

Legislative Report, Volume 30, Number 8 – August 2020

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Climate Emergency

By Julie Chapman, Shirley Weathers, Cathy Frischmann, Josie Koehne, Robin Tokmakian and Claudia Keith, Climate Emergency Portfolio

LWV June 2020 Convention – Climate Emergency

During the historical LWV 100 year anniversary June 2020 National Convention, the Board's Program recommendation included 'Making Democracy Work' Campaign and six urgent policy issues (Climate Change, Health Care, Immigration, Gun Safety, Pass the ERA and abolition of the Electoral College). This recommendation was clearly affirmed with an overwhelming majority vote.

In addition, historic [Climate and Climate Migration related resolutions](#) passed at the LWV national convention.

Motion #2020-122: LWVUS calls for an immediate, wide-scale, mobilization by the United States, to restore, protect and fund an ecologically sustainable environment and climate, based on an interrelated approach that is environmentally sound, science-based, just and equitable, dedicated to adequately addressing the scale and speed of the global climate change emergency.

(Submitted by LWV Colorado Local League. Note, this convention resolution contains the major remedial plan elements in '*Juliana v U.S.Gov*' League supported lawsuit. "...Order Defendants to prepare and implement an enforceable *national remedial plan* to phase out fossil fuel emissions and draw down excess atmospheric CO2 to stabilize the climate system and protect the vital resources on which Plaintiffs now and in the future will depend...")

Motion #2020-150: Reaffirm our commitment to Immigration reform, for efficient, expeditious immigrant entry into the United States. The League stands in solidarity with immigrants and our immigrant rights community partners. Congress must take immediate action to pass common sense, fair immigration policies that end the crisis at our borders, end the separation of families, ensure their health and safety, and provide a clear path to citizenship, including DACA (Deferred Action for Childhood Arrivals) young people. (Submitted by LWV Oregon)

Governor Brown March 2020 Carbon Policy Executive Orders 20-04

LWVOR is a member of the [OCAP](#) (Oregon Climate Action Plan) Rulemaking Coalition facilitated by [Renew Oregon ED Tera Hurst](#), [OCAP coalition engagement structure](#). The League Action Climate emergency (CE) Team (with new League volunteer observers) is following EO 20-04 14 state agency and commissions work. We plan to engage where applicable, as OCAP coalition members and or with a separate advocacy voice. LWVOR recently co-signed two letters to [Oregon Global Warming Commission](#) and [Oregon Health Authority](#).

[‘Oregon Climate Action Update: Key State Agencies Move Forward With Implementation Plans While EO Faces Legal Challenge’](#) gives a view of the recent lawsuit.

The League is organizing EO policy sub-teams using the seven OCAP Policy Tables: OCAP Strategy, Transportation, Cap and Reduce, Clean Buildings, Public Health, Clean Energy and Land, Water & Forests. Each coalition table includes a major focus on 'Environmental Justice' with a co-table leader from a minority-focused NGO. We still are looking for additional league volunteers, at this point all 6 topic areas need additional volunteers, we hope to have a policy topic lead identified and 3-4 observers/researchers for each sub-team lined up by mid-September.

Forestry (Josie Koehne)

The LWV Climate Emergency Team is following and reporting on meetings at the various agencies that are directed by the Governor's executive orders to meet its greenhouse gas emission reduction goals and time

directed by the Governor's executive orders to meet its greenhouse gas emission reduction goals and time frames.

A hot topic at the July 22 Department of Forestry (DoF) Board meeting was the DoF's response to the Governor's Climate Action Plan, EO 20-04. Board members reported that they and the Oregon Global Warming Commission (OGWC) had received quite negative letters from conservation groups who felt ODF's response to the Governor was "wholly inadequate." The EO directs the 16 agencies to address how they planned to reduce greenhouse gas emissions to meet the two timeframe goals: to reduce greenhouse gas emissions by 2035 to 45% below 1990 emissions levels, and by 2050, reduce them by 80%. Instead, the report chronicled what the department had been doing and was currently doing within the department, rather than to define its role to increase carbon sequestration on state lands, county trust lands, and all private forestlands in Oregon. The LWVOR supplied [testimony on the ODF EO](#) report as well.

Some conservation groups felt ODF did not need further regulatory clarification by consulting with the Department of Justice. State Forester Peter Dougherty said at a Conservation Collaborative meeting with ODF on August 7th that conservation groups "misunderstood" that ODF did not "regulate" what happens on private lands, and they were not an "enforcement body." However, Oregon Forest Research Institute's "[Oregon's Forest Protection Laws](#)" on page 1 states "the Oregon Forest Practice Act and Rules...regulate these forest operations on all non-federal lands (private, state-owned and County- or city-owned). Operations on lands managed by the USDA Forest Service and USDI Bureau of Land Management are not directly regulated, but both agencies agree to meet or exceed the Oregon Forest Practices Act and Rules requirements." Page 2 states ODFD Stewardship Foresters are responsible for...determining reforestation compliance, investigating complaints, and where necessary, taking enforcement actions. Sometimes enforcement may lead to civil or criminal penalties." The Board of Forestry's role is to guide ODF and to make recommendations on Forest Practices. There will be several new board members added in January as the terms of several current members will be expiring.

The CE Forestry team members are attending many online ODF meetings, Board of Forestry meetings, environmental group meetings, including the OCAP Rulemaking group, under the Working Lands Table that includes forestry. The LWV team is reviewing ODF documents, forest and wildlife habitat management plans, timber harvest operations, and research related to carbon sequestration in order to make informed recommendations to the LWV Action Committee on possible advocacy concerning upcoming legislation. Sometimes this work includes partnering with other concerned groups on policy and communications strategies that align with LWV priorities.

Other Major Policy Topics

Transportation

[Implementation of the Sustainable Transportation Strategy](#): Executive Order (EO) 20-04 directs DEQ, the Oregon Department of Transportation, the Department of Land Conservation and Development, and the Department of Energy to collaborate and identify specific actions to help the state get back on track with the [Oregon Statewide Transportation Strategy: A 2050 Vision For Greenhouse Gas Reduction](#) vision and the Governor's new reduction goals in [EO 20-04](#) to reduce greenhouse gas pollution to at least 45 percent below 1990 emissions levels by 2035 and to at least 80 percent below 1990 emissions by 2050.

Cap and Reduce

- [Department of Environmental Quality / Climate Change Action](#) / Greenhouse Gas Emissions Cap and [Reduce Program Development](#) DEQ Public engagement kick-off was held July 29, 2020, a virtual information session to kick-off the public engagement process to develop a program to cap and reduce greenhouse gas emissions in Oregon. The meeting was an opportunity for the public and stakeholders to learn more about the program development and upcoming opportunities for participation, ask questions, and provide comment. [Agenda Slides Kickoff Meeting Recording](#) (opens in YouTube)
- The First of four DEQ EO Workshops is 1: Program Scope Program scope focused on the sectors, sources, and types of emissions to be covered Wednesday, August 19, 2020, 9 a.m.- 1:30 p.m. [Issue Brief Meeting materials](#)
- Lawsuit: Three Oregon [industry groups announced their lawsuit](#) challenging [Governor Browns Cap and Reduce executive orders](#). "...Brown and her attorneys have said in the past they worked extensively with the Oregon Department of Justice to bulletproof the order from expected legal challenges...."

Public Health

- The release of the next [OHA report](#) will likely be delayed from initial September 1 deadline to Oct 31.
- Other recent reporting on the public health impacts of climate change, particularly front-line workers- [See recent NRDC/BGA report](#):
- [Here is a link to OHA May 2020 EO OCAP report](#).

Clean Energy

- An [Oregon PUC \(Public Utility Commission\) 101 presentation was provided by the NW Energy Coalition](#) on Aug 11. The PUC EO 20-04 Draft report can be found [HERE](#).
- [PUC's Response to Executive Order No. 20-04](#)

The Oregon Public Utility Commission (PUC) has submitted a report to respond to Governor Brown's Executive Order No. 20-04 (EO 20-04), which is a significant step forward in Oregon's response to the challenges of climate change and its impacts on Oregonians. This report identifies proposed actions and activities the PUC can accomplish in response to the Governor's directives to combat climate change and reduce greenhouse gas (GHG) emissions.

- The PUC was specifically directed to convene workshops to mitigate wildfire risk. That effort is titled [Oregon Wildfire & Electric Collaborative](#).
- View [PUC's Report](#) and [Appendix B](#).

Clean Buildings

- Oregon BCD (reporting to the Department of Consumer and Business Services or DCBS) is still working on assessing how much more is needed to meet the building code goals in OCAP. (See May 2020 BCD report [here](#))
- BCD appointed an advisory group to support the current round of residential code update. They met on August 3rd to begin the discussion and plan to meet again on August 17th. Residential building codes should be updated by April 2021 and commercial codes in Fall 2021.

- More BCD EO 20-04 located [HERE](#)

Jordan Cove Energy Project (JCEP) (Shirley Weathers)

In the June issue, we noted that most action on JCEP had moved to appeals and other legal proceedings. All are still pending, but here are updates on some key issues.

- In May, the State of Oregon, several Tribes, affected landowners facing eminent domain, the statewide coalition opposing the Project (including the four LLs that have jointly submitted numerous public comments), and others filed Petitions for Review in the D.C. Circuit Court of Appeals of the Federal Energy Regulatory Commission (FERC)'s Order approving the two Natural Gas Act authorizations under its control. Additionally, the Niskanen Center filed a motion on behalf of landowners asking the D.C. Circuit to vacate or stay the portion of FERC's order that grants a Certificate of Public Convenience and Necessity for the Pacific Connector Pipeline and thereby conveys eminent domain authority to the corporation. The briefings schedules aren't known yet, but some attorneys expect opening briefs will be due near the end of the year.
- Pembina (Canadian corporation that owns JCEP) reported 2nd Quarter status to investors on August 7. Jordan Cove was not mentioned on the [call](#), but the company's [written report](#) acknowledges continuing regulatory challenges. Oregon Senator Jeff Merkley and Representative Peter DeFazio, both openly opposed to the project along with Senator Ron Wyden, recently declared the project next to dead, although the source of their optimism isn't known.
- Related to key state permits JCEP lacks, the company's attempts to get federal intervention against state denials (CZMA and Section 401 water quality permit) are proceeding. The spotlight right now is on the CZMA override under consideration by the Secretary of Commerce. The State AG's office has been working hard to respond to a request for further information by the deadline of August 12.
- Researchers have continued to investigate activities to promote JCEP by the recently formed "astroturf" (faux-grassroots) entity called the Western States and Tribal Natural Gas Initiative (WSTM). Their national backers have been found to have been operating to boost JCEP since at least 2017, utilizing tactics developed for other campaigns promoting fossil fuel development and combating efforts to address climate change for at least a decade.
- On August 13, Senators Wyden and Merkley issued a [joint press release](#) about two bills they will introduce in September when the Senate returns. The release indicates that the main thrust of both bills is ending the rampant use of eminent domain by entities seeking to build natural gas pipelines for export, action that fails to meet 5th Amendment rights to due process and the requirement for a public interest purpose. An early version of Senator Wyden's bill suggests that it may help reduce some negative impacts to consideration of proposed projects caused by the Administration's July 15, 2020 final NEPA regulation changes. We'll know more soon.

Office of Economic Analysis (OEA)

"[Let's talk about the Pandemic, migration and staying at Home](#)"; Aug 13, 2020 OEA Blog written by Josh Lehner, is specific to the pandemic and related recession. However, in July a number of respected publications reported on global [climate migration](#) and how it effects communities all over the globe. "The migration-climate nexus is real, but more scrutiny and action are required" John Podesta. A Scientific America article "The [U.S. Needs to Address Its Climate Migration Problem](#)"; With rising seas threatening coastal communities, federal watchdog warns the government's scattershot approach needs revising

Our Children's Trust

LWWUS and potentially a number of state Leagues are in the process of signing-on to Our Children's Trust ["Congress4Juliana" campaign](#). More on this announcement in late August or September.

Climate Emergency Declaration

On June 30, 2020 City of Portland joined 1765+ cities globally [to declare a Climate Emergency](#). There are now 90 cities in the U.S. that have declared including Milwaukee Oregon.

From the OPB July 1 article "...The resolution passed by council includes more than 30 commitments. Here are five notable ones:

1. The city's adopting a new target for carbon emissions. By 2030, the city is aiming to be 50% below what the region's emissions level were in the 1990s. Multnomah County Chair Deborah Kafoury, who spoke Tuesday, said that carbon emissions across Multnomah County are now at 19% below the levels in the 90's, but that emissions reductions had plateaued in recent years. The city has committed to be at net-zero carbon emissions by 2050.
2. The city's pledging to enhance the tree canopy, particularly in east Portland, where the tree canopy covers only about a fifth of the area. On the more verdant west side, the tree canopy covers more than half of the area, according to a [2018 report by the Portland Parks Bureau](#). A lack of trees means the impacts of climate change are felt disproportionately by residents of east Portland. Hot days will feel hotter, and the area's more vulnerable to flooding.
3. The city's committing to work with TriMet and Metro to fund free year-round transit passes for Portlanders 18 years old and younger. Metro is already considering paying for passes for high school students who don't get the passes through their school, the [Oregonian/OregonLive](#) reported earlier this month. That money would come from the transportation package the council is considering referring to the November ballot.
4. The resolution asks Portland General Electric and PacifiCorp, two electric utilities, to deliver renewable energy to all Portland residents and businesses by 2030. This is a loftier goal than what had previously been set for the utilities. Two years ago, Multnomah County [passed a resolution](#) that created a goal of meeting all of the county's energy needs with renewable sources by 2050.
5. The city says it will pursue "partnerships" with schools and youth organizations, including Portland Public Schools, to create a "youth-led summit" to support climate action. This is supposed to take place virtually in the fall. The city's bureau of planning and sustainability plans to return to City Council in early 2021 with a progress update on the commitments made in the resolution...."

[City of Portland News article](#) updated July 7, 2020: "Co-sponsored by Mayor Wheeler and Commissioner Eudaly, Commissioner Hardesty, and Commissioner Fritz, the Resolution strengthens the City's climate action approach to focus on climate justice and equity for the benefit of all Portlanders..." The Mayor [also announced he would no longer support](#) the Rose quarter ODOT project.

Western Governors Association – Electric Vehicle Roadmap Initiative

July 14 2020: [Western Governors' Association Chair Oregon Governor Kate Brown, asserting "we are on the precipice of a historic transition," launched the Electric Vehicles Roadmap Initiative, which seeks to achieve an expanded regional agreement on electric vehicle \(EV\) charging infrastructure that can "unlock new potential across the West."](#)

(Find many other NR topics like: Ocean Acidification, Wildfire Prevention, 100 Year Water Vision, Fracking, Air Quality, and Hazardous Waste 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: please contact Claudia Keith, ca.keith@comcast.net

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Education Policy

By Chris Vogel, Education Policy Portfolio

Education Budget

The Oregon Legislature prioritized protecting vital public services like K-12 education by voting to adopt a rebalance plan in response to the COVID-19 recession. Lawmakers managed to largely preserve recent investments made to the state's public-school system. By tapping into a \$400 million state education reserve fund, they managed to keep a \$9 billion fund for schools intact. Some argued that the pull was too deep endangering future years. (See the REVENUE section of this Legislative Report for a discussion on disconnecting from segments of the CARES act benefiting highest income earners and corporations. This disconnect would net the state of Oregon about \$250 million and could possibly refurbish part of the draw on the Education Stability Fund or be directed to essential state services for the most vulnerable.)

The [Education Stability Fund](#), was established in 2002 to keep K-12 funding stable, it has taken years to build these reserves. State economists predict Oregon will collect \$1.2 billion less in revenue than expected by mid-2021, with another update in the Revenue Forecast due on September 23. While allocations to local school districts shall remain relatively whole, nonetheless [four full pages](#) of fine print show rebalancing and cuts made to Oregon Department of Education (ODE) and the Higher Education Coordinating Committee (HECC) reflected in SB 5723. While the first four pages address education transfers and cuts, the remaining pages of this 33-page document reflect very deep and devastating cuts for other state agencies. The [Chalk Board consortium of philanthropic nonprofits](#) advocated prioritized funding at preschool through college for historically underserved vulnerable populations. And although many agreed the budget managed to stave off draconian cuts, some felt it hit certain programs too hard. Sen. Mark Hass, D-Beaverton, voted against the budget because he felt it disproportionately harmed a fund that helps Oregon high school graduates pay for community college.

Early Childhood Coalition

In a [joint letter](#) more than 40 Early Childhood Coalition (ECC) partners told legislators, "When we prioritize investments that center the needs of Black, Indigenous, and children of color, early childhood programs and services can mitigate disparities by race/ethnicity, income, geography, disability, language, immigrant and

...ness can mitigate disparities by race, ethnicity, income, geography, disability, language, immigration and refugee status, houselessness and foster care. When we work with intention to dismantle systemic barriers for our children furthest from justice, all of Oregon's children have the opportunity to thrive."

The ECC summarized the session, "The *good news* is that the legislature allocated the \$170.5 million for the Early Learning Account (ELA) of the Student Success Act (SSA)—very close to the amount promised in the 2019 session – and retained the commitment of 20% of funding from the SSA to the ELA. \$139 million of this pot has already been dedicated; the remaining \$31.5 million will need to be allocated by the Early Learning Division in the coming weeks. In addition, funding was not cut from the Early Childhood Equity Fund and the Student Success Plans for Black/African American students, American Indian/Alaskan Native Students, and Latinx students. The *bad news* is that the legislature moved forward with cuts to Early Learning Hubs (\$1.3 million), Healthy Families Oregon (\$1 million) and Child Care Focus Networks (\$900,000)."

School Reopening and COVID-19

Under [updated Oregon school guidelines released August 11](#), all Oregon schools can hold classes in person for students in those groups, even if counties are still having too many coronavirus cases to fully open schools. Students in career technical education programs, where hands-on learning is a major part of the curriculum, could also spend several hours per week in a school building. *"We know COVID-19 has had a disproportionate impact on Black, Indigenous, and students of color, as well as people navigating poverty and the elderly. There's no easy solution to resolve existing inequities, and ODE and OHA continue to work closely together to develop solutions with an understanding of the research evidence and implementation challenges needed to support the school year ahead for everyone in schools. We continue to learn on a daily basis about COVID-19 and how school systems are responding across the US and in nations across the world. Our teams continue to scour that information for ways to improve what we've put forward while keeping in mind the values and guiding principles we've used to guide decision making."* [Under the guidelines](#), in-person classes wouldn't resemble anything close to a regular school day. Students could be in a school for a maximum of two hours per day, and would have to remain part of a stable group of no more than 10 students while in school, and no more than 10 students while being transported to school.

Similarly the Higher Education Coordinating Council ([HECC](#)) [has provided guidelines](#) for public and private colleges regarding in-person classes. Smaller private universities seem more inclined to open this fall while larger public institutions are electing for mostly on-line classes.

In terms of process, the Second Special Session was defined by lack of transparency and public engagement. No verbal testimony was accepted on any bills. Looking ahead, the next Revenue Forecast is scheduled for September 23. That forecast may predict additional shortfalls this session. Congress continues to debate the next Coronavirus Relief package, which is expected to include some funding to bailout state and local governments. As of today, we are facing a \$4.4 billion budget deficit for 2021-23.

Interim Committees on Education

Follow the links above for video discussions and meeting materials. While distance learning, health and safety restrictions and notable budget cuts (especially for higher education) leave educators operating on unknown territory, all are preparing for the "new normal" in fall 2020. Opening remains in flux depending on Covid hot spots and individual district decisions.

We need I WVOR volunteers to follow:

We need LWVOR volunteers to know:

- early learning,
- schools K-12
- career technical training
- higher education in community colleges and 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

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Governance

By Norman Turrill, Governance Coordinator

Immigration and Civil Rights (Claudia Keith)

The June 2020 LWV Convention passed overwhelming the following LWVOR-submitted Immigration resolution:

Motion #2020-150: I move reaffirming our commitment to Immigration reform, for efficient, expeditious immigrant entry into the United States. The League stands in solidarity with immigrants and our immigrant rights community partners. Congress must take immediate action to pass common-sense, fair immigration policies that end the crisis at our borders, end the separation of families, ensure their health and safety, and provide a clear path to citizenship, including DACA (Deferred Action for Childhood Arrivals) young people. Related to our resolution the League is following these State of Oregon funding topics as they are proposed and approved:

- [Oregon Legislative approved Worker Relief Fund distributes \\$10M to Oregon immigrant families amid crisis. Jul 20, 2020](#)
- [Aug 1: Oregon launches coronavirus-related assistance program for agricultural workers](#)

We are continuing to attend monthly [CAHC](#) (Coalition Against Hate Crimes) meetings which highlight statewide bias crimes and the related SB 577 (2019) rollout. More info on Oregon DOJ SB 577 rollout can be found [here](#).

LWVOR will be prioritizing education and advocacy support related to this LWV Convention BIPOC rights Resolution :

- Motion #2020-136: We Resolve First, That the League advocates against systemic racism in the justice system and, at a minimum, for preventing excessive force and brutality by law enforcement. We also call for prompt actions by all League members to advocate within every level of government to eradicate systemic racism, and the harm that it causes;
- We Resolve Second, That the League help our elected officials and all Americans recognize these truths to be self-evident; that Black, Indigenous and all people of color (BIPOC) deserve equal protection under the law; and that we demand solutions for the terrible wrongs done, so that regardless of race, ethnicity, religion, disability, and gender identity or sexual orientation we may truly become a nation “indivisible,

with liberty and justice for all”.

[Recent ICE arrests in BEND included a 12 hour standoff by peaceful protesters](#). This topic is related to an [LWV advocacy statement dated in 2019](#). The League is monitoring [this situation](#) and may in the future choose to lend our advocacy voice to Oregon’s immigrant NGO’s that work with undocumented residents.

League Stands with Immigrants Ahead of ICE Raids

Excerpt from LWVUS:

WASHINGTON – League of Women Voters CEO Virginia Kase issued the following statement ahead of the administration’s planned raids to arrest and deport undocumented immigrants living in the United States. “The League of Women Voters stands in solidarity with the entire immigrant community during this terrifying time. The inhumane detention and deportation policies of this administration are un-American and an insult to our democracy.

“America is a beacon of hope and freedom for millions around the world. All migrants, asylum seekers, and citizens alike deserve to live with dignity and free from fear of detainment and scrutiny.

“Ahead of this weekend’s raids around the country, we urge citizens and non-citizens alike to know your rights. Whether documented or not, every person in America is protected by the U.S. Constitution.”

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

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Natural Resources

By Peggy Lynch, Natural Resources Coordinator

Budgets (Peggy Lynch)

After agencies provided the Governor with their 17% cuts lists for 2019-21, the Legislative Fiscal Office (LFO), the Tri-Chairs of Ways and Means and the Natural Resource Subcommittee Co-Chairs worked to consider how to save important existing programs while trying not to add to Oregon’s unemployment by laying off staff. They looked first to vacancies of positions as cuts. But some of our natural resource agencies will see layoffs. They also looked at new programs funded in 2019. The Subcommittee did hold a hearing on the Tri-Chairs’ proposed budget cuts where LWVOR provided [testimony](#). As a result, some changes were made before the 2nd Special Session budget rebalance bill ([SB 5723](#)) passed on August 10. Additionally, new Program Change ([HB 4304](#)) and Bonding Bills ([SB 5721](#) & [SB 5722](#)) were passed. The Governor may consider some line item vetoes before these bills become law. We may see another Special Session after the September 23rd Revenue Forecast. And the Emergency Board may also meet again a number of times as they deal with possible federal relief and state emergencies such as major wildfires. The next [E-Board meeting](#) is August 17. See additional comments under individual agencies/issues below.

While addressing the 2019-21 rebalance, agencies have also provided the Governor with their Agency Request Budgets (ARB). These budgets were developed BEFORE the virus and economic downturn hit so there will be major changes by December 1 when the Governor is required to submit her biennial budget request. The cuts experienced recently officially don't roll over into the 2021 budget, but you can expect that, for the most part, they will because the expectation is that the cuts will be even greater for the next biennium. Ouch! Also, all agencies are required to provide a 10% cuts list each biennium. It would be good to review those lists since there is an expectation that the actual cuts may well be even greater than 10%. All of this budget information is on each agency's website.

Air Quality (Susan Mates)

The Dept. of Environmental Quality will hold a regular Air Quality Stakeholder Forum on August 18. Since our volunteer, Susan Mates, is unavailable, one of our new Climate Volunteers may be listening in. We'll look forward to a report since some of the 2019 staff gains in the Cleaner Air Oregon permitting processes were taken away with the recent budget rebalance.

Arlington Landfill Radioactive Waste Dumping (Shirley Weathers)

The [first meeting](#) of the Rulemaking Advisory Committee (RAC) established by the Oregon Department of Energy (ODOE) to address the first round of regulatory inadequacies surfaced by the [Arlington Landfill affair](#) took place in July and was productive and encouraging. Preventing Oregon from becoming a target for TENORM dumping is a stated goal of the department; ODOE concluded during the investigation that preceded the [Notice of Violation](#) that Oregon's laws and regulations are outdated and need strengthening.

The [charge](#) of this RAC is limited to considering changes to OAR 435.029, Notice of Violation, Civil Penalties, Revocation or Suspension, rules that provide for the enforcement of laws and rules governing the transport and disposal of radioactive materials and waste in Oregon. While this is only one of several steps needed, the specific [provisions](#) the group is confronting in Division 29 appear to offer real potential to both deter future violations and allow effective response by the department if they occur. I am pleased to be representing the LWVOR on the RAC and am impressed with the knowledge and experience of other members and resource participants, as well as the quality of facilitation by the Energy Facilities and Sitting Committee (EFSC) staff. Please see the [June 2020 issue](#) of the Legislative Report for background and more information. The second meeting is scheduled for August 26.

Climate

Our legislative report has a separate section on Climate, but we encourage you to read both reports.

Coastal Issues

The Department of Land Conservation & Development (DLCD) is accepting comments on the draft Coastal Zone Management Act §309 Assessment and Strategy 2021–2025. This document represents the Oregon Coastal Management Program's (OCMP) proposal for funds available under Section 309 of the federal Coastal Zone Management Act (CZMA). Here is the [Public Notice](#) and [Draft Coastal Zone Management Act §309 Assessment and Strategy 2021–2025](#). Comments must be submitted by the close of business on Monday, September 7. The League hopes to provide comments by the deadline.

Dept. of Geology and Mineral Industries (DOGAMI) (Peggy Lynch)

The Mineral Land Regulation and Reclamation Division is funded by permit fees. The 2nd Special Session passed [HB 4302](#) to increase these fees, which will fund the 11 staff who process permits and inspect mining sites. Without this bill, 2 staffers would have been laid off. This division gets NO General Funds to pay for their services. There are on-going discussions on how to fund this small agency.

Elliott State Forest

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

Emergency Services

Legislators passed [SB 5721](#) which includes full funding for the ShakeAlert system (\$7.5M). This system was part of Governor Brown's resilience bill ([SB 1537](#)) in the February session that the League supported. League members might also check out OEM's "[2 Weeks Ready](#)" initiative that encourages Oregonians to prepare for natural disasters and emergencies. This short [video](#) shows the basics of a 2 Weeks Ready kit, including face coverings and hand sanitizer. Everyone's kit will be customized differently to fit the needs of their household. Go to [OEM](#) for more information.

Forestry (Josie Koehne)

The Board approved the 2021-2023 Budget request for \$418 million (an increase over the current \$389 million budget) for submission to the Governor. The department's accounts receivables were reviewed that still have outstanding balances awaiting federal and FEMA reimbursement payments that are always years behind. Wildfire is by far the greatest expense utilizing 90% of the budget.

A new computer dashboard system will provide real-time data reporting from various underlying legacy billing systems, which will provide warnings when accounts are in trouble with cash balance projections. There is also a new firefighting software system (SOFSA) that provides real-time map imaging available to firefighters on the ground and at aerial control centers to help them to see hotspots with intense areas of the fire so they can deploy resources most effectively. The Habitat Conservation Plan was reviewed and will be voted on in October which, if approved, will require an updated companion Forest Management Plan, which is a very high-level ten-year goal-setting document. ODF responded to the criticisms it received from public comment: lack of details on strategies and priorities. [Comments from the LWVOR](#) were among them. Counties who depend on state forest revenue are being encouraged NOT to support this HCP process as they feel it will reduce harvests. You can join a virtual meeting on September 16 for an [update on the Western Oregon State Forest Habitat Conservation Plan](#). [RSVP is requested](#); you can do so [by clicking here](#). More information can be found [on the project page here](#).

A hot topic was the ODF response to the Governor's Climate Action Plan, EO 20-04. Board members were dismayed that the questions submitted to the Dept of Justice (DOJ) to clarify the Board's authority concerning the EO were submitted so late (June), and would not hear back from DOJ until October or November. Board members reported that they and the Oregon Global Warming Commission (OGWC) had received a lot of negative feedback from conservation groups who felt ODF's response report to the Governor failed to deliver

negative feedback from conservation groups who felt ODF's response report to the Governor failed to deliver adequate plans on how the Department expected to reduce greenhouse gas emissions within the specified time frames. Instead, the report chronicled what the department was currently doing within the department rather than address its role to foster carbon sequestration on Oregon forestlands. The LWVOR supplied [testimony on this report](#) as well. See the Climate Emergency LR for details on the ODF response to the Governor's Climate Action Plan EO 20-04.

ODF's budget was severely cut by \$8,229,367 million for the department, \$4,779,328 million of which is General Fund (GF). The rebalance included a change in GF vs. private forestry's funding from 50/50 to 45/55 requiring more of industry in paying for firefighting. These would all be one-time reductions and just for this biennium. Protection and Private Forests division chiefs will be working closely with the areas and districts to determine the finer details of how to achieve the savings needed to meet these reductions in Fire and Private Forests by the end of the biennium (June 30, 2021).

However, they did receive \$10,383,896 for emergency fire costs from the 2019 fire season and \$700,000 to pay the contractor working with the agency to help with back billings and provide a recommendation to improve their systems. [HB 4304](#) authorized funding for a study on the actual costs of wildfire protection and suppression on lands protected by ODF. The study will be looking at the source of moneys used to pay costs

of protection, ways to improving tracking of fire costs, and how Oregon compares to other states. DAS will be procuring a contractor for this study and ODF will have a representative on the taskforce.

The Oregon Department of Forestry (ODF) maintains a [Wildfire](#) website, which includes links to a current wildfire map and a blog for [wildfire news](#).

Hanford Update (Marylou Schnoes)

Read the latest [here](#).

Land Use/Housing (Peggy Lynch)

The League continues to be engaged in rulemaking on "middle housing". On August 5th, the Land Conservation and Development Commission (LCDC) adopted the first set of rules on this issue. Local governments have applied for technical assistance funds to apply to extend adoption of middle housing should they have portions of their jurisdictions where infrastructure cannot currently accommodate the increase so long as they have a plan for addressing the issue under these new rules: [OAR 660-046-0300](#). Interested parties are also encouraged to sign-up for updates on the rulemaking process at <https://www.oregon.gov/lcd/LAR/Pages/Housing.aspx>. League members Peggy Lynch, Debbie Aiona and Nancy Donovan are participating in the various rulemaking committees.

The Oregon Housing and Community Services (OHCS) Dept. is working on the Regional Housing Needs Assessment pilot project, a part of HB 2003. A report is due to the legislature on September 1. OHCS has launched a new website. The [RHNA project page](#) now has a different address.

The budget rebalance also hit DLCD hard, including loss of some current staff, although the Housing team was mostly preserved. As an almost entirely General Funded agency, they often receive huge hits when budget cuts are required.

Oregon Dept. of Fish and Wildlife (ODFW) (Peggy Lynch)

Among the reductions to ODFW was removal of \$1 million that was to be matched with private donations for an Oregon Conservation and Recreation Fund. The Legislature did say that they might reconsider in 2021 depending on the amount of match donated. At the time of the budget rebalance only \$51,000 had been raised. Since much of this agency is funded by fishing and hunting licenses, funding is needed to focus on conservation and recreation—issues that the majority of Oregonians care about.

A number of other issues have arisen lately, including federal authorization to take more sea lions on the Columbia. See the latest news releases [here](#).

Parks

As the agency struggles with continued loss of revenue between lottery revenue drops and camping fees, they have instituted a 30% surcharge on out of state visitors to our state parks. Many parks are still closed and those that are open are often at full capacity. Be sure to check their website stateparks.oregon.gov for the status of access to camping, restrooms, showers, etc.

Transportation

See information in the Climate section on the Statewide Transportation Strategy and Every Mile Counts programs. Look for more information at the next Land Conservation and Development Commission [meeting](#) September 24-25.

Water (Peggy Lynch)

As with the Air Quality Division, Water Quality permitting staff at DEQ that we gained in 2019 that had yet to be filled were cut in the rebalance. The Water Resources Dept. also suffered deep cuts including the loss of staff for the new groundwater basin study we got funded in 2019. And they were not awarded more money to address their legal expenses shortfall of over \$800,000. We can hope that the Emergency Board will address this critical issue since lack of action may require additional layoffs in the time of Oregon's on-going drought.

The Environmental Quality Commission voted on July 16 to adopt proposed amendments to DEQ administrative rules about water quality permit fees. The affected rules are OAR 340-045-0075 and 340-071-0800. The League served on the Rules Advisory Committee and recommended these fee increases to help fund this important service to protect Oregon's water quality. The fee increase was a total of 21%, which will be implemented in two phases. Phase one is effective August 1. This equals a total of 13%, which is 3% authorized by statute (ORS 468B.051) and 10% to support new program positions authorized in the 2019-2021 Legislatively Adopted Budget. The second phase becomes effective on July 1, 2021. This is for 8% that also supports new program positions authorized in the 2019-2021 Legislatively Adopted Budget.

Waldo and Crater Lakes are being considered as outstanding resource waters. More info [here](#). A public hearing will be held at 3 pm on August 18.

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. The Native Tribes of Oregon are now being formally consulted in this process for which the League is most pleased.

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.

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Revenue and Tax Reform

By Josie Koehne, Revenue Coordinator

Revenue Update

Since another wave of federal relief dollars to the states is still held up and may never come in, the Governor called a second special session to pass a budget rebalance plan that was approved after a [very contentious 15-hour session](#) in Salem on August 10. The revenue shortfall due to COVID-19, reported in June to be \$1.2 billion (see the last Revenue LR), is less devastating than expected in part from revenue collected from the payments that were delayed until July from the new Corporate Activities Tax (CAT). The CAT was designated to fund the new Student Success Act programs, but that revenue was diverted in the Joint Ways and Means August 10 rebalance plan to fund regular K-12 school budgets. This was after large payments went out for “Kicker” reimbursements this spring for better-than-forecasted returns from last year. There has been much juggling of the various pots of revenue—General Fund, Other Funds, Lottery Funds, and half the Education Stability Fund—to rebalance the budget, along with many budget reductions and hiring freezes. The Governor has threatened to use her line-item veto to [gut certain provisions in the plan](#), including a plan to tap into Public Employment Retirement Security (PERS) and the Education Stability reserve funds. She is also opposed to keeping open two rural prisons that the Department of Corrections had recommended closing, which has strong opposition in the Legislature. Another Oregon Office of Economic Analysis revenue forecast is due on September 23.

Tax Update

Just before the second session opened and closed on August 10, the LWV, working with several other coalition partners, succeeded in drawing attention to the CARES Act tax issues, and the loss of revenue to Oregon’s General Fund they would entail due to our “rolling connection” with federal income tax law. LWVOR provided [testimony](#) to the House Revenue Committee that met online on August 6 to hear invited testimony from the Legislative Revenue Office on the details of their May 2020 report: [“Coronavirus Aid, Relief, and Economic Security — \(CARES\) Act \(H.R. 748\)”](#). House Revenue Chair Nancy Nathanson posted [LC 2](#) that would

disconnect Oregon from three of the four tax provisions in the CARES Act supported in our testimony that could potentially save Oregon \$225 million dollars of General Fund Revenue this biennium alone. Considering the enormous [agency budget cuts](#) that the Tri-chairs of the Joint Ways and Means Committee approved and were passed during the second special session, this would preserve a good amount to General Fund revenue from amended tax return refunds. The LWV and coalition partners have met online with various legislators to discuss the CARES Act provisions. Currently, with public testimony and pressure from a number of legislators, including members of the Black, Indigenous People of Color (BIPOC) caucus, some legislators are pushing for a hearing on the CARES disconnection in the Senate Finance and Revenue, House Revenue and/or a Joint Revenue Committee sometime in early September before a possible third special session convenes.

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.

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Social Policy

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

Gun Safety (Marge Easley)

The gun safety community was dealt a significant blow on August 14 when a three-judge panel of the 9th Circuit of Appeals ended California's ban on high capacity magazines, which has been in effect since 2016. The ruling sided with the National Rifle Association in declaring that the ban infringed on the constitutional right to bear arms as provided in the Second Amendment. The California Attorney General is contemplating an appeal, but the decision has national implications since other states have similar restrictions. In Oregon, an initiative petition that included a ban on high capacity magazines was filed in 2018 by Lift Every Voice Oregon, but it failed to qualify. The organization intended to try again in 2010 but were forced to postpone until 2022 due to the pandemic.

Health Care (Bill Walsh)

In a brutal Special Session for budgets, it appears that the funding reductions in the healthcare arena were structured in such a way that essential services and eligibility categories remained intact. Most "savings" came out of administration and staffing cutbacks.

Half of the \$1.2 million appropriated for the Joint Universal Health Care Taskforce (SB 770, 2019) for next year is gone (for now), but the half that remained will cover staffing and contracting for this year. Sponsor Senator James Manning, one of three non-voting legislators on the Taskforce, said he would seek funding next session to cover the shortfall. The Taskforce met [July 23](#) and meets again August 21. The group elected Bruce Goldberg MD, OHSU public health and health systems management as Chair and Edward Junkins of Western University of Health Sciences as Vice Chair. The Taskforce's charge is to lay out the plan to cover all

western University of Health Sciences as vice-chair. The taskforce's charge is to lay out the plan to cover all Oregon residents with health insurance and pay for it.

Housing (Debbie Aiona and Nancy Donovan)

On August 10, the House and Senate finished their work, passing the housing bills described below and ending the second special session.

The Local Innovation and Fast Track Housing (LIFT) program will receive \$50 million in new general obligation bonds. The funding is included in [SB 5721](#). Oregon Housing and Community Services' LIFT program produces affordable rental housing in communities across Oregon.

In April 2020, the Legislature committed \$12 million for rent assistance and motel vouchers for farmworkers (\$8.5 million in rent assistance and \$3.5 million in motel vouchers). This came from the general fund, but is now being switched to the federal Coronavirus Relief Fund (CRF). This change is included in [SB 5723](#) Section 241 and 242 (p. 30).

Individual Development Accounts, or IDAs received \$2 million. This amount is included in the main budget rebalance bill, [SB 5723](#). These additional matching funds and program administration dollars will help fill a budget gap due to the change in the value of the tax credit and the changes in the deductibility of tax credits.

OHCS can now contract with providers in addition to Community Action Agencies for both Emergency Solutions Grants and Mortgage Payment Assistance, which is included in [HB 4304](#), Section 41 (p. 20). The language related to mortgage payment assistance is added in case Congress authorizes this type of funding in the COVID-relief proposal. This would allow OHCS to put any mortgage payment assistance money out through their existing program – Oregon Homeowner Stabilization Initiative.

Unfortunately, the amount of funding available for rental assistance to pair with permanent supportive housing projects was cut from \$4.5 million to \$1.5 million.

The Legislature is repealing the Housing Accelerator program funded with \$5 million in general fund dollars in 2019. A total of \$3 million will be moved into rent assistance for affordable housing providers. \$2 million will replace general fund dollars for lottery fund dollars for a housing project funded in the lottery bond bill in 2019 (Las Adelitas).

The Legislature is moving \$3 million from a bill passed in 2019, which would have funded the relocation of manufactured home park in the City of Springfield, to fund rental assistance for regulated affordable housing. This change is included in [SB 4304](#) Section 36, p. 19.

Police Reform (Donna Michel)

When the world watched George Floyd's death in horror on May 25 the reaction across the United States and around the world was swift and often violent. Protests across the country continued day after day, grew and continue still. Three weeks after Floyd's death on June 16 Governor Brown called a Special Legislative session. The legislators met on June 24-26 and quickly passed six police reform bills:

- [SB 1604](#): Makes it harder for arbitrators to overturn police disciplinary findings if the arbitrator concurs that misconduct occurred and disciplinary policies were followed.

- [HB 4201](#): Establishes Joint Committee on Transparent Policing and Use of Force Reform. The panel is supposed to make recommendations by the end of the year for additional legislative action.
- [HB 4203](#): Bans use of chokeholds except in situations where using deadly force is warranted.
- [HB 4208](#): Allows use of tear gas only after police announce they intend to use it and requires police give people time to disperse. Police must first declare a riot is occurring under Oregon law before using tear gas.
- [HB 4205](#): Requires officers to take action to prevent or report a fellow officer engaged in misconduct.
- [HB 4207](#): Requires state to maintain public records on police discipline that law enforcement agencies around the state must check when hiring an officer. *Source: OPB*

Oregon's basic law on use of force is located in Chapter 743 Oregon Laws 1971. Although one of its provisions requires the safeguarding of offenders against excessive, disproportionate or arbitrary punishment the law widely allows the use of deadly force against perceived danger. Not until 2007, thirty-six years later, did the legislature pass another law on police reform. This law requires law enforcement agencies in each county to develop policies for the use of deadly force.

The Joint Committee first met on July 8 under the leadership of co-chairs Sen. James Manning (D-District 7) and Rep. Janelle Bynum (D-District 51). The committee quickly invited testimony from experts in Oregon and

from other states. As a result, seven Legislative Concepts (LC) emerged from the work of the Joint Committee:

- [LC 742](#): Regulates use of chemical incapacitants, kinetic impact projectiles and sound devices by law enforcement agencies.
- [LC 743](#): Establishes requirements for peace officer uniforms. Establishes requirements for displaying identifying information on peace officer uniforms and for disclosing identifying information to public upon request.
- [LC 745](#): Provides that peace officer or corrections officer may not use force that impedes normal breathing or circulation of blood of another person by applying pressure on the throat or neck under any circumstances.
- [LC 751](#): Relating to statewide law enforcement disciplinary standards and declaring an emergency.
- [LC 761](#): Modifies justification defenses available to peace officer who uses physical force or deadly physical force upon another person...
- LC 762: Directs Department of Public Safety Standards and Training to establish a publicly available database of certain information about misconduct and discipline of public safety employees established by the Department of Public Safety standards and Training...
- [LC 763](#): Directs Oregon Criminal Justice Commission to establish statewide database of reports of use of physical force by police officers and corrections officers... *Source: olis.oregonlegislature.gov*

On August 10 following the Joint Committee's work the Legislature passed [HB 4301](#) which incorporates both LC 761 and LC 745. The measure strengthens the restrictions on use of chokeholds and updates use of force guidelines. Of the measure Sen. Manning said "It's long past time we disallowed officers from using chokeholds. It's wrong and it can be lethal. It is not a tool to deescalate it's a tool to take life. Chokeholds have been used disproportionately against Black and Brown people, and sometimes even used against our kids. There's no excuse for that. Law enforcement should approach their work as peace officers, not as if they are going into battle. This change in law is important. It will save lives."

According to Rep. Julie Fahey (D-District 14) "The Committee is slated to continue its work and provide further

recommendations to the Legislature, potentially during a future special session this year, if another one is called, but definitely for the 2021 regular legislative session.”

From the less than three-month timeline, beginning with George Floyd’s death to passage of [HB 4301](#) it is clear that Oregon has moved swiftly to address the need for police reform. For this we are grateful. Even so, Legislators are quick to point out that impressive as these actions are they represent only a first step. Or as a very wise person once said: A journey of a thousand miles begins with a single step.

YOUR HELP IS NEEDED! If any of these areas interest you, please contact lwvor@lwvor.org.

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