 excused vote. House Human Services passed the bills with no changes. The House floor vote should be scheduled soon.

Human Services Ways and Means heard from DHS administrators on Monday with a presentation on the federal Family First Prevention Act. On Wednesday they heard from OHA on the Behavioral Health services in the Coordinated Care Organizations and in the Oregon State Hospital. The agency reviewed the OHA investments of \$50 M in behavioral health services across the state. Every county will receive suicide prevention funds including 8 school-based health centers.

The House Behavioral Health Committee passed 3 bills, [HB 4031 A](#) on BH licensing, [HB 4082 A](#) on a Behavioral Road Map Commission under the Legislative Policy and Research Office, and [HB 4149 A](#) on The

Alcohol and Drug Policy Commission prevention and intervention strategy for children and an inventory of resources. All three bills were sent to Human Services Ways and Means.

The Public Safety Ways and Means Committee heard a joint presentation by Public Defense Services Consortium and the DHS Child Welfare Division on the court representation of parents and children by public defense attorneys. The PDSC had received a \$20 M Special Purpose Appropriation to increase defense representation in DHS cases. In addition, the payment model will change from a flat fee to a track time model, which may result in lower caseloads.

House Judiciary heard [HB 4004](#) on changes to the Public Defense Services Consortium operation in response to the 6th Amendment recommendations. The Chair of the Commission reported the board expanded from 7 to 9 members with minority representation. The Oregon State Bar and Basic Rights Oregon supported the changes. The House floor passed the bill 57-3. Senate Judiciary passed the bill and it's on the Senate floor schedule.

Senate Judiciary passed [SB 1568](#), which will allow guardians for vulnerable immigrants ages 18-21. The bill passed the Senate Committee 7-0 and Senate floor 28-2. The bill was scheduled for Monday in House Judiciary.

Senate Judiciary heard [HB 4065 A](#), a gut and stuff on driver license suspension upon non-payment of fines. The Oregon Law Center and Oregon Food Bank testified that the suspension of licenses caused economic hardships. It was a poverty issue more than a public safety issue. The House Judiciary passed it 10-1 and the House floor passed it 42-16 with 2 excused. The Senate Judiciary continued the bill for further consideration until next week.

Public Safety Ways and Means heard reports on Grand Jury Recordation from the District Attorneys Association and the Oregon Judicial Department. In the 2017 session, SB 505 stipulated that OJD would purchase and maintain equipment for electronic recording. OJD reported a problem with maintenance issues and plans to train county administrative or information technology staff. The DA Association had asked OJD to assist with storage, but OJD objected to storing confidential information from county courts.

The chair accepted the report.

The Department of Corrections reported on its process of transferring paper to electronic health records. As anticipated there have been glitches and it is not completed. The communication with other agencies and community providers has yet to be established and archives for parolee records are needed.

Senate General Government heard [SB 1558](#) on 2-12. This bill extended the Court Care Program in Marion and Polk Counties until 1-2-2022. The program to care for children whose parents were in court appearances and court-mandated programs had started in September of 2017 with the support of Jackie Winters. The program was not funded in 2019 by the legislature but had local support. The committee passed the bill and referred it to Ways and Means.

The Transportation and Economic Development Subcommittee of Ways and Means heard reports from the Employment Department on the Paid Family Leave benefit implementation on 2-13. An informational slide presentation is online on that date for your information. This Subcommittee also heard a presentation from the Department of Consumer and Business Services on unpaid debt of \$70 M which was uncollectable or sent to the Department of Revenue.

Health Care (Bill Walsh)

The Senate Health Care Committee took the following actions this week and announced that their last meeting will be 2/25/20.

[HB 4089](#) allows persons in apprenticeship programs and employed by a health care facility to practice surgical technology. It passed the Committee 4-1.

[SB 1550](#) A, allowing dental hygienists to perform interim therapeutic restorations, passed the Committee 5-0 and passed the Senate 28-2. The House Health Care Committee voted Do Pass, 9-0-2.

[SB 1549](#), relating to dental hygienist licensure, will be sent to an Interim Work Group.

[SB 1535](#) A requires the Department of Consumer and Business Services to seek information about rebates and markups in the pharmaceutical supply chain and report to Interim committees and the Task Force on the Pricing of Prescription Drugs. The bill passed the Senate, 21-8, and was sent to the House Speaker. The League supports.

[SB 1551](#) requires Community Care Organizations to provide additional financial information to the Oregon Health Authority for more transparency. It passed the Senate 25-4 and was sent to the House Speaker.

[SB 1577](#) A is the Senate version of the vaping ban (see HB 4078 just below), prohibits distributing, selling, or allowing to be sold flavored inhalant delivery system products. It generated controversy but received a Do Pass recommendation, 3-2, was sent to Ways and Means and assigned to the Subcommittee on Human Services.

The House passed [HB 4078](#), their version of the vaping bill, 48-18. It prohibits the sale of inhalant delivery systems by mail, telephone, or the Internet. The Senate Health Care Committee passed it 4-1 and it was sent to the Senate Floor.

The House also passed [HB 4079](#) that prohibits non-profit hospitals from requiring patients to apply for

The House also passed [HB 4029](#) that prohibits non-profit hospitals from requiring patients to apply for medical assistance (Medicaid) before screening for or providing financial assistance. The bill protects people seeking a pathway to citizenship. The House voted 42-10. The Senate Health Care Committee passed it 3-1-1 and sent it to the Senate Floor.

[HB 4161](#) A requires the Oregon Health Authority to provide grants to Regional Health Equity Coalitions and CCOs throughout rural parts of the state. It up for second reading on the House calendar.

[HB 4081](#) A cleans up language allowing physician assistants to practice under “collaboration agreements” statewide to begin in 2021. It is on the House Floor for a second reading.

[HB 4016](#) A requires the Oregon Health Authority to do numerous studies and report to Interim committees. It is in the House Committee on Rules.

[HB 4073](#) A limits cost-sharing for insurance plans covering insulin prescribed for the treatment of diabetes. The maximum copay for a 30-day supply was lowered from \$100 to \$75 and prohibits charging a deductible for insulin. It passed 11-0 out of committee and is on the floor.

[HB 4101](#) directs the Oregon Health Authority and CCOs to pay Medicaid dollars for telemedicine reimbursements. It passed the committee and goes to Ways and Means.

[HB 4109](#) prohibits aerial pesticide applicators from spraying or otherwise applying by aircraft pesticide products containing chlorpyrifos and directs the Department of Agriculture to revoke existing rules that allow such spraying by January 1, 2022. It passed the House 32-24. It has been sent to Senate Environment and Natural Resources for a possible Hearing and Work Session. The League supports this bill.

[HB 4115](#) A requires health care providers and CCOs to provide health care interpreters who are OHA qualified. It passed the committee 8-3. The Speaker sent it to Ways and Means.

[HB 4074](#) authorizes the Health Licensing Office to issue licenses to practice genetic counseling to qualified applicants. It passed 11-0 in Committee and is up for Third Reading on the House Floor.

[HJR 202](#) proposes to add an amendment to the Oregon Constitution that obligates the state to provide access to health care as a fundamental right and to balance this with the funding of public education and other essential health services. This would become a ballot measure for voters to decide. The House vote was 36-21. The Senate Health Care Committee scheduled a Work Session for 2/25/20.

Additionally, in the House Health Committee

[SB 1526](#) passed 9-0. It cleans up language the Health Licensing Office considers if an applicant for a nursing home administrator has earned a high school diploma or equivalent.

[SB 1550](#) A passed 9-0, which allows agreements between dentists and dental hygienists to perform interim therapeutic restorations.

[HB 4114](#) would require medical assistance and health benefit plan coverage of renal dialysis. This bill was not voted on and will be worked on over the next year.

[HR 4116](#) would require insurance plans to pay pharmacists to administer certain urgent drugs, e.g. HIV

[HB 4110](#) would require insurance plans to pay pharmacists to administer certain urgent drugs, e.g. HIV drugs, not now allowed. This bill was left on the table because the fiscal paperwork was not available for the last meeting.

Gun Safety (Marge Easley)

The Safe Storage Bill, [HB 4005](#) A, successfully passed out of the House Rules Committee on a party-line vote during the evening hours of February 21 and is headed to the House floor. The bill is intended to change behavior and save lives by requiring firearm owners to secure their firearms when not under their personal control. It institutes civil, rather than criminal, penalties, and strict civil liability for a two-year period for the most serious offenses, involving injury or death. Republican committee members respectfully declined to support the bill, despite efforts to lessen the impact on gun owners, including the passage of the A-12 amendment, allowing a gun to be unlocked while a gun owner is at home, "either alone or with authorized persons who also live in the residence and who are not minors, and the doors and windows are closed and locked."

Housing (Nancy Donovan and Debbie Aiona)

Last Week at the Legislature

The Legislature is halfway through the session and bills are moving quickly. It is encouraging to see the housing bills we are watching move to the next stage in the decision-making process. Significant effort is being devoted to addressing the needs of Oregonians facing housing instability.

The Senate approved [SB 1533](#), which as amended makes a change to the Rent Well Landlord Guarantee Fund to help more tenants receiving housing subsidies access the Fund. The bill now heads to the House.

The Joint Ways and Means Subcommittee on Education held a work session on a long-term rent assistance study, [HB 4002](#), to examine the costs and benefits of providing long-term rental assistance to persons who are homeless, or at risk of becoming homeless due to severe rent burden. PSU's Homelessness Research and Action Collaborative will conduct the study. The bill received unanimous approval and now heads to the full Committee on Ways and Means. The League submitted a [letter](#) in support of this study.

The House Rules Committee held a hearing on [HB 4001](#), the Speaker's bill to address homelessness. The Committee heard and approved the [-A7 amendments](#). The bill passed unanimously and now heads to the full Committee on Ways and Means. The -A7 amendments include various technical amendments to improve the bill. It requires local governments to approve an application for an emergency shelter if certain requirements are met, including such measures as providing sleeping and restroom facilities; complying with building codes; being located within an urban growth boundary or area zoned for rural residential; adequate access to public transit and no unreasonable risk to public health or safety.

In the House Human Services and Housing Committee, [HB 4015](#) was amended to include a technical fix related to [HB 2003](#) (2019). This 2019 legislation requires Housing and Community Services Department in cooperation with Department of Land Conservation and Development to develop methodology for local jurisdictions to conduct regional housing needs analyses and, for certain cities and Metro, to estimate existing housing stock, establish housing shortage analysis, and estimate needed housing units for next 20 years. The House Rules Committee considered several amendments, including [-10 amendments](#), which would add the language related to the Small Homes Pilot Program into the bill. The Committee unanimously

approved both sets of amendments, the technical fix to HB 2003 and the Small Homes Pilot Program. The bill was approved unanimously and now heads to the Joint Committee on Ways and Means.

Next Week at the Legislature

Few hearings are scheduled so far for next week. More committee hearings are expected to be scheduled and floor sessions on a few more bills.

The Joint Ways and Means Subcommittee on Human Services will hold a work session on [HB 4039](#), the Ecumenical Ministries of Oregon's proposal to fund services for unaccompanied youth experiencing homelessness, including increased access to Host Homes, shelters and more.

YOUR HELP IS NEEDED! If any of these areas interest you, please contact Karen Nibler, niblerk@comcast.net

[Back to top](#)

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