

LWW



Issues for Action

2014-2015

Statements of Position and Action History

Published January 2014 by
The League of Women Voters® of Oregon
1330 12th St. SE, Suite 200
Salem, OR 97302
(503) 581-5722 • FAX (503) 581-9403
lwvor@lwvor.org • www.lwvor.org

Table of Contents



2	Action Calendar and Committee Members
3	Mission, Vision, and Principles
4	Positions and Action
6	GOVERNANCE
6	Campaign Finance Reform
9	Citizen Participation and Access
12	Constitutional Provisions
20	Economic Development Revenue Bonds
20	Election Laws
27	Election Methods
27	Emergency Board
28	Fiscal Policy
44	Initiative, Referendum, and Recall
49	Oregon State Courts
51	Public Records Law
52	Redistricting
54	NATURAL RESOURCES
55	Air Quality
59	Climate Change
61	Offshore and Coastal Management
	ENERGY:
67	Conservation
73	Nuclear
75	Hazardous Materials
76	Land Use
90	Parks
93	Seismic Risks
95	Solid Waste
	WATER:
98	Policy—Quality and Quantity
107	Resources—Columbia Basin
111	SOCIAL POLICY
111	Adult Corrections
114	Child Care
117	Children at Risk
122	Education—Postsecondary
126	Farmworker Issues
128	Gun Control
	HEALTH POLICY:
128	Adult Mental Health
134	Mental Health Services for Children and Youth
136	Physical Health Care
140	Homeless Youth
141	Housing
146	Juvenile Justice
149	Women's Issues



2014-15 LWVOR Action Calendar

During the interim between legislative sessions the Action Coordinating Committee meets about every 6 weeks or as needed for special topics.

January 15-17, 2014	Interim Legislative Days
January 21, 2014	Bill filing deadline
February 3 - March 9, 2014	2014 Short Legislative Session
February 10, 2014	LWVOR Day at the Legislature
May 28-30, 2014	Interim Legislative Days
September 15-17, 2014	Interim Legislative Days
December 8-10, 2014	Interim Legislative Days
January 2015	LWVOR Legislative Process Day
February - June, 2015	Legislature convenes in regular session
During Legislative Session	Full Action Committee meets weekly or bi-weekly <i>Legislative Report</i> published weekly
March/April 2015	LWVOR Day at the Legislature
January 2015	<i>Issues for Action</i> updated and published

2014-15 Action Coordinating Committee

Chair:

Alice Bartelt
503.246.0496; a.bartelt@lwwor.org

Coordinators:

Kappy Eaton, Governance
541.344.2027; gopher44@comcast.net

Peggy Lynch, Natural Resources
541.745.1025; zuludar@aol.com

Paula Krane, Public Access
541.752.2361; kranep@peak.org

Karen Nibler, Social Policy
541.752.8567; niblerk@comcast.net

Portfolio Chairs:

Theresa Gibney, Natural Resources: Energy,
Climate Change and Transportation
541.745.5503;
theresa_volunteer@comcast.net

Phil Thor, Natural Resources:
Columbia River Treaty
503.288.4909; pratthor@gmail.com

Marge Easley
Natural Resources: Land Use/Aggregate,
Social Policy: Gun Safety
503.638.7023; marge.easley@frontier.com

Norman Turrill
Governance: Campaign Finance
503.827.8251; nturrill@mac.com

The League of Women Voters[®] of Oregon

Mission Statement

The League of Women Voters is a grassroots, nonpartisan political organization which encourages the informed and active participation in government in order to build better communities statewide. The state League's purposes are to influence public policy through education and advocacy, and to provide support for League members and the League organization.

The League of Women Voters[®] of Oregon

Vision Statement

We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good.

League Principles

The League of Women Voters believes in representative government and in the individual liberties established in the Constitution of the United States.

The League of Women Voters believes democratic government depends upon the informed and active participation of its citizens and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

The League of Women Voters believes that every citizen should be protected in the right to vote; that every person should have access to free public education that provides equal opportunity for all; and that no person or group shall suffer legal, economic, or administrative discrimination.

The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibilities, adequate financing, and coordination among the different agencies and levels of government.

The League of Women Voters believes that responsible government should be responsive to the will of the people; that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution of economic and social problems that affect the general welfare, promote a sound economy and adopt domestic policies that facilitate the solution of international problems.

The League of Women Voters believes that cooperation with other nations is essential in the search for solutions to world problems, and that development of international organizations and international law is imperative in the promotion of world peace.

Positions and Action

This publication outlines the current positions for the League of Women Voters of Oregon (LWVOR) and a brief summary of state actions taken. Ongoing interpretations of the positions are shown by date in bold.

Positions

League involvement really begins when a study is adopted at League Convention. Action possibilities are in mind when a study is undertaken and the areas of emphasis are determined. When the members have completed a study, local Leagues send their member agreement reports to the LWVOR board. From these reports the LWVOR board adopts a Statement of Position.

The statement of position is an expression of general agreement by a substantial and representative number of members about certain governmental policies. All state positions must be consistent with board approved policies, a principle applying at all levels of League functioning. For the board, the position is the yardstick against which to measure governmental proposals. Each position affirms a basic philosophy in general terms, defines the goals desired, and establishes guidelines against which proposals can be measured. Each position is reexamined biennially by local Leagues in their program planning discussions before each biennial convention.

Action

Action may be taken after a statement of position has been adopted. The state board appoints an action committee. This group may be involved in many forms of action at the state level, such as testifying before legislative committees, conferring with state officials and agencies, or working with other groups having common interests. League action neither supports nor opposes candidates or political parties.

Local League and individual member participation in state action is encouraged in a variety of ways. League members recommend priorities for action for board approval. Information on state action items is included in the board packets going to local Leagues, and in the *Voter*. During the legislative session, the twice-monthly *Legislative Report* describes state issues and activities. Action alerts are sent to local Leagues for their action.

Local Leagues may take action on behalf of LWVOR on state advocacy issues by having their president contact their local legislators or other persons at the state level, or by developing letters to the editor.

Also, League members may use these materials as resource content for their individual activities, such as letters to legislators, letters to the editor, and in personal contacts, but not in the name of the League.

Protocol for Other Local Action on State and National Positions

In League action, it is important to avoid public confusion and to assure that state and national positions are being interpreted consistently. To assure that local Leagues do not take divergent stands on issues affecting other Leagues, it is essential to work together. Therefore, if a local League wishes to take local action based on a state or national position, it is necessary to discuss and clarify with the state president or action chair how the proposed action will affect the whole League.

The local League should outline the local problem and the action planned as well as specify the state or national position(s) visualized as the basis for action. If a local League board disagrees with the views of the president or action chair, they may bring the matter to the state board.

As explained in the LWVUS publication League Basics (formerly In League), when action has both state and national implications or involves more than one League, "it is important to work closely with the affected League(s) to develop a cohesive action plan. As issues grow more complex, one League's position may differ from a nearby League's on a given issue. This fact does not necessarily mean an impasse that forecloses action. It does mean that everyone involved has to do some creative thinking toward a cooperative solution. It is a good idea for Leagues to communicate with their neighboring Leagues on their respective action agendas. This communication not only will serve to spotlight areas of mutual interest but also could head off any possible conflicts."

Local Positions

A local League may testify on a state legislative matter that particularly affects the local area when it has an appropriate position and the state League has been notified.

A local League may be requested by the state to testify on a legislative bill if the state does not have a position, but the local League has an appropriate position that addresses the issue statewide.

Adopted by LWVOR Board December 1999
Reaffirmed by LWVOR Board November 2001

The League statements of position on the following pages are also available on the LWVOR website: www.lwvor.org. If you need a copy of all positions without Position History or Position Implementation, please download it from our website.

GOVERNANCE

Campaign Finance Reform

LWVOR uses the LWVUS position on campaign finance reform as the basis for legislative and statewide action. Members adopted the position in 1973 following a study initiated by the 1972 Convention. The League supports measures to "improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and promote citizen participation in the political process."

Position Implementation - Campaign Finance Reform

1993. The League supported a campaign finance reform measure passed by the Senate but killed in the House. It provided for contribution limits, voluntary spending caps, some public financing, bans on pass-throughs and limits on labor and corporate contributions. As a result, the League joined with Common Cause, OSPIRG, and the American Party in writing and circulating a campaign finance reform petition that would be voted on in November 1994.

1995. Late in the 1995 session, leaders in both the House and Senate attempted major revisions (repeal) of the campaign finance reform measure passed by 72 percent of the voters in November 1994. The League worked vigorously with other members of a coalition to prevent the legislation from reaching the floor. It did not, and the new law remains in effect. The court challenge filed in February is slowly moving. Because there is a precedent from Missouri and the District of Columbia cases to uphold the strict contribution limits, it is hoped that the core of the campaign finance law will be maintained. It will be important to monitor the impact of the 1996 elections and to be prepared to discuss modifications, if necessary, in 1997.

1997. The contribution limits passed by voters in 1994 were in effect during the 1996 election cycle along with voluntary spending limits and bans on pass-through funds and personal use of campaign money. There was a significant decrease in campaign spending as expected, but an increase in independent expenditures on behalf of candidates which cannot be limited by law. The reform was working, but the Oregon Supreme Court declared the contribution limits and ban on pass-throughs unconstitutional in February 1997. LWVOR worked diligently during the 1997 session to prevent elimination of the voluntary spending limits, the ban on personal use of funds and the tax credit for contributions to candidates who agreed to spending limits. The Legislature was unable to further erode campaign finance reform.

A small working group on reform, under the sponsorship of state Senator Kate Brown, worked during the session on two possible reform measures: public funding (four bills were introduced, but none received a hearing) and a constitutional amendment to allow contribution limits. The group has now been expanded, and the League is supporting a proposal for public financing in cooperation with Common Cause and ACLU. OSPIRG is proposing the constitutional amendment. The group expects to have a bill drafted for the 1999 session that calls for public financ-

ing of statewide elective offices and legislative seats during the general election. If the Legislature fails to act, the measure will be put forth as an initiative in 2000. The campaign finance group is meeting regularly and is seeking foundation support.

1999. Identical bills providing for public funding of legislative and statewide office candidates were introduced in the Senate and House. No hearings were held on the substance, but the House measure passed containing only election procedures. These bills were sponsored by the Oregon Working Group for Campaign Finance Reform of which the League is a member. The governor vetoed a bill that would have wiped out the remainder of Ballot Measure 9 (1994), voluntary spending limits and the political tax credit for adhering to the limits. However, the political tax credit has now been expanded and little monitoring is done on the voluntary spending limits. In addition, the House passed a bill which would have essentially downsized the disclosure requirements and made the tracking of contributions and expenditures extremely difficult. The Senate refused to pass it. The League worked in coalition to oppose this bill. The Political Accountability Act, based on the legislative proposals for a public funding system, has been filed as an initiative with League support.

2000. The League worked in coalition to pass Measure 6, the Political Accountability Act, a public funding proposal designed to level the playing field and move special interest money out of Oregon politics. The League played a large role, with the president chairing the PAC. It was defeated by a last minute opposition campaign.

2001. During the 2001 legislative session, one measure was proposed to limit spending, along with limited public funding, and another to place contribution limits in the constitution, both of which received hearings but did not move out of committee. The Legislature did pass a disclosure statute requiring immediate notification by legislators of any contributions received during the session, applying also to state office holders. Perhaps the best improvement is a new law, which requires additional reporting on contributions and expenditures prior to and after the Primary election both by candidates and petition campaigns.

2003-04. Several contribution limit bills were introduced in the 72nd legislative session, including both simple constitutional amendments to allow limits as well as statutes spelling out the comprehensive limitations on candidates, donors, and organizations. Most of the activity took place in work groups formed by the interested legislators or by the League, Common Cause and the Money in Politics Research Action Project (MiPRAP), with legislators, labor representatives, and party representatives participating. Since disclosure of campaign contributions and expenditures is the only means for checking on campaign financing, the League and others opposed a measure which would have eliminated donor information such as occupation and city address. It died in the House the morning of adjournment. The League continued to oppose proposals that put both limits and details into the Constitution. One initiative that does this is being circulated for the 2004 ballot. We have concerns about cluttering the Constitution with the statutory details.

The League co-sponsored a CFR Stakeholders Summit in October, and the group will continue meeting in 2004 to plan for possible action in the 2005 Legislature and beyond.

2004. The CFR stakeholders group that started in 2004 continued and developed into the Building Better Campaign (BBC) Coalition, and the League formally became part of the coalition. The BBC continued the discussion about strategies to strengthen Oregon's disclosure

provisions through legislative action, an initiative campaign, or working with other groups who were proposing initiatives. The League was represented on the Secretary of State's Campaign Finance Disclosure Panel, which proposed several recommendations for improving disclosure. The League did not support the proposed constitutional amendment initiative to establish contribution limits and the statute for implementation put forward by Money Is Not Democracy (MIND), and these initiatives did not qualify for the 2004 ballot. The League and BBC did, however, offer suggestions to MIND and Democracy's Edge for revisions for new proposed initiative petitions for 2006.

2005. The BBC proposed a one-line constitutional amendment initiative (#31) and a contribution limits statute (SB 780), with the idea of furthering legislative discussion, but these went nowhere. Two Senate bills seeking a single sentence constitutional amendment to enable contribution limits were heard in the Rules committee, but did not move forward. The House did not consider any campaign finance limits.

The League decided not to support two campaign finance initiative petitions (#8 constitutional amendment, #37 statute) because the constitutional amendment would require a 3/4 vote of both houses of the Legislature, or an initiative, to change any CFR law.

The League had much better success supporting the report of the Secretary of State's Public Disclosure Panel. This report was largely adopted as HB 3458 in the waning hours of the Legislature's long session, partly as a result of allegations about and later resignation and conviction of Rep. Dan Doyle for false campaign finance reports. HB 3458 provides for nearly continuous campaign finance disclosure through a web-based computer database and will be a great resource for voters and news media. HB 3458 also contained numerous other small provisions that will improve campaign finance laws and disclosure.

2007. There was little action on campaign finance this session. Public Commission on the Oregon Legislature (PCOL) recommended a Campaign Finance Reform Commission to study the issues and make recommendations. The League supported the bill in the House Elections, Ethics and Rules committee, and it passed the House late in the session. It was not heard in the Senate. The good news is that ORESTAR, the online filing system for reporting campaign contributions and expenditures (C&E reports) is up and running. It will make the "who" and "how much" part of both individual and issue campaigns much more transparent and accessible to the public.

2009. While action didn't come until late in the session, there was an undercurrent of interest in campaign finances because of Measure 47 (2006), an initiative which passed but has not been implemented. The statute sets up stringent campaign limits and other limitations, but the accompanying constitutional amendment to allow limits did not pass so the Attorney General and Secretary of State declared it impossible to use. Democracy Reform Oregon, formerly Money in Politics Research Action Project, sponsored HB 3009 which would have enacted broader limits and overcome Measure 47. The bill was supported by the League, both with testimony and visits to members of the House Rules Committee. It died in committee but did set the stage for further work during the interim. Another constitutional amendment has been filed by the supporters of Measure 47.

2011. There was no significant discussion of campaign finance during the session. Disclosure remains the only check on candidate and issue campaign contributions and expenditures.

ORESTAR, Oregon's on-line campaign finance reporting system, continues to improve and received funding.

2013. More transparency regarding independent expenditures for both candidate and petition campaigns will be required by League supported legislation. Contributions made by individuals or entities apart from regular campaign committees must now be filed electronically with the Secretary of State and will be placed on ORSTAR for public access. This disclosure is vital in Oregon because disclosure is our only means of following contributions and expenditures to track campaigns and this will shed light in a grey area of independent support.

Citizen Participation and Access

"The League of Women Voters believes democratic government depends upon the informed and active participation of its citizens and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible." LWVUS Principles

"We must promote an open governmental system that is representative, accountable and responsive." LWVUS Representative Government position

Citizen participation and access are also important parts of LWVOR positions on Land Use and the Judicial System, and LWVUS positions on Campaign Finance, Citizens Right to Know/ Citizen Participation, Environmental Protection and Pollution Control, Natural Resources Public Participation, United Nations, and International Relations Trade Policy. Because of these scattered positions, we collect here our combined history of advocacy for Citizen Participation and Access.

Position Implementation - Citizen Participation and Access

1999. One of the major losses of the session was the death of HB 2805 in the Senate Judiciary Committee after passing easily in the House. This "Anti-SLAPP" (Strategic Lawsuits Against Public Participation) bill would have provided some immunity from lawsuits for citizens giving public testimony. The League played a high profile role in this battle to protect citizen participation.

A number of bills were introduced that were designed to overturn local governments' constitutional home rule rights. One was a bill to overturn Eugene's Toxic-Right-to-Know Ordinance. [See Hazardous Materials.] An attempt to prohibit communities from choosing to vote on annexation measures (HB 3389) failed. Also failed was a bill barring local governments from prohibiting smoking in bars (HB 2806); as well as another (HB 3005) prohibiting local government from regulating density. HB 2658, which prohibits local governments from adopting inclusionary zoning (a requirement that a housing development contain a certain number or percentage of units in a specific price range, usually affordable to households at or below the area's median income level), was passed and signed by the governor. However the bill did allow "voluntary" regulations designed to increase the supply of affordable housing.

2001. Finally, an "Anti-SLAPP" (Strategic Lawsuits Against Public Participation) bill—HB 2460-

B passed, protecting citizens against frivolous lawsuits designed to discourage public participation. It was signed into law by Governor Kitzhaber on June 26, 2001 and is now ORS 30.142. The League was a leader in the coalition working to pass this bill. See **Natural Resources: Public Participation** for more information.

2005. In 2004, after observing for many years the erosion of the public's access to the Oregon Legislature's legislative process, the League made restoring access and public participation in the process its highest priority. Even though we did not actively support legislation directly addressing this during the 2005 Legislative session, we worked both before the session started and during the session to improve access for citizens. We also worked very hard to alert the public to this problem. This was a coalition effort. We concentrated on 48-hour advance notice for all public hearings and were successful. We were not as successful in some other areas—balanced representation in legislative work groups, presentation of public testimony before that of public officials and invited guests, and elimination of budget notes as a law-making tool.

Senate Bill 1084 established the *Public Commission on the Oregon Legislature* (PCOL). This legislation provided for the study and evaluation of the Legislature's administration, procedures, facilities, staffing and overall capacity. League members have monitored the PCOL full commission and committee meetings during the Interim in 2005-06, making sure any changes do not put up barriers to public access to the legislative process.

2007. The change in leadership and the memory of previous problems resulted in fewer access issues. The leadership of the Legislature started by incorporating into the rules many of the things the League has been pushing for in past sessions. One new rule was three-day notice for hearings. The hearings were handled in a more democratic way, and every member of a committee as well as the public had an opportunity to be part of the process. Many committees (especially Land Use and Ways and Means) had extra public hearings to guarantee that the public was heard.

During the session, we also watched the Ways and Means Committee closely to make sure that budget notes were not setting public policy, but only making sure that agencies were being accountable for their programs. However, many public policy bills involving expenditures, after being passed from the original House or Senate committees, were referred to Ways and Means, and policy changes were made without public input. This is an area of concern that we will need to continue to monitor. The Ways and Means Committee also held hearings around the state; the League testified whenever we had positions and the opportunity.

Because of all our hard work in previous sessions, this Legislature was willing from the beginning to make the process more open and accessible. However, there are still areas of concern (e.g., invited testimony is always taken first, and the public is still last to testify). In the future, we must build on our successes and continue to be watchful.

2009. Changes in legislative leadership and memories of past problems meant we were able to start the 2009 session with fewer access issues, because the rules incorporated many of the things we have been pushing for in past sessions. There was advance notice for hearings. The hearings were handled in a more democratic way, and every member of the committee as well as the public had an opportunity to be part of the process. We were asked our opinion on bills even during work sessions, including occasions when we had not testified or testified on earlier versions of bills.

We watched the Joint Ways and Means Committee even more closely than in the past few sessions. Because of severe budgetary problems facing the state, all bills with a price tag went to Ways and Means, although sometimes this committee made changes and added amendments to the public policy without a public hearing or public input. Because of our past monitoring of budget notes the committee tried to make sure that budget notes were not setting public policy, but only making sure that the agency was being accountable for their programs.

There are still areas of concern, (i.e., “invited testimony only” restrictions and making the public testify last). Also, since the economy may take awhile to improve, we must constantly be monitoring the Ways and Means process to make sure that public policy is not included in budget bills as well as bills referred from other committees.

Note: If citizen access issues were part of specific legislation, then issues are covered in their respective subject matter.

2011. We continued to build on our success of previous sessions in attempting to keep the process open and accessible for all. Again this session we were under severe budgetary restraints, all bills with any money involved had to go through Ways and Means. Thus there were some access problems.

We continued to watch the Joint Ways and Means Committee more closely. We were especially looking for bills referred from other (policy) committees where “W’s and M’s” made changes and added amendments to the public policy without a public hearing or public input on these changes. We had to continually monitor this and try and bring it to the committee’s attention when public policy was involved. We were not always successful. There were many budget notes this session, but the committee tried to make sure that budget notes were not setting public policy but only making sure that the agency was being accountable for their programs.

Another area of concern is that the Legislature is doing more and more electronically (makes immediate access better than previous sessions, however we are not sure what is happening to archives and future generations being able to access all the records of today). The Internet access continues to improve with each session as upgrades are made to the legislative website. We continued to encourage members to watch the hearings held in Salem electronically and submit their testimony and action letters electronically.

Because of new and inexperienced committee chairs, some committees were not run as they should have been. We needed to monitor to be sure all the rules were followed correctly.

2013. A new state government structure called Regional Solutions Teams, Centers and Priorities has been set up by the Governor. The Centers are located in local community colleges or universities and are staffed by a number of state agencies. SCR 4 passed directing state agencies to participate and to prioritize time and resources for providing technical assistance. \$1 million was budgeted for each of the 11 Teams and the Governor’s Office was authorized to hire 3 staff people to help implement Regional Priorities.

HB 2620 authorizes the Governor to develop a plan to align state economic and community development programs with regional and community based development programs. The League succeeded in requiring that the public be part of helping to develop such a plan and to educate citizens about the Regional Solutions program, and now have a League member on the Steering Committee working to implement the legislation.

SB 251 did not pass, but would have allowed the Governor to “resolve” issues among various permits. The League opposed this bill since the Legislature already sets policies and agencies have processes to administer these permits. Changes to permitting need to be considered with a full public process.

The League testified on HB 2560, as filed, relating to who can serve on rulemaking committees. But the bill was narrowed to assure that those other than officer, employees or agents of the appointing agency be appointed. The League felt this clarification would protect citizen involvement. It passed.

The League opposed SB 300 related to appointments of Boards and Commissions. We support the Governor’s power to appoint heads of departments with the consent of the Senate. However, we were concerned by the concept being discussed that would allow the Governor to broadly remove and replace Board and Commission members “at will”. This could lead to wholesale membership change and lose their historical perspective and knowledge of issues. It could also mean a complete Board or Commission vacancy should the Governor remove members and the Senate not agree to new appointees.

Constitutional Provisions

Adopted 1963; Revised 1980

- A. *The League of Women Voters of Oregon believes that the Oregon Constitution should be a basic framework of state government, free of obsolete material and statutory detail. It should guarantee basic democratic rights to the people of the state by:***
- 1. *Providing a bill of rights;***
 - 2. *Reserving initiative and referendum powers to the people.***
- B. *The Oregon Constitution should provide for a legislative assembly that is:***
- 1. *Apportioned on a population basis, under a system that provides flexibility, adequate safeguards and enforcement procedures ensuring reapportionment after every federal census;***
 - 2. *Adequately salaried with the amount of salary specified by statute;***
 - 3. *Permitted to meet in annual sessions.***
- C. *The executive branch should be strengthened by provisions:***
- 1. *Fixing authority and responsibility in the office of governor. The governor should be given the power to reorganize the administrative functions of the state government subject to legislative review and possible veto;***
 - 2. *Limiting the number of departments;***
 - 3. *Granting the power to appoint department heads to the governor with the consent of the Senate;***
 - 4. *For an item veto and an executive budget;***
 - 5. *Setting salaries by statute;***
 - 6. *Allowing no constitutional impairment of the state civil service system.***
- D. *Administrative - Post Audits (concurrence, 1980)***
- 1. *Post audits of state and local governments should be conducted in an apolitical manner.***

- 2. The office performing post audit should function independently of the Legislature and the executive department.**
- 3. The office should be given appropriate enforcement tools.**

E. The Oregon Constitution should provide for a judicial system uniform in organization and administration with:

- 1. Full time, legally trained judges paid by the state;**
- 2. Rule-making power vested in the Supreme Court;**
- 3. Mandatory retirement of judges;**
- 4. Judicial appointments that are made by the governor from a slate presented by a judicial nominating committee.**

F. The Oregon Constitution should provide for effective local government (1943, 1963) by:

- 1. Allowing city and county home rule;**
- 2. Reserving to the Legislature authority to provide for local government flexibility to meet future needs.**

G. Revision of the constitution in the future should be permitted by use of the constitutional convention, initiative amendment, or legislative amendment.

Statutes, constitutional amendments, and administrative decisions that implement these positions may be supported by the League.

Position History - Constitutional Provisions

1971. At the May LWVOR Convention it was agreed that piecemeal revision of the Oregon Constitution was the most practical direction.

1980. League members agreed that the constitution should no longer prohibit annual sessions. Members remain undecided whether annual sessions are necessary or desirable.

Position Implementation - Constitutional Provisions

Annual Sessions

1975. During the legislative session, the League operated in "hold" position and testified in support of annual legislative sessions.

1997. The League reviewed several proposals relating to annual sessions in various formats. None were voted out.

1999. Several measures were introduced proposing annual sessions with a changed calendar, shorter sessions, and limits on subject matter. Hearings were held, but neither the House nor Senate passed a proposal.

2001. There was a flurry of activity about annual sessions early on during a review of governance issues by the Senate Rules committee, but no action was taken. Some of the stumbling blocks related to when the sessions would begin and end and if there should be subject limita-

tions. With the bleak fiscal outlook for Oregon, it is expected that there will be emergency sessions of the Legislature, perhaps in 2001 and certainly early in 2002.

2003. Annual sessions were discussed as a result of the six special sessions during 2002-03, but no final action was taken on a bill to add a 45-day session in the even-numbered years while limiting the odd-numbered years to 120 days. The League testified in favor.

2005. The League supported a bill for annual sessions, but it did not go anywhere.

2007. The Legislature voted for a February 2008 Special Session as a pilot for possible consideration of a constitutional amendment providing for annual sessions. The League supported this action and will actively follow the work of the special session. If deemed successful, the Legislature is expected to refer the amendment to voters for either the May or November 2008 elections. The League would support such an amendment. Public Commission on the Oregon Legislature (PCOL) recommended consideration of annual sessions and supported a short session for 2008.

2008-9. During the interim between sessions, the Government Accountability Committee had a hearing (summer 2008) on a proposed measure that called for a Constitutional Convention to revise the Oregon Constitution. The League monitored the hearing and was prepared to testify against the bill because of how the delegates to the convention would be chosen and the wide-open ability of the group to change the entire Constitution. There was an informational hearing, but the bill did not move.

2010. The 2010 Special Session of the 2009 Legislature referred a constitutional amendment for annual sessions to voters at the November 2, 2010 General Election. The proposal calls for a 160 day session in the odd numbered years, and a 35 day session in the even numbered years. The sessions will start in February each year. The League has supported annual sessions for decades, and the two recent special sessions have underlined the need to meet more frequently. The measure passed.

2011. The Legislature sent two constitutional amendments to the voters for the November 2012 General Election. HJR 7 changes constitutional language referring to the system of separation of powers from "departments" to "branches". For example, the Executive department becomes the Executive Branch. Other spelling and grammatical changes also are made. HJR 44 gives the Governor the authority to declare "catastrophic disasters", with clear definitions of what is included. Such action would require a legislative session. Other legislative actions are authorized with regard to specified constitutional spending restrictions to aid response and recovery.

2012. The League supported two Constitutional amendments referred by the 2011 Legislature, which were adopted in the November 2012 General Election. The first changes the Constitutional language referring to the system of separation of powers from "departments" to "branches". Thus the new titles are Executive Branch, Legislative Branch and Judicial Branch. The second grants authority to the Governor to declare "catastrophic disasters" with clear definitions of what is included. Such action would require a Special Session of the Legislature with authority over spending restrictions in providing response and recovery.

Governance

National Position

1975. The League testified in support of revisions of the emergency clause restrictions on tax measures and on behalf of constitutional revision. The Legislature introduced a joint resolution that cleaned up misspellings, archaic provisions, reorganized and cut the document by approximately 10,000 words. It passed the House but failed in the Senate.

1999. Although opposed to term limits in general, the League supported an effort to allow legislators to use all 12 years of eligibility rather than the limits of three House terms and two Senate terms within a 12-year period. Such an addition would have added continuity and institutional memory to a representative body that has little governing experience as term limits continue. It passed the Senate but was defeated in the House.

The League along with other groups opposed SJR 10, which would have required legislative review of all state agency rules. The resolution died in the Senate Rules Committee.

2001. Originally passed by a Constitutional initiative in 1992, term limits has had little discussion in the Legislature until this year. A Constitutional amendment was proposed to allow legislators to serve the full 12 years allowed under the law rather than being restricted to three House or two Senate terms. The League supported this proposal in the interests of continuity for legislators and the enactment of sound public policy. Although it was favorably received, the Legislature instead passed legislation which would allow term-limited former legislators the ability to sue the Secretary of State when filing for re-election would be denied. The Marion County District Court ruled that the term limits law was unconstitutional on technical grounds (more than one subject), and the issue is before the Oregon Supreme Court. The League strongly opposes term limits, and very likely would oppose any effort by the national Term Limits USA organization to put it back on the ballot via the initiative.

2001-03. The League joined the Oregonians for Voters' Rights coalition that was formed to oppose a November 2002 initiative petition that would have reinstated term limits. The proposed initiative did not receive enough signatures to make it to the ballot. The coalition continues to oppose proposed term limits legislation.

2003-04. Term limits were not part of any legislative discussion, but two initiatives are being actively circulated to restore the constitutional restrictions on legislators' time of service. One would restore the 12-year lifetime service limit with two terms in the Senate and three terms in the House. The other, more restrictive, would put the limits in effect immediately, if the measure passed, so that persons running for office in November 2004 would be prohibited from taking office in January if they had exceeded their House or Senate limits. The League opposes term limits and will be active in the campaign against the initiatives if they are on the ballot.

Individual Liberties

National Position

1988. League opposed Ballot Measure 8, which would have revoked the governor's authority to ban discrimination based on sexual orientation in state executive department employment and services. Oregon Supreme Court subsequently ruled the measure invalid.

1992. We opposed Ballot Measure 9 which would have allowed discrimination based on sexual

orientation. It was defeated.

1993. The League supported the bills introduced by the Labor Commissioner to define sexual orientation and to give protection in the areas of housing, public accommodation and real estate against discrimination on the basis of sexual orientation. Sexual orientation was defined to include bisexual, homosexual and heterosexual. The Senate passed one bill, but the House declined to pass it, substituting another measure which voids all measures passed locally which are perceived to act against or for any special group. The new law is confusing, and lawsuits are being brought by both proponents and opponents of what the League feels are discriminatory ordinances. The League continues to oppose actively all local measures that deny individual rights.

1995. For a while, it appeared the proposal to eliminate discrimination in employment, housing and public accommodations based on sexual orientation was going to make it through the Legislature. It passed the Senate, but never made it out of the House committee. Meanwhile, many local ordinance cases are moving through the courts. The Oregon Citizen's Alliance (OCA) is passing petitions for another statewide initiative promoting discrimination. Our initial stance is to encourage people not to sign.

1997. It was impossible to move any bills to eliminate discrimination even after the House passed a measure to safeguard the workplace. The action took place on the topic of presenting the decrease of rights of workers such as payroll deductions and on a referral back of the 1996 minimum wage measure. The League worked in coalitions to protect individual rights.

1999. There was a strong movement to put a definition of marriage into the Oregon Constitution, which passed the House but was defeated in the Senate. An effort was made to overturn the results of the Tanner decision, which provided for workplace insurance benefits to unmarried partners. It also was defeated in the Senate. No measures about restricting rights based on sexual orientation were considered by the Legislature but several have been submitted as initiatives for 2000. A bill which would have allowed pharmacists to deny prescriptions on moral or religious grounds died in the House Rules Committee after extensive hearings in two other committees and defeat by the House. The hotly debated measure to downsize the effects of the minimum wage law passed by voters in 1996 was passed, but vetoed by the governor. The League opposed this legislation.

2000. Ballot Measure 9 would have prohibited public instruction on homosexuality and bisexuality. The League worked in coalition with other groups to successfully defeat the measure.

2001. The two anti-discrimination bills regarding sexual orientation died in the House and Senate Judiciary committees. One would have prohibited discrimination in public schools and the other in the workplace.

2002. The League supported the ballot measure in November 2002 to remove all historical racial references from obsolete sections of the Oregon constitution. The measure passed 867,901 – 352,027.

2002-03. The League supported the 2002 initiative measure to increase the state's minimum wage and index future increases to the annual U.S. CPI (passed). The League opposed the 2003 legislative proposal to remove the indexing provision from the newly passed statute. The

bill died in committee.

2003. The League opposed the Terrorism proposal which could have criminalized groups or individuals meeting to discuss political policies or social programs, and which also would have repealed the provisions in Oregon Revised Statutes Chapter 181 which protect against harassment and intrusion by law enforcement agencies without due process or just cause. The bill died in committee.

The League monitored the measure to require all libraries to install filtering devices to screen out certain topics for minors. We supported the Oregon Library Association's vigorous opposition to such legislation (it also was technically impossible), and the bill died in committee.

2005. The League supported a civil unions proposal (SB 1000), which also included a ban on workplace, public accommodation, and housing discrimination based on sexual orientation. But it failed to pass the House when the House Republican leadership sent it back to committee, substituted language to recognize contracts of reciprocal benefit, and then changed the House rules to ensure that it could not be brought back to the House floor. The House members were not given an opportunity to discuss or vote on the legislation. The League will continue its support for civil rights and participate in efforts to bring the issue to the public.

2007. The League supported two major proposals related to sexual orientation that were passed by the Legislature and signed by the Governor. Following defeat of civil unions in the 2005 session, this session considered domestic partnerships that provide for a license and declaration by same-sex couples and make provisions for health care, parenting, property rights and other legal responsibilities as accorded to married couples. The second law is a ban on discrimination on the basis of sexual preference of any type in employment, housing, public accommodation and education. Two referendum petitions, which would have barred the implementation of these laws until January 1, 2008, were filed but did not have enough signatures to put them on the ballot. Two initiatives are also being circulated to overturn the new statutes. If the initiative petitions are validated, then the vote will take place in November 2008.

Judicial provisions

2003. The League opposed a legislative amendment to the state Constitution that would require Senate confirmation of the person appointed by the Governor to fill a vacancy in the office of judge of the Supreme Court, Court of Appeals or circuit court. This would upset the constitutional balance of power between the legislative and judicial branches. Such a vacancy only lasts until the next general election. The voters elect judges at that time.

Local Government

1997. The League used its local government home rule positions to oppose intervention by the Legislature in issues relating to city-passed initiatives and in matters under discussion by local government and private business.

1999. Attacks on the ability of local governments to pass and implement specific legislation came in the form of several bills banning actions voted by local citizens. There also was a bill to lessen or not pay for services mandated by the state to be provided by local governments. It did not survive. The League opposed all of these attempts to interfere with home rule.

Post Audit

1980. The League agreed that although the Secretary of State is technically a part of the executive branch, since the secretary is elected, there are safeguards for an independent audit.

State Government

2005. Lieutenant Governor. An interesting bill (HB 2348) that the League monitored would have amended the Constitution to establish an office of Lieutenant Governor, not as the second highest official in the state, but as the Director of the Department of Economic Development. The Lieutenant Governor was not required to be of the same political party as the Governor, but would succeed to the office if the Governor could no longer serve. Several hearings were held, fiscal questions were raised, and the bill died in the House Budget committee.

2007. Bills calling for a Lieutenant Governor who would head the state's international trade office and for a non-partisan Legislature were introduced, but no committee action was taken.

Ethics

2005. The League has been concerned with the funding and procedures of the Oregon Government Standards and Practices Commission for several sessions. The Commission has not been funded at an appropriate level to carry out its investigations of state and local government practices for several biennia. In 2003, we worked to have the governor veto a measure that would have greatly expanded the influence of lobbyists. After many hearings and behind-the-scenes meetings, the 2005 Legislature handed the problem to the Oregon Law Commission with the charge to examine the structure, funding and procedures of the GSPC and to make recommendations to the 2007 session. Sixty thousand dollars was allocated for the work. The League will be monitoring the work of the Law Commission.

2007. Legislative leadership supported major ethics reform proposals after the disclosure of several ethics violations and various lobbying activities, as well as the report and recommendations of the Oregon Law Commission and two of its workgroups mandated by the 2005 Legislature. The League monitored the work of the Oregon Law Commission and worked vigorously during the session for the passage of a comprehensive ethics reform package. Public Commission on the Oregon Legislature (PCOL) also strongly recommended several of the ethics changes that were enacted. Included in this legislation:

- The Government Standards and Practices Commission was renamed the Oregon Government Ethics Commission, as it had been originally.
- The General Fund budget was increased and other revenue sources added to the Commission to provide additional training for state and local public officials, additional complaint investigators, and planning for a web-based system for electronic filing of lobbying and ethics reports by 2010.
- Lobbyists and their employers and legislators must now file additional and more regular reports to provide more transparency regarding influence.
- Revisions were made to clarify and simplify the Economic Interest Statements (EIS Reports), which most public officials must file annually.
- Retired legislators must wait until after the next legislative session after completing their term of office before becoming a paid lobbyist.
- Lower limits on gifts (\$50 from \$100) to legislators are expected to be challenged under Oregon's free speech clause in the Constitution.

2009. There were extensive changes to Oregon's ethics laws and procedures in 2007. As might be expected, some readjustments needed to be made in 2009. The Ethics Commission,

in sending out the annual Economic Interest Statements (EIS), cast too broad a net causing many small cities and counties to experience wide-spread resignations from local planning commissions, small special district boards and even city councils. Too much financial and personal information was required from both immediate family members of these public officials as well as more distant relatives. Clarifications were made to the statutory language concerning public officials via SB 30, along with reiteration of more stringent lobbying practices. The bill grew from 3 pages to 30 by the time it passed.

There was much discussion and controversy exists over the limits on lobbyists to provide meals and other gifts to legislators. A lawsuit has been filed declaring the 2007 limits an impediment to free speech, but the stricter limits were not overturned by the Legislature this session.

2011. Continuing the review of the extensive ethics reforms made in 2007 and 2009, the Legislature revised the provision related to the filing of statements of economic interests (EIS). Too many lesser local public officials were inadvertently required to file the report. The League supported this revision.

2013. There was continued discussion about the filing by public officials of the annual statements of financial interest and who among family members must also file. When the Ethics Commission was reorganized in 2009, filing was required from several thousand elected and appointed local government officers and many of their family members, causing extreme consternation and even resignations. The 2011 session made some changes, and the League supported further clarification revisions in 2013, noting the unnecessary intrusion into private individual's lives.

2013. As usual, there were several important measures in the area of elections and voter registration, and the results were mixed. The League supported the following:

- The change in title for the "long-term absent elector" to the new federal class of "military or overseas elector" was passed.
- The ability of 16 year old citizens to register to vote and be placed in their county's pre-registered file until they reach 18 was passed by the House, but rejected in the Senate.
- The modernization of voter registration by an electronic form through the DMV (Department of Motor Vehicles) of newly licensed drivers also passed the House but lost in the Senate. Upon receipt of the DMV form with the necessary information for valid registration, the Secretary of State's office would have notified the person of their registration by a prepaid return postcard with the options of declining the registration or choosing a political party. In the future, other state agencies that collect the necessary registration information could also issue the form. There is the possibility that this proposal will be introduced in the 2014 session.
- The proposal to require the state and all county elections offices to print ballots and all election-related materials in other than English, depending on certain percentages of minority populations in counties was revised because of perceived costs and clearer goals. Instead the Legislature adopted the appointment of a multi-demographic Task Force on Minority Language Voting Materials to consider the costs, distribution and other issues involved in the proposal and to report back to the Legislature by October 1, 2014.
- The prevention of perceived voter fraud was addressed by the proposal for ballot security that passed both chambers. It called for video scanning in all areas of every county elections office, as well as providing a detailed process and time lines for destroying spoiled and unused ballots of all types.

The major governance legislation sponsored by the League was the National Popular Vote (NPV) proposal. Oregon was one of the states that the NPV Board targeted for passage, and national resources were given to assist in the effort. The interstate compact, which would enable every vote cast for the election of a U.S. President to be counted equally, has now been endorsed by 11 states, accounting for more than half of the Electoral College votes necessary for the presidential election. The Oregon House passed the bill 38-21 with bi-partisan support. However, the Senate Rules committee refused to hold a hearing, primarily because the Senate President opposed the legislation. Consequently, the opportunity to help move away from having battleground states, to remove the lack of attention to voters in more than 40 states by presidential candidates, and to make presidential elections relevant in Oregon was lost. Both California and Washington have passed the compact.

Economic Development Revenue Bonds

Adopted April 1983

- A. *The League of Women Voters of Oregon supports the authority to issue Economic Development Revenue Bonds by the state, ports, and cities with more than 300,000 population.***
- 1. *In issuing Economic Development Revenue Bonds, top priority should be given to those projects which diversify the economy and/or create jobs. However, consideration should also be given to assisting economically depressed areas and attracting industries to locate in Oregon.***
 - 2. *Possible unfair competition which might result from bond issuance should be examined at the local level.***
- B. *In addition to the Economic Development Revenue Bond program, the League of Women Voters of Oregon supports other state and local economic stimulants such as upgrading education at all levels and exploring various types of financing methods.***

Position Implementation - Economic Development Revenue Bonds

Since the position was adopted in 1983, few opportunities for action on the state level have arisen. In 1989 the League testified against issuing bonds for purchase of trucks by an Indiana company under contract with Portland Metro to transport solid waste from Portland to Arlington via the Columbia Gorge.

Election Laws

Adopted 1987; Revised 1997

The League of Women Voters of Oregon recognizes that election procedures and voter information are critical elements to an informed and participating electorate.

A. Registration Process. *The League of Women Voters of Oregon believes a variety of practices is necessary to provide the public with adequate information regarding where and how to register, under what circumstances and how to re-register, notice of election dates, and content of the ballot. The League supports:*

- 1. A registration process which is accessible, well publicized and easily understood, as well as easy to implement and administer;*
- 2. Mail-in registration forms which are widely available;*
- 3. Oregon implementation of the National Voter Registration Act which includes registration process training for agency personnel and the designation of additional registration sites;*
- 4. Implementing a statewide centralized registration list;*
- 5. A registration cut-off requirement that does not disenfranchise otherwise qualified voters.*

B. Elections Process. *The League of Women Voters of Oregon believes elections should be conducted in a manner which encourages voter participation and supports:*

- 1. No more than four annual, regularly scheduled, election dates;*
- 2. A formula for cost-sharing between the state and the counties for the state portion of the primary and general elections;*
- 3. Evaluating the timing of the Oregon Primary; and*
- 4. Expediting the process for filling vacancies in federal offices.*

C. Voting Process. *The League of Women Voters of Oregon believes citizens are entitled to voting procedures which provide ease of ballot access and use and supports:*

- 1. Use of vote-by-mail in all elections. Every effort should be made to preserve ballot secrecy to prevent fraud.*
- 2. Use of the permanent absentee ballot, provided methods and timelines for counting such ballots are improved, unless and until vote-by-mail in all elections is implemented; and*
- 3. Shortening the time between sending out mail ballots and their required return date.*

D. Voter Education Process. *The League of Women Voters of Oregon supports publication and distribution of a state Voters' Pamphlet prior to statewide elections and believes that:*

- 1. The state has an obligation to provide voters with accurate information so that voters can make reasoned choices;*
- 2. All ballot measures must be included with official explanatory statements, an official advisory opinion on constitutionality, effects of a "yes" and "no" vote, a fiscal impact statement, and summaries of the main arguments for and against the measures;*
- 3. The number of arguments for and against the measures to be included should be limited;*
- 4. The fees charged per page should more clearly reflect the actual costs; and*
- 5. Ballot titles and measures need to be stated in clear, concise language and should avoid confusing negatives.*

E. The League of Women Voters of Oregon supports a mandatory certification procedure for all county chief elections officials.

Position Implementation - Election Laws

1987. Vote-by-mail was initiated by the Legislature in 1981 as a pilot project. It was reviewed during each legislative session and was due to sunset August 1987. League opposed making vote-by-mail permanent until questions of uniformity and secrecy of ballots were answered. Despite League lobbying, the Legislature made vote-by-mail a permanent option and all county clerks are to be certified to conduct vote-by-mail elections by 1989. Questions of uniformity of the voting process and secrecy were not resolved. The 20-day voters' registration cut off went into effect November 1986 after voters approved it at the polls. Amendments were made in 1987 so that certificates of registration can be obtained by previously registered voters to allow them to vote in an election if they fail to reregister during the 20-day cut off. The League opposed the 1986 measure and the 1987 amendments because they disenfranchise voters and do not treat all voters equally. Polling hours were changed in 1987 to 7:00 a.m. to 8:00 p.m.

1991. The League supported removal of the Motor Voter implementation date which was to coincide with enactment of a federal Motor Voter act, and to allow the Oregon statute to be implemented in 1991. The original legislation was passed in 1989. The 1991 measure passed, and it is now possible for Oregonians to register when they apply for a new or renewed driver's license. A bill to reduce the voter registration cut off from 20 days to five days prior to an election did not pass.

1993. The League was very active during the 1993 legislative session in the areas of election law, campaign finance reform, individual rights (LWVUS positions), and public records law revision. Lobbying was done through testimony, letters and personal legislator contacts. The Oregon implementation of the 1993 National Voter Registration Act was passed which includes registration cards at federal and state agency offices along with "motor voter" and registration-by-mail, already in operation in this state. Action to lessen the 20-day registration cut off was not successful. The League had two bills introduced - one to require statewide and legislative candidates to answer three issue-related questions in the *Voters' Pamphlet* and the other to allow establishment of local Voter Education Committees. Both were included in legislation passed by the Senate, but they died in the House. League supported revisions to the *Voters' Pamphlet* presented by the Secretary of State, including restrictions on the number of issue pro and con arguments, but the House rejected them.

1995. LWVOR was not able to address many of the election law proposals although we monitored the hearings and discussed them with the Secretary of State and Director of Elections. The Legislature passed a mail ballot statute for primary and general elections, which was vetoed by the governor. Enacted and signed is a new law for the Presidential primary election, which will be held on the second Tuesday in March of Presidential election years. Efforts again were initiated to improve the *Voters' Pamphlet* by limiting arguments pro and con for ballot measures, but they were not passed. Changes were made in ballot measure information which will include limited statements on the effects of yes and no votes and an 85-word summary of the measure, but no explanation will be included.

1997. LWVOR used its new election laws position to lobby extensively for the vote-by-mail extension to the primary and general elections. Several bills were introduced, but it took a press conference, a private meeting with the House Rules and Elections Committee Chair, and a let-

ter signed by all six members of the committee to get a hearing three months into the 1997 legislative session. We worked in a coalition with several organizations including AARP, AAUW, Common Cause, OPEU, Association of Oregon Counties, Women's Rights Coalition, and the Oregon Student Association as well as with the Secretary of State and the Oregon Association of County Elections Officials. The House passed a vote-by-mail bill, which would refer the issue to a vote in the 1998 general election, but the Senate President and the Chair of the Senate Rules and Elections Committee refused to allow a hearing. There appeared to be strong support among Senators to pass vote-by-mail; however, the House bill died for lack of Senate approval.

LWVOR, the Associations of County Elections Officials and the chair of the Vote by Mail Commission are the chief petitioners on a vote-by-mail initiative petition that calls for an extension to the primary and general elections, using the language of HB 3086. League members and volunteer signature gatherers from several other organizations are passing petitions to place the issue on the 1998 general election ballot. With the increase in permanent absentee ballot holders, there is obviously extensive support for vote-by-mail.

The League supported a proposal for a feasibility study to plan for a state centralized voter registration list that would also provide the technology for all counties to be in contact with each other regarding election issues. We will continue to work for such a list and will be involved with drafting legislation during the interim to have funding for implementation in 1999.

League members were strong in their support for changes in the *Voters' Pamphlet* which would decrease the numbers of measure pro and con arguments and lessen the cost of the publication. The Senate heard arguments, but changed the bill to provide for larger page fees rather than dealing with the real issues. It did not pass the House. The League expects to be involved with revisions prepared during the interim for the 1999 session. Even the Secretary of State's election housekeeping bills did not pass at the end of the session, let alone any election law reforms. Of the 80 plus bills dealing with the elections processes in some way, none were approved and most did not even receive courtesy hearings.

1999. The League supported the House Speaker's effort to pass a measure establishing a centralized state voter registration list. The bill also included several mandates to county elections officials regarding implementation of vote-by-mail. Only the latter survived Ways and Means. Both Houses passed the bill, but it carried a \$10 million price tag for implementing the system and that section was not funded. Clarification and refinement of elections operational procedures was passed, and the Presidential primary was moved from March back to May. None of the proposed changes to improve the *Voters' Pamphlet*, such as limiting ballot measure articles, received a hearing.

2001. The League-supported measure to establish a centralized statewide voter registration list passed the Legislature and was allotted \$2 million to develop the system plan by 2003. Unfortunately, the economic downturn caused the Emergency Board to remove the funding which puts the needed elections reform on hold. In other action, the Legislature passed measures that require labeling of official ballot drop boxes around cities and counties, but it failed to pass the critical change requiring that punch card ballots be replaced by other voting technology. Since 40 percent of the registered voters are in punch card counties, the undercount registered by these ballots remains a significant problem. Large counties such as Lane, Washington and Clackamas lack the fiscal resources to make the necessary changes on their

own. Three bills that we opposed - moving the closing of elections to 6 p.m., counting ballots postmarked on election day, and voting on initiatives in May - were not passed.

2002. The League received a place on the 12-person Oregon Steering Committee for the federal Help America Vote Act (HAVA) which has developed the state HAVA Plan and is overseeing its implementation.

2003. During the session the League supported the bill to establish the necessary Elections Fund in the Secretary of State's office to receive and disburse the expected \$22 million in federal funds for reform of the elections system under HAVA. It was passed at the last possible moment, and the early funds are being used to eliminate punch card ballots, establish the required centralized voter registration system, and to begin system revisions to bring greater access to voting to minority populations and the disabled. The HAVA Steering committee is continuing, and League members will be trained to assist county elections offices in providing access to the disabled. We also will be seeking to use HAVA money in future voter education projects. The League also supported a measure from the Secretary of State's office to exempt the personal information required of first-time voter registrants from the public records law. This information includes birth certificates, passports, naturalization papers, etc. The bill passed.

The Voters' Pamphlet, 100 years old and considered a major voter education tool, went unfunded by the Legislature despite session-long support from the League, Common Cause, Mi-PRAP and other groups. It died at the Speaker's desk upon adjournment. The major issue was increased fees for candidates and measure campaigns to offset the lack of General Fund dollars which were lost with the defeat of Measure 28 (2003).

The League submitted written testimony to the Emergency Board in support of funding for the Voters' Pamphlet for the 2004 election cycle. A Primary Election Voters' Pamphlet was funded, but no money has been allocated yet for the November 2004 General Election. The League will provide support at the July 2004 E-Board meeting to fund the General Election pamphlet, costing about \$800,000. A suggested alternative, to provide the pamphlet on the Internet and print copies for those without access, is not feasible.

None of the "housekeeping" election bills, some each session to correct or revise election system procedures, reached the House floor, because the Rules Chair did not hold hearings, inserted them into an omnibus bill the night before adjournment, and they died at the Speaker's desk.

2005. As usual, the House Rules committee, which oversees all election issues, was an enigma. It started with a flourish with plans for holding hearings around the state and seeking input from various groups and individuals. The League pointed out our concerns about HAVA implementation (centralized registration data base, voting machines for disabled), election "housekeeping" items to keep the system current, funding for the Voters Pamphlet and campaign finance reform, and recommended timely agendas for the public hearings so citizens could respond. Then several weeks went by with no committee meetings. In the meantime, it became apparent that a group of citizens with strong opposition to vote by mail and voter registration drives had the ear of the chair. We spent as much time on election damage control and protection of citizen's rights to registration access as we did supporting necessary legislation. In the end, measures that would have required excessive registration identification, prevented

county elections officials from opening ballots until 8:30 a.m. on Election Day, and almost eliminate ballot drop boxes were not passed. The committee did hold hearings out of the Capitol, but continued to hear the same bills over and over without airing other important election issues and allowed repetitious arguments about the fraud in Oregon's voter registration and vote-by-mail. There is no credible evidence of such fraud.

In an omnibus elections bill, the Legislature included needed updates of election procedures, a new definition of voting machines, which includes requiring a paper trail and fulfills the disabled voter requirement for HAVA, and continued the implementation of HAVA so that Oregon would be in compliance with the federal law by January 1, 2006 as required. The centralized voter registration system is an integral part of that law and will greatly improve county and state election communications and avoid fraud. Unfortunately, the funding for the Voters Pamphlet was not included in the Secretary of State's budget directly. Only a million dollars was allocated to the Emergency Board, and the Secretary of State must request funding for the Primary pamphlet in December. As we did in 2004, the League supported the request. There is not enough funding for the General Election pamphlet so another request will be made in June, 2006. In 2004, the E-Board only gave enough money in June to publish the VP, and the Secretary had to go back in September to get the money for distribution costs.

A proposal by the Secretary of State to provide alternatives to elections if a disaster occurred during an election period drew heated debate concerning irregularities, power, and fraud. The League supported an amendment that provided for joint agreement between the Governor and the Secretary, but the bill didn't make it out of committee.

2006. With funding from the Help America Vote Act (HAVA), alternative disability ballots by phone were tested and progress made in designing other Alternative Ballot Forms. HAVA also assisted in providing funds for the League's large print, easy-to-read, and Spanish language Voters Guides.

2007. For the first time in several sessions, meaningful revisions to Oregon's elections laws were enacted. One was referred to the 2008 November General Election - the controversial requirement that any property tax measure must receive not only a majority of the votes cast, but that more than 50 percent of the registered voters must participate in the vote at any election except the even numbered year General Election. The constitutional amendment referral will not repeal the "double majority" rule, but will add additional elections that will not require the 50/50 majority. The League has been supporting this change ever since it was enacted in 1996. The long-awaited Centralized Voter Registration system is in operation. The Public Commission on the Oregon Legislature (PCOL) discussed various election methods such as fusion voting, instant runoff elections, and open primaries. The Commission supported open primaries. While there was discussion during the session of these issues, no action was taken on the PCOL discussions.

Major actions of the Legislature were:

- The vote-by-mail system is now fully operational with the elimination of all references to polling places, except the one in each county at the elections office.
- 17 year olds may now register and will be notified by the county when they become eligible to vote.
- In case of a state emergency during an election ballot return period, the Governor and Secretary of State may allow an additional seven days for ballot return.

- Higher Ed institutions must work with student organizations with voter registration, "get out the vote" drives, and voter information,
- The Voters Pamphlet is fully funded for the 2008 election cycle.
- As federal law is soon expected to require, Oregon will have a system for hand counting a percentage of cast ballots after any election for comparison with and validation of the tally system.

2008-9. The constitutional amendment to remove the requirement that property tax proposals must receive both a more than 50% affirmative vote and a 50% voter turnout, referred by the 2007 Legislature, passed. It did not remove the restriction, but does not require the double majority at any May or November elections.

This session passed landmark election laws which the League was able to support. These include:

1. Electronic voter registration which will be implemented in 2010. The League gave strong support for this bill and was invited to the signing by the Governor.
2. Overseas voters, especially the military, will benefit from the ability to fax back their ballots on a secure line to the Secretary of State, starting in 2010.
3. County elections offices may begin to scan, but not count, ballots, seven days before election day. This will particularly help the staff in large population counties. The League worked with the Association of County Clerks in support.
4. Repealing the 2005 legislation prohibiting voters from participating in nominating ballots for more than one party, the new statute allows voters to participate both in the regular Primary in May and nominating conventions for the minor parties in the summer prior to statewide elections.
5. *Voters' Pamphlet* fees were increased to now provide for more than 50% of the funding for the publication. The League has long supported the idea of a self-sustaining *Voters' Pamphlet*, not subject to budget limitations.
6. Addressing a "thorn" in the side of both the Elections Division and candidates, legislation was passed to define and classify the property lines for a candidate's residence.

2010. Significant changes were made to the statutes governing voter registration to allow the implementation of registration by electronic means. The Secretary of State has been given a deadline of March, 2011 to report on the implementation system for local government's use of candidate cross nominations (modified fusion) by 2012. Clarification was provided for the use of facsimile return of election ballots. This method may be used only by overseas voters, and a waiver of privacy was given because of the need for a written signature. In addition, the Legislature responded to the League's complaint about the use of an imitation ballot just days before the Special Election on taxes in January. The new statute sets strict use of any imitation ballot and provides penalties.

2011. Significant changes were made to improve voting access and to improve the election and registration processes. The League supported these actions as well as opposing some discriminatory and unjustified election fraud proposals. Two measures which were not passed are scheduled for discussion in 2012. They deal with removal of precinct chairpersons from the Primary ballot and lowering the fines and penalties for late contribution and expenditure fiscal reports by candidates.

Long-term absentee voters (overseas) and members of the military may now receive and return ballots electronically. To have the ballot counted, a form agreeing to forgo privacy and

containing the registered signature of the voter must be sent by fax or post to the voter's county election office or the Elections Division of the Secretary of State's office.

The time has been extended for filing candidate nominations when an unexpected vacancy on the ballot occurs two weeks ahead of the filing deadline.

A National Voter Registration Compliance Council has been established to access new and developing federal guidelines for achieving compliance with the National Voter registration Act of 1993. It is in the executive branch of government, will have 10 members, and requires an annual report.

There will be an automatic recount of ballots in any election where there is a margin of one-fifth of one percent between candidates. This revision of the current statute clarifies that both partisan and non-partisan elections are included.

Election Methods

Adopted 2009

The League of Women Voters of Oregon believes that any election method should be evaluated on its ability to:

- ***Promote voter participation.***
- ***Be simple and easy for voters to understand.***
- ***Be verifiable and auditable.***
- ***Promote access to voting.***
- ***Promote competitive elections.***
- ***Prevent political manipulation.***
- ***Be compatible with vote-by-mail elections.***

The League supports enabling legislation to allow local jurisdictions to explore alternative election methods, e.g. instant runoff or fusion voting. If a local jurisdiction adopts an alternative election method, that jurisdiction should bear the costs of startup and voter education. Only after experience and evaluation at the local level should the state consider alternative election methods for statewide adoption.

The League does not support nonpartisan elections for state legislators.

Emergency Board

Adopted 1982

The League of Women Voters of Oregon supports the use of the appointed Emergency Board to provide fiscal adjustment between legislative sessions.

A. The League endorses the practice of naming a majority of the members from the cur-

rent Ways and Means Committee to the Emergency Board. However, balanced statewide representation should be required.

- B. The public should have the right to be heard by the Emergency Board. Its meetings should be publicized in advance and summary agendas should be readily available to the public.**
- C. The League of Women Voters of Oregon believes that powers of the board should be reviewed by the Oregon Legislative Assembly. Areas to be reviewed should include:**
- 1. The definition of what constitutes an emergency;**
 - 2. The discretionary ability of the board to make policy decisions in a forum where political accountability and public participation are limited.**

Since the position was adopted in 1982, opportunities for action have not arisen.

Fiscal Policy - Tax System

Adopted 1965-66, 1973; Revised 1971, 1973, 1979, 1984, 1992, 1993, 1999; Educational Update 1999*

- A. Evaluating Taxes. The League of Women Voters of Oregon believes any tax proposal should be evaluated with regard to its effect on the entire tax structure. The League supports the following criteria for evaluating taxes and tax systems.**
- 1. A tax system that is based on ability to pay, but that applies a benefits-received principle wherever reasonable and that recognizes the role of social expediency;**
 - 2. A tax system that is equitable, adequate, stable, easy to administer and as simple as possible;**
 - 3. A tax system that takes into account the taxes levied by all levels of government covering the same tax base;**
 - 4. A tax system that is flexible enough to adjust to social and economic changes (e.g., population shifts, development of new industry, demands for more services and changes in business cycles);**
 - 5. A tax system that recognizes the individual's responsibility for government services by providing for broad sharing of the tax burden.**
- B. Fiscal Responsibility**
- 1. The League of Women Voters believes local government should have primary responsibility for financing non-school local government. Local services mandated by the state should have state funding.**
 - 2. A tax limitation is justified if it provides safeguards in the regulation of state and local services and economy. A limitation is not desirable if it prevents provision of services, disrupts government functioning, inhibits progress or results in loss of local control.**
 - 3. We believe economy should be achieved by efficiency and responsible administration. If cuts are necessary, preference should be given to cuts based on an established priority of services so that least essential services are reduced or eliminated first.**

C. Income Tax. *The League of Women Voters of Oregon supports the income tax as the most equitable means of providing state revenue. The income tax should be progressive, compatible with federal law and should apply to the broadest possible segment of Oregonians.*

D. Sales Tax. *The League of Women Voters of Oregon supports the adoption of a sales tax provided:*

- 1. The rate cannot be increased without approval of the voters;*
- 2. Regressivity is reduced through:*
 - a. a tax credit or rebate and*
 - b. exemptions for items such as food, rent and utilities.*

E. Property Tax. *The League of Women Voters of Oregon supports the use of the local property tax for partially financing local government and local services.*

Exemptions to the General Property Tax. *The League of Women Voters of Oregon believes:*

- 1. Social values justify:*
 - a. exemptions to charitable, educational and benevolent organizations;*
 - b. exemptions to fraternal organizations only to the extent of actual charity performed;*
 - c. partial exemption of church property with fees to be paid for local government services directly benefiting the property, such as police and fire protection.*
- 2. Exemptions designed to create a favorable climate for attracting new industry should be competitive with those of other states.*
- 3. Economic values justify tax deferral and special assessment at less than real market value on farmlands and forest lands.*
- 4. Eligibility for an exemption should require:*
 - a. a verified statement of the taxpayer;*
 - b. proof of income from all individuals seeking an exemption on their home-
stead- if eligibility for the exemption is based on income.*
- 5. Exemption laws should be periodically reexamined to determine whether they are justified.*
- 6. Exemption of some classes of personal property is justified if a tax on them would be too difficult or costly to administer.*

F. School District Financing. *The League of Women Voters of Oregon believes:*

- 1. The major portion of the cost of public schools should be borne by the state.*
 - a. The state should provide sufficient funds to give each child an equal, adequate education.*
 - b. All specifically state mandated programs should be financed by the state.*
- 2. Local districts should be allowed funding alternatives to provide educational programs.*
- 3. Apart from state mandates, local control of the educational programs should be maintained.*

4. A stable state system for financing public schools is crucial for long range planning.

G. Emergency Clause. The League of Women Voters of Oregon supports removing the emergency clause restriction on revenue measures. The importance of such measures warrants:

- 1. Either more support than a simple majority; or**
- 2. More signatures than currently required on a petition to refer.**

*Updated for background information only – no position change.

Position History - Fiscal Policy

The League of Women Voters of Oregon has been studying taxes since 1963; during that time our studies included the fiscal policies of the state, the history of the tax system and its present form, the philosophy and criteria of taxation, Oregon's budgetary procedures, property tax exemptions and tax limitations, the state income tax, the sales tax, corporation income and excise taxes, school district financing, the emergency clause restriction, and the property tax system. Our studies led to the positions listed above on criteria for evaluating taxes and tax systems, on tax limitations, on the kinds of exemptions we believe are justified, on the income tax as the most equitable means of providing state revenue, and in favor of an equitable system of school finance.

2000. After hours of discussion among the members of the K-12 School Finance Update Committee, the Action Committee, and the LWVOR Board, two schools of thought remain on whether the LWVOR position on school district finance can be used by local Leagues to support local option levies.

One group believes that achieving equality of educational opportunity should be League's paramount goal. No League actions should conflict with this goal. They feel the local option levies will move us back to the situation prior to Measure 5 where property-rich school districts provide better educational programs than property-poor districts. They feel that local option levies will reduce the incentives for the Legislature to provide adequate statewide funding. Although supporting local League involvement in their school district(s) policy setting and implementation, this group does not support actions that might lead us away from achieving equitable educational opportunities.

This group is supported by the LWVUS position on equality of opportunity in education. The national position "supports equal access to education." This group is also supported by the first section of the LWVOR school district financing position.

The second group agrees that action at the state level should push for "sufficient funds to give each child an equal, adequate education." They feel, however, that the state is not currently providing enough funds for schools to adequately educate their children or even to pay for all state mandated programs. Some also think the equalization formula does not address all the factors that cause costs to be higher in one area than another. With current state funding, local school districts must use other funding alternatives to provide adequate programs. Some communities rely on a combination of volunteers, business contributions, education founda-

tions, or funds from other local governments. Other communities will decide to use the local option property tax as one of their sources of local income. This school of thought feels that there is no one-size-fits-all solution and local Leagues should decide whether a local option property tax is appropriate for their communities. This group is supported by sections 2 and 3 of the school district financing position, which address the local district's role.

Given that there are two valid and strongly-held points-of-view, both of which can be supported by the LWVOR school district financing position, the State Board is not recommending a particular course of action by local Leagues. The State Board requests that local Leagues considering whether to support a local option levy discuss both these points-of-view. They should decide what to do based on what they decide is best for their school district(s), communities and state.

Position Implementation - Fiscal Policy

1968. We opposed a 1-1/2 percent property tax limitation on the basis of our positions on equitable and adequate financing and against limitations that prevent the provision of services.

1968 & 1969. We opposed a sales tax. During several legislative sessions we testified in opposition to earmarking of funds.

1971-73. A study added a position in opposition to the emergency clause restriction in the Oregon Constitution in its present form and one in favor of using the local property tax as a means of financing local government services, but relying on the state to provide the major part of funding for schools. Until 1973 we had a position opposing a sales tax. At that time it became apparent that members no longer agreed with this position and it was dropped. However, it was not replaced with a position in support of the sales tax until our 1983-4 reexamination of Oregon's tax system which led members to support a sales tax with the restrictions as stated in the position above. A special provision of the constitution is especially significant in establishing the tax structure in the state. It provides that if a bill does not bear an emergency clause, it cannot take effect until 90 days after the end of the legislative session at which it passed. This is important for taxes because the constitution also provides that no tax bill passed by the Legislature can bear the emergency clause. The 90-day waiting period on tax legislation allows Oregon citizens, under their initiative and referendum system, to initiate proceedings to secure voter approval at a general election for any major tax bill. This sometimes means a delay of as much as 18 months. Though insuring citizen approval, this provision makes it difficult for the Legislature to react promptly to fluctuating conditions.

1972. In the fall the League joined with other groups in opposing a ballot measure which would have removed the property tax from being used to support public schools but did not provide any alternative source of revenue. The measure failed. On the basis of our new position on school finance, we actively supported the proposal of Governor McCall to remove the property tax from residential property and shift the operating costs to the state. The voters rejected the proposal in a referendum.

1975 & 1977. The Legislature made only minor adjustments in the tax structure of the state but made a major revision in the Basic School Support formula in order to more nearly equalize the amount of revenue available per pupil in various school districts.

1978. Prior to the November election the League joined a coalition opposed to Ballot Measure 6 which would have limited residential property taxes to 1-1/2 percent of the true cash value and severely limited the ability of local governments to finance themselves. The measure failed, but strong opposition to the property tax continued to grow in the state.

1979. The Legislature responded with a major tax relief proposal. The League expressed its support for some elements of the plan but urged the Legislature to retain adequate funds to finance state programs. We urged expanding the Homeowners and Renters' Relief Program (HARRP) as a means of tax relief for those who need it most and raising the Basic School Support Fund (BSSF) as a means of general tax relief. The package the Legislature finally approved increased HARRP payments and funds for BSSF, provided for the state to pay 30 percent of the property tax on each homestead up to a maximum of \$800, and provided for a sizable refund of personal income tax money, which left the state with very little reserve. The League had some reservations about the plan, but felt it much superior to the possible tax limitation proposals. Therefore, we joined a coalition to seek approval of the tax relief package. Voters approved the plan in May 1980.

1980. In the fall another 1-1/2 percent property tax limitation measure was put on the ballot by initiative. Again the League joined with state leaders and other organizations to oppose the measure. It too failed.

1981. The Legislature was faced with declining state revenues and growing demands for property tax relief as the result of the severe recession. Plans for balancing the state budget and providing property tax relief included drastic cuts in funding higher education, human resources, and other state programs. The League urged the Legislature to reexamine all sources of revenue, including the 30 percent Property Tax program, in its effort to solve the problem, which led a Statesman Journal reporter to write, "The Oregon League of Women Voters yesterday decided to speak the unspeakable. The League is the first independent group to take aim at the sacred cow." There was not enough money to fully fund the 30 percent program. To make up for shrinking revenues the Legislature enacted a number of temporary measures, including the 8 percent surcharge on income tax rates, increases in the cigarette tax, and speeding up withholding of income tax collections. Another property tax limitation measure appeared on the ballot in the fall of 1982. Again the League joined with other groups to oppose it. It too failed, but by a very narrow margin.

1983. The Legislature again grappled with the twin problems of property tax relief and declining state revenue. Many proposals were debated. The one that finally emerged was a proposal for a state sales tax which would be dedicated to property tax relief. An elaborate provision requiring a majority of the state's local governments to approve sending the measure to the voters before it could be voted on was declared unconstitutional and the proposal died. Although the League at that time had no position on the sales tax, we did urge the Legislature to face the problem squarely by providing major tax reform of a lasting nature and suggested that if a sales tax were approved it should contain provisions that would eliminate as much regressivity as possible.

1984 & 1986. More property tax limitation measures appeared on the ballots. League joined with other groups to oppose these measures, and they all failed at the polls.

1985. The sales tax package (HB 2010), proposed by the Legislature for a vote of the people, met League criteria and thus enabled League to work vigorously toward passage of the sales tax: (1) because the sales tax included exemptions that prevented regressivity; (2) because the 5 percent rate would have been specified in the constitution; (3) because the sales tax would help stabilize school financing while maintaining local control; (4) because the sales tax would have been economical to administer and yet difficult to evade; and (5) because a sales tax provided the "third leg which would balance the tax structure and provide property tax relief." As with every other sales tax ever proposed in Oregon, this one was defeated.

1987. The Legislature considered several proposals to prevent school closures in Oregon by providing some kind of automatic funding for schools if levies failed. What finally emerged from the Legislature was a "safety net" bill that allowed school districts to fall back on the previous year's levy. This legislation was sent to the voters in May and passed. The League supported the measure as a first step in school finance reform even though we had reservations about the inadequate funds it provided some districts. A Blue Ribbon Commission was appointed to study a variety of options to reform our system of financing public schools and report to the 1989 Legislature. In addition to our action in the area of property tax relief, the League has frequently testified in support of legislation requiring periodic reexamination of property tax exemptions and requiring charitable, fraternal and religious organizations to provide funds in lieu of taxes for police and fire protection.

1989. The short-term recommendations of the Governor's Commission on School Funding Reform did not support any specific form of alternative school funding but rather sought to stabilize the existing system by requiring all Oregon school districts to have current tax bases. The Legislature passed a tax base referendum and included in the package other commission recommendations: targeted property tax relief for those in high property tax districts with low per pupil spending, increased state funding for special education (up to 50 percent), and a change in the way basic school support is apportioned to the school districts. The League supported the commission's recommendations and lobbied for passage of the ballot measure. The ballot measure was voted on statewide in the spring and failed. The Legislature also considered repeal or modification of the state spending limitation. The League supported modification of the limit but no legislative action was taken.

1991. In November of 1990 Oregonians passed Measure 5, a property tax rate limitation initiative. The limitation imposed a \$10/1,000 maximum tax rate on all property taxes levied to cities and counties. Educational property tax rates were limited in 1991 to \$15/\$1,000 of assessed value and will decrease by \$2.50 every year for the next five years until the maximum rate of \$5/\$1,000 is achieved. The state General Fund will make up the amount lost to schools yearly as a result of this limitation. This obligation sunsets in 1996.

The 1991 Legislature felt that any discussion during the session of revenue replacement packages or tax restructuring plans was premature. Governmental agencies, schools, and city and county services had to "get the fat" out of their budgets. The League felt that some legislative acknowledgment of the forthcoming fiscal crisis was desirable but the legislators held fast, no discussion. Despite dire predictions of governmental insolvency over the need to replace \$633 million of local educational property taxes from the General Fund, the Legislature was able to fund schools and maintain most of the governmental services at acceptable levels.

During the 1991 session, the League supported a modification in the spending limitation and

repeal of the 2 percent kicker. The League has felt for some time that the spending limit should be updated, and with additional General Fund dollars in short supply, the money from the kicker was needed to fund state programs. The Legislature would not consider modification of the limit, and instead of repealing the kicker, the funds were "folded in" as part of the total budget.

The League also created the "Where do we go from here?" committee. The purpose was to build together a consensus of some alternative tax reform packages. The committee was diverse and represented 12 independent special interests. They were interested in the financial stability of the state. They wanted to determine what Oregonians thought about the tax rate limitation and if there were revenue sources which Oregonians would consider for revising the tax structure. The committee commissioned a survey of voter attitudes toward tax reform. The conclusions showed no consensus for a type of tax reform but that voters were aware a problem existed.

Members of the League are participating in the Governor's Conversation with Oregon, both as small group members and as interviewers, facilitators and forum organizers. The result of the dialogue about state service levels and funding may be proposals for a revised tax structure. The League is updating its tax positions so as to be ready to consider any such proposals.

1993, 1995, 1997, 1999, 2001, 2003. The League continued its opposition to return of the two-percent kicker when education at all levels and social programs continued to be under-funded.

1993. Education. The financial drain on the State General Fund because of the Constitutional requirement of Measure 5 to replace revenue lost to schools as a result of the property tax limitation, created a \$1.2 billion budget gap in 1993. The Legislature reduced school funding, K- 12, by \$550 million. Total public school funding, from all sources, was reduced by 8.4 percent in 1993-94 and by 11.8 percent in 1994-95. Use of lottery funds, as "backfills" for community colleges and universities, reduced estimated funding losses. Higher education received \$55 million less than in 1991-93. A raise in tuition costs, use of lottery funds and a \$20 million increase in General Fund appropriations stemmed deeper cuts in our college and university system.

The estimate for the 1995-97 biennium, based on the budget of 1993-95, reveals a \$1.2 to a \$1.5 billion budget gap. The amount of replacement revenue required is expected to be \$2.8 billion. While lottery revenues are expected to rise in the next biennium, \$160 million was used to close the budget gap in 1993!

It took 207 days for the Legislature to do what it could have done in 100 days. This Legislature had to come up with a public school funding proposal. Legislators always prefer spending money to creating new taxes. To fund schools in Oregon a new source of revenue is needed. The League gave testimony to both the Senate and the House Revenue and School Funding Committees urging the committees to stay focused on the goal, school funding reform.

The result of the Legislature's financial deliberations was SJR 10, a constitutional amendment that limits a sales tax to a no more than a 5 percent rate, limits the imposition of the tax to the state only, limits the exemptions to the "necessities", limits state spending based on the 1995-97 budget, and limits the amount of time the sales tax can be imposed without having another statewide re-vote on the tax. This measure failed at the polls.

HB 2500 and HB 2343, effective only when Measure 1 passes, would add more detail to the tax package. The sales tax is estimated to raise about \$2 billion in 1995-97. Schools will still have to seek General Fund dollars in order to be fully funded. A statewide election on Measure 1 has been set for November 9, 1993.

1997. The League opposed Ballot Measure 47 (1996), which both cut local property taxes and capped the rate of increases at 3 percent annually. The measure as passed was so difficult to implement (both structurally and literally) that the Legislature rewrote it and submitted the revision for a vote in May 1997. The League took no position on Measure 50 although it pointed out that the 50 percent turnout required for any revenue measures, along with the majority vote required to pass was unworkable and detrimental to governance. The League supports the measure referred by the Legislature for a May 1998 vote to repeal the 50/50 provisions of Measure 50.

There are several very serious initiative petitions relating to the Oregon tax systems, which have been certified for signature gathering. None should be signed. In the meantime, Governor John Kitzhaber, Bill Sizemore, and several independent groups are planning meetings and task forces to examine the important question of reform of Oregon's tax system. The League is monitoring all of these efforts and will keep members informed.

1999. Many measures dealing with taxation and tax credit policies were debated during the session. The League supported retaining the 2 percent kicker surplus to fund education. Instead, a constitutional amendment to "freeze" the kicker in the constitution has been referred to the November 2000 general election for voter decision. This measure passed. A second referral, which would also take potential General Fund resources out of future consideration for supporting education, health, and public safety, has also been referred to November 2000. That measure would establish a Health Security Fund and use all of the future tobacco settlement dollars for health-related matters. This measure failed. A third referral to November 2000 also reduces the state's general resources. The constitutional amendment would allow taxpayers to deduct up to \$5000 (currently \$3000) of their federal income tax from their state tax liability. This measure passed. Pollution and timber tax credits were increased despite the need to better fund schools and human services. Proposals for any type of "stability" or "rainy day" fund received little legislative support. With primary reliance on the state personal and corporate income tax to fund state government services and the prospect of a weakening economy, the refusal to consider strengthening the state's potential resources should be of major concern.

2001. Revenue-neutral or tax credits were the order of the day for the Legislature as no revenue-producing measures were considered while many tax credit bills were heard. While the Oregon tax system will be studied during the interim, any options for new taxes are to be reviewed in the light of replacement, not increases in revenue. The legislative referral placing the Kicker in the Constitution was approved by the voters in Nov. 2000 and went into effect on July 1. In response to this, efforts were made to have some of the funds diverted to pay down the \$110 million owed federal pensioners prior to the deadline. Education funding, while meeting the Governor's proposed \$5.2 billion, is inadequate for K-12 current service levels. It will be exacerbated by the revenue shortfall now predicted for 2002. The tobacco settlement funds have been placed in a health care trust with fairly stringent rules on allocation. That leaves the lottery and the personal income tax as the primary sources for the General Fund. With declining tax payments because of a weakening state economy, the ability of the state to fund its education, public safety and social services is

becoming questionable. The Legislature was not inclined to face fiscal reality during the regular session and will be confronted with serious funding shortages during the special sessions. In the meantime several petitions are being circulated, which would further reduce revenue to the state.

2002. The League supported the two November General Election ballot measures to provide general obligation bond funding for seismic retrofits for educational and state government buildings. Both passed. The League also supported the increase in the cigarette tax for the Oregon Health Plan and transfer of funds from the Education Stability Fund to the School Fund which passed at a Special Election in September.

2002-03. The 2001 Oregon Legislature met for an unprecedented five Special Sessions in 2002 and a final "sixth" in February 2003 (during the 2003 regular session) to deal with the continuing loss of General Fund revenue during the 2001-03 biennium. The League monitored all the sessions.

2003. The League supported Measure 28 (January special election), which was referred by the 4th Special Session of the 2001 Legislature. The measure would have provided additional funding to help balance the state budget. The measure failed.

The 2003-05 Budget was the major responsibility facing the Legislature. Until 11 Republicans broke ranks with the House Leadership in late August to provide the necessary 3/5 majority for a budget revenue measure that would provide enough support for education, social services and public safety to prevent a gubernatorial veto, it appeared the session would extend beyond the 8^{1/2} months already spent. The Governor's Budget was several hundred million dollars over what the Republican legislative leadership wanted. All session, there were hundreds of representatives from the disabled, senior, family, children, mentally ill, educational, public safety, business, and civic communities pleading their cases for adequate funds. Budgets from the Ways and Means Co-chairs, various sets of legislators, and the Governor were aired, some openly and some behind closed doors or even outside the Capitol. The Democrats wanted to determine the state services to be provided and then identify the money, while the Republicans wanted to look at the revenue, without enhancement, and then allocate for services. Finally, a package of some non-permanent taxes, a couple of permanent tax changes, and increases in corporate minimums was crafted for a General Fund budget of \$11.6 billion, which received the necessary majorities in each house to adopt a budget. The League supported throughout the session a budget which would keep the Oregon quality of life from slipping further and would move instead towards adequacy for schools, human resources and public safety. We support what was passed and continue to work for keeping it by opposing the initiative drive for the referendum which could, if defeated, create an \$800 million hole in the budget. The referendum has qualified for the ballot and the election will be held Feb. 3, 2004.

The Legislature made major changes in the existing Public Employees Retirement System (PERS). Changes caused many employees to seek retirement earlier than they had planned (approximately 5,000 people). Litigation relating to changes in the PERS system is presently being pursued in court.

Legislation also changed the composition of the Public Employees Retirement Board and created a successor retirement system for new employees of the PERS system. Note: Because of the potential impact on the budget, LWVOR monitored the PERS proposals, even though

the League has no specific position.

Tax expenditures (breaks, credits, etc.) came under scrutiny by the Oregon Revenue Coalition to determine how this potential revenue source could be generated by reducing or repealing some of the 350 tax breaks given by the state. The estimate is that the state will not receive revenue amounting to \$27 billion this biennium because of such breaks - only collecting \$.55 on the dollar that could be collected. The League was a supporting member of the coalition, assisting in the efforts to inform legislators and the public about the problem. Legislators chose not to eliminate or lessen the flow of revenue, except to put some medical credit reduction for seniors with high incomes and revising the corporate tax minimums in the budget revenue package. See position on **Air Quality**.

2003-04. Tax reform, an issue long supported by the League, was the subject of a two week discussion by the House Revenue Committee. More than 200 individuals testified, including the League, providing 750 pages of recommendations and proposals. These are forming much of the background materials for the 20-member Tax Reform Task Force called for in HJR 42 (supported by the League), passed by the Legislature late in the session. The group is charged with bringing an option or options for revising the current tax system to a Special Session of the Legislature by May 31 or within five days thereof. It is expected that small sub-groups of the Task Force will hold forums around the state to receive citizen input, and the League will be active in promoting these hearings. While there is opposition to tax reform from some legislators and others, the expectation is that the Task Force will have some option or options referred to the voters by the Special Session. Rep. Lane Shetterly and Sen. Ryan Deckert are co-chairs of the Task Force.

The 2003 Legislature adopted the 2003-05 General Fund Budget with bi-partisan support, but was opposed by the Republican leadership. Through the referendum process, the budget was referred for a February 2004 vote. The League, along with many other groups and individuals, worked vigorously in support of the budget, but voters turned it down. Consequently, education, social programs and public safety activities were curtailed although the Oregon economy was slowly recovering from the disasters of 2001-03.

2005. From its start, it was evident that the partisan nature of the 2005 Legislature – Republican majority in the House and Democrat majority in the Senate – would provide difficulties in budget development. The March budget forecast showed a modest revenue improvement that allowed the governor to slightly upgrade his proposed budget. The House Speaker and the Senate President announced an agreement on a budget goal for 2005-07 - \$12.5 billion, but “not any more or any less”. The joint Ways and Means committee, hearing state agency budget requests and having budget goals from both parties, was bogged down. The Speaker pulled the House members off and set up House budget subcommittees; likewise the Senate. One of the major roadblocks was the K-12 budget, which is 60 percent of the General Fund budget. Advocates remained adamant that \$5.5 billion was needed, and the two budget committees were about \$150 million apart. The end figure is \$5.24 billion, not enough to keep pace. Throughout the process, the League participated as a member of the Oregon Revenue Coalition, urging the repeal or reduction of selected tax expenditures to increase revenue without new taxes and opposing a laundry list of proposed new tax credits. In the end, the final 2005-07 General Fund budget of \$12.5 billion further compromises the planning and delivery of state services to Oregonians.

A change in the double majority requirement for property taxes was proposed in both houses – HJR 14 in the House and SJR 14 in the Senate. In her session-long pattern of assigning “no, no” bills to the House State and Federal Affairs committee, the Speaker prevented any House discussion. SJR 14 was heard in Senate Revenue where it received broad support, including from the League, and it passed the Senate in a bi-partisan vote of 20-8. Upon reaching the Speaker, SJR 14 was sent to House Revenue with a subsequent referral to State and Federal Affairs. The measure was a compromise produced by a coalition of legislators and interested organizations and would have broadened the number of elections when the double majority would not apply rather than repealing it altogether.

Several proposals for a rainy day or sustainability fund to augment the General Fund in times of economic stress were considered by the Senate Revenue committee. They differed in how large the fund should be (5 or 10 percent of the General Fund); how it should grow (end of session balance percent, percent of General Fund, surplus); when it could be used; and what majority percent of the Legislature was needed to implement its use. The Legislative Revenue Office produced various scenarios. However, nothing moved forward, and Oregon is still without any contingency plan for the next recession. At least this session the Legislature realized that it could no longer raid any more trust funds or borrow money at exorbitant rates. The \$450 million borrowed at the end of 2002 is costing \$128 million in interest.

“Left on the cutting room floor” were major issues such as tax reform, long term adequacy and stability funding for public education at all levels, solutions to provide services for population growth in the areas of mental health and the elderly and in infrastructure rehabilitation.

2007. New ground was broken during the session on fiscal issues such as tax credits, new ways of planning state revenue and expenditures, serious discussion of new taxes to fund health care and public safety. However, left on the cutting room floor at the end of the session were the increase in a minimum corporate income tax (currently \$10 paid by 2/3 of Oregon corporations), a tobacco tax increase to fund health care for additional children/adults (but was referred to voters and failed—see **Physical Health Care**), and an increase in the beer tax (not done in 27 years) to fund additional state troopers. The 3/5-majority vote required to pass new or increased tax revenue impeded the will of the legislative majority to move forward state programs.

The biggest success in state fiscal policy was the passage of a Rainy Day Fund, which is funded for the coming biennium by the suspension of the corporate kicker - about \$315 million. Each biennium, a percentage of the ending balance will be put into the fund until it reaches 10% of the biennial General Fund budget. Besides the importance of a sustainability fund for Oregon, the enactment has raised the bonding rate for Oregon, enabling the savings of millions of dollars in interest starting immediately.

A 30-member Task Force on Comprehensive Revenue Restructuring was created to advise the Governor and the Legislature on fiscal restructuring for both state and local governments and will report to the 2009 Legislature. An Oregon Revenue Advisory Council will provide technical assistance and make recommendations. There are four public members and eight legislators on the Task Force. The League will monitor their meetings.

For three sessions we have been part of the Oregon Revenue Coalition attempting to persuade the Legislature to repeal, reduce, or revise the more than 350 tax expenditures that

cause the state to not receive \$27 billion in revenue in a biennium. The 2007 session spent months in discussions about tax credits and deductions, finally passing a complex and comprehensive bill dealing with credits, keeping some credits and providing revenues to cover those that were kept.

To raise revenue, Oregon personal income tax credits will be removed from taxpayers having threshold incomes of over \$156,400 (individuals), \$234,600 (couples), or \$195,500 (heads of households). There are certain one-time credits for healthcare in TRICARE systems, and annual caps on energy credits. Among others, tax credits are allowed to individuals who own and occupy manufactured dwellings, and exemptions are given for natural resource property and property used in commercial fishing. Some credits are expanded, such as for energy for business facilities using renewable sources, for homebuilder installed renewable systems and alternative electric systems, and for certified film production contributions to the Oregon Production Investment Fund. The amount taxpayers subtract from federal taxable income for contributions to the college savings network is also increased.

2008-9. The early effects of the current recession were made evident in the 2008 December revenue forecast when the projection was for a \$900 million deficit in the 2007-09 General Fund, with seven months left in the biennium. Ironically this was about the time that the kicker surplus checks for \$900 million were going to Oregon taxpayers. It was also evident that the \$17 billion needed to continue current state services for education, social programs and public safety in the 2009-11 biennium would not be available. Balancing the budget was the major work for the Legislature.

First, the state used some reserves, federal and state stimulus funds, and program cuts to fill the \$900 million hole. There were extensive hearings in the Senate and House Revenue committees as to measures to increase revenue while the Ways and Means Committee looked at all agency programs, seeking ways to both save and cut programs. In order to design a two year budget which would protect education and services to children, families, seniors and the disabled, three things were done:(1) \$2 billion in cuts were made; reserves were used;(2) the Education Stability Fund was completely drawn down and the Rainy Fund left with \$300 million; and (3) \$733 million in marginal tax increases for those individuals with incomes above \$125,000 and \$250,000, and households with incomes above \$250,000 and \$500,000 were enacted. Also raised was the corporate minimum tax of \$10 to \$150 and marginal tax rates (five tiers) for corporations making profits.

In both cases the tax rates are lowered in 2012. Marginal tax rates apply only to the amounts above the limits levels. The League supported these tax and fee increases based on our fair and adequate tax positions and the need to support essential public services. The current 9% personal income level is paid by the majority of tax payers and has become non-progressive. Two-thirds of Oregon corporations pay only \$10 a year, an amount which has not been raised since 1931. The increases make the tax system fairer.

The budget cuts to state programs and services are being felt across the state. Although K-12 public education received less in cuts, the community two-year schools and the state universities were hard hit, just as enrollments are increasing substantially across the state. There are now two further problems related to the 2009-11 budget. The September revenue forecast projects an additional loss of \$182 million for the General Fund. It is expected that the Special Legislative session in February 2010 will use most of the remaining Rainy Day Fund, leaving a

zero End of the Biennia total. The second issue is the Special Election in January caused by the referenda by petition of the personal and corporate tax statutes. Failure to support the tax proposals will cause an estimated \$500 million shortfall for the budget, with no reserves to cover the hole. Since the state cannot have a deficit budget, the alternative will be to further cut programs.

The review of tax credits due to be sunsetted in 2012 (HB 2067), probably will be discussed during the February Special session. Already being challenged is the Business Energy Tax Credit and others. Also a strong possibility to be considered in February is funding for the Rainy Day Fund and the Kicker refund distribution along with some inheritance tax issues. One of the casualties of the recession was the proposed increase to the Earned Income Tax Credit which benefits more than 200,000 families. Oregon has a very low (6%) tax credit (around \$100 per family), ranking among the lowest in the country.

The only good news to come from the session is found in the reports from the policy committees where much excellent legislation was discussed and passed – none of it costing much money. (see **Governance, Natural Resources and Social Policy Issues** updates).

2010. The League has been working for several years to revise the state's tax credit system to capture some of the \$27 billion not collected each biennium. For the past three years, several hundred millions of dollars have been given to green energy projects across the state. These are known as Business Energy Tax Credits (BETCs). With another revenue shortfall looming, the Special Session passed BETC Reform, limiting to \$300 million the credits which can be given in a biennium and reducing the current amount to save \$53 million needed to help re-balance the 2009-11 budget.

The state's Rainy Day Fund has been reduced to about \$12 million with no expected ending balance for carry over to 2011-13. The forecast remains bleak in terms of increased revenue for the remainder of the biennium with unemployment holding steady at 11% and state revenues from personal income taxes still down. The Special Session did not formally consider revisions to the Kicker law although there was a proposal to do so, and the Governor urged it. The 2009 Legislature cut \$2 billion from programs and services, and further takings were made from agency reserves. Federal and state stimulus money has been nearly exhausted. Depending on the June revenue forecast, further cuts may be necessary.

Oregonians voted in favor of two income tax proposals enacted by the 2009 Legislature and referred to voters through the referendum process. The Special Election, held in January, increases the rates of taxes on personal income to those with incomes of more than \$125,000 (\$250,000 household) and \$500,000. The corporate minimum tax was raised from \$10 to \$150, applying to most businesses in Oregon. Business fees were increased along with the tax rates for corporations using brackets on profit increases.

2011. Adopting a new structure for preparation of the biennial budget, the Legislature and the Governor agreed to use the December 2010 revenue forecast as the limit for expenditures, along with careful use of reserves and federal funds. Gut wrenching cuts had to be made and every sector of public services was affected even though special consideration was given to vulnerable populations and public schools.

Legislation to enable stable funding for the reserve funds, revise the kicker law and improve

postsecondary education was passionately discussed, but did not move forward.

Though all tax credits set to expire in 2012 were reviewed by the appropriate policy committee, in the end only \$10 million of lost revenue was captured. All tax credits will now be reviewed as they reach the sunset year. Currently, the state “gives away” about 27 billion each biennium in so called “tax expenditures” which include deferrals, deductions, exemptions and credits. Business energy tax credits (BETC) will be more transparent with the requirement that on-line annual postings be made of the company, purpose of the tax credit, credit amount, and progress of the project.

Revisions to the homestead property tax deferral program include an income means test, five year residency requirement, and a ban on reverse mortgages. The program has been losing money because loans have not been paid back as house sales have diminished, and a many owners have received reverse mortgages which means that the financial institution gets the payback before the state. A report on the implementation of the changes is required to the Interim Revenue committees and to the 2012 session.

The Task Force on Government Efficiency was reauthorized. The 2009 group brought several recommendations to the 2011 legislature regarding cost savings and efficiencies of services through cooperation of state and local agencies serving the same populations. A bill passed to look at merging motor pool services, and removing the voting for political party precinct chairs from the Primary ballot to save county funds was introduced and will be discussed in 2012. Necessary changes to both Ballot Measure 5 (1990) and Measure 50 (1997), which are seriously affecting revenues of local governments and school districts, were discussed but no action taken.

As a member of the Oregon Revenue Coalition, the League worked to bring about kicker and reserve fund revisions as well as greater reductions to tax expenditures in order to increase General Fund revenues. Other fiscal issues were changes to the Inheritance tax structure, lowering capital gains taxes, and attempts to increase tobacco taxes.

2013. HB 2373 would have set up a Legislative Agency Review Office similar to the Legislative Revenue and Fiscal Offices at the State Legislature to review each agency’s mission. This bill did not pass this session, in part due to the cost of funding this new department.

SB 552 sets up a committee to review the current state budget process and consider recommendations for improvements, especially to link the budget with outcomes. SB 551 does the same for capital construction budgets. The League is following this legislation.

SB 246 authorizes Business Oregon to work with public entities to develop certified regionally significant industrial sites through a grant or loan program. The League opposed this bill.

SB 253 creates a statewide program to inventory industrial sites and assess for their readiness to develop. Again, monies were not appropriated for this program. The League opposed this bill.

While the 2013 session did not have revenue shortfalls to deal with, the need to raise revenue for public education at all levels, along with funding from reforms to the Public Employees Retirement System (PERS), was the defining motivation for the Governor’s proposed budget and

the Ways and Means committee leadership budget. These goals appeared to have early bipartisan support which disappeared when the majority Democratic party pushed through a PERS revision that only captured about \$800 million, did not address the unfunded \$5 billion retirement liability and also require tax increases or adjustments. The Legislature was split politically by a Democratic majority of 8 (34-26) in the House and 2 in the Senate (16-14), over the Republicans. Translated into any action regarding revenue through taxes, a three-fifths majority in each chamber would be required, necessitating cooperation from both parties.

The initial PERS revisions called for a reduction in the annual COLA (cost of living adjustments) for system retirees and a removal of COLAs for any out-of-state retiree who no longer paid Oregon income taxes. For the biennial state General Fund (GF) budget, Republicans strongly favored more dollars from retirees, reduction of the unfunded PERS account liability and some tax relief for small businesses while Democrats supported increasing the cigarette tax, revising the senior medical deduction, raising the corporate minimum income tax, and limiting personal income tax itemized deductions for those with incomes over \$125,000. This was called the "Grand Bargain" for funding schools, mental health programs, assisting low income families, and revising PERS.

That plan failed on the last day, July 8, of the session on strictly party lines. The final adopted 2013-15 General Fund (GF) budget totaled \$6.55 billion and reflected a lost opportunity to move Oregon forward at all public educational levels and improve social programs and services. At the final gavel, one side wanted tax cuts and the other couldn't agree to more PERS cuts.

The total net resources for the GF were \$16.775 billion, with a projected regular ending balance (June 30, 2015) of \$179.1 million. The entire state budget was \$59.8 billion, a 4.6% increase over the 2011-13 biennium. What was accomplished included revision or repeal of some sun setting tax credits, a budget that reflected the revenue anticipated for the biennium using the new structure, and an additional \$1 billion for K-12 schools, \$1.9 billion for community colleges and universities, \$4.2 billion for human services, \$2 billion for public safety, and \$638.9 million for the judiciary, among others.

The Governor called the Legislature into a Special Session on September 30 to address a new version of the "Grand Bargain" after spending the summer crisscrossing the state and "talking to the folks" about funding public schools. It wasn't easy, but on October 2, 2013, after public hearings, debates on the chamber floors, and arm twisting, the Oregon Legislature came together to enact a series of forward moving laws that enhance public education, improve the mental health system, protect seniors, assist the working poor, adjust PERS, and pave the way for research and future action on the issues of genetically modified organisms (GMOs). As more than one legislator said in the House and Senate chambers, after the vote, "This is Oregon, not Washington, D.C., and we have acted as Oregonians".

An additional \$244 million has been added to the 2013-15 adopted budget. Most of the changes will take place on July 1, 2014. Of the 140 million for public education, the 197 public school districts will get \$100 million, Community Colleges, \$15 million, and the four year universities, \$25 million. The budget note mandates that the higher education funds must be used for tuition relief. The cigarette tax, which will increase by 13 cents next year and an additional 1 cent yearly until 2018, will become a dedicated revenue stream for mental health programs, with \$20 million next year. Resources for increasing the Earned Income Tax Credit (EITC) from 6%

to 8% for the working poor, protecting services for the elderly, giving tax cuts for small businesses and providing the educational increases partially come from the reduction in the PERS COLAs. The final PERS formula will decrease all COLAs from 2% annually to 1.25% for annual pensions up to \$60,000 and .15% for those above that. In addition, the funding increases are provided by the senior medical subtraction with an age increase and an income cutoff to use, and the reduction in the amount of personal income itemized deductions that can be claimed by single tax payers with incomes over \$100,000 and couples over \$200,000. Corporate income taxes for those entities with \$1 million or more in Oregon sales will increase to 7.6%. The League opposed the initial proposal to continue the Strategic Investment Project (SIP).

K-12 Funding

1993. See previous page.

1999. Because the state is now responsible for the major portion of K-12 funding, the Legislature seems to feel that it should exert more control over local school districts and decisions that affect K-12 schools. During the 1999 session a total of 404 school-related bills were introduced. By far the most contentious were those establishing the K-12 funding level, and a proposal to allow charter schools. Others ran the gamut from gun safety instruction in the elementary grades to delaying the language requirement of the Education Act for the 21st Century.

The Charter Schools bill (SB 100) was hotly debated for an extended period of time. The League opposed the bill in its original form. We testified in favor of requiring state certification for charter school teachers, and limiting the amount of money local districts must pass along to charter schools. In its final form, the Charter Schools Bill requires at least 50% of teachers to be state certified. Local school districts will be responsible for chartering these schools. A special certificate can be issued for the charter school teachers, and they must pass a background check.

2000. See Position History—Fiscal Policy for information about local option levies.

2001. Education fared reasonably well during the 2001 session, receiving nearly half of the State's General Fund. The final appropriation for K-12 fell nearly \$870 million short of the target set by the Quality Education Model. The League will continue to work for adequate funding for education at all levels.

2003. Although not considered adequate by many education supporters, the \$5.2 billion allocated to Oregon public schools was considerably better than the \$4.9 billion proposed by the legislative leadership and Ways and Means. If the referendum on the budget should fail, schools could lose \$400 million, so local school districts have been cautious in spending levels this fall even though the dollars are needed.

The 2003 Legislature adopted the 2003-05 General Fund Budget with bi-partisan support, but was opposed by the Republican leadership. Through the referendum process, the budget was referred for a February 2004 vote. The League, along with many other groups and individuals, worked vigorously in support of the budget, but voters turned it down. Consequently, education, social programs and public safety activities were curtailed although the Oregon economy was slowly recovering from the disasters of 2001-03.

2007. Funding for K-12 schools was a priority of the 2007 Legislature. A record \$6.3 billion

was allocated, up to 80% of the Quality Education Model. The funding for public schools will enable smaller classes, add-backs of the arts and libraries and better classroom equipment. College tuition may not change after 10 years of increases, and maintenance and rehab of older buildings will take place for all levels of public education. Community colleges did not fare as well, and many of the state's 17 institutions still must cut programs and staff.

Added this session was a provision that allows school districts to assess a construction excise tax on new residential, commercial and industrial construction to help pay for the impacts of new growth. Schools are also required to develop a Facilities Plan that can then be considered by local governments when land use decisions are made.

Initiative, Referendum and Recall Position

Adopted 1988; Revised 1996; Educational Update 2001*

1. **Statute Initiatives.** *The League of Women Voters of Oregon supports the constitutional right of Oregon citizens to propose or revise statutes through the direct initiative process. The League supports the following:*
 - a. *Requiring a number of valid signatures not less than six (6) percent of the total number of votes cast for all candidates for governor at the last election at which a governor was elected for a term of four years;*
 - b. *Requiring more than 25 signatures to file the prospective petition with the Secretary of State;*
 - c. *Prohibiting legislative changes to an initiative statute for at least two years from its effective date, except to clarify implementation and to correct errors in form and style;*
 - d. *Requiring an advisory opinion as to the constitutionality of each proposed initiative after it has qualified for the ballot. Such opinion should be published in the Voters' Pamphlet;*
 - e. *Limiting the time frame for collecting signatures to one year;*
 - f. *Optional use of the indirect initiative.*

2. **Constitutional Initiatives.** *The League of Women Voters of Oregon discourages amending the Oregon Constitution by the initiative process. If amendments by initiatives are allowed, the League supports the following restrictions:*
 - a. *Requiring a number of valid signatures not less than ten (10) percent of the total number of votes cast for all candidates for governor at the last election at which a governor was elected for a term of four years;*
 - b. *Requiring more than 25 signatures to file the prospective petition with the Secretary of State;*
 - c. *Establishing a formula for a geographic distribution of signatures in order to reflect statewide interest in a measure;*
 - d. *Requiring an advisory opinion as to the constitutionality of each proposed initiative after it has qualified for the ballot. Such opinion should be published in the Voters' Pamphlet;*
 - e. *Limiting the time frame for collecting signatures to one year;*
 - f. *Requiring more than a simple majority of the total votes cast for the measure for*

- passage;*
- g. Exempting the Oregon Bill of Rights and revenue measures from the initiative process; and*
 - h. Using the indirect initiative process and scheduling discussion of a qualified initiative first on the agenda of the next legislative session.*
- 3. The League of Women Voters of Oregon supports the Oregon petition referendum process as provided in the Oregon Constitution.*
 - 4. The League of Women Voters of Oregon supports the recall process as provided in the Oregon Constitution.*
 - 5. The League of Women Voters of Oregon believes that ballot titles should be stated in clear, concise language and should avoid confusing negatives.*
 - 6. The League of Women Voters of Oregon opposes paying petition circulators by the signature. Paid petitioners must be required to identify themselves as such, personally and on the signature sheets. With reasonable restrictions, petitioners should be allowed to collect signatures in highly visible privately and publicly owned locations.*
 - 7. The League of Women Voters of Oregon supports publication and distribution of a state Voters' Pamphlet prior to statewide elections and believes that:*
 - a. The state has an obligation to provide the voters with accurate information so that voters can make reasoned choices;*
 - b. All ballot measures must be included with official explanatory statements, an official advisory opinion on constitutionality, effects of a "yes" and "no" vote, and summaries of the main arguments for and against the measures;*
 - c. The number of arguments for and against the measures to be included should be limited; and*
 - d. The fees charged per page should more clearly reflect the actual costs.*

*Updated for background information only – no position change.

Position History and Implementation - Initiative, Referendum and Recall

1985. Members of the LWVOR questioned whether the initiative and referendum process in Oregon was being used as originally intended or was being abused by special interest groups. The 1985 Convention of the LWVOR adopted a study of the initiative and referendum process in Oregon.

1989. The Oregon Supreme Court ruled that petitioners are allowed at tables in certain areas of shopping malls at certain times.

1995. Numerous proposals to revise the process were made: to increase signatures for constitutional amendments and lower them for statute petitions; to require petition passers to be paid in other ways than by the signature (hourly, daily, as a contract employee, etc.); and to require some type of legal review. The Legislature passed one law that bans selling or buying signa-

ture sheets and approved a constitutional amendment to require 20 percent of signatures for each initiative petition to be obtained in each of the five Congressional districts. That measure has been referred for a statewide vote in May 1996. There are a number of initiative petitions being circulated which could affect the initiative process.

1997. Again, using the League's new position with regard to the Oregon initiative process, the League testified in support of increasing the number (percentage) of signatures needed to qualify a constitutional initiative for the ballot, and to make changes in the *Voters' Pamphlet* to eliminate the unnecessary pages of measure pros and cons while protecting the ability to have all sides heard. Initiative reform was given a short shrift in legislative hearings, and few of the number proposed were heard. The important issues remain so the League will be involved in preparing for the next session.

There are several petitions circulating with regard to the initiative process. None of them are in the best interests of direct democracy and should not be signed.

1999. The League supported several bills that would have provided for review of initiative petitions prior to circulation either by the Attorney General or Legislative Counsel. Hearings were held, but none passed out of committee. Three constitutional amendments related to the initiative process have been referred by the Legislature to the May 2000 primary. The League supported these. One would increase the number of signatures required for qualifying a constitutional amendment initiative for the ballot (from 8 percent to 12 percent); one would limit the subject matter that could be addressed in a constitutional amendment initiative; and one would change the timelines for submitting petitions to the State Elections Division and verifying petition signatures. The League testified in favor of each.

2000. In the May Primary, voters approved a constitutional amendment that lengthens the period for signature verification on initiative and referendum petitions.

2001. Although more bills than in 1999 proposing changes in the initiative system were discussed in the Rules committees of both houses, only one real change was adopted. Petition campaigns will now be required to file three contribution and expenditure reports at the time of the May Primary election. This will give an early window on who is supporting various initiatives, how much is being spent, and how the campaign efforts are going. The League supported several proposals, including those for some type of legal/drafting review of all petitions and increasing significantly the number of signatures required on the prospective (first) petition to prevent ballot title shopping, but none came out of committee.

2002. The League supported the initiative to ban payment by the signature for initiative petition passers on the November 2002 General Election ballot. It passed by a 3 to 1 margin.

2003. Although several amendments to the initiative process were proposed to the Legislature, only one received serious consideration. The League continues to support changes to the system that would require some type of judicial review on legality and/or constitutional viability, closing the loopholes allowing multiple filings in order to get a "suitable" ballot title, as well as require some limits on subject matter for constitutional amendments to protect the Bill of Rights and the General Fund. The League participated in the Senate Rules workgroup to revise a proposal which would increase the number of signatures necessary to initially file a petition. The version passed by the Senate would have required 2500 signatures instead of only 25. It was altered in the House Rules Committee by amendments proposed by an outside

attorney/lobbyist. That version was opposed by the League and other supporters and died in committee.

2005. The usual bills, which would require additional signatures for a prospective petition filing (only 25 now), some type of legal review for initiatives, changing timelines for Supreme Court review of ballot titles, and preventing ballot title “shopping” were introduced but received no consideration. The Governor did sign the bill, which requires a more complete description of the financial effects of passing or not passing a ballot measure that must be printed on the ballot and in the Voters’ Pamphlet.

2007. After several frustrating sessions of trying for changes in the Oregon initiative process, real progress was made during this legislative term. There were many hearings and behind the scenes discussions, and the Elections Division (Secretary of State), the Attorney General and the Oregon Bureau of Labor and Industry worked together to improve the signature gathering system.

Of particular importance to the League is the new requirement for 1000 petition signatures before a ballot title will be issued. This will enable some public discussion of the petition issue, and save public resources caused by ballot title shopping. Each petition uses the Secretary of State’s office, the Attorney General’s office and sometimes the Supreme Court when a title is challenged. The League has supported an increase in the signatures required since its position was adopted 10 years ago.

Other important initiative reforms include:

- Petitions do not have to be separated by county; the new central voter registration database will be used to verify signatures.
- All paid petition signature gatherers must register with the Secretary of State, obtain picture ID and receive training regarding the initiative process.
- Employers of paid petitioners must keep accurate payroll records and have the records available for review by representatives of the Attorney General, Secretary of State and Bureau of Labor and Industry.
- Templates for the petition signature sheets will be prepared by the Elections Division and used by all petitioners. A new single-signature petition sheet will allow electronic download and self-certification.
- The new law goes into effect January 1, 2009, and will apply to any petitions signed after that date. During the transition, the Elections Division will separate and count the two sets of petitions.

2008-09. The 2007 legislative session brought important changes to the initiative system which were implemented starting January 1, 2008. Lawsuits were brought challenging the right of the Secretary of State to throw out initiative petitions and to the formula for signature verification. They were not successful, although the Court recommended that the Secretary of State examine the signature verification process and make improvements. To that end, all signatures will now be verified by the Elections Division and not sent to each county. The League believes the requirement to collect 1000 signatures in order to get a ballot title and the tightening of paid petitioner requirements to register and use Secretary of State templates is improving the process along with the oversight of payments to paid petitioners.

There was extensive new legislation. HB 2005 was submitted by the Secretary of State and

supported by the League. It took most of the session, with numerous amendments, to pass and be signed by the Governor. Highlights include (1) further strengthening paid-petition gatherers' regulations, clarifying the payroll processing tracking, increasing penalties and fines for fraud, distinguishing between paid and volunteer gatherers and requiring petitions to be turned in each month; (2) requiring all initiative petition committees to have a treasurer who regularly reports on campaign contributions and expenditures; and (3) giving local governments a two year limit on collecting petition signatures for issue proposals rather than an unspecified limit. Also passed was a restriction on "ballot title shopping" which will allow the Attorney General to issue the same ballot title when two or more submitted petitions are substantially the same.

The Task Force on Revenue Restructuring recommended two other initiative changes which were drafted as bills but did not pass from committee. The League, and other good government groups, participated in a session-long initiative reform coalition which will continue to work for these changes. These included the probable cost of implementation of an initiative in the ballot title and requiring a time limit on when an unsuccessful initiative can be brought to voters again. Requiring that every signature on petitions be counted rather than the current use of a formula and increasing the number of words on a ballot title from 15 to 40 also did not pass.

2010. No formal revisions were proposed during the Special Session, but the House Rules committee conducted an informational hearing on issues dealing with further initiative reform. The League presented several recommendations to be considered during the 2011 session. These included placing a limit on when twice defeated initiatives can be brought back for voter consideration, and mandating up-front cost information and a funding source on any initiative seeking state funding.

2011. Oregon's initiative process will be improved by the passage of two proposals which were supported by the League. A Citizen's Initiative Review Commission has been established to oversee the review and discussion of ballot qualified initiatives. The Council will have 11 members with funding for the review panels coming from both private and public sources. Members of the review panels (18-24) will be compensated for travel, meals, and lodging. The second measure requires that chief petitioners be held more accountable for their payrolls (if signature gatherers were paid by the signature, which is illegal, chief petitioners would be responsible for fraud).

2013. Two measures to improve the Oregon direct democracy system were enacted, as well as a third to continue the initiative review process.

- The background checks on paid initiative petitioners are mandated and are currently carried out by the Secretary of State's office (SOS). Under the new legislation, these criminal checks must now be performed by the chief petitioner of any initiative proposal and proof given to the SOS when the person registers as a signature gatherer.
- The current law requires that any person employed to pass petitions must register with the SOS and receive specific training regarding Oregon's rules and regulations for the initiative process. Under a new statute, any organization, individual or entity that pays for petitioners must register with the SOS and receive training in the process.
- The continuation bill for the Commission to oversee the process for the Citizen Initiative Review (CIR) panels that are privately funded, but have state sanction, barely made it through the session, even with strong League support. The ability of citizens to meet with initiative sponsors and opponents and to reach conclusions reported in the media and the

Voters Pamphlet is an important tool in educating voters. The bill finally came out of the Ways and Means subcommittee on General Government on the last day to get a Senate vote. It is not really under any specific agency and staffing is not a priority, even though it meets as a state endorsed group. Funding is provided through Healthy Democracy (HD), the founding organization for the CIR process, with foundation and individual grants. HD is working with the Commission and raising funds for the 2014 panels.

Oregon State Courts

Adopted 1979, 2007

The League of Women Voters of Oregon affirms:

- ***The separation of powers provided in Article III, Section 1 of the Oregon Constitution;***
- ***The treatment of the Oregon Judicial Department, the third branch of our state government, as a separate, independent, co-equal branch of state government.***

The League believes that:

- ***The State of Oregon should provide access to its courts that meets the diverse needs of all people who use the state courts.***
- ***Judges must be free to decide cases based upon the facts of the particular case and the applicable law, independent of the influence of public opinion and political and partisan pressures.***

In order to improve the budget process and funding for the Oregon Judicial Department, the League supports:

- ***Adequate and stable funding to perform the Department's core functions and critical services;***
- ***Funding by the Legislature of mandated programs or procedures for the state courts;***
- ***An independent compensation commission to set judicial compensation of state court judges.***

The state should ensure that counties are able to provide adequate court facilities, maintenance of those facilities, and security equipment and services.

The League believes that the following criteria should be used in evaluating a system of selecting judges in Oregon. The system should:

- ***Be as free from political influence as possible;***
- ***Encourage and attract the most competent and experienced people;***
- ***Include a method of evaluating judges and judicial candidates.***

To preserve judicial impartiality and fairness and to protect the public's perception of this impartiality and fairness, the League believes that efforts to obtain campaign finance reform in Oregon should include the financing of judicial campaigns.

The League supports alternative dispute resolution (ADR) programs (such as arbitration, mediation, and settlement conferences) as a way to resolve disputes in appropriate

cases, recognizing that, in some cases, a trial will be necessary. In order to operate effective ADR programs, Oregon's courts should, at a minimum, have:

- ***Adequate facilities in which to conduct mediation and arbitration processes;***
- ***Availability of trained and qualified arbitrators and mediators;***
- ***Financial assistance for those unable to afford access to ADR;***
- ***Adequate and stable funding.***

The League encourages the development of specialty courts (such as commercial court) and problem-solving courts (such as drug and mental health courts) within the Oregon Judicial Department. In order to operate effective specialty and problem-solving courts, Oregon's courts need:

- ***Adequate court staff;***
- ***Facilities in which to hold hearings;***
- ***Availability of service providers and outpatient and residential treatment;***
- ***Adequate and stable funding.***

Position Implementation - Oregon State Courts

1981. The League took an active role in supporting the legislative effort that created a statewide judicial system. The system excluded municipal courts and justice courts. The chief justice of the Supreme Court is the administrative head.

1983. The General Fund has provided full funding for district and circuit courts since January.

2002. The League opposed two ballot measures on the November 2002 General Election ballot regarding judicial procedures. One would have required Supreme Court and Courts of Appeals justices to be elected by district and to reside within those districts. The other would have revised the procedure for filling judicial vacancies, holding judicial elections and allowing a "none of the above" vote in judicial elections. Both were constitutional amendments and defeated, but by narrow margins.

2003. See **Constitutional Provisions.**

2007. The League was able to testify in support of higher judicial salaries and more funding for the judicial system as a whole as a result of the new Oregon State Courts position. Greater funding for both was passed.

2009. The Oregon Judicial Department (OJD) faced a tough budget review due to the loss of revenues for this biennium. The OJD Budget passed out of Ways and Means with a 15% reduction, but retained the 173 judicial positions and salary levels for the judges. However, the cuts came in support staff, the operation of the circuit courts and the new technology for electronic filings. The League testified in support of the OJD budget, the system to carry out judicial orders and the treatment courts. HB 2287 continued current court surcharges and established new temporary fees in state courts to provide a backfill of 7.5% for the OJD Budget. In addition, HB 5054 appropriated \$11 million for court facilities deferred maintenance in 12 counties. The Oregon Judiciary study brought attention to the courthouses in the Oregon judicial districts throughout the state.

2011. The Budget for the Oregon Judicial Department took reductions as well as every other

state funded agency. Additional Court of Appeals judges were requested but not approved. Repairs to courthouses were boosted by HB 3525 that assigned 10% of civil punitive damages to the Courthouse Capital Improvement Fund. The e-Court project is the major expense for the department now. The progress of the project will be reviewed throughout the session. The League supports the OJD budget.

HB 2710 raised court fees for civil cases, and HB 2712 raised court fees and fines for criminal offenses and violations. The fines for traffic violations were adjusted and a few were reduced to be fair for low income residents. During the last session, HB 2287 the fee bill did not raise expected revenues for the court system. The Joint Interim Committee on Justice System Revenues worked on these two bills prior to the 2011 session. The League commended the committee for their work.

2013. The Oregon Judicial Department Budget included the 3 additional judges and staff for the Court of Appeals. It also included salary increases for State District Court Judges. Defense Attorneys had a raise, too, although it was smaller. The Supreme Court Building Preservation started with external repairs and delayed others. Projects for a new courthouse in Union County and repairs in four eastern county courthouses were scheduled. The League supported the OJD Budget.

The Chief Justice was given authority to set fees for the new e Court filing system. The statewide court fines were reviewed and the revenues were reallocated among the state and local courts. The current priorities were to maintain court operations five days a week, restore family court support staff and continue juvenile court records projects. Drug treatment courts will be funded through the Criminal Justice Commission, and data will continue to be kept by that agency.

Public Records Law - Right to Know

National Position

Position Implementation—Public Records Law

1993. A legislatively-mandated task force, headed by the Secretary of State, prepared and presented to the Legislature two measures revising Oregon's 20 year old public records statutes. One would have codified the more than 3450 exemptions into categories under one law, and would have clarified when the public's right to know is greater than the protection of personal records. The other would have changed the rules for boards that license various professional occupations so that complaints would be publicly acknowledged and the actions taken after investigation made known. The first measure died after considerable hearings, primarily as a result of heavy medical profession lobbying. The second was passed with little of its original substance intact. It is anticipated that the Secretary of State will continue to work on the needed revisions for 1995.

2003. See **Election Laws** for exemption support.

Redistricting

Adopted 2007

Congressional and legislative redistricting should advance the fundamental purposes of representative democracy and a republican form of government by affording the people a meaningful choice in electing their representatives and holding the government accountable to the people.

The League of Women Voters of Oregon believes that the Oregon legislative and congressional redistricting system should be efficient, adequately funded, based on well-defined criteria, subject to a reasonable and effective timetable, and have an open and public process.

- A. Any redistricting plan should assure that voters are effectively able to hold their public officials accountable, responsible, and responsive, and be based on the following criteria:***
- ***Adhere to all federal constitutional and legal requirements, such as that every district should have equal population, be contiguous, and meet the requirements of the Voting Rights Act;***
 - ***Promote competitiveness and partisan fairness;***
 - ***Consider other criteria, such as respect for political subdivisions, communities of interest, and geographic barriers.***
- B. Any redistricting plan should be developed independently of the Legislature in a nonpartisan manner with substantial public input. The Legislature may be afforded an opportunity to review the plan and accept or reject it.***
- C. The Oregon Supreme Court should promptly review and rule on any challenge to a redistricting plan and require adjustments if the criteria have not been met.***
- D. Oregon should conduct redistricting only once during each decade following the federal census.***

Position Implementation—Redistricting

1979. The Legislature established criteria for congressional and legislative redistricting. For the first time in Oregon history the Legislature completed its own redistricting in 1981. The city of Portland, the LWV of Portland and others filed suit in the Oregon Supreme Court stating the plan was unconstitutional because one district would not have been represented by a state senator for two years. The Court agreed and the Secretary of State's office redrew district lines in the Portland area.

1991. The Legislature could not agree on any of the four plans submitted by legislators, and it was left to the Secretary of State to submit a plan to the Oregon Supreme Court. The LWVOR president sat on the 10-member special Redistricting Panel set up by Secretary Keisling, and the League supported the draft plan which addressed the one-person, one-vote issue with only a minor deviation, and which closely adhered to communities of interest. The Secretary of

State's plan was approved by the Oregon Supreme Court with minor revisions.

2001. Again, the Legislature could not agree on a redistricting plan and the matter of redrawing the Oregon legislative districts fell to the Secretary of State (as in 1971, 1981 and 1991). Early discussions were held by both Rules committees, forums were conducted around the state, and maps were drawn using the latest technology in mapping, but the bi-partisan effort broke down when the time came to reveal the maps being proposed by the Democratic and Republican leadership. On strictly party lines, the Legislature passed the Republican proposal, and it was vetoed by the governor who required a bi-partisan agreement. The Secretary's plan, which proposed some major changes in legislative district boundaries, was submitted to the Oregon Supreme Court in mid August and then challenged. The Supreme Court upheld the Secretary of State's plan except for one minor technical problem. Several local Leagues are involved with the redistricting activities of their cities and counties. The League's criteria for evaluating apportionment plans were based on the guidelines of the Federal Elections Commission.

2007. The League has adopted a new redistricting position and distributed it to members of the Legislature in hopes of discussion about the 2010 federal census and the need to redistrict in 2011. We testified generally about the current redistricting statute and recommended beginning the planning for the process. The only measure that passed provides that legislators elected in 2010 will remain in office until the start of the 2013 legislative session, although the new districts' boundaries presumably will have been enacted by the December 2011 deadline. There needs to be clarification about the 2012 elections and district boundaries. The Public Commission on the Oregon Legislature (PCOL) recommended the use of a five member, semi-independent commission to draw up Oregon's redistricting plan. It was not drafted into a bill.

2011. The 2011 Legislature accomplished the critical task of redrawing the state's legislative boundaries for the first time in 40 years. The Oregon Constitution requires that the Legislature revise the lines by July 1 in the year after every ten year federal census. Otherwise the job goes to the Secretary of State. Both Senate and House Redistricting committees were established, and they met jointly. Hearings were held around the state and at the Capitol to receive public input. New technology, using the current boundaries as the starting point, and precise maps greatly assisted in the successful conclusion. The League discussed the importance of criteria with the committees and emphasized the importance of one person, one vote to our representative democracy.

NATURAL RESOURCES

The League of Women Voters of the United States believes that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.

1999. A "sleeper" bill passed and was signed by the governor that creates a new legislative office of natural resources. A policy administrator will be appointed by the unanimous vote of the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House. Money was allocated for this new office.

Much new natural resources legislation will require implementing agency rules. Much between-session League work will involve monitoring these rule-making processes.

2003. All natural resource agency budgets, particularly the regulatory agencies, suffered at the hands of the 2003 legislative Joint Ways and Means Committee. Both budget cuts and budget notes aimed at controlling agencies' programs and functions will significantly affect both natural resources programs and League action in 2003-04.

This session, LWVOR took action on two important issues affecting natural resources. We opposed HB 2281, a "stringency" bill which would have limited state standards for environmental quality to no more stringent standards than minimum federal requirements. The bill died in committee on adjournment. LWVOR also testified before the State Land Board regarding standing for a non-profit organization to be a party in a contested case hearing. This issue is still being debated.

2005. The League's Natural Resources legislative activity centered on agency budgets. The League defended the budgets of DLCD, DSL, DEQ and the Columbia Gorge Commission. Ultimately budgets were passed after conference agreements. Budget notes, which the League opposes as non-legislative since they are not voted on by the full legislature, appeared as attachments to natural resources budgets. One example was the budget note that became an amendment to DEQ's budget (see Air Quality). Another was a budget note added to the Department of Forestry's budget, which required a timber harvest level that the agency did not think sustainable. The Governor subsequently directed DOF to ignore the budget note.

2007. With the addition of revenue due to an expanding economy, the League testified in support of many Natural Resource budgets with success for increases: Water Resources Dept. (WRD), DLCD, DSL and OPRD. We also followed the DEQ and OWEB budgets. Working with partners, we assured that the monies raised by Measure 66 were spent in the manner expected by the voters. With the increase in interest and concern regarding water, we were pleased to see more monies for water studies.

2009. As with all state budgets, Natural Resource agencies were faced with either making up to 30% cuts or accepting the choice of increasing fees for service. Natural Resource Agencies are but 2% of the general fund/lottery state budget but are asked to protect our air, water and land. The League maintained its participation in the Ways and Means process to advocate for public funding for these important jobs: Department of Environmental Quality (SB 5521), Land Conservation and Development (SB 5531), Water Resources (SB 5551) and Oregon Parks and Recreation (HB 5033). Fees for service continued to increase, but we maintained our position that fees should not cover more than 50% of services since these agencies serve an important public function, often to protect the health and safety of Oregonians. Finally, we were asked to provide testimony on the connections among agencies related to water. We pointed out the differences in responsibilities between large agencies, that can use economies of scale, and small agencies, who must be efficient just to survive. Consolidation of field offices has been considered before. The Ways and Means Natural Resources Subcommittee Co-Chairs asked that agencies work together again on this concept.

2010. In a time of budget shortfalls, Natural Resource agencies took another 1% cut after seeing a 14% cut in 2009. Fewer natural resource bills were filed or acted on, but agencies have used every opportunity to apply for federal grants under the American Recovery and Reinvestment Act, receiving authorization to apply and, when awarded, to spend the grant funds. At the same time, the Integrated Water Resources Strategy (HB 3369 from 2009) has begun its work with a League member as part of the Policy Advisory Group and the state League a sponsor of the first Open Houses.

2011. With a major recession causing limited revenues for all services, Natural Resource agencies again took a disproportionate hit. The League worked with the Oregon Conservation Network and agency directors to explain the value of these agencies to the economy of Oregon. We testified on almost every agency budget, focusing our testimony on the services the League expects of each agency.

2012. Natural Resource agency budgets received yet another 5-5.5% cuts this session. The League continues to work with others to advocate for enough money for these agencies to process permits adequately and to enforce our laws and rules. The Oregon Conservation Network had as one of its Priorities no more cuts to the Dept. of Environmental Quality budget.

Air Quality

Adopted May 1968

The League of Women Voters of Oregon believes that all segments of society (government, industry, agriculture and individual citizens) must share responsibility for improved air pollution abatement practices.

A. In more specific terms, the League supports:

- 1. Adequate standards for control of all sources of pollution and strict enforcement of established rules and regulations;***
- 2. A comprehensive, coordinated program for management of air as a natural resource;***
- 3. Adequate financing for air pollution abatement programs;***

- 4. More research to determine causes and effects of air pollution and methods of control, better coordination of research programs, and increased sharing of information.**

B. League agrees:

- 1. Individuals, too, must recognize their responsibility in abatement programs and be willing to accept restrictions on their own activities, particularly with respect to automobiles and backyard burning.**
- 2. Effective public education programs are necessary if the public is to:**
 - a. recognize the seriousness of the problem; and**
 - b. appreciate the necessity to support improved pollution abatement.**
- 3. In general, industry must be prepared to pay the cost of abatement for its own pollution, but members recognize the usefulness of some form of financial incentives:**
 - a. to assist small or distressed industries; and**
 - b. to prevent undue delay in obtaining relief from pollution.**
 - c. The members prefer loans and direct grants over forms of tax relief.**
- 4. Polluters should bear the cost of pollution abatement in proportion to their contribution to the problem. (Actually everyone will pay, whether in taxes, in product cost, or in bearing the consequence of inadequate pollution abatement.)**

C. In considering Oregon's relationship with other governmental units, League concludes:

- 1. Because both the desirable air quality and the problems of pollution vary from one area to another:**
 - a. The state has a right to set higher standards for pollution than those set by the federal government.**
 - b. The state has a responsibility to set higher standards for pollution when local conditions demand it.**
 - c. Federal standards in all cases should be recognized as a minimum below which state standards cannot be set.**
- 2. As air pollution does not recognize state boundaries, participation in interstate compacts is desirable in order to control pollution on an airshed basis.**

Position Implementation- Air Quality

1969. The League successfully supported bills concerned with state matching funds for pollution control facilities, industrial air contaminants sampling program, penalties for disconnecting air pollution control devices in motor vehicles, more controls over field burning, more emphasis on the public interest rather than the economic questions of pollution control, and the requirement that counties establish comprehensive plans for air quality.

1971. The League was involved with over 20 environmental bills, which included successful support to further field burning regulation and a permit system for control of air pollution sources.

1973. The League supported a phased-in ban on backyard burning.

1975. The League supported a successful ban on fluorocarbon-propelled aerosols. League was again active in the fight against the extension of deadlines for the 1975 field burning cut-off. It was one of the most controversial bills of the session. The final version of the bill gave more discretion to the Environmental Quality Commission while providing a four-year phase out of Willamette Valley field burning.

1977-82. The sessions from 1977-1982 were energy-focused years. League worked hard on the Clean Air Act reauthorization by Congress, which was a top priority action item of the LWVUS and LWVOR. Many attempts to weaken the standards were made. The Oregon Department of Environmental Quality (DEQ) ruled in favor of changing the state photochemical oxidant standard to comply with federal standards. The League was opposed to any weakening. State and local Leagues testified concerning proposed rules to limit sulfur and volatile matter of fuel coal for direct space heating.

1983. This legislative session took a big step forward for Oregon's clean air with passage of woodstove certification (HB 2235). This measure was introduced by DEQ as a necessary step to clean air management for Oregon and was supported by the League.

1989. For all the time and effort that was devoted to bills to improve Oregon's air quality, the Legislature ended up with very little to show for it. Efforts to come up with some compromise legislation on both field burning controls and woodstove regulations continued right until the close of the session, but to no avail. Opponents to field burning are continuing their efforts through initiative petitions. The governor has expressed interest in supporting a petition that would be similar to the version of SB 425 that the House failed to pass. The League may well find itself involved in another ballot measure campaign.

1991. The Legislature passed House Bill 2175 which covers two basic areas: it gives the state authority to implement required portions of the 1990 Federal Clean Air Act amendments and develops new programs to control wood stove emissions. It also introduced vehicle emission fees, which will be used to support mass transit development. This bill originally contained a strong mandate for cleaner air through emission fees. The bill was faced with strong opposition from the powerful industry lobby and the result was a much milder bill but still a step toward a cleaner environment.

1993. The Legislature passed Senate Bill 86 for implementing provisions of the Clean Air Act and charging fees to pay for costs of issuing permits and monitoring compliance. Some added amendments may weaken the Highest and Best Practicable Treatment for air emission pollutants.

1995. In the Oregon legislative session, little happened to change the way air quality is regulated and monitored by the Department of Environmental Quality (DEQ). The bill that would have made it more difficult to improve air quality (HB 2895) by setting limits on expansion of the boundaries for motor vehicle pollution control system inspections, was killed by a veto. Governor Kitzhaber also rejected a bill that would have prevented Oregon from establishing stricter environmental controls than those of the federal government. As pointed out in the DEQ's Air Quality Annual Report 1994, Oregon met every Clean Air Act deadline. Overall the air quality has been improving the last few years, especially as to fine particulate pollution.

1999. To meet the requirements of the federal Clean Air Act, HB 2180, "Representational

Standing for TITLE V Air Permits", was passed. The bill was a result of an EPA "deficiency notice" because Oregon does not allow third parties to legally challenge DEQ actions on these federally delegated permits. The League unsuccessfully lobbied for third party rights for all federally delegated programs, such as the Clean Water Act. The governor once again vetoed a bill that would have made it more difficult to control air quality by setting limits on the boundaries for motor vehicle pollution control programs.

2000. In a joint statement to the Columbia Gorge Commission, LWVOR and LWVWA opposed the elimination of two provisions requiring study of the Columbia River Gorge National Scenic Area for Class I air shed designation.

2001. A major battle developed in the 2001 legislative session over the extension of "Pollution Facility Tax Credits." These credits were originally designed to ease existing plants into the new federal Clean Water and Clean Air requirements. They have come to include tax credits for reductions in emissions in air, water, noise, solid waste, and hazardous waste – whether or not existing law requires such reductions! The final legislation (SB 764) phased down the tax credit percentage and established a future category with a different tax percentage for new facilities complying with existing law. LWVOR fought hard to sunset this tax program.

2003. The battle continued over "pollution facility tax credits." A coalition effort to reduce these exemptions, deductions, exclusions, and credits failed to off-set the predicted state shortfall in revenue for 2003-05. HB 3652 actually expanded the definition as well as the portion of pollution control facilities' costs eligible for the tax credit. The tax credit (currently allowed for air, water, noise pollution, waste reduction and disposal of used oil) now includes feed lots and certain land management systems. Business energy tax credits were expanded [see **Energy Conservation**]. The sunset date was extended to 2006. LWVOR opposed HB 3652.

2005. What began as a budget note, ended as an amendment to DEQ's budget. The amendment prohibited DEQ from spending any funds on implementation of California auto emission standards (stricter than EPA standards). The League opposed the amendment. The Governor "line-item" vetoed the amendment. Washington State's passage of the California standards was contingent on Oregon passing the same.

The goal of reduction of global warming gases was attacked by the amendment to the DEQ budget above and also by a House (only) Resolution, which the League opposed. It prohibited Oregon from imposing standards more strict in the control of green house gases than those required by the federal government. The League opposes such "stringency" restrictions.

2007. The League, working with the Oregon Conservation Network, continued to work to have air quality enforcement under DEQ. SB 235 was passed which compromised on this matter related to agriculture uses.

Oregon's nearly 40-year-old "Pollution Tax Credits" statutes will expire December 2007, a victory for the League and Oregon. A bill which would have removed this "sunset" date and "enhanced" the tax credit failed.

2009. The League supported SB 528, which addressed the issue of air quality and health concerns surrounding field burning in the Willamette Valley. A compromise was reached that re-

duces field burning acreage in 9 counties and provides for the Department of Environmental Quality to administer this law. Open field burning will be banned by 2010 with few exceptions. This is a victory for League members who have worked for years on this important health issue.

2010. The League provided testimony to the Department of Environmental Quality on mercury emissions at a cement plant in Durkee, requesting that actions be required to reduce the very high emissions level.

Portland General Electric announced that it would close the Boardman coal plant by 2020. The cost of complying with the Dept. of Environmental Quality's air quality standards was greater than replacing this plant with a natural gas-fired facility.

A disappointment was passage of HB 3674 that included a section allowing the Covanta municipal solid waste plant to receive renewable energy credits since the plant's emissions are an air pollutant. The League had requested that the Governor veto HB 2940 (2009) on this very issue. He vetoed, but an amended version (HB 3674) returned in 2010.

2011. See Solid Waste comments on HB 3597 since the process for plastics conversion may also affect air quality.

2012. HB 4112 only received a hearing and did not pass. The League opposed HB 4112 that would have stopped vehicle inspections in the Portland and Medford airsheds. It would have harmed businesses that might need air quality permits and shifted the burden from individual vehicles to these businesses to meeting the Clean Air Act.

2013: SB 306 funds an evaluation of ways to price pollution to improve air quality

Climate Change

National Position

Position Implementation—Climate Change

2009. The League used the League of Women Voters of the United States' position on natural resources to "*Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest.*" as our basis for testifying on many bills related to energy and climate change. Our position on climate change states that "*Global climate change is one of the most serious threats to the environment, health and economy of our nation. Recent scientific studies show that global warming is already causing environmental changes that will have significant global economic and social impacts.*"

The League believes that now is the time to act on global climate change. We can reduce global warming pollution by using existing technologies to make power plants and factories more efficient, make cars go farther on a gallon of gasoline, and shift to cleaner technologies."

The League testified in support of HB 2186 to implement specific goals to reduce carbon emis-

sions in the transportation sector. This legislation authorizes the Environmental Quality Commission (EQC) to adopt a Low Carbon Fuel Standard to reduce greenhouse gas emissions per unit of fuel energy by 10 percent over the next decade. The bill specifies ways to maintain parts and tires for efficiency and cut unnecessary ship idling at ports. The bill also creates a Metropolitan Planning Organization (MPO) Greenhouse Gas Emissions Task Force focused on the state's six MPOs to study ways to integrate lower emission standards into transportation and land use decisions and to provide a report recommending legislation by January 2010. League members will monitor this effort as the issue also crosses into our Land Use position.

HB 2001, a major transportation bill, included a requirement for Metro to integrate lower emission standards into transportation and land use decisions.

SB 34 slightly increases the employer payroll tax to expand the Portland and Eugene mass transit systems. The League wrote letters saying that mass transit conserves energy and lowers emissions by reducing congestion and allows people with few options a means to commute.

SB 38 creates a registry to report emissions for companies that import, distribute or sell electricity or fossil fuels from out-of-state. This expands existing rules that require companies to provide data on in-state global warming emissions.

SB 101 sets a greenhouse gas emission performance standard for power plants and prohibits utilities from building new coal fired power plants, extending the life of existing ones, or signing new contracts from out-of-state sources that use coal.

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

A number of climate and energy bills have corresponding fiscal strategies so natural resource volunteers needed to follow Revenue and Ways and Means Committees as well. And we worked with our Governance and Social Policy partners to be sure that tax credits supporting new technology didn't reduce revenue for other important public service needs. Besides being good for the environment, another question we asked was: "Will this credit generate more revenue or do more good in the long term for Oregon?"

The League will continue to work with partners at the Oregon Conservation Network and Healthy Climate Partnership to address climate change and policies to reduce greenhouse gases during the interim.

2010. The League provided testimony on the Land Conservation and Development Commission's work plan to encourage a focus on climate change.

We provided oral testimony to a Task Force in support of what is now SB 1059 to assure that the public is involved in the conversation. Passage of SB 1059 will help in creating healthy, climate friendly communities in five of our Metropolitan Planning Organization (MPO) areas of the state (Salem, Corvallis, Eugene, Medford and Bend). The bill requires the Oregon Department of Transportation to develop a state strategy for reducing greenhouse gasses in the transportation sector while the Department of Land Use and Transportation will set targets for reduction. Both will help create a toolkit for these MPOs to use in land use and transportation

planning. A section of the bill requires that a public education plan be developed to help these MPOs. Funding will be needed in 2011 in order to require MPO action.

By including the Covanta municipal solid waste plant in HB 3674, allowing them to receive renewable energy credits (RECs), our Renewable Portfolio Standard requiring 25% of our energy to be provided by clean, renewable energy sources by 2025 is diluted. RECs can be used to comply with that Standard.

2011. Most bills addressing climate change received little or no action. The League and others played defense in order to protect the policies currently in place.

2013. The 2013 Global Warming Commission's report to the Legislature gives Oregon a C+ for its progress towards Oregon's carbon emissions reduction goals for 2030. The report calls for reductions in emissions from "cars" and from "coal" to bend the curve of carbon emissions down. From other reports, the foundational strategy (1999 to present) of holding emissions from power delivery flat by meeting 50% of load growth with energy efficiency and 50% with renewable energy, is succeeding.

Cars: The League testified in support of SB 536, which allows state agencies to install stations for charging electric cars under certain conditions and quietly supported a bill which required condominiums to allow resident installation of charging stations (HB 3301). The League submitted testimony in support of SB 488, which proposed to remove the sunset from the Clean Fuels Standard (League supported-2009). SB 488 did not pass and is expected to be reintroduced in the 2014 short session. . The League was neutral on HB 2435, which exempts some diesel fuels from the fuel excise tax that funds our highway system, and quietly supportive of a common sense bill to exempt emergency fuel supplies from containing biodiesel.

Coal: The League also quietly supported SB 242A and SB 844 A, which passed. SB 844 originally allowed all investor owned utilities to seek approval for investments that would benefit ratepayers and simultaneously reduce carbon emissions. SB 844 A was substantially narrowed (to apply only to natural gas utilities). SB 242A clarified that SB 101 (2009), which disallowed power generation technologies that emit above an established standard, applies to any new plant or new contract serving Oregon load rather than just plants operating in Oregon. Interestingly, SB 242A also allows the carbon standard of 1100 pounds/MWh to be challenged by petition to the Public Utility Commission. HB 2274 (which constrained greenhouse gas reporting) was dead on arrival in Committee

(see Energy for Energy Efficiency and Renewable Energy Legislation updates)

Offshore and Coastal Management

Adopted May 1990

The League of Women Voters of Oregon opposes oil and gas exploration and development within the state's territorial sea, and requests the state to oppose any federal lease sales within the U.S. Exclusive Economic Zone off the Oregon coast. The ecological integrity, renewable natural resources, and beneficial uses of Oregon's ocean water must

be protected.

The League of Women Voters of Oregon opposes exploration and development of marine minerals within the state's territorial sea. The League supports academic research that would not adversely affect the ecological integrity, renewable natural resources, and beneficial uses of the state's territorial sea.

The League of Women Voters of Oregon supports a state policy that calls on the federal government to ban the exploration and development of marine minerals with the U.S. Exclusive Economic Zone off the Oregon coast. Should a ban not be effected, the following must be required:

- 1. An unbiased, credible scientific E.I.S. should be completed prior to any offshore mineral exploration or recovery operation.***
- 2. Offshore mineral activities should be evaluated for degradation of the marine environment, risk to ocean fisheries, and coastal erosion problems.***
- 3. A complete socioeconomic impact statement of offshore developments effect on the states and coastal economy should be made.***

The League opposes any revision, interpretation, or application of Oregon's established marine policy that would diminish Land Conservation and Development Commission Goal 19's strong environmental and natural resources conservation policy giving clear priority to long-term renewable resource uses.

The League of Women Voters of Oregon believes responsible and responsive government management of the public's offshore natural resources shall be based upon:

- 1. A complete environmental assessment, cumulative impact analysis, and baseline data specific to Oregon.***
- 2. Recognition of coastal states and local government's rights, jurisdictions, and responsibilities to preserve and protect marine and coastal environment and economy. Federal government's offshore activities must be consistent with Oregon's approved Coastal Zone Management Plan.***

The League of Women Voters of Oregon affirms the public's right to be completely informed, actively involved and assured the opportunity to participate in decisions about offshore exploration and development, as well as onshore facilities that support offshore development.

The League of Women Voters of Oregon endorses adequate industry-financed oil spill contingency funds, compensation funds, and company bonding for marine mineral mining activities to cover claims for damage caused by their operations, onshore support facilities, and transporting vessels. Governments and other claimants should be reimbursed for, but not limited to, the following:

- 1. Oil spill clean up costs.***
- 2. Loss of natural resources or loss of use of natural resources.***
- 3. Impairment of earning capacity.***
- 4. Damage to real or personal property and personal injury.***

The League of Women Voters of Oregon supports a policy which allows the state to terminate or modify a lease for environmental endangerment or for public safety within the state's territorial sea.

Position History and Implementation - Offshore and Coastal Management

1989. Emerging scientific information that stressed the increasing importance of a productive, unpolluted ocean, shoreline and wetlands to the environment and economy of the nation and the world, prompted the appointment of the Coastal Issues Chair in August 1988. The 1989 state League Convention adopted a one-year Coastal Issues Study. Previously the League had successfully used Oregon land use laws to testify against deep-sea mining in the Gorda Ridge off the southern Oregon coast. We objected to the inadequate environmental impact studies. Now the Department of the interior (DOI) under the Outer Continental Shelf Land Act (OCSLA) has mandated offshore oil, gas and mineral development along the entire Oregon and Washington coastline. The lease sale #132 is scheduled for April 1992. Using the LWVUS positions, the Oregon League supported Governor Goldschmidt's and U.S. Congressional delegation's request for an indefinite postponement of the Oregon and Washington offshore lease sale. Letters were sent to President Bush Senior and Secretary of the Interior Lujan stressing DOI's analysis that the Oregon/Washington lease sale was the most productive renewable natural resource area in the Continental United States as well as the most environmentally sensitive. Written statements were given to the Oregon Ocean Resources Management Task Force formed to advise the governor and the Oregon legislators. The League testified on SB 1038, which increases the required liability coverage for oil transporting vessels in Oregon's territorial seas and SB 1039 establishing Oregon's oil spill response plan. Both bills passed. We submitted written testimony on SB 1152 establishing Oregon's offshore development policy. The League again expressed the need for completion of all environmental studies prior to exploration and development.

1990. The League study confirmed the unique value and productivity of the natural resources of the Oregon/Washington lease sale area that juxtaposed its extreme environmental sensitivity. Research scientists on the exploration ship Aloha said they were amazed by the tremendous biological variety, diversity, complexity and environmental sensitivity of the studied areas. Our study found serious inadequacies in the proposed lease sale E.I.S. This was authenticated by the conclusion of the simultaneous Presidential Scientific and Technical Task Force's evaluation of the adequacy of the E.I.S.'s for the Outer Continental Shelf leases. The Presidential Task Force stated additional studies are needed prior to lease sale decisions to prevent unacceptable consequences in environmentally sensitive areas. President Bush Senior banned new oil leasing off Oregon, Washington and several other coastal states until after the year 2000. The League testified before the House Committee on Interior and Insular Affairs on May 12 concerning the Federal Outer Continental Shelf off and gas-leasing program in the Pacific Northwest region. On May 29, testimony was presented on the Oregon Ocean Resources Management Plan before the Oregon Ocean Resources Management Task Force. On July 17, 1990, testimony was given before the Oregon Placer Minerals Technical Task Force on the September oceanographic cruise to take vibracore samples of the marine minerals offshore Gold Beach and Cape Blanco. Testimony on the draft Oregon Ocean Resources Management Plan was made before the LCDC Commission on September 20. On November 8, testimony was presented in response to the staff report and findings in support of the present Draft Oregon Ocean Resources Management Plan. In response to the Department of the Interior's pro-

posal to open up thousands of miles of coastal areas to new oil leases, the Oregon League sent out an informational letter to all coastal state Leagues on how to position their state and their citizens to mount an effective legal challenge to a proposed offshore oil and gas lease by DOI.

1991. The League wrote a strongly worded critique and stated its active opposition to any proposed future exploration and development offshore Oregon as comments on DOI's Draft Proposal for the Outer Continental Shelf Natural Gas and Oil Resources Management: Comprehensive Program 1991-97.

The League opposed any "preferred alternative" option that would allow oil and gas exploration and development in any proposed Federal Marine Sanctuary off Oregon and Washington. This was an attempt to circumvent Congress' intent in establishing the Marine Sanctuary Act. During "Day at the Legislature" our local Leagues successfully lobbied the 66th Oregon Legislative Assembly in support of coastal issues. The League testified before a very supportive Senate Agriculture and Natural Resources Committee that recommended the League's participation in writing the final coastal issues legislation. On June 13, Governor Barbara Roberts signed into law SB 499, the bill banning marine mineral exploration and development in the Oregon territorial sea. Governor Roberts presented League President Kappy Eaton with a parchment copy of the bill and the signature pen in recognition of the League's efforts on behalf of their important socioeconomic and environmental legislation. SB 162, the Oregon Ocean Management Plan and the Ocean Policy Advisory Council passed. It includes League suggestions that improved coastal representation on the Ocean Policy Advisory Council, that stated Oregon's policy gives priority and protection to the long-term values and benefits of renewable natural resources, and that reaffirmed the authority of acknowledged comprehensive plans of adjacent coastal counties and cities. SB 242, the Oil Spill Prevention and Cleanup Bill amendments, corrected League concerns about liability problems for the Department of Environmental Quality. The League's other concerns about the environmental sensitivity of the Oregon ocean and the inadequacy of the scientific and technical capabilities of oil spill cleanups were addressed in the legislative findings.

1993. The Clinton/Gore administration is opposed to expanding offshore oil and gas exploration and development into "frontier" areas like Oregon. President Clinton granted Oregon a deferral of offshore oil and gas exploration and development until the year 2000. He also admitted there was inadequate scientific data to do the accurate risk analysis required under the Outer Continental Shelf Lands Act. This statement puts Oregon in an ideal legal position to oppose all future offshore oil and gas activities.

The federal government lacks the millions of dollars needed to do the extensive scientific environmental studies. The high cost to undertake the studies in relationship to Oregon's limited estimated oil and gas reserves does not make economic sense. Oregon has only a temporary ban on offshore oil and gas exploration and development in the territorial sea until 1996. The Oregon Ocean Policy Advisory Council will make its final recommendations for the Oregon Ocean Resources Management Plan to the Oregon Legislature in 1995, calling for a permanent ban and that needed legislation be passed.

1995. The new U.S. Congress attempted to remove President Clinton's deferral from offshore oil and gas leasing until the year 2000 for "frontier" areas like Oregon and Washington, but met strong opposition from most Oregon and Washington Congress members, so the

congressional attack switched to oil drilling in the much more lucrative Arctic National Wildlife Refuge. The refuge receives no protection from Alaska's governor or Congress members. Minerals Management Service (MMS) asked for comments on the Offshore Oil and Gas Leasing Program for the years 1997-2002. Although MMS received more than 2,300 comments, LWVOR was the only organization from Oregon or Washington to submit comments and to oppose the inclusion of Oregon and Washington in the program. Our opposition was based upon the inability to meet the legal requirements of the Outer Continental Shelf Land Act for accurate risk assessment and impact analysis because of insufficient, unbiased, scientific information. LWVOR also said additional research was needed on salmon and steelhead which are close to becoming endangered species. LWVOR also pointed out no studies exist as to whether oil platforms and pipelines could withstand a major subduction earthquake. Oregon and Washington were not included in the program. MMS's Offshore Technology Assessment and Research (TAR) Branch listed as a critical safety concern the ability of platforms to withstand earthquakes. Only the LWVOR comments raised this question. Oregon and Washington stand on firm legal grounds for further deferrals but MMS must continue to receive strong opposition from Oregon government and Oregonians. The comments of 12 oil and gas industries contained a request to return deferred areas to the lease option.

LWVOR will critique the Environmental Impact Statement (EIS) for the 1997 to 2002 oil and gas leasing program. It should be released in December 1995.

1997. Oregon and Washington have been excluded from offshore oil and gas leasing programs until 2002. In 1999 the oil industry will be nominating Oregon for inclusion in the 2002 to 2007 leasing programs. Oregon must insist that the EIS prove that offshore oilrigs can withstand a major subduction earthquake and that exploration will not affect the endangered status of salmon. The League must ensure that Oregon's new U.S. Congressional delegates are well informed about offshore development. The 1997 Oregon Legislature let die in committee, without even a public hearing, two bills that would have been very beneficial to the management of the Oregon coast. HB 2141 would have given Oregon Parks and Recreation Department the authority to enforce permit requirements, obtain injunctions for noncompliance and issue civil penalties; and the vested responsibility for protecting Oregon's ocean beaches from inappropriate structures and modifications. These sea walls, revetments, and shore alterations can adversely affect adjacent property, impinge public beach access, accelerate erosion, degrade the scenic beauty of Oregon's beaches, and endanger human life. SB 153 would have required local governments to permanently maintain their public ocean beach access and granted tax exemptions to individuals or organizations that dedicated their property for access. The boom of gated communities, condominiums and private homes has greatly reduced public access while tourism is expanding. LWVOR should monitor real estate developments and the cultivation of shellfish on state waters and lands for any infringement of the Beach Bill. LWVOR should support Governor Kitzhaber's Oregon Coastal Salmon Restoration Plan to avoid Federal endangered status.

1999. SB 1060 was passed and signed by the governor granting exemption from taxation for easements for public beach access.

2001. Lifting the moratorium on oil and gas leasing off Oregon's coast (as well as California's, Washington's and Alaska's coasts) was threatened early in 2001. This fall, the existing moratorium was extended for 5 years for Oregon and Washington. LWV closely monitored this situation both in Washington D.C. and at the state level.

2002. During the interim, Oregon Department of Transportation (ODOT) requested the Department of Land Conservation to change Statewide Land Use Planning Goal 18: Beaches and Dunes. ODOT wanted to be able to riprap for highway construction and repair without meeting the existing permitting requirements. LWVOR testified in opposition before the Land Conservation and Development Commission.

2003. The same concept, with LWVOR still opposed, surfaced in HB 3228 and failed.

LWVOR unsuccessfully opposed HB 3534 which radically changed Oregon's ocean policy, eliminating requirements for coordination with other coastal states, converting agency members of the Oregon Policy Advisory Board (OPAC) to non-voting members, giving coastal majority membership on OPAC, and requiring Senate confirmation for non-elected appointees.

2005. A bill that the League supported, allowing expansion of the South Slough National Estuarine Reserve, failed.

2007. A bill that extends the moratorium on oil, gas and sulfur exploration, development or production in Oregon's territorial sea passed the Legislature. However, the Governor may lift the moratorium in the event of an oil embargo affecting the U.S.

The Legislature also began to address the issue of shipping of aquatic invasive species by creating a Task Force. SB 643 also revised the definition of "cargo vessel" to make non-operating vessels, such as ships to be wrecked, subject to all of the protective state laws governing "cargo vessels".

2009. As the League prepares to review and update its Coastal positions with the 2010-11 study, the Legislature HB 3013 passed implementing the Ocean Policy Advisory Committee's recommendations concerning six near ocean sites with the establishment of a pilot marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks. It also approved further evaluation of potential marine reserves at Cape Falcon, Cascade Head, and Cape Perpetua and development of a marine reserve proposal at Cape Arago-Seven Devils. To fund this program, \$2.8 million from the New Carissa insurance settlement was allocated in various agency budgets. These monies were also authorized to do near-shore sea mapping, much needed for tsunami planning and wave energy projects as well as marine reserves.

The Land Conservation and Development Commission is continuing to work on updating the Territorial Sea Plan, governing actions within Oregon's territorial sea.

2010. A new 10-year ban on allowing oil and gas leases within our Territorial Sea was passed. The League provided testimony during the interim and again during public hearings in support of HB 3613. Members monitored work on marine reserves and the adoption of amendments to the Territorial Sea Plan.

2011. Although HB 2009 did not pass (and the League had concerns regarding the bill reducing broad citizen involvement and amendments that were considered putting the Legislature in charge of any work plan), the Governor has directed agencies to move forward with the Ocean

Policy Advisory Council recommendations to establish new reserves. Limited monies were allocated to continue work on the current reserves and begin work on these new ones.

2012. SB 1510, creating a system of marine reserves for Oregon, passed. The League was silent on this bill awaiting completion of our Coastal Study.

2013: Ongoing monies were budgeted to continue work on the designated marine reserves and marine protected areas.

See the Water section on HB 3172 related to septic systems. The Environmental Protection Agency has told the state to address failing systems in the Coastal Zone.

The League supported SB 737 (passed) that established an Oregon Ocean Science Trust to find monies to help with marine science needs of the state.

Energy

Energy Conservation

Adopted May 1973; Educational Update 2003*

A. The members of the League of Women Voters of Oregon support state policies which promote long range planning for conservation and wise development of energy sources. The League believes the public should have an opportunity to influence decisions on the development of particular sources and the citing of specific installations. League supports:

- 1. A governmental agency to evaluate power needs estimates and plan source development. This agency should include representatives of:**
 - a. utility companies,**
 - b. the general public, and**
 - c. all levels of government.**
- 2. Governmental programs to provide public education and information to encourage information participation in all power decisions, both for production and conservation.**

B. The League believes that in any decision to build a power plant:

- 1. The most important consideration is environmental quality;**
- 2. Of lesser importance, but to be taken into account are:**
 - a. size of electric bills and prices of goods,**
 - b. industrial development,**
 - c. cultural standards.**

C. The League supports the following conservation measures:

- 1. Rate structures encouraging the wise use of energy. To this end League favors:**
 - a. a low base rate for essential use, above this,**
 - b. higher rates to discourage waste.**
- 2. Government funding of research and development efforts to discover new technologies:**

- a. to provide efficient methods for energy production and use with minimal environmental damage,*
- b. emphasis should be given to renewable resources.*
- 3. Governmental programs to provide public education and information.**
- 4. Building codes which will specify standards of design and insulation that minimize waste of energy used for heating, cooling, and lighting.**

D. The League believes that state or region should be allowed higher standards for nuclear plants than those set by the federal government.

*Updated for background information only – no position change.

Position Implementation - Energy Conservation

1973. League successfully aided the redrafting and support of legislation directing that energy studies be made and an advisory committee is established to develop an energy policy for use during the 1975 legislative session.

1975. League worked for several bills which promoted solar energy, most of which failed. One successful bill exempts the cost of a solar heating system from real property taxation for a period of time. The League supported Governor Straub's bill to create a Department of Energy and the Energy Facility Siting Council (which replaced the Nuclear and Thermal Energy Council). This bill passed, and consolidated the state's authority for dealing with energy problems. Other successful bills that League followed concerned geothermal exploration and the creation of a seven-member Energy Conservation Board to suggest energy conserving changes in building codes.

1977. The 60 or so energy bills in the Legislature fell into three categories: conservation, regulation of energy facilities, and research and development. The League actively supported a bill which increased fees for energy facility site certificate applicants and legislation providing an adequate budget for the Department of Energy. A bill was opposed which would have made the Public Utility Commissioners elected officials and provided for a three-member Commission. The League also opposed bills virtually eliminating public participation in decisions by the Energy Facility Siting Council and giving facility-siting responsibilities to the Legislature. All of these bills failed.

1978. Beginning in the fall, the Northwest Regional Power Bill took top priority for action. Based on LWVOR and LWVUS positions, League held press conferences on the bill, wrote letters to members of Congress, testified at Congressional field hearings, lobbied the bill when in Washington, D.C., gave speeches to organizations and at energy conferences, debated provisions of the bill on television, held an educational forum, and developed coalition which lobbied for improvement of that bill. League developed Position History and Implementation on the legislation which was widely circulated throughout the Northwest. A close working relationship was developed with other state Leagues in the Pacific Northwest and with the LWVUS. LWVUS took a keen interest because the bill establishes a precedent for the rest of the nation as a mechanism for financing electrical energy development. The League opposed the guaranteed purchase provision, but worked to improve the sections dealing with conservation incentives and public input, restricting the broad authority of the Bonneville Power Administrator, in-

dependent forecasting, and the coordination of the multiple uses of the Columbia River, including the protection of in-stream flows and fish runs.

1979. The LWVOR and Lincoln County League supported, unsuccessfully, legislation to place the regulation of liquefied natural gas facilities under the jurisdiction of the Energy Facilities Citing Council. The League supported the creation of an elected three-member energy commission responsible for developing renewable energy resources and for selling that energy to the public utilities and co-ops for distribution. They would have used the state bonding authority that was authorized by the Legislature in 1973. The measure failed.

1981. The energy committee has focused on the implementation of the Pacific Northwest Power and Conservation Act. In this, LWVOR joined 30 public interest groups including the LWV of Idaho, LWV of Montana, and LWV of Washington, to form the Northwest Conservation Act Coalition. The League supported the Coalition's Model Plan provisions, and presented testimony on conservation and inverted rates before the Northwest Power Planning Council. Many of the coalition and public interest group suggestions were incorporated in the final plan adopted by the council. League testimony also strongly supported the protection of fish migration. To monitor the Power and Fish Plan, League is represented at bimonthly meetings with the Bonneville Power Administration (BPA) Administrator and staff. League supported successful legislation providing state tax credits for conservation and solar installations.

1983. The League was successful in supporting a bill authorizing a State Energy Plan. The Citizen's Utility Board, which we supported, did not pass. The Citizen's Utility Board is a voluntary organization to provide legal representation on behalf of consumers before regulatory agencies, primarily in Public Utility Commission (PUC) rate cases. The League wrote to Senator Hatfield expressing concern regarding excessive appropriation of water in Oregon rivers and streams for use in hydro dams and impoundments. League stated in a letter to the BPA that BPA could prevent unneeded resource development by denying interstice access to all applicants whose resource plans do not conform to the Northwest Power Planning Council's plan.

1984. Our major efforts focused on conservation. League testified before the Oregon Department of Energy, stressing the importance of conservation in the two-year State Energy Plan, filed as an interested party in the PUC's hearings regarding the level of financial commitment to conservation required of the private utilities in a period of energy surplus, and monitored building code deliberations to insure they included conservation level increases in all new construction for electrically heated homes as mandated by the Northwest Power Planning Council. The Citizen's Utility Board was placed on the ballot in November 1984 by initiative petition and passed.

1985. Three measures the League supported eventually died: Model Conservation Standards, appliance efficiency standards and a rental weatherization measure. Energy tax credit for business and industry did pass.

1987. It was another mixed bag of bills that passed and failed. While the State Home Oil Weatherization (SHOW) low interest-rate loan program was extended, the appliance efficiency bill, which would require all new refrigerators and freezers to meet California's 1992 standards sailed through the Senate but died in the House. We opposed the "differential rates" bill as a disincentive to conservation but it passed. The Least Cost Planning bill had its first hearing in Oregon, but did not make it through.

1988. Long-Range Planning. The League asked BPA to do long-range planning and give appropriate long-range value to conservation.

1989. Model Conservation Standards. Testified before Northwest Power Planning Council supporting efforts to get Model Conservation Standards in all northwest states. 1989 Oregon's Legislature did not act on MCS and efforts will be made to get improvements in building codes through rulemaking. Asked Bonneville Power Administration (2/16/88) to maintain its position on long-term Intertie Access Policy, which provides that only resources that comply with Northwest Power Planning and Conservation Act specifications on environmental criteria have access. Gave testimony to Northwest Power Planning Council (6/23/88) supporting their Protected Areas Plan, which banned hydroelectric dams on specified northwest rivers.

1990-91. League members testified before Northwest Power Planning Council asking that Power Plan include predominant reliance on renewable resources and conservation with policies that limit reliance on nuclear fission. Gave testimony before the council objecting to closed working sessions. Supported the building codes adopted by the Oregon Structural Code Advisory Board, which approximate the Model Conservation Standards of the Power Planning Council.

1992. In 1992 we worked with NCAC to get a ruling from the Oregon Public Utility Commission requiring Portland General Electric and Pacific Power & Light to prepare decoupling plans. Decoupling is the instrument whereby a utility's profits are not based on the amount of sales but rather the number of customers. This encourages conservation measures. The League was represented on the Legislature's Electric Magnetic Fields Committee (1993). A decision was made to continue monitoring for legislation.

League worked hard to pass residential weatherization (1983, reauthorized 1989), Small Scale Energy Projects (1981), Energy Efficient State Buildings (1989), Least Cost Planning rules for utilities (1989), and Global Warming Strategy (1989). Through the Northwest Conservation Act Coalition we have worked with other public interest groups to monitor Bonneville Power Administration and the Power Planning Council in administration of the Act (1980 to present).

1995. Two bills in which we took an active interest passed in changed form which met our objections: the Oregon Department of Energy moved to the Department of Consumer Affairs as the Office of Energy, and a bill reorganizing the Energy Facility Siting Council was amended to reinstate the Need for Power Standards (1995). Regionally there is much concern in 1995 about Bonneville Power Administration. Publicity about "competitiveness" indicates that these agencies are operated for the benefit of its utility and direct service industry customers, and has made cuts in conservation (least-cost resource) and fish and wildlife mitigation. League joined other public interest groups in signing a letter to the Northwest Congressional delegation (9/18/95) asking for a comprehensive review of Bonneville's role in the Northwest's energy future. Several utility CEO s also signed the letter.

1999. Though the League was not an active participant, probably the most progressive energy restructuring bill in the country, SB 1149, was overwhelmingly passed by both Houses. The bill guarantees support for energy conservation, renewable energy and consumer protection.

2000. LWV testified before the Pacific Northwest Power Planning Council asking that Bonneville Power Administration give priority to programs supporting energy conservation and effi-

ciency in the use of electricity.

2001. The 2001 Legislature saw a near meltdown of SB 1149, the Restructuring bill passed last session. The heavily negotiated settlement kept the “public purposes” (funding for low-income users and required funding for energy conservation and renewable energy resources). LWVOR was not a player in the negotiation. At the LWVOR convention in May, delegates adopted an Informational Update of our Energy position.

2003. See **Air Quality** re: LWVOR opposition to HB 3652. The League opposed HB 3652 because it added tax credits for a specific purpose without establishing any criteria for either adding or subtracting a particular tax credit.

2007. Although the League did not participate in lobbying, the Legislature enacted a number of bills which encourage the use of biofuels, increase tax credits for consumers who purchase energy efficient products and started work on addressing climate change.

2009. SB 79 creates a Task Force on Energy Performance Scores that will develop a voluntary system for rating commercial and residential buildings for their energy efficiency. It also requires the Department of Consumer and Business Services to adopt building codes for new residential and commercial buildings to increase energy efficiency by 10 to 25 percent by 2012 using the best available technology and construction methods.

HB 2078, a bill that went through the Revenue Committees rather than natural resource committees, eliminates the tax credit on gas-hybrid vehicles by January 1, 2010. Other bills extend tax incentives to buyers and manufacturers of electric plug-in cars. Oregon companies are returning unemployed autoworkers to work with plans to manufacture all parts including batteries within the state.

Passage of HB 2181 defines eligibility and sets up energy efficiency programs for existing homes and some commercial buildings in local improvement districts. HB 2182 expands eligibility for alternative energy project loans from fleet vehicle services to include other equipment.

HB 2626 creates a program to encourage investment in energy efficiency projects by providing low cost loans to residential and small-scale commercial property owners. A project manager will facilitate the process and recommend options for consumers by coordinating between public and private sectors. A fund for low income projects will be established to support projects and simplify repayment for renters and homeowners.

The League was a latecomer in testifying on HB 2940, which would decrease Oregon’s Renewable Portfolio Standard of 25% by 2025 set in 2007 (RPS) by including older biomass plants and municipal solid waste facilities. Thanks to the good work of the Marion and Polk League who had just completed a study of burning solid waste at the Brooks plant, the League sent a letter to the Governor asking for his veto of this bill, which he did on August 7. The Marion and Polk League had concerns about diluting the RPS standard and causing less investment in new renewable energy sources as well as the pollution caused by burning municipal waste.

HB 3039 establishes a pilot program for feed-in tariffs for solar energy. However, it gives solar energy projects a double credit toward meeting the Renewable Energy Standard, which dilutes the RPS. It directs the Public Utility Commission to establish these pilot programs that will pro-

vide incentive rates and payments for electricity delivered from solar energy. League members worked hard on educating legislators on the concept of “feed-in tariffs” as an alternative to “cap and trade”.

2010. The League monitored revisions to the Business Energy Tax Credit program to assure that there is a balance between encouraging new renewable energy resources and the need for revenue for important state services.

2011. HB 3672 changes many of the energy tax credits, reducing or eliminating many in order to balance the state budget.

2011. HB 3672 changes many of the energy tax credits, reducing or eliminating many in order to balance the state budget and to deal with the political fall-out of tax credit volumes significantly exceeding projections. The biggest change is that both the renewable energy tax credits and commercial energy efficiency tax credits are now grant-like programs with fees for application and a complex competition for limited dollars (\$3 M, renewable and \$28M, commercial energy efficiency). The residential energy efficiency program has a requirement that the incentive rates be changed as market conditions change.

2012. SB 1533, as introduced, gutted the HB 2620 (2007) intention to have public agencies invest 1.5% of construction costs in solar energy for new construction/major remodels. The League’s OCN partners amended the bill so that SB 1533 (2012) and HB 3169 (2013) expand renewable energy choices to include geothermal energy, but ensured that the bills remained focused on requiring additional renewable energy investments instead of diverting these dollars to any and all energy expenditures.

2013. Energy efficiency progress. The League submitted testimony on behalf of SB 692, the Energy Efficient Appliance Standard bill, and is participating in rulemaking for battery chargers, some outdoor lighting, and most television sets to match current California energy efficiency standards. The League is actively engaged in HB2801 rulemaking, assisting the Oregon Department of Energy to establish a standard method, statewide, for calculating voluntary Energy Performance scores and for appraisers to incorporate energy efficiency performance in home valuations. HB 2801 builds on SB 79 (2009), which the League supported.

Several efforts to weaken public purpose charge funding of energy efficiency were turned back by key players in the Northwest Energy Coalition (NVEC), including the League. These efforts included a proposed sweep of ~\$5 million to fund Clean Energy Works of Oregon (a statewide energy efficiency experiment that the League hopes is successful). The League signed on to a coalition letter asking the Governor to use a line item veto of the sweep; the coalition successfully argued that the public purpose charge is ratepayer money (not taxpayer money).

This move was important both on legal principle and to avoid the backlash against energy efficiency that could follow from a Portland non-profit sweeping money from low income programs statewide. The public purpose charge, established by SB 1149 (1999) and extended by SB 838 (2007) in the face of active opposition by the Cascade Policy Institute, collects 3% of electric bills of investor owned utility ratepayers until 2026. Seventeen percent (17%) of this charge is dedicated for renewable energy; the remainder is dedicated to energy efficiency expenditures for K-12 Public schools (10%), low income homes (16%) and other structures

(57%). A portion of the low income homes fund was the target of the sweep.

The League has formally re-engaged in NWECC by appointing a representative to the NWECC Board.

Renewable Energy policy defense. The League participated with NWECC and the Oregon Conservation Network (OCN) in turning back perennial challenges to the Renewable Portfolio Standard, SB 838 (2007), aka “the RPS.” Pacific Power and Portland General Electric reported that they are on track to comply with their obligations under the RPS, with minimal to negative electricity price impacts.

Hearings on bills seeking community ownership and aggregated net metering of solar energy systems (HB 2795, HB 2796 and SB 562) died in committee but created an opportunity for utilities to argue that existing net metering arrangements represent an inappropriate transfer of costs to other ratepayers. In response, the League has been an observer in workgroups for HB 2893, a bill that added 2.5 MW to the HB 3039 (2009) Solar Incentive Pilot Program, aka “the Feed In Tariff”, and requires that the Public Utility Commission (PUC) and the Oregon Department of Energy (ODOE) study the costs and benefits of the net metering program, the feed-in-tariff program, and other solar incentive programs. The League is seeking a complete and insightful study through PUC dockets UM 1452 and UM 1673.

Governance and Funding: The League quietly supported the efforts of other organizations to turn back perennial challenges to the Energy Trust of Oregon and ODOE. HB 2807 was amended to eliminate clauses that would have dramatically increased utility veto-power over programs and policy engagement by the agency. Governance bills that passed include SB 230 (challenges to PUC issuance of a certificate of public necessity can now only be made at the Oregon Supreme Court by plaintiffs engaged in the original docket) and HB 2005 (which added specialties to the Board proposing changes to Oregon’s Energy Code). SB 306 establishes a study to propose a carbon tax.

Land Use: Solar developers simultaneously argued for consolidation of decision making at the State level (for some issues) and distribution of decision making at the County level (for other issues).

HB 2820 established county level decision making for solar systems covering up to 320 acres.

HB 2704 establishes criteria for construction of transmission on land zoned for exclusive farm use (EFU). SB 693, which prohibited transmission on EFU lands, was dead on arrival in committee.

Nuclear Energy

Adopted May 1980

The League of Women Voters of Oregon believes that the nuclear power program must be managed to protect current and future generations and to maintain an environment beneficial to life.

- A. Technical uncertainties must be publicly recognized and planned for,***
- B. Responsibility for establishing and maintaining a waste system must not be deferred to future generations, and***
- C. Effective coordination among all levels of government - federal, state, local - and the private sector is imperative in planning and carrying out programs for transportation, waste storage, and safety, with responsibility and authority clearly designated.***

Position History and Implementation - Nuclear Energy

1975. The LWVOR Convention voted to support the Oregon Nuclear Safeguards petition drive, which qualified for the 1976 ballot but failed at the polls. The measure would have established safety standards for nuclear power plants and safe storage and transfer of nuclear wastes and called for liability insurance for private individuals and businesses in the event of a nuclear accident.

1977. Using the LWVUS position, League was unsuccessful with a bill which would have required builders of nuclear power plants to take financial responsibility for dismantling plants.

1987. The Hanford Nuclear Waste Board was created with a 15-member board to serve as the focal point for all Hanford related issues for Oregon. Also passed was the Pacific States Agreement on Radioactive Materials Transportation Management. The bill lays ground for interstate agreements on rules and regulations governing the transportation of radioactive materials. Through the Northwest Conservation Act Coalition we have worked with other public interest groups to monitor Bonneville Power Administration and the Northwest Power Planning Council in administration of the act (1980 to present).

1989. We submitted testimony to the US Department of Energy regarding removal of the eight wartime reactors situated on the banks of the Columbia River.

1990-1991. The League testified before the US Department of Energy on Hanford cleanup, supporting the three-party agreement with USDOE, EPA and State of Washington for testing at Hanford. Also insisted that all money in USDOE Budget allocated for cleanups should be spent for cleanups. There is concern that recent BPA publicity about "competitiveness" indicates a return to an agency operated for the benefit of its utility and direct service industry customers, with cuts in conservation (least-cost resource) and fish and wildlife mitigation. There has been talk of an "Isaiah Project" which would use plutonium processed from Hanford nuclear waste to operate WPPSS mothballed nuclear plants #1 and #3, but it is not being considered at this time. Generators fired by natural gas, however, are being constructed for BPA and other utilities.

The Legislature passed Senate Bill 1016, which changes some Energy Facility Siting Council rules for the siting of new generating sources. An effort to combine the siting council and the Energy Policy Review Committee into an Energy Commission failed.

1993-95. Two Oregon League members were appointed to Oregon Department of Energy's Hanford Nuclear Waste Board. Oregon Department of Energy (ODOE) pressed for a role for Oregon in cleanup decisions made at Hanford, assurance that federal facilities like Hanford

comply with the same federal and state laws which private businesses and all others must comply with and assurance that the ongoing cleanup of two uranium mines in Lake County, Oregon, is not delayed by changes in the Superfund law.

Several Oregon local Leagues served as focus groups in public meetings arranged by ODOE to seek public input about what to do with excess plutonium from dismantled nuclear weapons.

A state law passed by the voters in 1979, which League actively supported, prevents a utility from charging customers for a facility not producing power. Oregon's "Least Cost Planning" legislation is thought to have influenced Portland General Electric's decision to close Trojan Nuclear Facility. While the utility had successfully defeated a state ballot measure requiring the plant to be shut down, continuing problems with cracked steam pipes and high costs led PGE to stop operations on January 14, 1993. Issues remaining are decommissioning, radioactive wastes and public safety. The Energy Facility Siting Council has asked for an independent seismic evaluation on the spent-pool at Trojan. The company's surveys indicate no hazard. "Don't Waste Oregon" is objecting to PGE sending radioactive material by barge to Hanford before its decommissioning plan has been accepted by the Nuclear Regulatory Authority.

1999. Oregon Office of Energy (formerly ODOE) continued to press (unsuccessfully) for a role for Oregon in cleanup decisions made at Hanford as well as for expeditious action in the clean-up process.

2001. LWVOR has long supported the State of Oregon's request to be a participant in Hanford site clean-up decisions. The Hanford site is potentially a source of radioactive pollution to the Columbia River. Though a "downstream" state, Oregon is still not an official participant. [See -- Water: Columbia River Task Force]

Hazardous Materials

National position

Position Implementation—Hazardous Materials

1987. Two of the three bills that the League supported were passed: (1) a superfund bill to set aside funds to clean up hazardous waste sites not eligible for federal monies; (2) a bill regulating and inspecting underground storage tanks (LUST) passed though not with our amendment which would have listed the location of the tanks in the public record. An Emergency Response Plan bill did not pass but an amendment to the LUST bill allows local firefighters to enter into cooperative emergency response plans with the DEQ.

1999. Initially HB 2431 was a bill designed to overturn Eugene's Toxic Right-to-Know ordinance. The bill as passed requires a Right-to-Know Technical Committee to develop a plan to improve public access to hazardous and toxic substance data. It also sets conditions for local "community right-to-know" laws.

2001. The Senate refused to hear a House-passed bill (HB 2010) that would have exempted

owners of the Willamette River Super Fund site in the Portland harbor from paying for the clean up of their own pollution. LWVOR opposed this bill.
[See **Air Quality** for SB 764 – Pollution Facility Tax Credits.]

2003. See **Air Quality, Energy Conservation** and **Water Quality** re: HB 3652. In addition, the League unsuccessfully opposed SB 751 dealing with the clean-up of the Portland Harbor Superfund Site because it duplicates an on-going process and potentially threatens the “polluter pays” concept underlying federal Superfund legislation.

Land Use

Adopted May 1995; Educational Update 2002*

Citizen Participation

Citizen participation, education, communication and ongoing reevaluation are essential elements in the comprehensive planning process. Recognizing the need for effective citizen participation, the League of Women Voters of Oregon believes the following factors should be considered in establishing citizen advisory groups in all jurisdictions within the state involved in land use planning:

- 1. Representation on a broad socioeconomic, geographic and occupational basis.***
- 2. Appointment for a specific project with specified goals and terms, and provision for an adequate orientation to the purposes of the agency.***
- 3. Provision for communication among citizens, citizen advisory groups and planning agencies.***

The League of Women Voters of Oregon supports appointment of Citizen Involvement Committees (CICs), separate from planning commissions, to assist local governing bodies with their citizens' involvement programs.

Regional and Urban Growth

The League of Women Voters of Oregon supports a system of local government based upon constitutional home rule for metropolitan districts, counties and cities. The League recognizes certain principles of good local government. These are:

- 1. Democratic representation and control.***
- 2. Basic simplicity with power to plan for future growth or change.***
- 3. Consideration of the interdependence of land use, transportation and environmental quality in all comprehensive plans.***

The League supports the establishment of a regional government in an area where planning and delivery of services can be more efficiently and economically provided by such a government.

Statewide Planning

The League of Women Voters of Oregon supports the Land Conservation and Development Commission (LCDC) as the statewide planning agency. We also support the 19 statewide land use goals.

The League of Women Voters of Oregon supports policies that promote both conservation and development of land as a natural resource, in accordance with Oregon's land use goals. Applying this principle, the League believes:

The state should have the prime responsibility for establishing statewide planning goals and for supervising and coordinating comprehensive land use plans, with participation by citizens and by local and regional governments.

The state, with citizen participation, should identify, regulate and enforce areas of critical statewide concern.

Consideration of accurate information concerning water availability and quality should be a prime factor when making land use decisions.

Taxation and assessment policies should support comprehensive land use plans.

The League of Women Voters of Oregon supports protection of private property rights commensurate with overall consideration of public health and environmental protection.

*Updated for background information only – no position change.

Position History and Implementation - Land Use

League study of land use started with urban growth, gradually worked its way through regional growth, and now includes support for state planning of land and water resources.

1959. LWVOR Convention adopted a four-year study of the state's role in the problems of urban growth. It became increasingly apparent that the problems of growth are beyond the jurisdiction of local government and require planning and implementation on an expanded geographical scale.

1969. Convention adopted a regional growth study focused on comprehensive planning, regional planning in its relationship to Council of Governments and boundary boards, and the effectiveness of citizen advisory groups. The next step was an evaluation of land use in Oregon.

1963-71. League supported legislation for the creation (1963) and extension (1969) of the Portland area Metropolitan Study Commission. Also in the 1969 legislative session, we supported the formation of Local Government Boundary Commissions for Portland, Eugene, and Salem metro areas as well as enabling legislation for the establishment of Metropolitan Service Districts. Boundary Commissions are commissions in charge of regional land and water issues. It was during the 1969 sessions that the League of Women Voters of Oregon began its activity in land use by supporting a bill requiring all counties to adopt comprehensive plans. We based our support on our air and water pollution positions. In 1971 we supported a bill allowing metropolitan service districts to increase the services they could provide and to utilize more methods of financing those services. We also supported a resolution creating a commission to study

county reorganization and enabling legislation for city-county consolidation in the Portland area.

1973. LWVOR Convention adopted a two-year study that emphasized private and public rights and responsibilities. Land use legislation dominated the 1973 session. League supported adoption of SB 100, which created the Land Conservation and Development Commission (LCDC) and Department (DLCD). The Commission, appointed by the governor, was directed to formulate statewide planning goals to be followed by city and county governments in developing local comprehensive plans. The bill included provisions for state review of local plans and widespread citizen involvement.

1975. League members at the Convention approved a two-year study of water resources as related to land use since the use of land without water is limited. Delegates felt an evaluation and study of water resources, present and future, a projection of present and future uses, and our laws governing those uses were imperative. From this study came increased understanding of conflicts over future water uses and demands.

1975-79. Few changes in land use laws occurred during the 1975 session. However, during the unsuccessful attempt to repeal SB 100 in 1976, the governor and some legislators decided fine-tuning of that law was needed. The League worked closely with a number of organizations to see that the legislation (SB 570), while responding to some of the concerns about the implementation of the state's program, did not overly weaken it. Although in 1978 there was another unsuccessful ballot measure to weaken Oregon's land use program, the only significant piece of land use legislation, adopted during the 1979 session was SB 435, which established the Land Use Board of Appeals. This board, appointed by the governor, handles land use appeals formerly heard by LCDC or the Circuit Courts. Appeals from this body are to the Court of Appeals of Oregon.

1981. Since the 1973 Land Use Act (SB 100) was silent on what happened after local plans had been acknowledged by LCDC, the Legislature dealt with this post-acknowledgment issue. The League worked actively along with many other groups to win support for close state monitoring of amendments to and implementation of local comprehensive plans. Although the adopted bill (HB 2225) did not provide for as strong a state role as we wanted, it did establish a procedure for the periodic review of comprehensive plans as well as state review of plan amendments. Opposed by League in the 1981 session was a "lot of record" bill that would have prohibited counties from denying building permits for preexisting lots in unincorporated areas. The version finally adopted was far more restrictive, limiting eligibility to lots created between 1965 and 1975 that had not received special assessments for farm or forest use for five or more years. League unsuccessfully opposed HB 2521, which took away an existing city's veto power over the incorporation of a new city within its urban growth boundary. The legislation applies only to metropolitan areas. The 1981 session also saw increased pressure by the timber industry to limit the protection of goal resources (e.g., fish and wildlife habitat, natural areas, watersheds) on forestland. The League was represented in a group that tried without success to resolve this issue.

1983-85. Since 1982 saw yet another attempt to scuttle LCDC via the ballot box (which League actively opposed), the 1983 Legislature responded to a governor's Land Use Task Force report by struggling again with major land use legislation. The bill that was finally adopted (HB 2295) provided for more emphasis on economic development, for the acknowledgment of all local plans by July 1984, for a streamlined appeal process, and for a speedier local government per-

mit process. The Marginal Lands Bill (SB 237) was also followed closely by League. The bill, as adopted, offers counties the option of hobby farm and small woodlot development in areas with poorer soils or existing small ownerships in exchange for more restrictive criteria for dwellings in exclusive farm use areas. The bill also relaxed somewhat the 1981 "lot of record" provisions by granting building permit eligibility to lots created between 1948 and 1975 and to all legally created lots in marginal land areas. League closely followed LCDC's amendments of the four Coastal Goals to help ensure that protection of our coastal resources was not weakened. The League also spoke against deep-sea mining of Gorda Ridge off the southern Oregon coast until adequate research on the impacts of such mining has been carried out. [See **Coastal Management Position.**] The League was successful in both areas. The League is continuing to monitor the citing of destination resorts on or near resource lands.

1985. Little legislation was passed in the land use area this session. The major bill was one to require compensation for land use regulations (SB 633). The battle was hard fought and resulted in an interim study of the issue by the Joint Legislative Committee on Land Use with a report back to the 1987 Legislature, which took no action.

1985-87. League participated in two major issues between the 1985 and 1987 sessions. One is the proposed hydroelectric project by the City of Klamath Falls in the Salt Caves area of the Klamath River. The League joined many organizations in opposing the project. Although the project would adversely impact scenic, recreational, archaeological and fish and wildlife resources, the League's emphasis has been on the conflict with the Klamath County comprehensive plan and the state's land use planning process. We continue to follow the issue. The other major issue was the adequacy of the Board of Forestry's rules for timber harvest to protect significant natural resources and to meet the LCDC goals. The League testified several times before the board on the need for stricter rules.

1987. The major land use issue was the exemption of timber harvest operations from Oregon's Land Use Act. With intervention from the governor's office, the resolution was a long sought reconstitution of the Board of Forestry to end its dominance by the timber industry in exchange for exemption of timber operations from LCDC oversight and local government regulation. Instead, the Board of Forestry must adopt rules to protect significant natural resources on forestland. The League will continue to follow the issue with, we hope, more positive results than we've had so far. The Portland area and Lane County Boundary Commissions came perilously close to being abolished. League opposition had little effect but a threatened veto by the governor did. The compromise was appointment of the Portland Commission by Metro rather than the governor and in Lane County exemption of special districts not using Boundary Commission services for two years from assessments to support the Commission. League also worked to improve and then supported a bill for a pilot project to establish wetland mitigation banks to be overseen by the Division of State Lands. The purpose of these banks is to create or recreate wetlands large enough to be biologically productive rather than mitigate on a small, scattered-site basis when wetlands are damaged or destroyed by needed development and on-site mitigation is impossible, e.g., highway projects. The bill requires the adoption of rules to set standards and criteria for the site selection process, operation and evaluation of these banks and specifically requires consideration of fish and wildlife, water quality, recreation, and scientific and research values.

1988. In the May primary, the League supported a ballot measure authorizing water development loan funding for fish protection and watershed restoration. In the November election the

League supported a ballot measure to designate more intersections as scenic waterways. The League also by now was actively involved in the Salt Caves hydroelectric project controversy in Klamath County, stressing the need for consideration of land use procedures and environmental concerns. The League also submitted comments to the United States Forest Service on Willamette National Forest Plan.

1989. Except for a mini furor over LCDC's budget, land use was quiet in the Legislature. However, the League submitted comments on LCDC's attempts to amend its Forest and Agricultural Lands Goals and Rules in response to court decisions, and on increasing complaints about over-regulation of resource lands. Using the LWVUS land use position, League became involved in offshore development activities. We worked for postponement of Oregon and Washington lease sales and more consideration of environmental concerns and natural resource protection prior to exploration and development. We supported bills in the Legislature to increase liability coverage for oil vessels in Oregon's territorial sea and to establish an oil spill response plan. [See **Coastal Management Position.**]

1990. The League continued to follow LCDC's attempts to address the "secondary" land problem, which became increasingly controversial with the establishment of Oregonians in Action, an organization questioning LCDC's authority and Oregon's Land Use Act.

1991. League supported SB 91, one of the many bills introduced to deal with the secondary lands issues. It was the only bill that would harbor adequately protected valuable resources lands while allowing for some development on less significant rural land. Although a major issue for the session to resolve, nothing passed.

1993. A major rewrite of Oregon's Land Use Act was introduced in the Legislature (HB 3661) and opposed by the League. Those wanting fewer restrictions and less state control over housing on agricultural and forest resource lands had majority support in the House. However, in the closing days of the session, a version that loosens restrictions only on less important resource land was approved by the Senate and agreed to by the House. When the members of the LWVOR reviewed LWVOR positions in 1992-93, many local Leagues felt it was time to restudy LWVOR land use positions. At the 1993 Convention, the LWVOR delegates voted to have a one-year study of land use issues. Six months into the study the Land Use Study Committee requested an extension from the LWVOR Board to make the restudy into a two-year program. The committee found there had been a lot of changes in land use since the issue was previously studied, with many new issues emerging. Based on these changes, new positions were recommended to the membership for concurrence and adopted in the spring of 1995.

1994-95. Oregon's November 1994 election heralded a serious attack on land use laws in both the House and Senate. In excess of 100 bills were introduced, which would have destroyed key features in Oregon's 19 State Wide Planning Goals. Special interest groups seriously threatened opportunities for citizen involvement in land use decisions. Numerous bills were intended to weaken the authority of both LCDC and DLCD. Current protection of prime farm and forest land was in jeopardy. (See May 1995 LWVOR positions.) Both state and local Leagues joined the battle to save Oregon's nationally acclaimed land use laws. LWVOR joined with 70 other environmental groups in an association called the Oregon Conservation Network to exchange information and to coordinate the effort to defeat this avalanche of special interest legislation. Most destructive bills were defeated within the legislative halls or were vetoed by Governor Kitzhaber. Overall Oregon's land use laws remain intact, but were weakened. Exam-

ple: Owners of historic sites, properly designated by Goal 5 processes at the city, the county, and/or state level can refuse the historic designation no matter how significant the site may be historically. Individual property rights were changed to prevail over governing bodies and the desires of the community. Goal 5 environmental provisions relative to aggregate mining laws, wetlands, and open spaces were weakened. The League has and will continue to testify on administrative rule changes now under way by LCDC and DLCD relative to 1995 adopted legislation.

1997. The LWVOR Action Committee was greatly affected by the sudden death of the State League's Land Use Chair. The new Chair quickly stepped into action. During the session, the League lobbied successfully to defeat HB 2643, a bill barring the Land Conservation and Development Commission (LCDC) and the Department (DLCD) from direct appeal of decisions by Land Use Board of Appeals (LUBA). This bill hit the statewide authority of the commission and department directly. SB 500, denying municipalities the right to vote on annexations, was defeated in the Senate on the last day of the session. This was a major priority for the League and is expected to be a repeated battle in the 1999 legislative session. This measure was a direct attack on the right of communities to determine their own future. The right to vote on annexations is not a substitute for the land use process, but can only occur after the land use process is completed. The League supported adding "schools" to the other five categories for which municipalities may charge "systems development charges," charges which a city may establish to help pay for new capital investments required by new development. While this addition never made it out of the committee, at least the systems development charge was clearly established as a fee, not a tax. As a fee, such a charge would fall under either Measure 47 or 50 tax limitations.

The League tried unsuccessfully to restore full funding for the Columbia Gorge Commission.

1999. The League recognizes that citizen participation is important throughout the land use planning process and may under some circumstances involve a community vote concerning annexation. [See **Constitutional Provisions**, Local Government.]

An anticipated attack on Oregon's land use law, requiring compensation for land use regulation, never materialized. Several bills were introduced; none were heard. A number of direct attacks on the Land Use System were vetoed by the governor: SB 474 requiring land use regulations be "least restrictive"; HB 3282 allowing siting of urban churches in Exclusive Farm Use Zones; HB 3259 allowing schools in urban reserves. A number of bills were aimed at exemptions for local governments from statewide planning requirements. The League opposed SB 543, which initially exempted all counties from periodic review. The final bill, which was signed by the governor, only exempts certain small cities. This bill "specifies" that the focus of periodic review should be on "housing, employment, transportation and public facilities and services". Also signed by the governor was SB 615 granting certain cities exemption from the Statewide Transportation Goal.

2001. LWVOR weighed in on changes to Goal 14 Rules (Urbanization). The issue was how to protect rural residential areas from urbanization. Goal 14 Rules, which ultimately were approved, included provisions for "clustering." LWVOR opposed this arguing that "clustering" is a useful concept – but is an "urban" concept and not appropriate for rural residential areas. We further argued that 10 acres be established as minimum lot size for rural residential. LWVOR strongly objected to "grandfathering" lots-of-record – which LWVOR has opposed many, many

times in the past. Several bills would have required local governments to allow churches or schools outside of the Urban Growth Boundary. Local government should have the authority to consider whether the need to give up agricultural use of lands for such purposes is necessary. (SB 470, SB 3026.).

LWVOR supported giving local government the right to add schools to the five categories for which they may assess system development charges. No legislation passed either house.

At the LWVOR Convention in May, delegates adopted an Information Update on our Land Use position.

2003. The League opposed SB 538 which would have statutorily abolished Oregon's statewide land use planning program. This bill failed as did HB 2137, the only "takings" bill of the session. HB 2137 would have required compensation for perceived regulatory takings.

LWVOR also opposed HB 2912 which would have legislatively established a review of land use planning in Oregon. This "reform" bill failed. The Speaker of the House then appointed a House interim committee charged with dealing with Land Use Reform.

LWVOR presented extensive testimony before the Columbia River Gorge Commission regarding review of the Scenic Resource Chapter implementing the federal Scenic Area Act.

On the legal front, the League, as a party represented by 1000 Friends of Oregon, asked the Supreme Court to review an adverse opinion by the state Court of Appeals. The Supreme Court denied the appeal, retaining the legal interpretation that limits standing in land use court cases to only those with a legally protected interest – contrary to land use law which gives standing to those who have participated in the process.

The most controversial land use issue this session was clearly the aggregate issue, pitting gravel quarries against prime farm land and farm practices. Beginning as an industry bill, HB 3018 failed in an unsuccessful conference committee. This is considered a priority economic issue, an environmental issue, and a land use issue. LWVOR adamantly opposed HB 3018 which would have prioritized gravel extraction over agricultural use of land.

2005. The passing of Ballot Measure 37 in November 2004 created havoc for Oregon's statewide land use program. The League opposed both the initiative and the ballot measure. Efforts made by both the 2005 Senate and the House to clarify the ballot measure failed. The League supported some of the proposals but opposed "transferability", a concept that would have allowed a Measure 37 waiver to be attached to the land, unlike Measure 37 that made the measure exclusive to the owner at the time of the claim. In October of 2005, the Marion County Circuit Court declared the Measure unconstitutional and denied a petition to stay that ruling. The court's action froze all claims for waivers or compensation for regulatory actions decreasing the value of property at the state government level and for the four counties that were defendants in the lawsuit. The decision was appealed to the Oregon Supreme Court and in March 2006 the court upheld Measure 37.

In addition to involvement with Measure 37 legislation, the League opposed measures that would have legislatively changed Statewide Land Use Planning Goals. Of particular concern was a proposal to gut the process specified in Goal 2 for taking an "exception" to any given

Goal requirement. The League also supported a bill, which did pass, for a 4-year review of Oregon Statewide Land Use Planning Program. The League opposed measures that would have limited or abolished the state's Land Use Board of Appeals (LUBA). The League unsuccessfully opposed a special interest measure that allowed Dorothy English, one of the chief sponsors of Ballot Measure 37, to divide her Portland property despite local land use restrictions. A number of bills proposing radical changes in the appointment, composition and authority of the Land Conservation and Development Commission were opposed by the League, passed the House, but never were heard in the Senate.

2007. The League opposed a number of bills that would have allowed individual projects/properties to subvert the local process, including SB 665. That bill became a compromise measure allowing a Morrow County auto speedway to expand without consideration of Goals 3, 11 and 14, but requiring a local public review process.

Two bills related to aggregate mining were passed after work behind the scenes by the League: SB 149 enhances the ability of the Oregon Department of Geology and Mineral Industries (DOGAMI) to modify and enforce operating permits and reclamation plans for aggregate mining. SB 544 directs DSL to investigate feasibility of establishing a certification program for professional wetland scientists.

In addition, the League supported HB 3461 that would have protected Class I and II soils from aggregate mining, but it had only one committee hearing. HB 3557, a "gut and stuff" of HB 3461, had a courtesy hearing near the end of the session in another committee. Both hearings had considerable testimonial support for the concept.

The League supported the Governor's proposed budget for the Dept. of Land Conservation and Development (DLCD); in fact, in March, we asked the Ways and Means Co-chairs to increase funding for the Big Look (for public outreach) when that item was decreased in their budget proposal. However, toward the end of the session, after monitoring the Big Look Task Force, the League came to the conclusion that the Task Force was not planning the education and outreach effort that the League had supported with the Big Look legislation was passed last session. The League believes that Oregonians must be a part of any revamp of the land use system, must have ownership, and be ready to advocate for any proposed changes when brought to the Legislature. The League also believed that Big Look's outreach (just beginning in the summer of 2007) would conflict with efforts to pass M49 (the M37 "fix"). The League eventually asked the Legislature and the Governor to suspend the Big Look until the 2009 Legislative session, extending proposed changes to 2011. At the end of the session, the Legislature cut funding for the consultants and the Governor asked the Task Force to suspend its efforts until reconsideration at the February 2008 special session.

2009. After supporting SB 82 in 2005 with great hope for a broad public conversation about our statewide land use planning program with local implementation, the League was disappointed with HB 2229 as originally filed. We provided testimony and worked with others to assure we both protected our forest and farmland and supported livable communities throughout Oregon. In the end, we were neutral on the final bill, which provides a process for corrective remapping of rural lands by counties if they also update natural resource protections; addresses issues with regional problem solving; adds 4 guiding principles having no force of law; and encourages other actions that are unlikely to go forward without monies available.

A disappointment was not getting passage of HB 2227, which would have allowed the Land Conservation and Development Commission (LCDC) to review Goal 8 and the rules surrounding the siting of destination resorts. Issues to be considered were how these resorts affect all surrounding jurisdictions' transportation systems, addressing firefighting concerns and assuring workforce housing for these resorts. Some legislators were concerned about losing legislative leadership on this issue and turning the work over to LCDC. Since the League has worked hard to assure that LCDC's meetings and work projects have a full and open public process, we will have to work harder to convince legislators that LCDC has one of the most open processes in the state on rulemaking. We were one vote short in the House. A Work Group has been appointed to see if a compromise bill can be filed either in the February 2010 session or in 2011.

A number of bills were submitted related to the protection of the Metolius Basin. The League testified in support of HB 3100 while expressing our view that Areas of Statewide Concern should be designated before specific development proposals are considered. HB 3298 was "gutted and stuffed" and became the final bill that sets the basin as the first Area of Critical Statewide Concern and requires LCDC to manage the area under their adopted plan.

HB 2228 is a good example of how legislation takes many turns. The original bill was offered by DLCDC to allow a transfer of development rights program. This bill eventually offered the Metolius Project developers alternative siting for the project they had wanted to place in the Metolius Basin. It also statutorily affirmed an agreement among parties related to the Skyline Forest in the Bend area, where development rights will be transferred from forestland (keeping 1,800 acres in forest use) while allowing a 282-unit development on one end of the property. HB 3313 added additional guidance for both the Metolius Basin HB 3298 and HB 2228.

The League supported SB 763, which provides for a voluntary process to transfer development rights from a willing owner of property, such as agriculture and forestland, to property within urban growth boundaries and urban reserves. The Oregon Conservation Strategy will play an important role in this effort since such transfers should also help preserve important natural areas. This program will provide revenue for the seller and the opportunity to increase development by the buyer. There are matching federal funds available under the 2008 Farm Bill's Farm and Ranch Lands Protection Program that might be used under this program.

HB 3099 reduces some uses allowed on farmland, including golf courses, urban schools (schools that serve rural populations are still allowed) and solid waste disposal sites. The League testified to be sure that aggregate mining on high value farmland was not expanded. The bill also allows counties to adopt these changes without a full public hearing process, since local governments must comply with state legislation. After original testimony, the League stayed silent on the plethora of amendments.

The League continues to follow aggregate issues and works to find a balance between the demand for aggregate and the need to protect our natural resources. We expressed concern with HB 2929 that, on the one hand, supports independent studies of individual rivers and streams while, on the other hand, allows third party interests to fund the studies. It is critical that these studies, which may affect the quality of these waters, be truly independent and trusted by the general public as well as providing answers to industry. As a result of our work, the bill was modified; however, we will need to monitor this effort.

Bills such as SB 191, SB 599 and HB 2155 made minor amendments to aggregate and remov-

al/fill issues. League members read and reviewed these and other bills related to this important issue.

The League opposed SB 467, which would have changed the approval criteria for single family dwellings. We also opposed HB 2225, a proposal by the LCDC to allow urban growth boundary expansions for “affordable housing”. We continue to believe that affordable housing should be placed close to services and public transportation within our communities, and we encouraged rulemaking and consideration of inclusionary zoning to address this important issue. Both bills died in committee.

The League continues to attend the State Land Board meetings, and members participate in committees of the Department of State Lands. The distribution policy for the Common School Fund was amended during the session that increased the amount allocated to our K-12 schools. Aggregate income goes to the Fund as do timber sales from state lands.

LCDC has adopted its Policy Agenda for 2009-11. Among the issues they will work on include revising the Territorial Sea Plan; adopting rules to establish targets for the Metro area related to greenhouse gas reductions; preparing legislative action related to the other five metropolitan planning organizations dealing with land use and transportation, adopting rules to implement a transfer of development rights program; and beginning to assist communities in preparing for the effects of global warming, specifically focusing on mitigation and adaptation.

2010. The League provided testimony in Marion County to request denial of expansion of aggregate mining on Exclusive Farm Use property and continues to work to assure our high value farmland is protected from aggregate mining.

The League monitored SB 1036 that reestablishes guest ranches on land zoned exclusive farm use in Eastern Oregon. Members attended a work group during the interim and monitored the passage of SB 1031 that makes some minor changes to the Destination Resort statutes. Included are ways to better connect the impact of these resorts with surrounding counties and cities. A work group will continue during the interim to address more complicated issues.

HB 3647 will require that anyone who wants to provide a soil assessment at a local land use hearing must go through the Department of Land Conservation and Development so that a qualified expert can provide this important data. Anecdotal information is still allowed by individual citizens.

Of great concern is the passage of SB 1055 that allows wineries in exclusive farm use (EFU) zones to include sale of incidental items and allows events (such as weddings and concerts) on their property. Formerly, these activities required a conditional use permit from the local county. Because the bill has a sunset of 3 years, a workgroup will be meeting in the interim to consider a more comprehensive review of uses in EFU zones.

2011. HB 2181, 2182, 2610 and SB 186 were opposed by the League as limiting citizen involvement by increasing attorney fees, reducing access to the Land Use Board of Appeals and requiring persons who appeal to live nearby or have a personal financial impact in order to participate. We worked to assure that bills relating to changing land use processes such as HB 2129 improved the system.

With “jobs” being the issue of the session, the League watched closely land use bills related to Industrial Lands. We assured that SB 766 allowed clear citizen involvement opportunities and had local government input. We opposed HB 2352, SB 771 and other bills that would have significantly changed processes for replacing or designating new industrial lands. We pointed out that industrial lands are often converted to other uses by local governments and that many such lands were extremely significant for our state’s economy.

The League opposed HB 3408 which now allows irrigation reservoirs outright on exclusive farm use lands.

The League opposed HB 3601 that establishes that Department of State Lands (DSL) and Department of Geology and Mineral Industries (DOGAMI) can enter into memorandum of agreement in certain cases involving surface mining so that sole responsibility for permitting is assigned to DOGAMI. The bill requires DSL to be consulted prior to any permitting under established memorandum of agreement regarding any conditions necessary to protect the waters of state. We are concerned about the relationship between the aggregate industry and DOGAMI. However, the bill passed with the assurance by DSL that their policies will continue to be enforced. We supported HB 3464 that would have protected Willamette Valley’s high value farmland. It did not pass.

The League opposed HB 3615 that would have allowed Jackson, Josephine and Douglas Counties to establish new definitions for agriculture and forest lands. Although this bill did not pass, we expect DLCD to work with at least one county under HB 2229 (2009) to “correct mapping errors” for these lands, but changing definitions was a major concern.

The League opposed one version of HB 3465, allowing Silvies Ranch to substantially expand the concept of guest ranch and creating a number of other pilot projects. The final bill gives more say in the master plan by the local county and limits it to just the Silvies Ranch property. We are concerned about these bills that target one project. The state legislature should focus on policy and not individual projects.

SB 960 passed, allowing counties to authorize single agri-tourism or other commercial event or activity on tracts of land zoned for exclusive farm use (EFU) and stipulating conditions for authorization. The League followed the development of this legislation during the interim and monitored the various versions until passage. We are hopeful that counties can use this legislation to both support agri-tourism and protect neighbors from adverse impacts. We were more concerned by HB 3280 related to events at wineries. We asked that the bill be set aside for an interim work group, but the bill passed after a number of amendments. Many of the amendments did address League concerns.

2012. HB 4032 and 4049 were referred to Ways and Means where they died in committee. Both bills were opposed by the League since they would have limited citizen access to the Land Use Board of Appeals by requiring ownership of property within a certain distance or be adversely affected by the proposed development.

The League supports renewable energy and followed rulemaking by the Dept. of Land Conservation and Development to allow solar projects on farmland. We were pleased that HB 4078 did not pass that would have expanded the amount of acreage allowed and would have eliminated protections for wildlife.

There were a number of bills that would have weakened or changed our state land use laws for specific areas of the state. However, money was budgeted to the Dept. of Land Conservation and Development to do rulemaking and monies were budgeted to Jackson, Josephine and Douglas Counties to prepare a petition to consider regional definitions of agricultural and forest lands. HB 4095, a bill that would have set new criteria for defining these lands was defeated.

2013: The League continued to oppose legislative efforts to pass “one-off” exceptions to the land use process. An example of this practice was seen when Young Life sought a 4,000-acre expansion of its camp in central Oregon, thereby bypassing the exceptions process at the local level. We argued that specific projects such as this, which do not benefit the public as a whole, should be dealt with through locally approved processes and not through legislative action. The bill was amended to instruct rulemaking to allow youth camps on certain agriculture lands in Eastern Oregon. The League was silent on the amended bill which passed. We opposed HB 3121 that would have allowed certain trucking facilities on exclusive farm use land. It died in committee. As did HB 3439 that would have allowed a manufacturing plant on farmland. We opposed SB 845 that would have allowed the super-siting of some of our best farmland in Washington County. It died in Committee. We opposed SB 502 that would have prohibited LCDC from adopting rules related to parks. Since parks are one of many important land uses, they need to be considered in the broader context of all land use needs and not allowed outright anywhere. The bill did not make it out of committee. HB 3536 appeared at the end of session that would have allowed the transfer of development opportunities (TDOs) authorized in 2009 to be used in an area near the Metolius Area of Critical State Concern called Aspen Lakes. Another “one-off”, the League opposed and continues to work in the interim against this project as a work group was established.

We opposed HB 3267 that would have allowed even more industrial land in Malheur County. We believe in a local process to justify such a need. “Industrial lands” was a mantra during session, but little actual proof of need was provided. The bill passed the House, but stalled in the Senate. We opposed SB 250, yet another industrial lands bill. The bill would have allowed 50 acres in some places and 150 in others to be added to UGBs for industrial use with little local processes. It did not make it out of committee. HB 2657 was offered to address conversion of industrial lands to other uses. It passed the House, but was In the Senate on adjournment.

HB 2898 as a base bill allows disabled citizens to go on to trade school or community college with their special high school diploma. Then an unrelated amendment allowed a specific training facility to be sited on farmland in Columbia County. We opposed that provision, but it did pass. There was a request for a Governor’s veto. Although that did not happen, the Governor did voice frustration about “one-off” land use legislation.

The conflict between farming and non-farming activities on EFU land continued this session. The League sided with the Oregon Farm Bureau on a bill to require an alternatives analysis before permitting an aggregate mine on Class I and II soils in the Willamette Valley. Unfortunately, HB 2202 in its final form was weakened considerably and instead allowed deeper mining than current limits, ostensibly to disturb less farmland. This did little to alleviate the problem, because existing mines were exempted. The League also supported HB 2201 to protect this high value farmland. It did not pass.

Before session, the League worked with others on new processes for providing populations forecasts to cities. HB 2253 passed and rulemaking has begun at both Portland State University's Population Research Center and the Dept. of Land Conservation and Development. The League also worked with others on an alternative process for cities to consider in expanding their Urban Growth Boundaries. HB 2254 was amended and passed. The League is participating in the rulemaking for this effort. HB 2255 was also filed, which would have allowed additional industrial lands to be added outside the usual UGB process and without full community involvement. The League opposed. This bill did not pass.

HB 3040, a bill that would form a work group related to the multiple alternate uses currently allowed on farmland. The issue under HB 2173 relating to wetlands on farmland died, but was considered to be added to any farmland work group. HB 3040 died in Ways and Means, but the Dept. of Land Conservation and Development will consider whether they have staff to deal with this issue during the interim. The League continues to be concerned about expanding uses on farmland and will follow this effort. The League did support the Department's budget (SB 5530) that increased monies for the rulemaking the legislature approved.

Again, the appeals process was under fire. SB 77 was amended to focus on the League's testimony in support of collecting more data on appeals filed at the Land Use Board of Appeals (LUBA). The League testified both in support of more staff for LUBA (SB 5531) and on this amended bill so that future legislatures can better understand who files and the disposition of those lawsuits. There were bills such as HB 3087 that would limit the amount of appeals fees at the local level. Those bills did not move forward.

HB 3362 was filed at the request of the City of Bend to require that participants at legislative hearings must raise all issues they may choose to appeal as is currently required in quasi-judicial hearings. The League objected because it would require many more notices for each change that might be considered by local governments during the legislative process and would restrain others who might not have been aware of earlier hearings on these broader policy issues. A budget note was considered but rejected by Ways and Means. However, LCDC may find time to convene a discussion of this issue.

The League provided testimony on the Land Conservation and Development's Policy Agenda for 2013-15. We continue to express concern about the Southern Oregon Regional Pilot Project funded in 2011. The project was extended and funding included in the DLCD budget for 2013. We will continue to monitor and will participate should a rulemaking request to change the definitions of farm and forest lands come from the 3 counties. Yet again, the Legislature considered setting up a Regional Land Use System (SB 538), but it only got a public hearing. We supported the agency's consideration of a 10-year plan and the links to human health as well as jobs and the environment.

SB 246 authorizes Business Oregon to work with public entities to develop certified regionally significant industrial sites through a grant or loan program. The League opposed this bill.

SB 253 creates a statewide program to inventory industrial sites and assess for their readiness to develop. Again, monies were not appropriated for this program. The League opposed this bill.

Ballot Measures 7 and 37

2000. In November, voters passed Ballot Measure 7, which requires state and local government to pay compensation if a law or regulation reduces property value. The League worked in coalition with other organizations to defeat the measure.

2001. LWVOR gave testimony before the House Land Use & Regulatory Fairness Committee supporting guiding principles dealing with implementation of Ballot Measure 7 (passed by voters in November 2000). The principles includes fairness, support for land use system as well as public participation. LWVOR opposed HB 3998, which was a biased bill that would have either bankrupt the state or destroyed statewide land use planning or both. The Committee disbanded without voting out HB 3998. Measure 7 legislation never made it to the floor of either house.

2007. With over 7,500 claims statewide and only 180 days to process them, the League supported the passage of HB 3546 which allows the state and local jurisdictions another 360 days to process without penalty.

Addressing the consequences of Measure 37 was a top priority of the League this session. The League used the Principles developed for the 2005 session and continued to ask for clarity, consistency and certainty when supporting a solution to the issues surrounding M37. Hundreds of Oregonians testified before the Joint Committee on Land Use Fairness, including the League. Some wanted no change to M37. Others wanted transfer of all development rights or the creation of a broader eligibility class. Many were concerned about loss of high value farm and forest land, protection of Oregon's special places and increased development in water-limited areas. Many were concerned about the uncertainty created by M37 claims. The League testified in support of HB 3540 which allows some home sites for long time property owners who could have built on their property when they purchased it while denying large subdivisions, commercial and industrial claims. Although the League had hoped the Legislature would enact these modifications itself, Ballot Measure 49 was referred to and passed by the voters in November of 2007.

2009. HB 3225 corrects minor errors to Measure 49 (2007) and extends deadlines for some claimants while still requiring the prescribed process for determining these additional claims. It also requires these new claimants to pay a \$175 processing fee. The Department of Land Conservation and Development (DLCD) is also required to process the 4,600 claims already filed by June 30, 2010. About 950 final orders have been issued to date. The additional 400 new claims will need to be processed by December 31, 2010.

2010. The League monitored development and passage of SB 1049 that allows claimants to file a Measure 49 claim if they filed with a county and not the state, due to instructions by county planners. The bill also clarified decisions on properties purchased after the statewide goals were adopted and before a county's comprehensive plan was acknowledged.

Citizen Participation (see also **Governance: Citizen Participation and Access**)

1999. One of the major losses of the session was the death of HB 2805 in the Senate Judiciary Committee after passing easily in the House. This "Anti-SLAPP" (Strategic Lawsuits Against Public Participation) bill would have provided some immunity from lawsuits for citizens giving public testimony. The League played a high profile role in this battle to protect citizen participation. A number of bills were introduced that were designed to overturn local governments'

constitutional home rule rights. One was a bill to overturn Eugene's Toxic-Right-to-Know Ordinance. [See Hazardous Materials.] An attempt to prohibit communities from choosing to vote on annexation measures (HB 3389) failed. Also failed was a bill barring local government from prohibiting smoking in bars (HB 2806); as well as another (HB 3005) prohibiting local government from regulating density. HB 2658, which prohibits local governments from adopting inclusionary housing policies, was passed and signed by the governor.

2001. Finally, an "Anti-SLAPP" (Strategic Lawsuits Against Public Participation) bill—HB 2460-B passed, protecting citizens against frivolous lawsuits designed to discourage public participation. It was signed into law by Governor Kitzhaber on June 26, 2001 and is now ORS 30.142. The League was a leader in the coalition working to pass this bill.

2007. The League has continued to follow the actions of the Land Conservation and Development Commission (LCDC) and advocated for passage of their Citizen Involvement Guidelines that govern LCDC's actions. The League also testified in favor of rules governing processing of M37 claims and requiring notice when claims are used for land use applications at the local level.

(see Energy related HB 2820 and 2704 Solar siting)

Parks

Adopted January 1999

The League of Women Voters of Oregon believes that a parks system is an appropriate function of state government and should provide the following services:

- ***Acquire, protect and preserve natural, scenic, cultural, historic, and wildlife sites and other resources;***
- ***Provide camping and a variety of other recreational opportunities, consistent with the natural environment;***
- ***Offer interpretive and educational information and programs regarding the history, culture, and natural resources of the state and the features of specific parklands;***
- ***Protect public ownership of beaches;***
- ***Secure affordable and safe access to parks and ocean beaches.***

PROGRAM

The LWVOR believes that to be effective the Oregon parks system must have:

- ***Competent personnel in sufficient numbers;***
- ***Clear assignment of responsibility;***
- ***Adequate, stable funding;***
- ***Coordination with different agencies and levels of government;***
- ***Well-defined channels for citizen input and review;***
- ***Consideration of local concerns when consistent with statewide public interest;***
- ***Reasonable protection from crime and vandalism;***
- ***Cooperation and coordination with the private sector when in the public interest;***
and
- ***Long-range planning.***

FUNDING

The LWVOR supports a balance and varied mixture of revenues for Oregon's parks with the General Fund providing basic support for departmental operations. While the LWVOR believes user fees are sometimes appropriate, the League opposes them for non-intensive, brief visits. The sale of annual use permits is encouraged. Other appropriate revenue sources include but are not limited to recreational vehicle and automobile registration fees, lottery funds, and certain specific charges, such as bottle taxes. The Oregon parks system should actively seek donations of land, funds, facilities and services.

SERVICE PROVISIONS

The LWVOR advocates the efficient provision of services in state parks under state supervision and control. In general the League is opposed to the private management of parks but supports well-supervised contracts for services with a reasonable return for the Oregon parks system. Use of correction-system and volunteer labor is supported if it is well supervised.

PLANNING

The LWVOR believes that the Oregon parks system requires a long-range strategic plan that includes periodic evaluation and is adequately funded. Such a plan should give high priority to:

- ***Preservation and maintenance of existing parks;***
- ***Protection and expansion of public access to ocean beaches;***
- ***Acquisition of additional park resources;***
- ***Provision of campground facilities and day-use areas; and***
- ***Protection of scenic waterways.***

Position Implementation - Parks

1997. LWVOR Convention adopted a 2-year study of the Oregon parks system.

1998. The passage of Ballot Measure 66 dedicated 15% of lottery funding to parks.

1999. SB 5530 was passed and signed by the governor, implementing Ballot Measure 66. The League opposed the bill, which allocated a significant portion of the parks-designated lottery funding to "backfill" reduced General Fund allocations. SB 1081, which would have restricted the ability of local governments to fund parks with System Development Charges, was vetoed by the governor. A very contentious bill involving the coastal "804" trail was also vetoed by the governor. This would have eased the vacation of public beach accesses.

2001. LWVOR supported the Parks budget, largely for maintenance and repair of existing facilities. Parks did, however, get a slightly better share of dedicated lottery funds. With the help of the south coast Leagues, the State Parks Commission finally denied the request to change the Beach Zone Line, which threatened public ownership of Oregon's beaches. The first attempt to erode Oregon's famous Beach Law was during the 1999 legislative session. The controversial "804" coastal trail near Yachats was finally resolved through mediation rendering legislative resolution moot.

2003. LWVOR issued its first "Action Alert" of the session in opposition to HJR 35 which pro-

posed a cap on M-66 funds going to parks and other natural resource programs. The House Joint Resolution died in committee on adjournment.

2005. Late in the session a bill, opposed by the League, transferring the land, staff, mission, budget, and bonded indebtedness of the Oregon State Fair and Exposition Center to State Parks, passed. The legislative rationale was the anticipated increase in M-66 lottery revenue (which expires in 2014)_available only to State Parks. The Governor refused to sign the bill, but did not veto it.

2007. This session the League took the lead in advocating for working toward meeting the Oregon Benchmark for Parks of 35 park acres per 1,000 Oregonians. We testified on the Parks budget to continue working on the backlog of park maintenance and increase the land acquisition budget. \$23 million was set aside to purchase land in the next biennium. As a result of those priorities, we also testified against expanding Parks role in such areas as new bicycle velodromes and other raids on Parks dollars. We also testified against using M66 dollars for a new State Capitol State Park, but the Legislature did support expending more than \$800,000 for maintenance of the Capitol grounds.

League members have also been monitoring the Oregon Parks and Recreation Commission meetings.

2009. The League testified on the Oregon Parks and Recreation budget (HB 5033). Last biennium, with the League's advocacy, the state increased funds for park land purchases. In 2009, due to reduced lottery money available and the need to provide immediate jobs for Oregonians, monies to repair parks increased. There is still a backlog of maintenance at our state parks. Parks was also given permission to raise fees for a variety of camping opportunities. The League continues to be concerned that we not price low income Oregonians out of our state parks. We provided testimony against a number of bills that would have added to Parks' responsibilities. None moved forward this session, in part because lottery dollars are down. We also testified against the Economic and Community Development Department's (HB 5008) request to move the Main Streets downtown redevelopment program to State Parks. With the downturn in lottery proceeds, we wanted to protect those Measure 66 lottery dollars.

SB 681, a proposal to dredge the Willamette River, and SB 661, closing Court Street to add to the State Capital State Park, were also considered by the Legislature and opposed by the League. SB 681 would have allocated \$3 million for a project that might well damage the Willamette River. Neither bill moved this session, but a bill creating a Task Force to work on a long range vision of the State Capitol was approved.

2010. The League continues to monitor meetings of the Oregon Parks and Recreation Commission. We are evaluating Initiative #70 that would replace the current law related to lottery funding for Parks and salmon recovery.

2011. Measure 76, supported by the League, was passed by the voters, continuing lottery money for parks and the Oregon Plan for Salmon and Watersheds. The initiative changed some allocations of the money to increase monies to local parks and to decrease monies to natural resource agencies unless that work was focused on the purpose of the Measure.

2013: SB 7 was passed that creates a public corporation to run the Oregon State Fair and Ex-

po Center. Non-Measure 76 monies were provided to run the Fair and Expo until this new entity takes over.

SB 331 was introduced to change the share of recreational vehicle license fees from the current 35% to counties to 45% to counties for county parks programs. Every 5% change would mean about \$1.6 million shift from state parks to counties. Although this legislation did not pass, Parks has been instructed to work with the counties to find solutions to county parks funding issues.

The League supported SB 401 that would have required the Parks Commission to study and consider increasing designation of additional Scenic Rivers. It did not pass, but OPRD was instructed to consider this issue during the interim.

Seismic Risks

Adopted March 1995

The League of Women Voters of Oregon believes that all levels of government share the responsibility of coordinating, implementing and funding an effective program to mitigate Oregon's earthquake and tsunami hazards.

Priority must be given to mitigation that protects human life and safeguards critical life support systems.

The League supports:

- ***Educating the public about the grave significance of Oregon's earthquake and tsunami threat and encouraging preparedness.***
- ***Improving the safety of transportation systems and establishing alternate routes around bridges and overpasses which are likely to be unsafe after an earthquake or tsunami.***
- ***Establishing tsunami warning signals and evacuation routes.***
- ***Evaluating dams that threaten population centers and taking remedial actions such as reinforcing dams, and developing maps and downstream notification procedures.***

LWVOR supports as essential elements of an effective earthquake and tsunami program:

A. Comprehensive education efforts:

1. ***All school children should be taught to understand Oregon's earthquake and tsunami hazards and how to respond to various situations and conditions that may arise.***
2. ***Schools' earthquake and tsunami plans, education and drills should be monitored***

and analyzed for adequacy.

B. Improved preparedness:

- 1. Federal, state, and local chain of command should be established and fully coordinated. The emergency communication system should be enhanced and regularly tested.***
- 2. Emergency Services should be accessible and housed in safe buildings. Citizens should be encouraged to develop emergency plans, including supply kits.***
- 3. When citing critical facilities, tsunami run up and inundation as well as seismic factors such as severe ground shaking, liquefaction, massive landslide potential, and subsidence should be considered.***
- 4. Geological reports identifying property at risk should be on file and accessible to the public. Property that poses extreme hazards should be designated as unbuildable.***

Position History and Implementation - Seismic Risks

1993. LWVOR Convention adopted a two-year study that emphasized Seismic Risks and Preparedness in Oregon. Members of the League who formerly lived in California initiated the study. They realized that mitigation measures, which are actively carried out there, have been effective in saving lives and property.

1995. LWVOR submitted comments in support of two seismic bills during the 1995 legislative session and both bills passed. SB 378 improved earthquake and tsunami education requirements and drills. The Oregon Seismic Safety Policy Advisory Commission (OSSPAC) is proposing a voluntary 5-year Seismic Award Program for schools. Each year a phase of seismic preparedness would be tackled and awards and public acknowledgment given for schools successfully completing the project. In the past, school participation has been disappointing. OSSPAC is hoping LWVOR can improve the situation. The Action Committee has discussed sending letters to principals of schools electing not to participate, and letters to the editors of local newspapers emphasizing the importance of school participation. SB 378 set legal seismic and tsunami requirements for schools but was weak on provisions for monitoring and compliance. SB 379 requires the establishment of tsunami inundation zones. Developers of new essential facilities, hazardous facilities and special occupancy structures in the tsunami zone are required to consult with the Oregon Department of Geology and Mineral Industries (DOGAMI) for assistance in determining the impact of possible tsunamis and methods to mitigate the risk. The Tsunami Hazard Maps of the Oregon Coast are now completed and available at coastal libraries. Public hearings on the maps and the draft administrative rules to comply with SB 379 will be held in October. The final hearing will be December 11 at the Hatfield Science Center in Newport. The final publication of rules will be in 1996. DOGAMI expects substantial opposition from developers. LWVOR will submit comments in support of the implementation of SB 379. SB 1057, passed during the 1995 regular session of the Oregon Legislature, allows a municipality to adopt specified seismic rehabilitation plans, establishes a Seismic Rehabilitation Task Force, and limits admissibility of certain data as evidence in action for damages arising from building failure due to seismic activity. The liability ramifications for property owners will be a very volatile issue. Conflict-of-interest problems are likely for task force members.

The 1995 legislative session created the Seismic Rehabilitation Task Force to research and

make recommendations to the 1997 Legislature. The Task Force was uniquely impressive for their diligence, intellect, and resourcefulness in obtaining state of the art information. On the basis of their research the task force recommended a program for seismic rehabilitation of essential and hazardous buildings. They also suggested viable funding sources. Most of their recommendations were incorporated in HB 2139. LWVOR sent letters to State Representative Bob Repine and State Senator Gene Timms requesting a hearing but received no response. HB 2139 was allowed to die in the committee without even a public hearing. The other missed seismic mitigation opportunities included bills that would have given tax credits for earthquake insurance and rehabilitation, public education, and full disclosure of seismic hazards in real estate forms. There are an increasing number of scientists who believe the Oregon Coast and possibly Portland should be changed to seismic code 4. This would be strongly opposed by development, real estate and the construction industries. This is the cheapest way to improve seismic human safety and the people who benefit the most pay the most. Oregon may be able to improve some seismic preparedness through new administrative rules and building code revisions.

The Federal Emergency Management will be publishing new seismic structural requirements for both new buildings and rehabilitation of hazardous existing buildings for different seismic zones, hopefully, by the fall of 1997.

1997. The Oregon Legislature failed to pass any significant new laws to mitigate Oregon's serious seismic hazards and the threat to human safety.

2001. Three bills passed and were signed by the Governor (SB 13, 14 & 15) relating to risks relating to earthquakes. The first requires annual drills for state and local agency employees. SB 14 and 15 require a survey of educational buildings and hospitals with various nebulous options for paying for rehabilitation. The rehabilitation deadline for school buildings is 2032; for hospitals, 2022. This represents only modest improvement over last session's inaction.

2002. LWVOR supported Measures 15 and 16 (November 2002), which authorized the state to issue bonds to fund seismic rehabilitation of public education and emergency services buildings. Both measures passed. These two bond measures were also supported by our **Fiscal Policy** position.

2013: The League supported the budget of the Dept. of Geology And Mineral Industries (HB 5014) to continue projects that provide information on tsunami inundation zones, landslides and other hazards.

Solid Waste

National position

Position Implementation—Solid Waste

1983. The League supported SB 405, Opportunity to Recycle.

1989. Supported SB 424 setting a surcharge on waste disposal to fund local recycling and

household hazardous waste programs; supported SB 990 to ban use of polystyrene foam and require deposit on wine cooler bottles. Failed. The League supported OSPIRG HB 2334 to reduce use of toxic substances. Bill became comprehensive HB 3515. Passed.

1991. League efforts centered on SB 66, the big omnibus recycling bill put together during the interim period by the Senate Agriculture and Natural Resources Committee. Many League interests prevailed including a statewide recycling goal of 50 percent and establishment of recycled newsprint standards. Not established were statewide mandatory hazardous waste collection and a statewide clearinghouse for recycling information. This is the only solid waste bill we testified on, although we followed several others, none of which passed.

1993. Eleven bills concerning recycling were introduced in the Legislature. Only three were passed by both Houses, and two of these were opposed by League. SB 1009 eased the plastics recycling law passed by the 1991 Legislature. Under this bill the state won't enforce standards for plastics recycling for at least a year after it takes effect on January 1, 1995. SB 641 allows the Legislature to delay enforcement for requirement for food processing, cosmetic, medical equipment, retail grocery and other plastics interests and to exempt rigid plastic packaging for certain medical devices and baby formula from meeting requirements to use recycled plastic in packaging. SB 952 allows retailers to limit the number of returnable bottles to 144 from one customer on any one day. League testified against the watering down of the 1991 recycling bill, stating that the public is demanding and is ready to do this recycling, and that there are products already available that comply with the law's 1995 standards.

1995. Attempts to weaken plastics recycling laws were opposed by LWVOR as well as the Legislature and DEQ. SB 279 passed, exempting food, but not beverage containers from plastic recycling requirements. The Legislature adjourned without considering a bill to gut the 1971 Bottle Bill and without passing an expanded measure which included containers for Snapple, bottled water, iced tea, and fruit juice. Therefore, an Expanded Bottle Bill initiative has been filed with the Secretary of State by OSPIRG. LWVOR will be collecting signatures as well as examining how the initiative process might be improved. A national marketplace for buying and selling recyclable trash has opened at the Chicago Board of Trade. It promises to boost recycling by setting quality standards and publishing prices for used paper, glass, and plastics - a boon to small towns. Local Leagues may check with officials and dealers to take advantage of this opportunity.

1999. SB 940 passed, postponing implementation Oregon's 50 percent recycled glass requirement goal until 2004.

2001. [See **Air Quality** for SB 764 – Pollution Facility Tax Credits.]

2003. See **Air Quality, Energy Conservation, Hazardous Materials and Water Quality** re: LWVOR opposition to HB 3562.

2007. After many sessions of working on expanding Oregon's Bottle Bill, SB 707 was passed this session. Although not as strong as we advocated, the bill adds "water and flavored water" to the definition of "beverage". However, it also establishes a Task Force to develop a plan to implement the expansion.

Also this session, HB 2626 passed which establishes a statewide electronics recycling system,

financed by manufacturers, that provides for the collection, transportation and recycling of certain televisions, computer monitors and a few other electronic devices.

2009. One of the biggest disappointments of the session was the lack of expansion of Oregon's Bottle Bill (HB 2184). Another bill offered at the end of session, HB 3465, would have required distributors to report on the amount of monies not refunded under the current bottle bill program, estimated at between \$20 and \$30 million. Look for this issue to come up again next session.

The League did support SB 742 that would have set up a take-back program for any lighting products that contains mercury, although it did not pass. HB 3060 was filed to set up a general "product stewardship" program where products that may harm the environment are "taken back" or recycled by the manufacturer after its useful life. The concept was supported by the League but didn't get anywhere this session. SB 320 would have required a disposal program for rechargeable batteries.

The one bill that did pass is HB 3037, which creates a paint stewardship pilot program with the goal of reducing paint waste, promoting paint reuse and developing a system of collecting, transporting and processing it in an environmentally sound fashion. Paint manufacturers will work with the Department of Environmental Quality to implement the program. This project is another partnership between the consumer and the manufacturer of a particular product, in many ways like the E-cycle program created in 2007. Oregon is the first state to adopt this pilot program, which is likely to reduce the cost of managing this waste stream to the public.

2010. The League monitored SB 1009, a bill that would prohibit the use of plastic bags as checkout bags. This bill did not make it out of committee, but is expected to return in 2011. Retailers are concerned that individual cities may pass such bans, so they are interested in finding a compromise that will work statewide.

A disappointment was passage of HB 3674, which included a section allowing the Covanta municipal solid waste plant to receive renewable energy credits since the plant burns materials that could be reused or recycled.

2011. The League supported SB 536, a bill that would prohibit the use of plastic bags as checkout bags and allow grocers to charge 10 cents for paper bags. This bill did not make it out of committee. Individual cities are now considering passing such bans (The City of Portland as done so.).

SB 529 would have required a process to insure recycling of lighting that contains mercury. It did not make it out of committee. The League continues to support bills that promote product stewardship.

The League opposed HB 3597 that would have allowed tax credits for plastics pyrolysis and would have expanded the definition of "recycling facility" in ORS 469.185 to include equipment used for processing waste plastic into synthetic crude oil. It would have specified that conversion of waste plastic that cannot be economically recycled to oil using pyrolysis be considered recycling. This bill did not pass.

HB 3145 modernizes the state's Bottle Bill by expanding the deposit law to cover containers more than or equal to 4 fluid ounces and less than or equal to 1.5 fluid liters beginning January 1, 2018. It excludes distilled liquor, wine, dairy or plant-based milks, and infant formula. It increases deposit and refund value of beverage containers to not less than 10 cents by January 1, 2016. Directs OLCC to approve one beverage container redemption center pilot project in a city with population of less than 300,000. Requires pilot project redemption center to accept and pay refund value on up to 300 individual empty beverage containers per person per day. Allows participating dealers within one-and-one-half miles of pilot project redemption center to refuse to accept return containers, but continues requirement for others to accept returns.

2012. The League stopped an effort (HB 4081) to allow pyrolysis to be considered recycling instead of energy recovery.

The League supported SB 1512 that will reduce the amount of mercury in lighting. Supported by industry, the bill will protect the health of our children. This bill passed with bipartisan support.

2013: SB 117 was passed that allows for the establishment of more beverage container redemption centers around the state.

HB 2048 continues the paint stewardship program to keep paint out of landfills.

Water

Water Policy – Quality and Quantity

Adopted April 2011; Replaced positions on Water Policy and Planning (adopted January 1977; revised March 1985) and Water Quality (adopted January 1969)

The League of Women Voters of Oregon believes that water is a resource that should be managed for the benefit of the public and as sustainable habitat for all life forms. The League supports Oregon state policies and statutes that promote comprehensive long-range planning for conservation and management of ground and surface water and the improvement of water quality. Regulating agencies that govern the protection and conservation of water should be transparent and provide the public easy access to information.

The League supports management approaches that maximize interagency communication to include but are not limited to:

- 1. Uniform definitions of “beneficial uses” and other terminology for both quality and quantity management,**
- 2. Coordination of activities including water allocation, measurement, monitoring/testing, enforcement of water law and the promotion of water conservation,**
- 3. Well-defined statutory enforcement procedures and the funding to protect water resources held in common, and**

4. Recognition of the variability of local/basin/watershed quality and quantity needs.

The League recognizes the application of historic prior appropriations of water but supports modifications in order to accomplish the following:

- 1. Consider both in-stream and out-of-stream beneficial uses of water,**
- 2. Facilitate changes from one beneficial use of water to another,**
- 3. Provide incentives for water user conservation,**
- 4. Incorporate evolving scientific understanding of natural water systems in water management,**
- 5. Develop priority uses for water in times of shortage, and**
- 6. Expand protection of in-stream beneficial uses such as minimum perennial stream flow.**

The League believes that the interdependence of land use planning and water planning must be recognized and required at all levels of government:

- 1. Local comprehensive plans, watershed plans, basin plans, state and regional plans should be coordinated and complementary.**
- 2. Roles and responsibilities of all decision makers and agencies affecting water resource and quality issues should be clearly defined.**

The League believes that all planning for ground and surface water should include consideration for both the quality of the water and the availability of water to meet the beneficial uses. Planning at all levels should consider existing water rights and current and projected uses. The League acknowledges that this may be best accomplished at the watershed/basin level if adequate funding and professional staffing are available. Basin/watershed water management should be efficient and economical, responsive to public need, flexible to allow for changes over time, and lead to conservation and allocation of the resource in the public interest. Transfers of water between basins should require coordination with planning and water use in both basins.

The League recognizes that effective planning for water protection and use is most effective with a complete inventory of the water resource including all domestic wells and encourages moving toward this goal. Priority efforts should be directed to geographic areas with identified problems and vulnerabilities.

The League opposes degradation of all of Oregon's surface and ground water. The League supports policies and legislation that integrate water quality into resource management and include but are not limited to standards for:

- 1. Potable water and drinking water treatment facilities,**
- 2. Placement and inspection of septic tanks and alternative individual treatment systems,**
- 3. In-stream surface water quality for recreational use, including primary contact sports, commercial and sport fishing, and habitat protection,**
- 4. Ground water quality for recognized beneficial uses,**
- 5. Agricultural, municipal, forestry and industrial wastewater discharge and runoff,**
- 6. Uniform water quality testing protocols— updated as scientific methodologies improve,**
- 7. Permitting and enforcement procedures with agency funding adequate to ensure timely compliance,**

8. Adequate, well maintained sewers and sewage treatment facilities and
9. Control and treatment of runoff from non-pervious surfaces.

The League recognizes that conservation strategies for surface and ground water, including but not limited to incentives, regulations and rationing in emergency situations, are needed to meet future demand. Individuals, agriculture, municipalities, forestry and industry should be encouraged to develop practices to reduce water usage and minimize pollution. Support should be provided for upgrading and maintaining the equipment necessary for water conservation. The League supports the need to build resiliency and innovation into water planning in order to address climate change impacts.

Public involvement should be encouraged throughout the water management and planning processes. The processes should be transparent and include educational components.

The League acknowledges that all water users must share in the cost of water management. Rate payers should have primary responsibility for infrastructure maintenance, delivery and conservation. The state should have primary responsibility for planning, research, data collection and public outreach. Permit fees should be a significant contributor to the development of infrastructure.

Position Implementation - Water Policy and Planning

1983. This legislative session was the first in many years to direct attention in depth to concern for the management of the state's water resources. A number of bills were introduced, which caused lawmakers to recognize a growing water crisis. Two bills of significance which the League supported were passed. SB 225 directed the Department of Fish and Wildlife and the Department of Environmental Quality (DEQ) to submit to the Water Resources Directory by a certain time a list of their 75 highest priority minimum streamflow point requests. It directed the Water Policy Review Board to adopt, modify, or reject these requests after making a finding that such a minimum streamflow rate is appropriate to support aquatic life and minimize pollution. These minimum streamflow requests must be acted on within one year of the date received by the Water Resources Director and that date becomes the priority date for any minimum streamflow set. The bill further directs the priority dates of any minimum streamflow adopted in the future will be the date of request, not the date of adoption. This bill also established a Joint Legislative Committee on Water Policy to oversee the Water Resources Department and the Water Policy Review Board and to make recommendations to the Legislature for such actions as they deem necessary to the better management of the state water resources. The committee sunsets July 1, 1989. SB 523 established a Strategic Water Planning Group, Chaired by the governor, consisting of representatives of the Department of Energy, Environmental Quality, Agriculture, Fish and Wildlife, Forestry, Geology, the Land Conservation and Development Commission, Division of State Lands, and the Water Resources Director. This group is to develop a multi-agency water management plan for river basin management, coordinating surface and groundwater planning and integrating water quantity and water quality planning. The plan developed was tested in one river basin, the John Day basin. This act sunsets July 1, 1985 but efforts will be made during the 1985 session to expand and continue this program of agency coordination in the management of Oregon's water resources.

1985. League supported bills that provided a system to better define the roles and responsibilities of decision makers concerned with water related policies. A new Water Resources Commission was created in SB 287 with full policy and rulemaking authority over the Water Resources Department. A hydro bill, HB 2990, was passed which established state policies and strict standards for citing hydroelectric plants, recognizing the need for land use and water planning and cumulative efforts. League supported state funding for assistant water masters, but SB 294 passed with only county and user funding. Another bill establishing the state primacy for water was passed, SB 904.

1987. This Legislature was particularly productive in the area of water resources of Oregon. League actively supported these bills. One of the most far-reaching bills to pass converts existing minimum perennial streamflows to in-stream water rights after review by the Water Resources Commission (WRC). Heretofore, minimum perennial streamflows have been set by rule and could be changed at any time, but a water right is set for perpetuity. (This new law does not affect existing private water rights for out-of-stream use.) It allows the State Department of Fish and Wildlife, the DEQ and the Parks and Recreation Division of the Department of Transportation to request from WRC in-stream water rights for streams with public uses. It also allows for the purchase, lease, or donation of private water rights for conversion to in-stream water rights, and it allows state agencies to request the WRC to reserve unappropriated water for future economic development. The WRC now has the additional authority to set minimum perennial streamflows to maintain recreational values. It made the Strategic Water Management Group (established 1983) a permanent entity to monitor hydroelectric project applications pending before the Federal Energy Regulatory Commission and to coordinate the refinement and updating of the state's comprehensive plan for water resources. The WRC also has the authority to initiate proceedings in areas of ground and surface water interference and the authority to control wells. The WRC will develop standards for the approval of ground water recharge permits. The purpose of these new laws is to help the Water Resources Department determine who the current 100,000 or more water right holders are, to what plots of land the water rights are attached, and the amount of their water rights. The Legislature established a procedure for water right holders to conserve water, which they may offer back to the WRC to allocate to in-stream flow, or with the WRC approval, lease to another person. The Watershed Enhancement Board was established to develop a management program for the enhancement of riparian areas and associated uplands. It requires state agencies to coordinate watershed activities with the board.

2005. The League opposed a bill that reversed a recent court case that said municipal water suppliers, like other water users, must have a timely need for water before they can get a permit to take water from Oregon's rivers or streams. The bill that passed does not require a review representing public interests (such as fish) to compete for use of the water. Another bill passed that again overturned court decisions, allowing mitigation rather than minimum stream flows on the Deschutes River, as established under the State Scenic Waterway Act for the Deschutes.

2007. The League supported an increase in the Water Resources Dept.'s budget which will provide staff and monies to do more research on water issues in Oregon. We also supported HB 2564 which would have required water usage measurement and HB 2566 which would have set a fee for new exempt wells and reduced the amount of water permitted for new

ground water wells. Despite extensive discussion, neither bill got out of committee. Both bills would have increased our knowledge of water usage in the state.

2009. Water issues were a priority for the League this session. With partners, we supported SB 193, a bill that set parameters for developing a statewide water resources strategy. We also supported SB 194 to implement the Water Resources Department's Strategic Measurement Plan, SB 787 that set certain requirements protecting stream flow in order to be eligible for water supply development funding, and SB 788 regarding peak and ecological flows. These bills ended up in one form or another in HB 3369, called the Water Resources Investment Act, a bill worked throughout the session by Rep. Bob Jenson of Pendleton and Rep. Jefferson Smith of Portland. This bill creates a number of funding systems for water resource projects (see also SB 5505, 5534 & 5535) while also setting criteria to protect the public's interest in Oregon's water. \$500,000 was authorized for continuation of the Water Conservation, Re-use and Storage Investment Fund, a grant program. Two staff members were authorized to help the Water Resources Commission as they develop a statewide water resources strategy along with the Department of Environmental Quality and Department of Fish and Wildlife.

HB 2231 set new fees for water well constructors to help fund groundwater studies, and HB 2232 relates to the drilling of geotechnical holes. "Water in Oregon-Not a Drop to Waste", Part 1 of our League study, was shared with legislators and was helpful to them and to us as we worked on water issues this session.

The Water Resources Department's budget took a huge hit during the first round of budget cut considerations, due to the fact that much of its funding is General Fund. A number of bills were filed to set fees to help fund this important agency. SB 740, which would have charged a small annual fee (\$100) to holders of certain water rights, was offered but rejected. Some water lawyers suggested that this fee might not be legal or, at minimum, is a new tax, requiring that it originate in the House and must pass by a three-fifths vote. It was also argued that it was a "taking" since these are long time rights and not new water rights being charged. This bill died without that issue being resolved.

SB 788, a bill that originally required a license to assure that water storage projects protect peak and ecological flows necessary to maintain stream habitat, was amended to increase current fees and set new fees for a variety of permits and other work done by the Department. This additional cost recovery saved a number of important department positions that ensure good management of Oregon's water supply. The League did ask that fees not increase beyond 50% as the job of this department deserves public support as well. Among the new fees is \$300 for recording a new exempt well, with the monies to be used for ground water studies, monitoring, administration and enforcement. Fees under this bill are scheduled to return to 2007 levels in 2013, so a broad public discussion will be needed to assure this department is adequately funded in the future.

Again, the League worked to change the rules pertaining to wells from groundwater for domestic use, called "exempt wells". Currently rules allow up to 15,000 gallons a day be withdrawn. HB 2859 would have reduced that withdrawal to 1,000 gallons. Action looks forward to Part 2 of our Water Study, since this issue is one of many that came out of our first study.

Many League members expressed support for HB 2080, directing the Environmental Quality

Commission (EQC) to adopt rules for gray water reuse and disposal system permits. The bill allows and encourages waste water from baths, showers, bathroom and kitchen sinks to be used to water lawns and gardens. This issue has been raised during many local League meetings about water around the state.

The Water Resources Commission has begun work on an integrated water resources strategy for Oregon. With the additional staffing from HB 3369, SB 5534 and SB 5535, the League will need to monitor this work to assure a broad public outreach and provide input related to our positions on water.

2010. We were disappointed that HB 3661, a bill that would have limited domestic use of an exempt well for a single family to 5,000 gallons a day, did not get out of committee. This was in spite of the fact that the Water Resources Department said that it would be highly unlikely that any family could beneficially use that much water. The League provided written testimony in support of this bill (as LC 99) and oral testimony at a public hearing. The bill also would have reinstated the Water Resources Commission's ability to regulate wells in critical or limited groundwater areas.

The League monitored HB 3602 that allowed a small hydroelectric facility in Umatilla County to continue after complying with current rules regarding fish passage. We also monitored SB 1060 that would have originally codified the Attorney General's opinion related to public rights on our waterways. This bill was amended to create a Task Force on this issue but did not make it out of committee. However, it is expected that the Secretary of State will convene a Task Force on this issue.

The League provided testimony on the work plan and issue papers developed by the Integrated Water Resources Strategy project, enabled by HB 3369 (2009). We will continue to follow this 3-year project that is expected to address clean water needs in Oregon for the next 50 years.

2011. The Water Resources Department budget included monies to continue the Integrated Water Resources Strategy. A final report is due to the Legislature by December 2012.

The League opposed HB 3408 which now allows irrigation reservoirs outright on exclusive farm use lands. We also opposed a change in the ability of the Water Resources Commission to inspect certain dams. It did not make it out of committee.

Position History and Implementation - Water Quality

1967. The League supported municipal sewage treatment facilities and increased funds and power for the state Sanitary Authority (now the Environmental Quality Commission), based on regional and national League positions.

1971. Included in the 20 environmental bills the League successfully supported this session was control of oil spills in water.

1973. Legislation was supported to coordinate environmental statutes and to place the regula-

tion of subsurface sewage systems under the jurisdiction of the Department of Environmental Quality. The League supported legislation that gave Boundary Commissions review authority over extension of water service. The League also worked for legislation for the Oregon Environmental Protection Agency, a shorelines management act, and a bill to coordinate resource agencies, all of which failed.

1981. The Oregon Legislature passed a Safe Drinking Water Bill which placed the administration of drinking water programs under the Oregon Health Department with supplemental funds to come from the General Fund. Administration and funding of the program were the controversial issues in the bill.

1983. The League testified in favor of finding an alternative to lead solder to avoid contamination of drinking water in pipes.

1987. League supported with a letter to each legislator the Oregon Superfund, SB 122, which passed and will allow identification, assessment and cleanup of toxic waste dumps in the state. We also supported SB 115, concerning Leaking Underground Storage Tanks, requiring people with underground storage tanks to monitor them, detect leaks and improve future building materials for the containers, which passed. Both laws are important in the protection of groundwater quality and safety.

1989. Supported SB 423, a statewide groundwater protection act, which passed.

1991. Most of the legislative action on water issues concerned specific needs to protect water. Among the bills the League followed were Senate Bills 203 and 915. Senate Bill 203 limits the amount of water to be used in new toilets. SB 915 prohibits phosphates in house laundry. There is also a provision in SB 915 to gradually eliminate phosphates in dishwashing detergents.

1993. The League supported two bills relating to water during the 1993 session. The most important dealt with wellhead protection and was a ten-year, phased-in program to identify contamination sites, sites which could be prevented from contamination, and begin cleanup and public education. The federal Safe Drinking Water Act of 1989 mandates such a program. However, the bill never got out of the House Natural Resources committee. The DEQ will try to work with localities on site identification and public education about prevention of contamination and the need to protect our drinking water supply. We also supported a bill coming from the Strategic Water Management Program, which would promote local watershed management policies, with partnerships among federal, state, and local agencies, and provide for citizen participation. This measure did pass and was signed by the governor.

1995. At this time, (November 1995), the fate of the national Safe Drinking Water Act and the Clean Water Act is not known, but it seems likely that Congress will cut the appropriations for the Environmental Protection Agency (EPA). A good portion of the funding for Oregon's Department of Environmental Quality (DEQ) comes from EPA, which will hinder this state agency. Local Leagues should be aware and document any deterioration of water quality in their rivers and/or drinking water systems. Such information will be valuable in framing a strategy for action during upcoming sessions of the state Legislature and Congress.

1999. A very disturbing bill passed, SB 1189, requiring DEQ to provide a new public process for enforcement of water quality violations at the request of a person who has received a notice of civil penalty or enforcement action. The legality of this measure under the federal Clean Water enforcement structure is being questioned. The measure as passed may shield a party from third party lawsuits, which is allowed under the Clean Water Act.

SB 3225 passed and was signed by the governor dealing with the non-parks lottery funding for watershed enhancement and salmon recovery required by Ballot Measure 66. Similar to the fate of parks funding [see **Parks Position**], lottery funding was used to "backfill" for decreased General Fund allocations.

2001. HB 2239 requires small public water systems to come into compliance with the Safe Drinking Water Act. Both houses passed the measure nearly unanimously. Funding was allocated to help in implementation.

[See **Air Quality** for SB 764 – Pollution Facility Tax Credits.]

2003. See **Air Quality, Energy Conservation** and **Hazardous Materials** re: LWVOR opposition to HB 3562. LWVOR supported HB 2255, requiring fees from water suppliers subject to the federal Safe Drinking Water Act. The bill died in committee on adjournment.

The Division of State Lands' wetlands programs received much attention during the session. LWVOR opposed a number of bills (all of which failed) aimed at destroying or crippling Oregon's wetland regulatory program. HB 3006 and SB 645 were duplicate bills redefining wetlands. HB 2431 and HB 3519 suffered gut and stuff orgies and died in committee on adjournment. LWVOR supported HB 2899, which streamlined the wetland mitigation banking process. The bill passed.

On the federal level, LWVOR supported H.R. 962 and S. 473, which were designed to maintain the existing federal definition for wetlands under the Clean Water Act. LWVOR also commented to EPA that the existing definition should be maintained in their rules. LWVOR used LWVUS comments as background both at the state Legislature and in comments to EPA.

2005. The League supported measures requiring identification and boundaries ultimately phasing out of "toxic mixing zones" in the Willamette River. These zones, which are identified by DEQ, allow dischargers to pollute by dilution in specified areas at the discharge points. None of the measures passed.

2007. The League has a long history of working for safe drinking water. SB 156 establishes statutory authorization of the Safe Drinking Water Advisory Committee. HB 2187 requires fees for the inspection of public drinking water systems. Agency budgets are not adequate to support these inspections. The League is represented on the current Safe Drinking Water Advisory Committee.

2009. The League is a member of the Drinking Water Advisory Committee for the Department of Human Services. We were proud to champion SB 739 that requires the seller of any real property that has a well supplying groundwater for domestic use to test for arsenic or other contaminants as necessary and notify the buyer and the Department. It is estimated that over 600,000 Oregonians get their drinking water from domestic wells.

We were disappointed when SB 598 did not get out of committee. This bill would have required drug manufacturers to establish a drug take-back program, keeping them out of our water and wastewater systems. This is another issue that came out of our water study. However, HB 2535 did pass to create the Charitable Prescription Drug Program to allow Oregonians to donate their unused prescription drugs to uninsured and underinsured people who could not otherwise afford them.

2010. See “Water” above for information on the Integrated Water Resources Strategy, meant to connect issues of water quality and quantity with ecological needs.

2011. See “Water Policy and Planning” above for information on the Integrated Water Resources Strategy, meant to connect issues of water quality and quantity with ecological needs.

The League supported SB 707 that would have required a septic system inspection. That bill and SB 83 that would have created a loan fund for repair or replacement of failing septic systems did not pass. However, the DEQ budget request included a plan to deal with coastal septic issues as required by the federal government.

SB 945 would have required a reduction in the use of copper in brake pads. CA and WA have already passed similar legislation but it could not make it out of this legislature. Because the copper filings end up in our water and other states are already requiring this change so the requirement would not affect the industry, the League supported this bill.

2012. SB 1582 was passed to allow an independent scientifically-based review of wetlands delineations should the applicant object to the decision of the Dept. of State Lands. The League worked to assure the decisions continue to be determined by wetlands scientists and that a review occurs every 5 years as required by the Environmental Protection Agency.

The League continues to support the work on the Integrated Water Resources Strategy, Oregon’s first statewide water plan, and will hope for adoption of the plan by the end of 2012. The League actively participated in preparing the draft plan.

The Dept. of State Lands is considering asking permission to “assume” permitting for 404 wetlands permits from the U.S. Army Corps of Engineers. The League is again involved in this discussion.

Position History and Implementation - Water Policy—Quantity and Quality

2007. The LWVOR Convention adopted a 30-month update titled Water Resources of Oregon.

2013: The League testified in support of SB 217 that would have created a water rights management fee. The bill did not make it out of committee, but we will continue to work for the concept of having water rights holders provide some annual funding for managing this system. We also supported HB 2259 continuing the 50/50 (General Fund vs. applicant) share of fees for water transactions. The bill finally passed Ways and Means with some adjustments. The

League supported HB 2257 that would have allowed water rights holders to apply to change the name and/or address on certificates only. It did not make it out of committee.

SB 839 passed to provide a path to new storage projects while addressing environmental issues. Bonding was approved for feasibility studies on possible storage projects in the Deschutes and Willamette Basins and implementation of the Columbia River Umatilla Solutions Teams agreement.

We supported HB 3172, as filed, to address the crisis in failing septic systems throughout Oregon. The bill was amended and passed to simply require more notice to buyers at time of land sale. It is unclear if the Environmental Protection Agency will accept this solution for the Coastal Zone. The League has continued to provide testimony to the Environmental Quality Commission on rulemaking for this issue and to push for a grant or loan program to help low income homeowners repair or replace failing systems

We supported SB 838 that imposes a moratorium until January 2018 on suction dredge mining. The bill passed that allows only 850 permits for the short term and requires DEQ and DSL, along with a Governor's Task Force, to recommend a resolution to this contentious and water quality destructive practice. We will continue to follow this issue because of the nexus with clean water.

The League opposed HJR 25 that would have referred a constitutional amendment to the voters prohibiting fees or taxes on exempt water wells.

We opposed SJM 10 that would have transferred 1.6 million acres from the federal government to the Dept. of Forestry because the Forest Practices Action does not provide enough protection against stream and nonpoint pollution and could jeopardize the source of water for many communities.

HB 3364, a bill that mandates all state agencies to coordinate their efforts, track their strategies and find alternatives to pesticides on public lands, passed and was signed into law.

Water Resources of the Columbia River and the Columbia River Task Force

Adopted 1979

A. In order to meet the present and future water needs within the Columbia River Basin, the League of Women Voters believes comprehensive planning on a basin-wide basis for conservation, development, and management of the water is essential to the optimum utilization of our water resources. Machinery is needed which will:

- 1. Provide coordinated planning and administration among federal, state, and other agencies;***
- 2. Establish a process for resolving conflicts among uses;***
- 3. Establish procedures which provide information and an opportunity for citizen participation in policy decisions affecting the directions which water resources***

development will take.

- B. The federal government has a necessary role in financing water resources development, but state and local governments and private users should share such costs, as far as possible, based on benefits received and the ability to pay.***
- C. The League of Women Voters believes that wise planning for the use of water in the Columbia River Basin requires an inventory of the water resource within the Basin.***
- 1. This inventory should include all water-related information including:***
 - a. ground and surface water sources,***
 - b. viable water rights,***
 - c. current use, and***
 - d. projected future needs.***
 - 2. The inventory should be readily available to concerned agencies and the general public.***
- D. The League also believes that minimum stream flows should be established as a public right and maintained on all streams in the Columbia River Basin.***

Position History and Implementation - Water Resources of the Columbia River

1979. The LWVOR Convention adopted a proposal asking Washington, Idaho, and Montana to join in a task force that would act as a functioning organization to identify areas of agreement on the use of the Columbia River. Using LWVUS positions, the task force was able to develop a statement of position on which the four Leagues concurred.

1983. The Columbia River Basin Task Force has met once a year and included all four states until Montana dropped out this year. Each state League provides funds for its two Task Force members to attend the two-day meetings. Officers for the task force are a Chair and a treasurer who serve two-year terms, with no state allowed to fill the Chair for two consecutive terms. The position printed above was adopted by all of the member Leagues and a standard procedure for action used by all of the state boards was also adopted.

Areas of League concern within the Columbia River Basin formulated at the first two meetings of the Task Force are:

1. Lack of a basin-wide management plan;
2. Lack of administrative machinery to make comprehensive, coordinated decisions and to resolve conflicts between the states;
3. Incomplete adjudication of water rights and over appropriation;
4. Conflicts between water users;
5. Prioritization of water uses;
6. Water quantity and quality;
7. Lack of information between League members and the general public.

The task force has testified on provisions of the Northwest Power Planning Council's Power Plan and Fish and Wildlife Program and is monitoring their implementation. It also is concerned with groundwater depletion and pollution and drought management. It prepared a brochure on

the Columbia River Basin to provide for member education.

1985. Testimony given on the U.S. Department of Energy's draft Environmental Assessment on the proposed commercial high-level waste repository at Hanford reflected League's concerns on the uncertainty of groundwater flow through the basalt rock and on transportation of wastes. League stressed the importance of the necessity of thorough studies.

1986. Leagues both of Oregon and Washington testified before the U.S. Department of Energy on the draft Environmental Impact Statement on the disposal of high-level military wastes stored at Hanford. At its fall 1986 meeting in Coeur d'Alene, the Columbia River Task Force agreed to plan a regional workshop-conference to update League leaders on Hanford issues.

1985-87. Top priority issues addressed by the Columbia River Task Force included:

1. Urging the Northwest Power Council not to weaken its model conservation standards which they did somewhat;
2. Lobbying Congress to pass meaningful legislation creating the Columbia River Gorge Scenic Area, which Congress did;
3. Testifying for the U.S. Department of Energy's proposals for the disposal of rad active waste at Hanford.

1989. Established new structure for regional cooperation. Three state presidents will meet annually at LWVUS national convention and council (June in Washington, D.C.) to discuss regional issues.

1991. State presidents met at June 1991 LWVUS Council in Washington, D.C.

1999. Direction was given to League Board of Directors at the 1999 Convention to use this position proactively to respond to Pacific Northwest energy policies.

2001. In July LWVOR met with LWVWA in Olympia at their request to consider natural resource issue in common. Gorge issues (land use, air quality, water quality & quantity), energy, salmon, Hanford nuclear waste, global warming) were discussed. The intent is to create better communication between WA and OR – and possibly ID and MT which are also within the Columbia River System. This was a first step toward a goal of integrating such northwest issues within the state League structures.

2007. Under threat of the Governor's veto, HB 3525, which passed the House, died in Ways and Means. The League opposed this very contentious bill that would have reversed the existing prohibition for issuing new water rights from the mainstream of the Columbia River during the growing season in order to protect threatened and endangered fish. The Water Resources Dept. (WRD) would have been required to issue (without the usual public review) new water rights for withdrawal of 500,000 acre feet per year.

2009. The Water Resources Investment Act, HB 3369, creates a number of funding systems for water resource projects (see also 2009 SB 5505, 5534 & 5535) while also setting criteria to protect the public's interest in Oregon's water. Monies were specifically set aside for the Umatilla Basin's work on aquifer recovery and storage while protecting in stream flows for fish.

This was unlike HB 2406, which was opposed by the League and did not pass, that have allowed permanent annual withdrawal of up to 132,000 acre-feet from the Columbia River.

2011. HB 3509 was yet another bill to allow withdrawals of water from the Columbia River outside currently allowed periods. The League again opposed, but we continue to monitor the work in the Umatilla Basin on aquifer storage and recharge. We are impressed by the collaboration among the various groups (including the tribes) and the creation of the new Umatilla Basin Water Commission.

2012. The League opposed HB 4101 that directed the Water Resources Department to “aggressively pursue development of Columbia River Basin water resources.” Although HB 4101 did not pass, the Governor has stated he will work with the Water Resources Department and others to determine if winter water in the Columbia River can be allocated for agriculture.

2013: The League supported HB 3491 that directed the Governor to keep the legislature informed about the status of the Columbia River Treaty Review. Although it did not pass, the Governor agreed to do so and updates have been provided since session. The League has provided ongoing testimony to the Review Team to modernize the Treaty to be more flexible and adaptable to be able to respond to climate change by creating a “body” authorized to take action as needed, to include “ecosystem function” as part of the Treaty, to equitably balance the needs of the U.S. and Canada while respecting the needs of the overall basin and ecosystem needs.

We opposed SB 846 that would have broken the Columbia River Umatilla Solutions Team’s agreement signed in February of 2013. It died in committee (see SB 839 Water Storage that did pass).

SOCIAL POLICY

Adult Corrections

Adopted August 1983

The League of Women Voters of Oregon believes that a full range of correctional programs should exist for adult offenders.

A. The League strongly favors increased use of alternatives to incarceration where possible.

- 1. The League supports alternatives at all stages of the criminal justice process, including but not limited to:
 - a. pre-trial diversions,***
 - b. employment and educational programs,***
 - c. restitution,***
 - d. treatment centers for mental illness and substance abuse.******
- 2. The League strongly supports community-based programs such as those offered through the Community Corrections Act, especially those which allow inmates to be partially or wholly self supporting.***

B. If more facilities are needed, the League favors:

- 1. Minimum security regional treatment and/or program focused facilities.***
- 2. Adequate staffing and program must be part of any facility within the corrections system. Prison programs should provide each inmate with:
 - a. educational and vocational training,***
 - b. opportunities for meaningful work, and***
 - c. adequate medical and mental health care.******
- 3. Maximum security prisons are needed for violent criminals judged dangerous to society.***

C. The League believes that comprehensive transitional programs are essential for successful completion of rehabilitation for each inmate released or paroled from a correctional facility.

D. The League supports the adoption of sentencing guidelines that set parameters for judges throughout the state in order to reduce disparity in sentencing.

- 1. Judges should be responsible for determining the length of sentences.***
- 2. The League supports continuation of the Parole Board.***

Position Implementation - Adult Corrections

1988. League opposed Ballot Measure 4, which would require full sentences with parole/probation for certain repeat felonies.

1989. Sentencing Guidelines -- The League supported SB 632 -- the changes proposed by the Criminal Justice Council passed.

1999. LWVOR opposed Ballot Measure 74 because it was a constitutional amendment. The measure required terms of imprisonment announced in court to be fully served, with exceptions. Measure passed.

2003. During testimony for the Department of Corrections Budget, the League supported earned time credits and transitional leave as methods to reduce the prison population. LWVOR supported prison programs for education as well as alcohol/drug counseling and community treatment programs. Dollars for community supervision and treatment were greatly reduced.

2005. LWV testified on the Department of Corrections (DOC) budget, HB 5016, and supported limited construction of prison beds and requested alternatives to incarceration. The LWV suggested a review of mandatory sentencing statutes, which caused a doubling of the prison population. LWV supported alternatives for mentally disabled offenders, treatment beds for alcohol and drug addicts, Community Corrections programs at the county level, and prevention and treatment programs for juvenile offenders.

The final DOC budget (HB 5156) and Capital Construction budget (HB 5157) passed with the authorization for construction of the Madras facility (2000 beds) but delay of operation until the next biennium. The 400 bed Lakeview facility will open and DOC will rent beds from regional jails as needed at the rate of \$60 a day. About 13,000 inmates currently reside in 12 prisons, and a population of 14,000 is forecasted for 2007 with an insufficient number of beds in 13 prisons.

The County Community Corrections programs were funded at a higher level so they would not opt out and turnover county programs to the state. Some alcohol and drug treatment programs and women in the community funds were restored at the end.

2007. LWVOR again testified on the Department of Corrections (DOC) Budget supporting restoration of education, counseling and alcohol and drug treatment programs in the prisons. The Madras facility opening will take the pressure off prison construction, although DOC will plan for a new facility in Junction City for 2012. The Department of Human Services will plan a mental health facility on the same site, and the agencies were directed to coordinate and report back on the development of the plans. LWVOR also supported restored funding for Community Corrections programs at the county level for jails and adult probation and parole.

The Oregon Criminal Justice Commission submitted a 61 page Report to the Legislature January 2007 which included a study, "Incarceration, costs, and crime" on the costs and benefits of our current criminal justice system. The evaluators calculated the cost effectiveness of incarceration as a way to lower the crime rate. They found it was most cost-effective to incarcerate violent offenders, broke even for property criminals and did not pay to incarcerate drug offenders. Oregon prisons house only 10% drug offenders.

The Adult Sentencing Task Force within OCJC considered incorporating risk assessment into the sentencing guidelines, with the goal of shifting from punishment to reducing future crime. LWVOR also supported the budget and work of this agency.

2009. Measure 57, proposed by the 2007 Legislature, was passed by the voters and was anticipated to increase prison sentences and consequent demands on the prison system. HB 3508 was proposed to phase in M 57, modified crimes and sentences, modified community corrections supervision, and set savings on parole hearings in order to live within the budget deficit for the 2009 session. The League participated in the Promise of 57 Coalition and supported these modifications. HB 5053 also reduced the budgets for the Department of Corrections (DOC) Operations of Prisons and Oregon State Police and increased the budget for Oregon Youth Authority and DOC Community Corrections in order to balance the demands on the criminal justice system. Read Legislative Reports for further details.

2010. District Attorneys and Crime Victims United objected to additional hearings required by HB 3508 and the expanded earned time. In response, SB 1007 passed, which included other crimes not eligible for expanded earned time and suspended the hearings. The Secretary of State's Office will conduct an audit of the expanded earned time cases and report back to the 2011 legislature. The League supported the earned time expansion and anticipates the results of the audit report.

2011. The Department of Corrections Budget, SB 5505 was one of the last votes in the last days of the session. Budget cuts of \$28 million were undesignated and sentencing changes were not approved. Prisons will be strained with the current 1400 population and crowding of prisoners in current space. The League testified on the DOC Budget with comments supporting modification of sentences, alternative incarceration programs and transitional programs.

M 73 jail sentences for DUII were passed with time to be served in local facilities reimbursed by the state. Parole and probation violations were also to be served in local facilities with a 60 day limit. HB 2482 asked County Sheriffs' to consider shared housing units for special populations. Transition services for prisoners returning to the community were funded within the prisons and within Community Corrections, in order to reduce recidivism. Drug Courts will continue to provide an alternative to incarceration.

The Criminal Justice Commission Budget, SB 5507, was supported by the League. CJC collects data from police agencies and courts, analyses policy and trends, and administers the drug court grants to district courts. In March 2011, CJC released an analysis of Measure 11, which concluded that the prosecutor made the decisions on the sentence with the resulting increase in the severity of the sentence and increase in incarceration.

2013. HB 3194 revisions in sentencing are expected to reduce the prison population over the next biennium. The Operations Budget for the state correctional institutions was reduced and the budget for Community Corrections in the counties will be increased. HB 3194 included grants to counties for local supervision, sanctions, and programs as incentives to reduce prison commitments. The League supported the Community Corrections programs and the Drug Court treatment programs. The Criminal Justice Commission will manage the county grant implementation and keep outcome data. The Legislature has appointed a Work Group to monitor the implementation.

Child Care

Adopted March 1989

The League of Women Voters of Oregon believes that child care is a social and economic issue that reaches beyond the family into the community. Quality child care needs to be available, accessible and affordable to all families for children of all ages and with differing needs.

A. The League of Women Voters supports a diverse child care system to accommodate different parental choices and needs. Such a system may include day care centers, group homes, and family day care homes.

- 1. The State of Oregon should establish appropriate standards to ensure that high quality care exists in all settings. For centers and group homes: these standards should address facilities, staff qualifications, and number of children served. Program, parent/care giver communication, administration and transportation should be included for centers and may also be considered for group homes. There should be flexible guidelines for family day care homes because of the unique character of these facilities.***
- 2. The State of Oregon should enforce mandatory regulations by funding a sufficient number of inspectors.***
- 3. The State of Oregon should set requirements for adequate training for care givers and ensure those training opportunities are available. This could include state provision of training and/or state incentives for others to provide training.***
- 4. City and county governments should participate in enforcing health and fire standards.***

B. Affordable child care should be available and accessible for children with differing needs and in various age groups.

- 1. While parents have the primary responsibility for choosing child care, a coordinated effort between parents and government, together with providers, employers, and private groups is necessary to deliver quality child care at an affordable price.***
- 2. The State of Oregon should:***
 - a. Provide financial assistance for child care expenses to low- and middle-income families based on need. Such assistance could include tax credits for parents with a ceiling based on income.***
 - b. Support resource and referral programs.***
 - c. Encourage employer involvement in the child care system.***
 - d. Encourage development of school-age child care programs.***
- 3. Parents in job training, in school, with special-needs children and/or needing respite care services should be eligible for financial assistance for child care based on demonstrated need.***

C. Child care givers should be awarded recognition commensurate with their responsibilities. The State of Oregon should take a leadership role in elevating the professional status of child care givers and ensuring adequate compensation.

National Position (adopted in 1988): "Support programs, services and policies at all levels of government to expand the supply of affordable, quality child care for all who need

it, in order to increase access to employment and to prevent and reduce poverty. "

Position Implementation - Child Care

1989. League actively lobbied on child care issues, working with child care advocates to pass the following legislation:

- SB 272 and HB 5048 to continue and to re-fund the Oregon Commission on Child Care;
- SB 692 to provide grants for neighborhood-based school age child care programs;
- SB 750 to revise the child care tax credit so that lower income parents receive a greater share of the credit and to cap the credit at \$45,000 taxable income with the savings from the cap being used for funding Resource and Referral grants, for low income student child care grants, and for changing the Employment Related Day Care program to a direct pay for provider system;
- SB 915 to involve Small Business Development Centers in provision of business training for home day care providers;
- SB 1080 to establish the framework for a statewide Resource and Referral network; and
- HB 3466 to establish an Oregon Youth Services Commission through which to administer the "Great Start" programs.

In addition to giving testimony, League utilized interested members statewide in a letter-writing campaign on these bills as well as several that did not pass.

1991. \$14 million + on federal Child Care and Development Block Grant funds are scheduled to begin arriving in Oregon in the fall of 1991. The Oregon Commission on Child Care and the Department of Human Resources worked during the spring to develop a draft plan for using those funds.

SB 671, which was passed during the waning days of the session, requires the office of Director of Department of Human Resources to administer the funds and outlines a proposed budget. After federal regulations are digested, a more detailed budget will be written and presented to the E-Board for approval. Many other bills, which would have established specific child care related programs and specified funding by the federal funds, died in a committee.

SB 5524, which appropriates money from the General Fund to the Commission for Child Care for biennial expenses and for resource and referral grants, passed easily. HB 2262, which extends the sunset on dependent care assistance credit also passed easily in both Houses.

1993. The Child Care and Development Block Grant of 1991 is before the US Congress for renewal. It has been of considerable help to Oregon in the past two years. With Ballot Measure 5 budget cuts it is needed as never before. The Department of Human Resources budget has been cut due to Ballot Measure 5.

The Oregon legislature approved legislation which tightened requirements for child care facilities. Persons caring for more than 3 non-related children are required to register with the Child Care Division. Anyone caring for more than 10 children, unless exempt under the law, must be certified by the Division. All employees of child care facilities and all adults living in family child

care homes are required to complete a criminal record check. Child care staff members are required to complete training for recognition of child abuse.

1995. The Oregon legislature approved a measure that allows the Child Care Division to establish a criminal record check registry for persons employed or wishing to be employed in child care facilities. The purpose of the registry is to make it easier and less costly for employees to establish a record and for employers to verify that record. The legislature also passed a measure that makes the Child Care Division a member of county multidisciplinary child abuse teams and assures the sharing of child abuse information with the Child Care Division for the purpose of making appropriate decisions regarding child care licenses.

1999. The League joined with several other organizations to support funding for increased child care inspections and training for family child care providers. HB 2241 and SB 5512 authorize the Child Care Division, using temporary staff hired with federal funds, to inspect family child care businesses for compliance with minimum health and safety standards at the time they become registered. HB 2240 requires the Child Care Division to increase their investigations of complaints and formalizes the responsibility of identified agencies to report complaints they receive about child care to the Division. SB 110 requires family child care providers to have first aid and food handlers training. SB 870 directs the Department of Education to establish statewide training programs on healthy brain development and the Child Care Division to offer scholarships to child care providers. In addition, SB 2 passed, expanding the child care tax credit to include higher income levels.

2001. Two important things happened during the 2001 legislative session: a refundable tax credit for low-income working families and periodic on-site health and safety reviews of family child care facilities. Both of these actions build on laws passed in previous sessions. The refundable tax credit, effective in 2003, allows low-income working families to benefit from the child care tax credit legislation through the receipt of a refund. Currently, those families with insufficient income from which to deduct a credit receive no help with child care costs. The periodic on-site health and safety reviews of family child care facilities brings close to the same oversight granted child care centers.

Employers saw an extension of the Dependent Care Assistance and Referral Credit through 12/31/07. In addition, a new employers' tax credit was created for certified contributions to the Child Care Division or qualified agencies for promoting child care.

Two potentially important bills died this session. SB 795 would have provided funding for child care for children whose parents or caregivers have developmental, mental or emotional difficulties. HB 3771, Oregon Cares, would have provided incentives for child care staff to increase their training and to remain in the child care field by providing wage supplements and tuition reimbursements.

2007. The Department of Human Services – Self Sufficiency branch offices will be able to extend child care subsidy for one year to welfare clients who enter the job market. The DHS budget contained this benefit and health care subsidy to assist these new employees to become independent and remain off state assistance. LWVOR supported this budget addition.

2009. Child care subsidies were reduced for the departments of Employment and Human Services. However, a fund shift from the Commission on Children and Families (CCF) to the De-

partment of Human Services (DHS) transferred child care workers' training funds to the DHS Self Sufficiency program to pay for child care for parents receiving assistance who were entering employment. This fund shift was stated to be a one time transfer for this biennium.

2010. Employment Related Day Care received an additional budget allotment from the Ways and Means Committee at the end of the Special Session. Again this was intended to help families remain independent.

2011. Employment Related Day Care was reduced during the last quarter of the biennium, but it was considered to be essential for newly employed parents. ERDC was continued in conjunction with the Temporary Assistance to Needy Families efforts to maintain employment for parents. Additional funds were reserved for the Early Learning Council programs in the second year of the biennium.

2013. The Office of Child Care was moved from the Employment Department to the Department of Education where it will be part of the Early Learning Division aligned programs. The ELD will develop a Tiered Quality Rating model for day care facilities and options. Subsidized day care for parents leaving financial assistance programs will continue. The College student scholars program will be phased out as parents graduate.

Children at Risk

Adopted January 1995

A. The League of Women Voters of Oregon supports comprehensive statewide, locally based programs and services for teen pregnancy prevention and for teenage parents. Such programs and services should include elements of the following:

- 1. family planning services,**
- 2. school-based health centers,**
- 3. parenting skills' education,**
- 4. cooperation/coordination among agencies providing services,**
- 5. evaluation and accountability measurements,**
- 6. easy and appropriate access to information and services,**
- 7. mentoring and counseling for teenagers and their parents, including peer counseling,**
- 8. community involvement and support groups,**
- 9. abuse prevention,**
- 10. male responsibility in teen pregnancy prevention,**
- 11. broad public education, and**
- 12. substance abuse prevention.**

B. The League of Women Voters of Oregon believes the state should have the primary responsibility for funding programs addressing teenage pregnancy prevention and teen parenting. Elements to be included, but not limited to, are:

- 1. equitable funding of programs for young women and young men,**
- 2. adequate funding for state agencies with responsibilities to children,**
- 3. cooperative efforts with the private sector,**
- 4. funds earmarked for community programs, urban and rural, which provide after**

school and weekend activities for teens, and
5. shared funding responsibility, when appropriate, among state, local and private sources.

C. The League of Women Voters of Oregon supports development of required curriculums for all school districts relative to teen pregnancy and parenting, accompanied by implementation requirements, which covers, but is not limited to, the following areas:

- 1. comprehensive, age-appropriate family life sexuality education K-12,**
- 2. parenting skills education,**
- 3. specialized education programs for pregnant teens and teenage parents, and**
- 4. teacher training at the baccalaureate level and as continuing education.**

D. The League of Women Voters of Oregon supports programs directed to assist pregnant teens and teen parents. These programs include the following:

- 1. job training and adequate wages,**
- 2. involvement and financial support requirements for fathers,**
- 3. counseling to break the cycles of abuse, poverty, and teen pregnancy,**
- 4. health care, including prenatal care,**
- 5. accessible, affordable housing,**
- 6. child care,**
- 7. transportation access,**
- 8. completion of secondary education, and**
- 9. self-esteem enhancement, career opportunities, and transition to self-sufficiency.**

National Position, adopted 1994:

The League of Women Voters of the United States believes that early intervention and prevention measures are effective in helping children reach their full potential. The League supports policies and programs at all levels of the community and government that promote the well being, encourage the full development and ensure the safety of all children. These include:

- * child abuse/neglect prevention;**
- * teen pregnancy prevention;**
- * quality health care, including nutrition and prenatal care;**
- * early childhood education;**
- * developmental services, emphasizing children ages 0-3;**
- * family support services;**
- * violence prevention.**

Position Implementation - Children at Risk

1991. HB 2004 created a new Office of Children and Families that will coordinate the development and activities of county-based commissions on children and families. The focus of these commissions will be on developing local plans for preventative services for children and families and allocating resources for plan related services. HB 2003 designated Deschutes County as the pilot site for the first county commission. The focus of the Children's Services Division is on the protection of children. LWVOR submitted testimony expressing concern that any structure to serve children and families will only be as good as the funding provided. SB 674

will grant tax credit to parent taxpayers who provide in-home care for qualifying youth and children. HB 3000 directs district school boards to instruct high school students on parental skills and child development. It applies to students who will graduate after January 1, 1995.

1999. Oregon has fallen behind the majority of other states in services for young children and their families and with this legislative session, the fall continues. A bill to expand the successful and voluntary Healthy Start Family Support Services program died. A bill to increase funding for early childhood education services for eligible children birth to three years old died. A bill to add funding to the pre-kindergarten program so that 50 percent of those eligible would be served died. A bill that would have allowed school districts to establish school breakfast programs, summer food service programs and after-school meal program never had a hearing.

The League followed several pieces of legislation related to teen parents; none made it out of committee. A program which aims at giving students the skills to resist pressure to have sex, STARS (Students Today Aren't Ready for Sex) met with funding resistance when the Health Department's budget came up for review. It is likely that this program will continue outside of the Health Department.

2003. See **Mental Health Services for Children and Youth** and **Juvenile Justice**.

2005. LWVOR and LWV of Umpqua Valley successfully supported HB 2202, which assigned the responsibility for planning services for Runaway and Homeless Youth and their families to the Commission on Children and Families, but no funds were allocated for additional staff or programs. Other bills that the League followed but did not testify on: HB 3029 transferred the Juvenile Crime Prevention (JCP) funds and staff to the Oregon Commission on Children and Families; HB 2833 allowed JCP funds to be used for early intervention work with younger children; and SB 1012 brings the Children of Incarcerated Parents into the planning process with recommendations due in December 2006.

LWVOR successfully supported HB 2221 that established a Child Abuse Multidisciplinary Intervention Program within the Department of Justice (DOJ). LWVOR did not support HB 2010 that requested DOJ oversight over Child Welfare in the Department of Human Services (DHS), and the bill failed to be voted upon on the House floor. A review of the DHS Safety Intervention System submitted to the House Human Services Subcommittee on Child Welfare made recommendations that were to be implemented by Child Welfare administrators.

DHS – Child Welfare administrators reported that the legislature did fund attorneys to assist child welfare workers in the court process during the E-board process. The league testified to support this action during the regular session.

2007. The Oregon Commission on Children and Families (OCCF) received an increase in funding for local staff but not sufficient funding to restore programs to a pre 2003 level. Children of Incarcerated Parents did not receive dedicated funding. Relief nurseries were funded for two more counties by a fund transfer from Public Safety.

The Department of Human Services – Child Welfare requested additional caseworkers and paralegal assistants as recommended by the Safety Study submitted last session. The Department of Justice received additional attorney positions to consult with DHS caseworkers, and paralegal assistants were included in the child welfare budget. The legislative committee

recommended cutting support staff in order to fund additional caseworkers, and the result was no additional caseworkers.

A package of child welfare bills mandated priority for child placement with relatives and foster care payments for the relatives. The DHS budget included the additional cost of relative foster care payments but only to relatives at a low income level. Supporters objected to the low-income level set for relative foster care payments.

2009. The Child Welfare Division of the Department of Human Services budget was supported with the addition of caseworkers in order to provide more supervision for children in foster care. The payments for relatives providing foster care were restricted to those below 185% of the poverty level. A taskforce was appointed to look into the disproportionality of minorities in the child welfare system.

The Oregon Commission on Children and Families (OCCF), which administers prevention programs, received a 20% funding cut for staff and programs over the biennium. The Runaway and Homeless Youth Program did not receive General Funds for the coming biennium but it was assigned program funds from the federal Youth Investment grants. The budget did not provide for the expansion of relief nurseries within the state, and there was a requirement to review the efficiency of the Healthy Start program. A budget note also required OCCF to report back to the Special Session to review its performance in the mission of the agency. The League worked with the Coalition of County Commissions for Children and Families.

2010. The Oregon Commission on Children and Families lost the federal funds infusion from the Department of Human Services. The current demands on DHS for financial assistance and food programs created a budget demand, which was partially met with the federal funds. However, the Ways and Means Committee allotted funds for 4 new Relief Nurseries and Early Head Start sites in its final Reconciliation bill.

In addition, SB 991 proposed a voluntary respite care program, called Safe Families, through a private non-profit. The bill exempted the providers from DHS certification and supervision by DHS. No state expenditures were requested.

2011. The Oregon Commission for Children and Families will be phased out on June 30, 2012, and the Early Learning Council will assume some of the programs and responsibilities of the agency on July 1, 2012. The League testified regarding the continuation of prevention programs in the community. The Early Learning Council proposal brings all early childhood programs under one umbrella. The legislators in the February 2012 Session will be making further decisions about the transfer of current programs into the Early Learning Council. The League did not testify on the Early Learning Council proposal, but it did adopt a Restudy of Children at Risk.

The Child Welfare division of the Department of Human Services has not been fully staffed with caseworkers and assistants to supervise children in their custody. The addition of domestic violence counselors in branch offices has provided services in crisis situations. The department attempts to keep children in their own homes with safety plans or to place children with relatives or friends of the family. Additional funds were approved to support SB 964 for family preservation and reunification. Disproportionate minority representation in foster care contin-

ues to be an issue, and funds were set aside for future programs. Adoption Assistance payments have been lowered.

2013. The Department of Education – Early Learning Division assumed the duties of Oregon Commission on Children and Families on 7-1-2012 and passed through program funds to the local commissions for the remainder of the biennium. The local commissions ceased to be funded on 7-1-2013, but counties retained some staff and programs. The ELD has opened a Request for Applications from regional consortiums to implement and support prevention programs for the remainder of the 2011-2013 biennium. The first hubs to be funded will be announced November 12, 2013, with the assumption that a maximum of 16 hubs will be identified in the next year. The League made comments along the evolution of HB 2013, supporting the concepts and encouraging funding on the local level.

The Department of Education continues to provide Early Intervention and Special Education and Head Start programs within the state. The Healthy Start home visitation program for 0-3 will be administered directly by the ELD as well as the Relief Nursery programs in the region. The Youth Development Division assumed the implementation of funding streams for children 6-20.

The YDC plans to continue to fund local programs in counties through the remainder of the biennium. The YDD funding for the second year has been retained as a special appropriation pending review in the February 2014 Session.

Juvenile Dependency court processes have been under review and a Task Force has been meeting during the Interim. The Human Service Joint Ways and Means Sub Committee requested outcome data from the Department of Human Services on the SB 964 Family Preservation model prior to the 2014 Session. SB 123 granted foster children a Bill of Rights. Catholic Community Charities received permission to expand local community homes outside the DHS system. Court Appointed Special Advocates is looking for a new administrative home in the next session.

National Position: Early Intervention for Children at Risk

2011. Using the following statement, the League supported restrictions on BpA:

"The League supports policies and programs at all levels of the community and government that promote the well being, encourage the full development and ensure the safety of all children."

The League supported SB 695 that would have prohibited the sale of baby bottles and sippy cups that contain Bisphenol A. Unfortunately, this bill did not pass, but we expect it to be part of the 2012 session.

Education

Public Postsecondary Education

Adopted January 1985

The League of Women Voters of Oregon believes the primary goal of Oregon's public postsecondary education should be to provide a broad spectrum of higher education for professional, vocational, and personal enrichment to all qualified and motivated individuals.

Oregon State System of Higher Education (OSSHE)

A. For the most effective use of state educational resources, OSSHE institutions should cooperate and coordinate programs resulting in:

- 1. Consistent statewide standards.***
- 2. Easy transfer of credit between schools.***

B. If state funding for OSSHE institutions necessitates limiting access, such limitation should be:

- 1. Academic, e.g. entrance requirements.***
- 2. Financial limitation is the least desirable.***

C. Oregon needs a strong, high-quality system of higher education.

- 1. State funding must reflect this need, and high priority should be given to providing sufficient funds to improve the general excellence of the state system.***
- 2. In order to attract and retain quality faculty, salaries and research opportunities should be appropriately competitive.***
- 3. Adequate funding should also be provided to ensure complete, up-to-date libraries and to maintain or upgrade the physical plants at all of our colleges and universities.***
- 4. It is imperative that in our institutions we have good fiscal management accountability for the funding provided.***

D. League members feel that the roles and interrelationships of the present regional colleges, specialized institutions, and research universities are properly balanced.

- 1. Oregon State University and the University of Oregon should remain comprehensive research universities.***
- 2. Portland State University should be allowed to expand gradually.***

Community Colleges

A. The primary role of community colleges should be in the areas of:

- 1. Vocational-technical training;***
- 2. Developmental education (e.g. high school equivalency, English as a second language);***
- 3. Lower division college courses.***
- 4. Community adult education (hobby and recreation courses) should have a secondary role and must be self-supporting as defined by statute.***

B. Community colleges should maintain an open door policy. If funding necessitates limiting access:

- 1. Such limitation should be geographic, i.e. higher tuition for out-of-district students;***
- 2. Academic or financial limitations are the least desirable.***

C. State funding for community colleges should be according to the formulas set by the 1961 legislation. Local control must be maintained because it affords the community colleges the necessary flexibility to respond to local needs.

Boards And Commissions

A. Cooperation and coordination should be emphasized by all Oregon public postsecondary education institutions and governing boards.

B. The current boards dealing with education, the Board of Education, and the Board of Higher Education need no structural change. The League does not favor the creation of a new education governing body.

Editor's note: for K-12 education, see **Fiscal Policy Position**, School District Financing.

Position Implementation - Education

1985. The League supported the governor's increase in faculty salaries to improve Oregon's position in relation to comparable institutions in the U.S. The League should continue to monitor salaries so that Oregon achieves and maintains appropriately competitive salaries.

1987. The League supported putting additional state dollars into faculty salaries. The legislature passed a \$65 million capital construction budget for higher education including \$8.5 million for community colleges.

1989. The League supported the governor's budget for higher education, SB 5510, which included money for faculty salary increases at both the base level and above the spending limit. We spoke to increasing the percentages for both across-the-board and merit. The final bill included three packages for faculty salaries that will raise the 1991-93 biennial base significantly. For this biennium, faculty will receive across-the-board increases of 5 percent on January 1, 1990 and 6 percent on January 1, 1991, subject to final implementation by the State Board of Higher Education. In addition, there are add-back funds to alleviate the 2 percent cuts taken at the universities and the 1 percent cuts at the state colleges that originally helped fund the salary moneys. The add-backs will allow either reinstatement of faculty and programs, increased salaries or both. The third salary package, from the unlikely sources of videos and the lottery, would provide additional salary funds for merit increases and the retention and recruitment of outstanding faculty. Senate Bill 879, which would have added a faculty member to the State Board died in the Senate Education Committee.

1991. Because General Fund expenditures for education accounted for about half of the state's money, this was an area where the legislature looked for funds to make up the \$600 million hole from Ballot Measure 5. Oregon's public higher education institutions took a very hard hit. Even though about 50 percent of the proposed \$100 million in cuts were not implemented, the State System of Higher Education lost more than 400 faculty and staff positions, 70 degree programs were reduced or eliminated, and access was denied to 2,000 students. Tuition increased 6 percent per year for the 1991-93 biennium, coupled with a \$500 tuition sur-

charge. Some of the restored funds are being used for faculty salary increases. The League supported the measure which will allow the state system to have the same budget for 1993-94 as in 1992-93 and eliminate further program/faculty erosion.

1993. Again, the eight campuses in the Oregon State System of Higher Education were hit with budget cuts, resulting in a loss of more than \$50 million from the level of support in 1991-93, cut then because of Ballot Measure 5 (1990). Tuition raises and reductions of programs make up most of the cuts. Oregon students will have had a 60 percent increase in tuition over the past four years. Most institutions have larger classes, but have not cut faculty or staff significantly this time around. The League's position for the 1993 session was that higher education should not shoulder more than its share of cuts as compared with other education and social service programs, and that the legislature should recognize the importance of higher education for the economic future of the state. Access was a key issue, and the legislature refused to limit access to students even though the budget was reduced. Higher education is supporting the sales tax measure for November 1993 so that primary and secondary education can have stable funding and the state's colleges and universities will be able to handle the increasing number of high school graduates coming in the next five years. This measure again failed at the ballot box.

1995. With the passage of SB 271, which the League supported, the Oregon State System of Higher Education (OSSHE) has achieved a high degree of autonomy from state administrative rules and will be able to apply about \$10 million in administrative savings to instructional programs. Oregon is being looked at as a model in this area. The additional instructional dollars will be helpful since public higher education took another severe cut in General Funds for 1995-97. The reduction means higher tuition (4 percent more in each year), continued program erosion and inadequate salary adjustments for faculty. The Chancellor of the State System and the OSSHE Board are examining ways to downsize and still maintain excellence. Several proposals will be discussed during the next year including keeping only two research universities; putting the four regional colleges together administratively and freeing them from the system; eliminating some professional programs which are on more than one campus. The League testified strongly in favor of funding at a service maintenance level and will work with the Higher Education Coalition to support development of a 1997-99 budget that builds back from the decline since 1990.

1997. Better access for students because of a two year tuition freeze, improved funding for the recruitment and retention of excellent faculty members and the reinvestment of Oregon General Fund dollars in Oregon's public system of higher education made the 1997 legislative session a marked improvement over that of the past three biennia. The League supported the System of Higher Education budget which ended the devastating cuts that began in 1990, but we also lobbied for better base salaries for faculty members, which did not materialize. We remain concerned about the poor position of Oregon higher public education in comparison to like institutions across the country and our ability to compete for quality faculty and to maintain quality programs. In addition to budget support, the League actively opposed the elimination of the state system's oversight of student incidental fees, which help provide cultural, political, social, athletic and diversity activities and opportunities for students. The proposal failed. The legislature has referred to the 1998 general election a measure to allow a pre-paid tuition payment program where funds could be set aside at current rates to pay for higher education when family members are ready. This also failed. During the session and continuing in the interim, the League is part of the Higher Education Lobby. The League has not yet assessed this

measure in terms of support or opposition. A update of the LWVOR Postsecondary Education position, adopted in 1985, will take place in 1998.

1999. Oregon's public higher education institutions received a significant increase in support from the legislature after almost a decade of declining resources. The League continued its support of such an increase. Support also was given to the unsuccessful effort to increase the grants for campus day care centers, a major emphasis for the Oregon Student Association with whom the League works. We opposed efforts to allow high school juniors and seniors to take on-campus college courses with no funding grants to school districts. Before the 1999 legislative session, Oregon State System of Higher Education (OSSHE) changed its name to Oregon University System (OUS).

2001. Oregon's University System received more funding than proposed in the Governor's budget, including the first tuition hike approval in four years. The League supported the level of funding although the system has indicated it cannot sustain the current level of services for the money. Some OUS campuses have attempted to augment the legislative budget with increasing other costs (e.g. fees). The Emergency Board took them to task in September for going beyond their allocated budget and some funding may be reduced.

Community colleges were funded at the level recommended in the Governor's budget, but still far short of the amount needed to support enrollment growth, which continues at 4 to 5% a year. This results in serious budget cuts for most community colleges and restricts their ability to meet state program mandates.

2003. Community colleges and universities suffered additional cuts this session, after severe losses in 2001-03. As a result, tuition has risen as much as 32 percent on some campuses, classes have enlarged enrollments, and programs have been eliminated or curtailed. If the referendum of the revenue package for the budget fails, another \$14 million will be cut.

LWVOR supported legislation that directed Oregon Health Sciences University to distribute grants to postsecondary institutions to expand capacity of nursing education (includes community colleges). Also included in the legislation was a ten-member Oregon Nursing Shortage Coalition Committee that has two members appointed by the Commissioner for Community College Services. This committee will determine grant criteria and award grants. The legislation passed, but funding depends on grants from the federal government.

2007. Community Colleges were underfunded this session, but capitol construction projects were included in the budget. The university system gained an increase in operational funds, but the budgets were not restored to previous levels. Again capital construction projects were funded in separate budget appropriations. LWVOR did not testify on these budgets. (See **Fiscal Policy** for more information.)

2011. The Governor proposed an Oregon Education Investment Board to oversee all levels of education from Early Childhood through K-12 and post secondary education. SB 909 establishes the Board and the Early Learning Council to oversee a unified system of education services. The Education Investment Board shall submit a report to the Legislature before Dec. 15, 2011. The State Board of Education, Board of Higher Education, and State Commission on Children and Families will merge into the Investment Board by June 30, 2012. The League did not take a position on this bill but chose to do further analysis and study on the proposal.

SB 242 redefines the Oregon University System with greater independence to manage its finances, operations and obligations, including purchase of property and construction of facilities without legislative approval. The state preserves labor contracts, retirement and benefits authority. The bill creates a Higher Education Coordinating Commission and a Student Access Commission to become operative between January 2012 and July 2012.

2013. After nine months of study and research, the Special Committee on University Governance made its recommendations to the Legislature, resulting in two major proposals. One establishes internal boards of directors for the University of Oregon and Portland State University, with Oregon State University also choosing that option. The four regional universities have the opportunity through the legislation to establish boards in the future. Among the powers granted to the institutional boards are the setting of tuition, with a 5% annual cap, hiring and firing of presidents, and financial bonding authority. The Governor appoints, with Senate approval, the 11 member boards that must include a student, a faculty member and classified staff member. The boards start July 1, 2014.

The second statute sets up the framework for the new Oregon P-20 seamless public education system. It is headed by the Chief Education Officer and the Oregon Education Investment Board (OEIB). The higher education component is governed by the Higher Education Coordinating Commission (HECC) and includes the seven universities and the 17 community colleges. Until now, the community colleges have been under the jurisdiction of the State Board of Education.

This is an exciting time for the League to restudy its post-secondary position.

Farmworker Issues

Adopted January 2001

The League of Women Voters of Oregon believes all citizens benefit from the agricultural bounty produced by Oregon's farmers and farmworkers, and that the state has a role in supporting the sound and fair relationship between farmers and the agricultural workforce, with the goal of economic and social justice for both parties. LWVOR believes the state must work for the humane and respectful treatment of workers as well as the viability of Oregon farms.

Currently laws that regulate the working environment for agricultural workers are different from laws regulating the working conditions in other industries. The LWVOR believes the differences between agriculture and other industries justify some variance; but where farm work is similar to other labor, regulatory differences should be narrowed.

- ***All farmworkers should be fairly compensated, earning at least minimum wage.***
- ***With the possible exception of piece-rate work, some farm labor should be eligible for overtime pay.***
- ***Unemployment insurance should cover permanent, year-round farmworkers.***

- **Hourly-paid farmworkers should receive paid rest breaks; all farmworkers should be provided adequate time away from work for meals.**
- **The state should continue to improve the safety of agricultural workplaces for farmworkers.**
- **Rules for child labor and for the use of farm and forestry labor contractors should maintain high standards of worker protections.**
- **State laws and programs, including non-governmental efforts, should address farmworkers' needs for a broad range of services, such as child care, safe and decent housing, sanitary working and living conditions, and access to education and health care. Education programs that are bilingual and culturally appropriate should be offered to assure that workers understand safe work practices, workplace rules, and grievance procedures.**

LWVOR supports the right of Oregon farmworkers to collectively bargain. Farmworkers should have the right to hold union elections. Employer retaliation for collective activity should be prohibited. Legislation establishing fair rules for unionization by farmworkers should be developed through a dialogue between workers and employers. Monitoring of union elections and contracts by either a private commission or a state entity should be fair and under terms agreeable to both workers and employers. Mediation programs should be encouraged.

LWVOR believes consistent and adequate enforcement of state regulations is a key to better conditions for farmworkers. Currently, we find enforcement to be inadequate and inconsistent. LWVOR supports increasing enforcement staff, increasing fines and penalties for serious violations, and collection of civil penalties for infractions of laws. LWVOR supports programs to help farmers understand and comply with worker protection rules.

LWVOR believes that safe, decent, and affordable housing should be available to all farmworkers. Oregon currently has an acute shortage of such housing for its agricultural workforce. LWVOR supports increased state funding for farmworker housing, including support, with other funds, for planning, development costs, rural infrastructure, start up costs, operating subsidies, emergency housing, and training and assistance for sponsoring organizations. The state has an important role in ensuring the safety of farmworker housing provided on farms. Such housing that has not been registered with the state should be located and brought into compliance with state standards. Public funding should emphasize best practices, such as community-based housing, and should encourage new models that are decent and safe housing alternatives for seasonal and for permanent, year round workers; these two groups may require different types of housing.

Position Implementation - Farmworker Issues

1999. LWVOR Convention adopted a 2-year study of farmworkers in Oregon.

2001. This session there was little action on farmworkers, except in the area of housing. The 1999-2001 Farmworker Housing Interim Task Force had most of their recommendations approved, including expanding and improving the farmworker tax credit, improving land use law to aid in the siting of farmworker housing, and expressing State policy on farmworker

housing. However, the Legislature failed to provide the \$5 million for housing proposed by the task force.

2013. Farmworker housing tax credits were continued early in the session.

Gun Control

National position

Position Implementation - Gun Control

2001. The 2001 legislative session saw little movement on the issue of gun control. The League supports strong government regulation of individual firearm ownership. A few pieces of legislation that would promote control were introduced, few made it out of committee and none passed. One piece of legislation that received a hearing at the committee level was the "Eddie the Eagle" bill, named for the NRA sponsored gun safety program to be used in our grade schools. The League was among many organizations and citizens that provided testimony in opposition to the bill, it did not pass out of committee.

2009. The Legislature passed HB 2853, which allows the Oregon State Police to receive information on persons determined to be mentally ill or mentally retarded in order to disqualify them from possessing or receiving a firearm. The bill complied with the National Instant Criminal Background Check System passed by Congress in 2007.

Health Policy

Adult Mental Health in Oregon

Adopted January 1987; Educational Update 2001*; language update 2008**

- A. The League of Women Voters of Oregon supports a comprehensive and integrated adult mental health services delivery system in Oregon which:**
- 1. Includes both community and state programs and facilities;**
 - 2. Provides for coordination of local and state mental health planning based on regular needs assessments;**
 - 3. Provides funding by a coordinated mix of federal, state, local, and private sector dollars; and**
 - 4. Includes state budget allocations that reflect service priorities jointly determined by Community Mental Health Programs and the state Addictions and Mental Health Division.**
- B. The League supports the concept of care, treatment, and support in the least restrictive environment possible which:**
- 1. Ensures continuity of care and humaneness; and**

- 2. Balances the rights and safety of individuals with mental disorders, other interested parties, and society in general.**

C. The League believes that the mental health delivery system should include:

- 1. Adults with:**
 - a. Mental and emotional illness; and**
 - b. Alcohol and drug addiction.**
- 2. Services that focus on recovery of the individual through use of evidence-based crisis intervention and ongoing support. These services could include alternatives to hospitalization, early intervention, residential services, supportive housing, and services delivered by peers in sufficient mix and quantity to afford an acceptable quality of life for consumers and their families.**
- 3. Mental health service providers, administrators, advocates, consumers, their families, and lay citizens as participants in:**
 - a. Service delivery planning;**
 - b. The evaluation of services; and**
 - c. The provision of community education.**

D. The League supports an adult mental health civil commitment process which:

- 1. Ensures statewide consistency in the application of commitment statutes;**
- 2. Provides for adequate and equitable investigation and examination; and**
- 3. Protects the rights and needs of all interested parties.**

*Updated for background information only—no position change.

**Updated for language changes only in the position statement—no position change.

Position Implementation - Adult Mental Health

1987. During this session League supported revision of the civil commitment statutes and an increased Mental Health Division budget. We supported HB 2324 which broadened slightly the criteria for commitment of a mentally ill person to allow for earlier intervention to help prevent crisis situations. League supported allocation of money for community mental health programs to provide residential, treatment, support, and crisis service to the chronically mentally ill. League also supported the governor's effort to return federal dollars to Fairview by supporting recertification.

1989. Major issues for League action during the session were: increased funding within the Mental Health Division budget (HB 5027) for community treatment and support services to the chronically mentally ill, provision for up to four local crisis centers for inpatient treatment to avoid state hospitalization, additional hourly wages for direct care staff in community facilities serving both developmentally disabled and mentally and emotionally disturbed clients, support for families caring for D.D. persons and increased staffing and physical improvements at the state's three psychiatric hospitals. The final budget represents a 25 percent increase in the continuing funding level for mental health.

The spending limit was exceeded to grant adequate funding for the Fairview Training Center to address health, safety, training and facility problems, and to downsize another 200 clients during the biennium with sufficient support dollars to community residential and vocational

services. The very real problems of direct care staff wages were not adequately addressed and SB 675 was tabled in Ways and Means. Two inpatient acute centers will be built, in Southern Oregon and in the Portland Metro area.

The League also supported SB 92, which changed the name of the Mental Health Division to the Mental Health and Developmental Disability Services Division. We supported SB 91, which would have broadened the criteria for intervention and commitment, rather than just state hospitalization. The original bill died, and the concept was not continued in other legislation. The capital construction funds for mental health include improvements at the state hospitals, particularly in the forensics unit and at Dammasch, as well as rehabilitation at Fairview.

1991. The governor's proposed 1991-93 budgets for mental health and developmental disabilities services projected deep cuts in community mental health services, closures of psychiatric hospital wards, and elimination of vocational services for the developmentally disabled along with 50 percent reductions in early intervention programs. Because of the necessity of reducing General Fund expenditures due to education property tax replacement (Ballot Measure 5), the League and other advocates for improved and increased services to mentally ill and developmentally disabled clients were frustrated in their effort to be supportive of the needs and also fiscally responsible.

Although the final legislatively adopted budget is not at the service levels of 1989-91, many of the originally proposed cuts were not implemented, and the mental health/D.D. service system escaped devastation. The state funding mental health services for community are now going to counties as a block grant, and the local programs can be implemented to address directly the different needs in different communities. The fact remains, however, that only half of the adult chronically mentally ill who are in need of services are being served, and less than 30 percent of the children. There are more than 2000 developmentally disabled persons on community waiting lists for vocational and social services.

1993. The League supported the governor's Mandated Plus Budget for 1993-95 in Mental Health and Developmental Disabilities services even though the additional funding would impact the money available for higher education. Because the proposed cuts in mental health/D.D. were not fully implemented, the D.D. vocational and family services were improved and lowering community services to the mentally ill was not severe. The legislature approved the continued downsizing of Dammasch Psychiatric Hospital with the addition of funds for support services locally for each person released taken from hospital support. Local providers are presenting proposals to care for the released clients in a state program called "passages". Additional acute care facilities are to come on-line during the biennium to lessen the need for state hospitalization. More children's services have been funded, up about \$90 million in the past five years. Of great importance is the implementation of a phase-in of mental health services to the Medicaid eligible under the Oregon Health Plan, beginning February 1, 1994. The Division will continue to contract with counties for the provision of mental health services through block grants which can be used by counties for the services deemed most appropriate to their clients, rather than dollars allocated by service category. The League also supported the Declaration for Treatment measure, which allows a mentally ill person to designate preference for services when incapacitated in the future, and the revisions to the commitment law that provide for a 14-day intervention and treatment designed to prevent hospitalization and provide stabilization.

1995. The League opposed the cutbacks in the 1995-97 Mental Health/Developmental Disabilities Division budget that would have eliminated a community outpatient mental health service for almost 10,000 non-Medicaid eligible children and adults. The legislature did restore the community funding but did not provide even a cost of living increase for community mental health workers. Dammasch State Hospital has been closed. In its place is a 40-60 bed facility in the Portland area and two 15 bed acute care facilities. Some patients were moved to another ward at Oregon State Hospital. The entire psychiatric hospital system is now called Oregon State Hospital with units in Salem, Portland and Pendleton. LWVOR will be monitoring the impact in the community of the Dammasch closure as well as the situation for care providers and the community support funding, should there be a budget imbalance from the prison construction program.

1997. The major concern of mental health advocates during the 1997 legislative session was funding for the Oregon Health Plan, with full phase-in of all persons eligible for mental health services. Only 25 percent of those eligible had been part of the demonstration project. The OHP budget, including mental health services, was approved. The League is represented on the Mental Health/ Development Disabilities Services Division OHP Integration work group, which will be monitoring the complex delivery system being implemented. The 1997-99 approved budget for the MHDDS Division provides adequate funding for community services to adults and children not eligible for Medicaid as well as an add-back of the children's DARTS program, which was not included in the governor's budget. The League joined other groups in lobbying for a cost-of-living increase for care givers in all of the social programs who had not received any increase in four years. Just before adjournment the legislature added \$1 per hour, in 25 cent increments, to the wage package for service providers. Parity insurance coverage for mental health service with coverage for medical services was not passed. The League will continue to support the principle that limits and caps on services, if in place, should be no different for mental health than for physical health services. The League is represented on the state Mental Health Services Planning and Management Council and the MHDDS Division Mental Health Advisory Board.

1999. The League supported parity for insurance coverage for mental health treatment and physical health treatment. After no progress during most of the session, a compromise was passed in the waning moments that provides for a 25 percent increase in coverage of mental health conditions. Several serious cuts made to the Oregon Health Plan funding resulted in the governor's veto of the Department of Human Services budget. The health care funding for Pell grant students, funding for abortions for low-income women and other mental health services were restored just prior to the end of the session.

2001. Parity between mental health benefits and physical health benefits in health insurance coverage was not achieved in 2001 despite the strong recommendation from the Governor's Mental Health Alignment Task Force. Instead it will be the subject of an interim task force that will study and make recommendations to the 2003 Legislature. The one major recommendation enacted into law is the requirement for a comprehensive mental health plan from each county. Preliminary plans are due March 1, 2002. The local mental health authorities (county commissions) are now required to provide delineated mental health and developmental disability programs and services. Substance abuse programs are included. Both of these areas were strongly supported by the League during the session. Some tobacco settlement funds may be used for these state and local studies. The comprehensive reorganization of the Department of Human Services (DHS), approved by the Legislature with oversight authority, affects the

Mental Health/Developmental Disability Services Division since it now has been separated and abolished as a division. Mental Health and Substance Abuse is now a part of the newly designated Health Group within the DHS. Exactly how the mental health services and programs will be administered is being organized, both locally and at the state level. The concept is to provide a seamless array of services to all needing them, with teams of specialists. The League supported the idea of reorganization, but is monitoring closely the impact on clients.

2002. The League supported, by letter to the Governor and the Department of Human Services (DHS), the designation of the Mental Health Planning and Management Council as the replacement for the statutorily required Mental Health Advisory Board. The Board was placed in limbo as a result of the reorganization of the DHS, and the Council is a federally mandated group which oversees a federal block grant for mental health services and has a broad-based membership.

2003. The League supported the proposal to revise the membership of the Mental Health Advisory Board to conform to the Mental Health Planning and Management Council and advise the Program Office for Mental Health and Addiction Services, with oral testimony before the Senate Health Policy Committee and with individual legislators. For unknown reasons, it was referred to Ways and Means (the dollars for administration come from the federal government), the Governor's office got involved because it also has a mental health group, and it died in committee. Unfortunately, the statute requiring the old Mental Health Advisory Board is still on the books, though inactive, and the Council does not have state statutory recognition.

The League supported requiring parity between the insurance benefits for the physically and mentally ill. The hearings in the Senate Health Policy Committee were positive except for parts of the insurance industry. There is parity for state employees through their health plan. The bill was referred to Ways and Means where it was defeated by the insurance industry's testimony and lobbying. It remains a major problem for those suffering from mental illnesses because of the caps in benefits. LWVOR opposed severe cuts in mental health budgets.

2005. After four sessions of strong advocacy but no action, the 2005 Legislature recognized that equity in the treatment of mental and physical illnesses in insurance coverage of health care benefits was both necessary and possible. SB 1 passed and has been signed by the Governor. The parity policy covers all group health service plans that cover two or more persons. The League supported a measure, which would have set state policy as supportive of self-determination treatment plans for consumer-survivors, and which established an Office of Consumer-Survivors within the Office of Mental Health and Addiction Services (OMHAS). The bill died in the House budget committee. However, the newly formed Adult Mental Health Services Advisory Group of OMHAS, of which the League is a member, will continue the idea for the 2007 session. Unfortunately, there was little restoration of the funds lost when the 2003-05 budget failed, and the Department of Human Services notified the Emergency Board of a shortfall of \$55 million in the allocation for mental health services. In a one-day special session on April 20, 2006, the Legislature passed a supplemental appropriation to address this and other budget shortfalls. The plight of the several hundred mental patients housed in the century old Oregon State Hospital continues. The Legislature did not clearly address the situation, and plans are now being discussed to transfer about 100 patients to two facilities being developed in the Portland area. This is a disaster just waiting to happen.

2007. DHS Community Mental Health received a \$10 million additional package for acute care

in regional hospitals, case management for adult chronically mentally ill, supported housing and supported employment programs. Children's Mental Health Services in the community were included in that budget allocation. While additional funds were made available to the Addiction and Mental Health Services Division (AMH) for 2007-09, the level of support for treatment and programs is not back to the 2001 level. However, there were some positive actions:

- Legal recognition was given to the Consumer-Survivor Council, which provides advice and recommendations to the AMH Division of the Department of Human Services.
- Clarification was made for the use of Mental Health Housing Trust Funds to ensure their use for specific housing needs of the mentally ill in both institutional and community settings.
- Construction of two comprehensive mental health hospitals was authorized to address, in part, the closure of the 100-year-old state hospital in Salem.
- DHS will also offer Addiction Services for parents who have children in foster care or receive financial assistance from the state.

LWVOR supported the DHS budget additions as well as new revenue sources from alcohol taxes. The proposed taxes on beer, wine or liquor to support treatment did not pass.

2009. The Department of Human Services (DHS) budget directs the integration of Physical Health and Addictions and Mental Health by the end of the biennium. HB 3353 creates an Alcohol and Drug Treatment Policy Commission to plan for delivery of alcohol and drug treatment and prevention across human services and public safety agencies. At the direction of the Governor, addictions treatment will be funded through \$12.9 million of Byrne Grant funds to be used on drug courts for M 57 offenders who are redirected from prison. At a predicted 50% success rate, this is expected to result in prison savings.

The DHS budget was increased by the construction of the new Oregon State Hospital facility and the regional facilities to house patients who can be released from the hospital. SB 911 required DHS to adopt rules for secure community facilities for forensic patients. HB2052 requires that the local public safety councils be notified of the location, rules and staff in these facilities. A budget note directs DHS to report at the February Special Session on a formula for the distribution of inpatient hospital bed funds for regional hospitals with mental health units. There is currently a shortage of local or regional hospital beds for mental health.

2010. The allocation of inpatient hospital beds were made to the metro area and outside the metro area by agreement of the service participants. The Oregon State Hospital in Salem continues to be remodeled during this interim. Local county residential programs are opening to provide housing for those released.

2011. The Oregon Health Authority has supervision over Addictions and Mental Health Services including the Oregon State Hospital and community mental health programs. The League testified in support of HB 3100, which improved the forensic patient commitment process. SB 376, 420 and 432 modified the entrance and release from the OSH with the intent to restrict the resource to the most serious cases. The development of residential programs in the community was initiated.

2013. The Oregon State Hospital Replacement Project has been completed, and the Junction City Hospital is being built. The Portland OSH and Blue Mountain facilities will be closed as patients are transferred to community facilities or the new hospitals. The US Department of Justice has been monitoring the institutional staffing and treatment processes at the OSH, but

the Dept. of Justice oversight has turned to the lack of services on the community level.

The Addictions and Mental Health Division plans to construct new smaller regional facilities. Three living units will be constructed on the Blue Mountain property and others will be constructed to house patients discharged from the hospital to a lower level of care. Mental Health care is to be included in the treatment of Medicaid clients under the new health care plans.

Mental Health Services for Children and Youth

Adopted January 1975

The League of Women Voters of Oregon supports a coordinated plan for comprehensive mental health services for all levels of need to children and youth provided under the direction of a single state service agency responsible for basic state standards. We support the appropriation of consistent and sufficient funds to implement state-mandated programs.

A. A well-coordinated comprehensive mental health service delivery plan should cover such concerns as:

- 1. Community level services that are accessible, visible, and available to all income levels through a graduated fee schedule;***
- 2. Community level programs that provide early diagnostic and referral services, 24-hour emergency care, treatment services and facilities, aftercare, and follow-up care;***
- 3. The development of preventive programs;***
- 4. Coordination of all levels of government and all public and private agencies working with children;***
- 5. Standards of training for all personnel appropriate to job placement;***
- 6. Consistent state funds supplemented by all available resources, public and private;***
- 7. Utilization of all local resources;***
- 8. Basic state standards which encourage quality treatment and care while permitting alternative programs.***

B. The League of Women Voters further supports consistent and sufficient state funds for special education programs in the public school, including:

- 1. Programs based upon the child's individual needs;***
- 2. Special training for teachers working with disturbed children.***

Position History and Implementation - Children's Mental Health

The two-year study emphasized evaluation of treatment services, juvenile correction programs, and special education in the schools at the state and local levels.

1975. League successfully supported three bills. One allowed private child care agencies incorporated in other states to operate in Oregon provided they met the standards of treatment and care established by Children's Services Division (CSD). Another bill incorporated

three special education laws into one comprehensive law. Finally, a child abuse reporting law passed which included a League amendment that required reporting cases of child abuse to a local CSD office as well as to the local law enforcement agency.

1977. Reorganization of the Department of Human Resources was the major bill League supported. The purpose of the legislation was to increase accountability and designate lines of authority and responsibility. Efforts to weaken the child abuse reporting laws of 1975 were defeated.

1979. The most significant bill League supported was the Juvenile Services Act. It provides state funds for counties that develop a juvenile services plan that meets local needs. The bill established standards for dealing with children in the juvenile justice system and monetary disincentives for counties that send youth to the state training schools. The bill passed. League successfully helped in tabling a bill that would have placed a lid on Aid to Families with Dependent Children (AFDC) payments.

1987. League supported increased funding for children's mental health services and the development of a comprehensive, cooperative plan for all state agencies delivering services to mentally ill children. The funding for the plan died in the committee.

1989. The League supported the governor's proposed budget, HB 5027, and its enhancements. Final action by the legislature provided additional community services for children and youth in crisis. Two more prevention/intervention projects, and additional funding for educating developmentally disabled children in their own school districts.

1991-1997. The League has supported improving and increasing mental health services to children in the last four legislative sessions, particularly to children ineligible for Medicaid and adolescents needing out-patient community treatment. Adding children's services to the Oregon Health Plan was a priority accomplished in 1997.

2003. The League monitored hearings regarding legislation that passed affecting the Commission on Children and Families (CCF) county agencies. Local mental and physical health plans must be attached to the comprehensive plan for coordination of services within the community.

2009. HB 2144 requires the Department of Human Services (DHS) to provide wraparound services to children in their own homes. The options for residential treatment have been decreased, and DHS contracts with a few private facilities. Most children's mental health is managed by county health departments and often contracted out to nonprofit agencies. Wraparound means a planning process for a unique set of community services and supports.

2011. SB 420, 432 and HB 3100 include youth in the fitness to proceed laws. The OSH does not have a children's unit. If a child or youth is placed in the custody of the Oregon Health Authority for evaluation or treatment, he or she will be in a residential treatment facility under contract with the state.

2013. Children's Mental Health will be covered under the Coordinated Care Organizations. A bill required that CCOs work with school based health centers that have been established in some districts. Another bill requires that OHA adopt rules to certify school based centers and assist with business practices. The centers can be reimbursed for services to children covered

by Medicaid. OHA was asked to report to an Interim Health Care Committee before December 31, 2013.

Physical Health Care

National Position: Promote a health care system for the United States that provides access to a basic level of quality care for all U.S. residents and controls health care costs.

Position Implementation - Physical Health Care

1990-91. The State of Oregon has been examining its policy of health care and enacting legislation to provide benefits to those without access to health services. The League has monitored the progress of state policy through the implementation of SB 27 (1989), the priority settings for health services, and the process for gaining Congressional approval of using Medicaid funds for the project. In 1991, the legislature funded the health services program at \$30 million and agreed upon the health services list.

1993. Although the legislature will not be in session in 1994, the decisions made in the recent legislative session must be acted upon. We will be watching activities regarding the Oregon Health Plan, monitoring the implementation as closely as possible. This involves in particular:

- 1) Viewing the degree to which expansion of Medicaid is actually carried out;
- 2) Noting whether efforts are made to examine a variety of ways of financing access to health care for all Oregonians, including as single payer plan; and
- 3) Watching whether health providers (especially hospitals) work to avoid further duplication or expansion of services.

In general, we will monitor the degrees to which our national health care positions are incorporated into legislation at the local, state, and national levels. At the level of national health care legislation, we need all chapters throughout the state to lobby their senators and representatives to pass legislation consistent with our principles. As members of the Oregon Health Action Campaign, we will keep apprised of their positions on health care as well as to assist in their formulation.

1995. The legislature made some changes in eligibility and administration of the Oregon Health Plan (OHP), which will reduce the number of Oregon working poor eligible for coverage under the plan and slightly reduce the quality of coverage. Changes were included in the Department of Human Resources budget and will reduce funding for the OHP. Changes in eligibility include an assets test and eliminating some college students. The number of diagnosis/treatments included in the coverage will be reduced and full inclusion of mental health benefits will be delayed for the entire biennium. The effects of these changes and the need for action will be assessed prior to the 1997 session.

1997. Expansion of the OHP to cover more low-income Oregonians was the top health care priority for the LWVOR this legislative session. Thanks to the lobbying of the many groups in the Oregon Health Action Committee (OHAC) including the League, and the passage of the 30-cent tobacco tax, the OHP was expanded to cover an additional 25,000 children under the age of 12 and 1800 more pregnant women. This includes those with family income up to 170 percent of the federal poverty level; the League was hoping for 185 percent. Also, 1700 full

time college students who receive Pell grants will be reinstated to the plan. A new insurance voucher program to help people buy private insurance was established with \$23+M from the 30-cent tobacco tax money for those who earn between 100 percent and 135 percent of the poverty level, maybe reaching 20,000 more people. We opposed the voucher plan, but still see this overall expansion as a significant step forward and great improvement over the last legislative session when thousands of people were removed from the OHP. The 30-cent tobacco tax was used for the maintenance and expansion of the OHP as voters intended, (one third for expansion and two thirds for maintenance) and the 10-cent cigarette tax for the OHP was extended until December 1999. There are still problems of eligibility for some working poor families and students to watch. The new system of insurance vouchers needs to be closely monitored to see if families can really afford the co-payments so they can take advantage of the vouchers.

Another bill that passed, that needs monitoring, is HB 2488 providing for Medical Savings Accounts, an entirely new concept in funding health care. If the governor signs it, it will take effect January 1, 1998 and could have tremendous consequences for current health care systems.

A new health care issue involves state funding for health services for legal immigrants following the loss of federal dollars due to welfare reform. \$4.9 million was allocated for those on SSI to supplement health care, food stamps, and long term community care. Certainly, good news! SB 21, the patient protection bill for those enrolled in managed care health plans is now law! This is another success story due in large part to the long negotiations of a small group from OHAC. Rule writing is very important to the implementation of this bill and will require careful scrutiny.

Finally, the protection for community assets when nonprofit hospitals convert to for-profits passed. But many other health bills failed to make it through the process. None of the bills requiring insurance companies to cover services provided by professional Oregon licensed providers such as counselors, marriage therapists, midwife providers, and other alternate licensed providers, passed.

1999. This was not a good session for the people eligible for the Oregon Health Plan (OHP) but it could have been. There was the tobacco settlement money and money available through the federal Children's Health Insurance Program. Instead, there will be insufficient money to continue funding of the plan at current levels. An attempt was made to introduce a co-pay and to sunset the plan; the governor stopped these attempts. There was also an attempt to politicize the plan by denying payments for some types of procedures; this also failed. The good news was that the ten cents-a-pack cigarette tax was extended.

Legislation (HB 2690) passed allowing pharmacists to administer vaccines, immunizations, drugs and medical devices to persons older than 18 years. It is hoped that this will improve accessibility and decrease costs for the consumer.

2001. During the 2001 legislative session, many important health bills never received a committee hearing. Big issues included prescription costs, quality of health care and costs associated with the Oregon Health Plan. Two important bills that became law were SB 819 concerning a drug formulary and HB 3040 known as the "patient's bill of rights."

The cost of drugs have played a critical role in the financial problems plaguing the Oregon

Health Plan and the drug formulary was one of the Governor's strategies to try to curb costs. Pharmaceutical companies were worried that Oregon's adoption of a formulary would lead to other states doing the same and they launched a major lobbying effort to try to stop the development of the formulary. In addition, some health groups were worried about access to appropriate treatment. In the end, compromise legislation created the formulary while leaving the final decision on drugs in the hands of licensed health practitioners.

HB 3040 is the result of the Governor's Work Group on Patient Protection and affects managed-care insurance providers. The legislation covers an external review process for disputes, the consumer's right to continuity of care during treatment, a procedure for referral to a specialist and the right to a second opinion, the need for an advisory group to develop administrative rules that determine uniform indicators of network adequacy and the need for a limited consumer right to sue.

2002. The League supported the initiative to increase the cigarette tax in order to fund the Oregon Health Plan. We opposed the initiative to provide Health Care for All on the basis of the funding mechanism which was deemed inadequate and unstable.

2003. The OHP was completely revamped this session. The League monitored the progress to make sure health care would still be provided for those most in need. Two bills, HB 3624 and HB 2511, passed, that together created a systems change emphasizing managed care and prioritized populations and services. The state has requested federal approval of these changes.

Oregon is seeking the following changes: moving the line on the Prioritized List of Health Services from line 549 to 519; redefinition of the OHP Standard benefit package; flexibility to adjust optional benefits for OHP Plus adults depending on available state funds; expansion of coverage eligibility under the State Children's Health Insurance Program (SCHIP) from 185% to 200% of the federal poverty level (income level); expansion of coverage eligibility under the Family Health Insurance Assistance Program (FHIAP) from 185% to 200% of the federal poverty level (income level); and addition of a new program called the Medical Expansion for Persons with Disabilities and Seniors (MEDS).

The League also monitored additional legislation affecting the health and long-term care system. The new law includes prescription drug bulk purchasing and a provider tax which provides additional dollars for health and long-term care systems.

2005. Dollar allocations in the Dept. of Human Services budget will translate into reductions in the Oregon Health Plan's Services. These proposed reductions need approval from the Centers for Medicare & Medicaid Services (CMS). Since access to and affordability of prescription drugs is an essential health care issue, the League participated in efforts to expand eligibility for the recently established Oregon Prescription Drug Program, but these efforts ultimately failed.

2007. The expansion of health coverage for children was an early legislative goal, but the increased tobacco taxes for the program failed to pass. The Senate passed SB3 for a Healthy Kids Program and SJR 4 for tobacco tax funding as a referral to the voters. LWVOR supported the Healthy Kids bill but not the constitutional amendment to raise the tobacco tax. LWVOR decided on a neutral position on Ballot Measure 50 on the November 2007 ballot. The voters

defeated M50, in part because it was proposed as a constitutional amendment.

The Senate Health Care Reform Committee heard SB 329, the Healthy Oregon Act, which directed the development of a new public/private funded health care system to cover all Oregon residents. An executive director and board will be appointed to make the recommendations on the program implementation to the next legislative session. The Prescription Drug Program was expanded to include more participants, and the program will be included within the new Healthy Oregon Program. LWVOR monitored the hearings but did not testify on these programs.

2009. The Health Care Reform bill, HB 2009C, passed in June, setting the state on a new trajectory with the establishment of the Oregon Health Authority and reforms based on data collection. The funding bill, HB 2116, will assess insurance premiums to fund the expansion of health care to children and low-income adults. The League testified in support of HB 2116 in the House Revenue Committee and testified in support of HB 2009 in the House Health Care Committee. The League quoted the LWVUS national position for universal health care including cost savings. DHS/OHA will report to the Interim Committees and the Special Session on the progress of the implementation process.

2010. The expansion of health care coverage for children below the 200% of the federal poverty level has been occurring during the interim. The subsidy for family health insurance above the 200% income level started in January. The expansion of adult health coverage within the Oregon Health Plan has been limited by budget constraints. The legislature continued to pass bills implementing details in health care reform.

2011. Many health care reform bills implementing HB 2009 passed this session. SB 99 created the Oregon Health Insurance Exchange Corporation, which was mandated by the federal health care law. SB 94 required uniform standards for eligibility, claims, payments, and authorizations for cost savings. SB 101 provides dental care for all children enrolled in subsidized plans. SB 514 covers high risk children in the Oregon Medical Insurance Pool. The League supported SB 99 as a health care reform step.

HB 3650 established the Oregon Integrated and Coordinated Health Care Delivery System for Medicaid recipients by January 1, 2014. The Coordinated Care Organizations will deliver physical, dental, mental health and behavioral health services in a cost effective manner. SB 204 created a 4 year pilot program in Central Oregon in Crook, Deschutes and Jefferson Counties with a sunset of January 2, 2016.

The Oregon Health Authority Budget was separate from the Department of Human Resources Budget, except for Shared Services for business and administration. OHA will be negotiating managed care contracts with a 11.2% reduced provider rate. The budget included funds for SB 608, a subsidy for liability insurance for rural practitioners. The budget assumes savings in the second year of the biennium, so it will be closely monitored during the interim. Please refer to the Legislative Reports for further details.

2013. The Oregon Health Authority reported that 15 Coordinated Care Organizations have been implemented to manage Medicaid clients. Early reports show a decrease in emergency hospital use as patients are treated for chronic conditions. CCOs are accountable for 17 metrics and could receive financial incentives for these improvements. The federal government

grants for health care reform have financed this new implementation.

Cover Oregon is the new name for the health insurance exchange. Private insurance companies have submitted plans for comparison within the exchange. The federal grants helped establish the website which has been tested in October and November. Oregon will transfer the high risk pool and subsidized insurance programs to this exchange. The operation of this new website and insurance programs will be reported to the Interim Health Committees and the February 2014 Session.

The Legislature set up a Task Force on the Future of Public Health Services in the new system. The county health departments now provide these services, but the task force will explore consolidation and regionalization options. The Task Force is to report to the October 2014 Interim Health Care Committee.

Homeless Youth

Adopted 2007

Parents are legally responsible for their children. When parents are unable to fulfill that responsibility, the League of Women Voters of Oregon believes that communities and governments at all levels have a responsibility to provide programs and services to meet the needs of runaway and homeless youth.

In order to help families stay together, prevent youth homelessness, and reduce the need for more expensive future services, the LWVOR supports providing services such as family crisis counseling, child care, parenting education, mental health and addiction treatment, low-cost housing, and health care.

When youth are separated from their families, the LWVOR supports providing services to these youth, such as shelter, food, education, health care, mental health and addiction treatment, plus outreach to encourage youth to use services. Older youth need additional services, such as assistance with independent living skills and with finding employment and more permanent housing.

These services may be provided by government or by private organizations that receive government and/or private funding. Coordination of these services is necessary to avoid duplication and service gaps. Youth should be served regardless of their race, color, gender, religion, national origin, sexual orientation, or disability.

All levels of government should have funding responsibility for preventive and supportive services to families and homeless youth. Private organizations are encouraged to provide funding and services. Government funds should be adequate and allocated according to demonstrated need. Agencies must show that their programs are effective.

Position Implementation - Homeless Youth

2007. LWVOR supported the Oregon Commission on Children and Families (OCCF) request for funds to initiate a Homeless Youth program, which resulted in a \$1 million allocation for the biennium. This amount is only a start to subsidize programs and will not meet the needs throughout the state.

2009. The \$1 million for Runaway and Homeless Youth was not continued for this biennium. A lesser amount will backfill the current funded programs at a lower grant level. See **Children at Risk** or the Legislative Reports for more detail.

2010. The Oregon Commission on Children and Families awarded grants to existing Runaway and Homeless Youth programs at a lower level due to fund cuts.

2011. HB 3260 transfers the responsibility for Runaway and Homeless Youth programs to the Department of Human Services. DHS was required to integrate this program into its continuum of care for children 0 through 18. Total funds of \$986,574 were allocated for the program, which may continue with the eight county sites. The League testified in support of this transfer and prevention programs.

2013. The funding for 8 shelter care projects within the state was continued under the Department of Human Services. These programs accept youth who are not in the custody of the state. Young adults 18-21 became eligible for youth shelter programs and residential transition programs funded by the federal government.

Housing

National Position: Criteria for Housing Supply

The following considerations can be applied to programs and policies to provide a decent home and a suitable living environment for every American family:

- ***The responsibility for achieving national housing goals rests primarily with the federal government, which should:***
 - a. Assure that our economic system is functioning to produce and maintain sufficient decent housing for citizens at all income levels;***
 - b. Compensate for any failure or inadequacy of the system by building, financing, renting and selling homes to those citizens whose housing needs are not being met;***
 - c. Give a variety of incentives to local jurisdictions to encourage them to provide within their boundaries an adequate supply of decent housing for low- and moderate-income groups;***
 - d. Withhold federal funds from communities that fail to encourage such housing.***
- ***State and local governments should assist by establishing effective agencies to aid, promote, coordinate and supplement the housing programs of the federal government and the private sector.***
- ***Government at all levels must make available sufficient funds for housing-assistance programs.***

- ***When families or individuals cannot afford decent housing, government should provide assistance in the form of income and/or subsidized housing.***
- ***Government programs providing subsidies to the building, financing and insuring industries for housing for lower-income families should be evaluated in terms of units produced rather than in terms of benefits accruing to these industries.***
- ***Government at all levels should develop policies that will assure sufficient land at reasonable cost on which to develop housing and that will assure fulfillment of other goals such as access to employment, preservation of open space, environmental cleanliness and beauty, and other aspects of a suitable living environment.***
- ***Regional and metropolitan planning should be promoted to prevent haphazard urban growth, and housing for low- and moderate-income families should be provided as apart of all planned neighborhoods or communities.***
- ***Lower-income families should not be segregated in large developments or neighborhoods. As their economic status improves, lower-income families should be enabled to continue to live in the same units as private tenants or as homeowners, if they are so inclined.***
- ***Housing should be designed to meet human needs and should be built with amenities that will encourage economic integration within apartment buildings as well as neighborhoods.***
- ***Publicly assisted housing should be included in viable, balanced communities, with provision for quality public services and facilities, including schools, transportation, recreation, etc., that will encourage integration and stability.***
- ***Zoning practices and procedures that will counteract racial and economic isolation should be promoted.***
- ***State and local governments should adopt and enforce:***
 - a. ***Uniform building codes with standards based on performance;***
 - b. ***Housing codes to protect the health and safety of all citizens.***
- ***State and local tax structures should be examined and revised to:***
 - a. ***Benefit communities that build housing for lower-income families;***
 - b. ***Encourage private owners to improve their homes;***
- ***Reduce speculative land costs.***
- ***Government, industry and labor should encourage innovative building techniques to reduce the cost of housing production.***
- ***Rights of tenants to negotiate for proper maintenance, management of facilities and services should be protected.***
- ***Housing programs should be administered by individuals trained for the jobs and sympathetic with the needs of their clientele.***
- ***Citizen groups should participate in the development of publicly assisted housing programs by:***
 - a. ***Evaluating performance;***
 - b. ***Activating nonprofit sponsorships;***
 - c. ***Supporting legislation;***
 - d. ***Developing public awareness of housing discrimination and need.***

Position Implementation - Housing

1991. HB 2779 created the Oregon Trust Fund for the purpose of expanding the stock of low and very low income housing statewide. The bill passed both the House and Senate and origi-

nally requested \$30 million from the General Fund as start-up funding. Only the interest from the trust fund would be spent for housing, and it was hoped the trust fund would grow over the years to reach \$100 million. With state budget restrictions very tight it was feared the trust fund might receive no appropriation and only be left with the original \$5 million to come from lottery funds. A compromise was reached whereby Oregon's Homeowner and Renter Refund Program (HARRP) would end after one more year of checks to low-income households and, in its place, the legislature would provide a total of \$25 million worth of programs designed to boost the supply of lower-cost housing in the state. The legislature will provide \$14 million for the trust fund over the next two years. In addition, another \$6 million will go for current housing projects so that the trust fund won't be tapped right away. Lastly, another \$5 million will go toward emergency housing programs, such as those issuing rent vouchers.

1993. A crisis in affordable low income housing is looming in Oregon as 115 federally subsidized apartment buildings are now eligible (after their 15-year contract with the Department of Housing & Urban Development [HUD] expires) to be sold on the private market. Historically, the new private owners always raise the rents. HUD gives first choice as buyer to community based nonprofit organizations and tenant groups. HUD will provide 90 percent of the financing on the purchase price to these groups and if sold in this way to nonprofits or tenants. The housing must remain as low-cost housing for 50 years. However, if after a 15-month wait, no nonprofit or tenant group steps forward to purchase the building, then the owner may sell to any private party. One problem is that there are so-called "captive nonprofits," which have ties to the owners and do not have the community's best interests at heart. The Oregon Housing NOW coalition reports that 4800 units in the state are at risk and that historically one-third of these low-cost housing units go out of existence. Of these 4800 units, owners of ten buildings, representing 481 units have indicated their intention to sell.

1995. During 1987 and 1990, Congress was threatened with losing several hundred thousand units of affordable housing across the country. Response to this crisis was the creation of the HUD "preservation" program. Established by law in 1990, the program was known as the Low Income Housing Preservation and Resident Home Ownership Act (LIHPRHA). In 1995 Congress faced a budgetary crisis. Pressure was mounting to reduce federal spending, with housing programs among many on the table to be cut. Funding for the preservation program has been questioned and many are calling for a restructuring of the program to reduce costs. In March of 1995 Oregon Housing and Community Services Department and the Network for Oregon Affordable Housing (NOAH) officially became the administrator of the technical assistance grant program for groups working with LIHPRHA properties. Grants are available to help potential purchasers of these properties conduct feasibility studies and to help residents or nonprofits purchase the properties.

The most popular proposal to restructure LIHPRHA is the "capital grant" program. Under this concept the properties would be transferred to eligible nonprofits over a five-year period rather than financing the sale through a 40-year insured mortgage with Section 8 rent subsidies. The new nonprofit owners would own the property outright and rents would be set at a level to cover operating costs. Twenty-seven properties in Oregon are now proceeding toward a sale under the preservation program. If the preservation program is eliminated, thousands of persons could be made homeless by rising rents. Even if HUD provides Section 8 vouchers to displaced tenants, the community will face crisis conditions because of the lack of vacant and affordable units.

For low-income families sometimes home ownership provides a better solution to their housing needs than a rental. The Portland Housing Center was begun in 1991 and incorporated as a nonprofit to provide pre-purchase counseling, home ownership classes, mortgage default counseling, and referral to banks which have down payment subsidies (often the prime stumbling block to home ownership). Mortgage payments often end up being lower than the high rents paid before.

1997. There are two critical housing issues facing citizens of the Portland Metropolitan region. The first involves the urban growth boundary (UGB) established in 1979 by Metro, the regional government. The Home Builders Association and the Metropolitan Association of Realtors believe that the major cause of the escalating cost of homes is the lack of buildable land resulting from a tight UGB. This scenario will likely be repeated around the state, especially in areas with rapid population and/or job growth. LWV of the Columbia River Region is a member of the Coalition for a Livable Future, which is pressing the Metro Council to adopt clear, concrete requirements for affordable housing in new developments. One such strategy would be inclusionary zoning. The second critical problem is nationwide as well as statewide. As low income housing contracts with HUD expire, many building owners are either raising rents beyond the means of poor people living in subsidized apartments, or opting out of the contracts in order to convert or sell the properties. Portland is now considering the possibility of buying downtown low income subsidized hotels whose contract will soon expire. All League members are urged to keep their eyes on such developments in their areas.

1999. One of the most controversial housing bills this session and one that the League actively opposed was HB 2636. This bill overturned a Portland ordinance and was written to prevent local governments from penalizing property owners for withdrawing property from subsidized housing programs without first giving the local government an opportunity to purchase the property. The League opposed this bill because it violated local governments' home rule authority. In addition, it negatively impacted a growing shortage of low income housing stock. After negotiations and modifications, the bill passed. HB 2636 emphasizes procedure and eliminates a local government's ability to levy fees or fines for withdrawing property from the low-cost housing pool. Local governments may require property owners to provide local governments and tenants notice of pending contract expiration one year in advance, maintain the contract for the property in good standing and refrain from any action that would preclude local government from negotiating for the purchase of the property.

The League followed many housing bills, often lobbying in conjunction with other organizations; many of these bills passed. SB 479 requires that churches allow homeless people to occupy their premises under certain conditions. HB 2084 allows disbursement of investment revenue from the Housing Development and Guarantee Account. HB 2085 allows tenant association-supported non-profits to negotiate to buy manufactured dwelling properties for the use of low-income residences. HB 2662, requested by rental property owners in northeastern Oregon, authorizes the Housing Community Services Department to study the availability of affordable housing in every community. The findings of this survey will provide guidelines for the department's provision of state support. HB 2087 and HB 2090 extend to the year 2010 qualification time for tax breaks intended to encourage affordable housing.

The League opposed HB 2658, which has become law. It limits local governments' choice of a land use planning tool, inclusionary zoning. Local governments have used inclusionary zoning to enable them to reach affordable housing goals as well as to reach goals related to preventing urban sprawl.

2001. The League supported HB 3400 at the 2001 legislative session, based on the national League's housing position. HB 3400 would allow any standard metropolitan statistical area (SMSA) in the state with a population of 500,000 or more to establish an "affordable housing district."

The district could then impose a real estate transfer tax. The monies accruing from such a tax on the sale of residential, commercial and industrial property would establish a regional housing fund. Residential property affordable to people earning 80% of median income would be exempt from the tax. The bill failed in the House Revenue Committee.

2003. An effort to repeal the prohibition on real estate transfer taxes died in committee. The Portland League wrote a letter in support of the bill because the taxes could be used for low-cost housing.

2005. SB 1048, requesting the Homeless Advisory Council to develop a 10-year plan to end homelessness, passed the Senate but died in the House.

2007. The Oregon Housing and Community Services (OHCS) budget received funds to restore its Housing Fund and plans to retain subsidized housing capacity. LWVOR supported the OHCS budget with subsidized rentals for families and homeless shelters for families and youth. Through the Housing Alliance, LWVOR signed on as a supporter of SB 38 and HB 3551, which would have implemented a real estate document recording fee to raise revenue for affordable housing, but neither measure received the required 3/5-majority vote. The revenue plan may be brought back to the 2008 special session.

2009. The Oregon Housing and Community Services (OHCS) department continues to work on the preservation of expiring federal housing projects. The Document Recording Fee passed early this session and will support several OHCS housing programs. The League sent a letter in support. Due to the economy, homeless programs were a priority this session. SB 200 defined Homelessness and set a goal to end homelessness for the state. There was no allocation of resources attached to the bill.

2011. The Oregon Housing and Community Services Department Budget, HB 5515, included priorities for food programs and housing assistance programs for unemployed, low income, and homeless individuals and families. The agency continues to provide funding from lottery bonds to preserve affordable housing units. The League testified on this budget to support meeting basic human needs and the services this agency provides, especially during an economic recession.

2013. Oregon Housing and Community Services Department administration was funded for one year with a reorganization anticipated in the February 2014 session. This agency has federal funds for Neighborhood Stabilization and Foreclosure Mediation Programs, which are due to be expended in the biennium. The agency is to report on alternative methods of service delivery for its programs in housing, energy and weatherization. The League has supported this budget due to the anti-poverty programs, such as emergency shelters and food bank resources. Lottery Bonds will support preservation of affordable housing projects. An addition to the Document Recording Fee will pay for veterans housing.

Juvenile Justice

Adopted March 1981; Educational Update 2000*

The League of Women Voters of Oregon believes in coordinated planning and implementation of juvenile services.

A. Prevention of juvenile crimes should be a priority in our society. Prevention programs should:

- 1. Be available from early childhood to adulthood;***
- 2. Involve family, peers, schools, and the community;***
- 3. Make available early diagnosis and treatment for physical, mental, and educational problems;***
- 4. Make available opportunities for all youth to learn responsibility and positive self images in their own communities; and***
- 5. Make available opportunities for learning parenting skills.***

B. Services for juvenile offenders should:

- 1. Be responsive to the needs of the youth and his or her family;***
- 2. Make diversion programs available prior to entry as well as during involvement in the juvenile justice system;***
- 3. Emphasize community planned and operated programs, including youth restitution programs;***
- 4. Deal with youth offenders in the least restrictive environment;***
- 5. Provide treatment-oriented secure custody;***
- 6. Include appropriate evaluation, treatment, and placement for those already in the system.***

C. The League opposes holding juveniles in adult jails. If appropriate alternatives are not available, care must be taken to assure that juveniles are out of sight and sound of incarcerated adults.

D. Status offenders should be diverted from the juvenile justice system whenever possible.

- 1. The League opposes holding status offenders in jail under any conditions.***
- 2. Social services outside the juvenile justice system should be developed to meet their needs.***
- 3. The juvenile court may be needed to provide help and protection for some youth.***

E. Basic standards for juvenile services should rest with the state.

- 1. Minimal federal standards are acceptable.***
- 2. Local governments should have flexibility for implementing programs consistent with these standards.***

F. Funding for Juvenile services should be consistent and dependable from all sources:

- 1. Local, state, federal, and private;***
- 2. Include parental ability to pay;***
- 3. Any level of government mandating services should provide substantial funding for those services.***

G. There should be a uniform statewide data system that provides meaningful and re-

trievable information while complying with right-to-privacy laws.

*Updated for background information only – no position change.

Position Implementation - Juvenile Justice

1981. The League was successful in helping to defeat a proposal which would have lowered the age of remand from adult court from 16 to 14 years of age. League opposed legislation that removed status offenders from the juvenile justice system without providing alternative programs.

1987. League supported funding for the Student Retention Initiative, which would provide grant funds for prevention and early intervention programs for students "at-risk." Funding was approved.

1994. The passage of Measure 11 caused major changes in the Oregon Juvenile Court process and sentencing juveniles in adult court for A and B felonies with mandatory sentences in the adult system.

1999. Several bills related to youth and weapons were introduced and some major legislation passed. SB 344 requires any student taking a weapon to school to be arrested, detained, evaluated and released only by a judge. HB 3444 requires school districts to create policies to deal with children who threaten other students or harm school property.

Legislation was also passed that will restrict teen driving. HB 2440 addresses training and restricts the number and ages of passengers and times when a teen may drive. SB 487 allows for the withholding or suspension of a driver's license for failure to attend school.

2003. LWVOR testified on the Department of Corrections budget, objecting to sentencing juveniles in the adult system and sending them to adult facilities. The League testified on the Oregon Youth Authority Budget, supporting the restoration of funding in community programs so options are available in the least restrictive setting. LWVOR also supported funding for juvenile prevention programs under the Commission for Children and Families (CCF). Juvenile crime prevention funds were cut 70%.

2005. LWVOR testified on the Oregon Youth Authority (OYA) budget, SB 5530, supporting the increased funding for 285 additional beds within the state correctional facilities. OYA presented forecast data to support the request but this was denied in the final HB 5125 budget. The chair of the Public Safety committee directed the agency to bring a proposal to the Emergency Board during the interim.

SB 1059 created a Juvenile Psychiatric Review Board under the current Psychiatric Review Board statutes, which monitors those convicted using the insanity defense. SB 1059 specifies that in cases of risk of substantial danger to others, a juvenile may be placed in a secure inpatient facility in the custody of the Department of Human Services. The Dept. of Corrections and OYA are allowed to transfer persons in correctional facilities to a state mental hospital for evaluation and treatment. (LWVOR did not testify on this bill, but supports treatment-oriented secure custody for youth offenders.)

2007. LWVOR testified in support of the Oregon Youth Authority (OYA) budget, specifically the restoration of additional secure custody beds in correctional facilities and the restoration of community placements and community juvenile department programs. The Oak Creek correctional facility in Albany will be reopened as a young women's facility, and additional beds will be included at 3 other facilities. OYA will also fund additional community foster care and residential placements. Juvenile Crime Prevention funds were increased but not restored to original levels.

Last session the legislature created a Juvenile Psychiatric Review Board under the current Psychiatric Review Board for adult offenders convicted using the Insanity Defense. The Juvenile panel started meeting in January 2007 and the Department of Human Services (DHS) has planned to manage the custody of those juveniles who are committed due to insanity pleas. DHS currently contracts with private agencies for the placement of children with mental health disorders. The secure custody placements in a locked mental health facility will be more expensive to provide. LWVOR did not testify but has monitored this program development.

2009. The Oregon Youth Authority (OYA) was initially threatened with 30% cuts because it operates primarily with General Funds. OYA had taken reductions in community placements at the end of the last biennium. The closure of units in correctional facilities and the Burns facility were considered, but there were objections from the public. The League testified in support of the OYA budget in terms of the future costs of cuts to the juvenile system. The Juvenile Crime Prevention funds were cut 20% for the programs administered through the Oregon Commission on Children and Families.

2011. The Oregon Youth Authority Budget, SB 5549, was significantly reduced for this biennium. The state correctional facilities capacity was cut from 954 to 750, allowing beds for M 11, juveniles convicted as adults and public safety offenders but restricting county juvenile court commitments. The budget increased community placements (103 up to 658) in residential programs and foster care to partially compensate for the loss of state capacity. The budget also funded community supervision, crime prevention and diversion services at the county level.

The League testified on the OYA Budget with support for funding for basic services in the county juvenile departments and for treatment programs in both the community and state facilities. The League supported SB 393, which allowed a second look half way through a mandatory sentence under BM 11, but the bill was not approved. The League also testified on HB 2707 which set a default policy for detention, rather than jail, placement for juveniles charged with adult level crimes. This bill passed.

2013. The Oregon Youth Authority Budget provided for a stable state institutional population and increased residential treatment and foster care options for committed youth offenders. The agency will submit a 10 year plan on the use or disposition of state facilities and a progress report on the Youth Reformation Model to the February 2014 Session.

HB 3194 in its original form included the second look provision for juveniles sentenced under M 11, but amendments eliminated this option in the final bill. Youth offenders sentenced in the adult system may remain in a juvenile correctional facility until age 25 and then are transferred to an adult correctional facility to serve the remainder of a M 11 sentence. The second look option would allow the court to review the case and could release a youth offender from the juvenile facility and avoid the exposure to the adult institutions. The League submitted com-

ments during the HB 3194 hearing process.

The Judiciary Committees heard testimony on the negative effects of Sex Offender Registration and voted to expunge juvenile records of sex offenses if conditions are met. Another bill stipulated that a juvenile sentenced in the adult system be delivered to a juvenile facility rather than an adult intake facility. That process would eliminate a physical transfer and allow the youth to be delivered to the youth correctional facility where he or she would remain.

Women's Issues

LWVOR uses several LWVUS positions relating to women in supporting and opposing specific legislative proposals, statewide initiatives and community activities. The positions include:

The League of Women Voters of the United States believes in the individual liberties guaranteed by the Constitution of the United States. The League is convinced that rights now protected by the Constitution should not be weakened or abridged. The League of Women Voters of the United States believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. The League supports "equal rights for all regardless of sex." The League further believes that governments at all levels share the responsibility to provide equality of opportunity for education, employment and housing for all persons regardless of race, color, gender, religion, national origin, age, sexual orientation or disability. The League supports programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families, including quality of health care, income assistance, housing and public transportation access.

Position Implementation - Women's Issues

1972-2003. Support for Roe v. Wade initially and currently.

1973, 1995. Support for ratification of the Equal Rights Amendment in the Oregon legislature.

1989-2001. Support for the Oregon Commission for Women's budget.

1990. Opposition to Ballot Measures 8 and 10, prohibiting reproductive choices.

1995-97. Support for the Women's Health and Wellness proposals, including anti-abuse laws and economic security.

1997. The Oregon Commission for Women, established in the 1960's, fell to the budget ax in the final hours of the 1997 legislature, receiving only a token \$25,000 for the biennium. Instead of a full-time director for this commission, as well as the other ethnic/minority commissions, they will have only a part-time person and very little funding for the commission itself. Instead of recognizing that the status of Oregon women is still far from equitable, the legisla-

ture chose to disregard widespread support and discriminate against diversity. The League will be working with the new commission director and other support groups during the interim to determine strategy for 1999. On the plus side for the session results, insurance companies can no longer refuse to cover domestic violence abuse injuries because they may be a pre-existing condition. Domestic assault was upgraded from a misdemeanor to a Class C felony (jail time) if it occurs in front of a child or is done by a person with a prior conviction. Consideration of gender parity on all state boards and commissions when appointments are being made is now mandatory, and victims of domestic violence will not be terminated from state assistance when their time period for aid runs out and will be referred to appropriate agencies. During the session the League worked with the Women's Rights Coalition, AAUW, Planned Parenthood, and Legislators Kitty Piercy, Kate Brown, Cynthia Wooten, Patty Milne, and Jeanette Hamby, among others, on women's health and wellness issues. While there was progress made on the domestic violence front and repressive reproductive health measures were not heard, there was no success in improving treatment for breast cancer. Among the bills left at the end of the session were insurance coverage for more than a 48 hour stay after a mastectomy, reconstructive breast surgery, and lowering the base screen for a first mammography from 40 years to 30 years. Also there is no universal insurance for contraceptives. These are ongoing health issues for women, and we will continue to bring them before the decision makers.

1999. After considerable efforts for a hearing, legislation to continue insurance coverage for mammograms and gynecological exams was continued for another six years. The Women's Commission was fully funded (\$130,000) after extensive debate as to the need for it, and pregnancy insurance for dependent teens was passed. For the first time this decade, anti-choice legislation, mandated parental notification, was passed by the legislature. The League opposed this measure along with many other organizations, and the governor vetoed it. Three negative bills were defeated in committees: banning of so-called "partial birth", requiring all abortions to be in a hospital setting, and downsizing of Oregon's Family Leave Act. We were unsuccessful in gaining insurance coverage for prescription contraceptives, one of the main reasons women pay up to 68 percent more for health care than men.

2001. It was a matter of protecting the rights of women during the session - opposing more than a dozen reproductive health proposals and supporting several social and economic measures, only two of which passed. The successful bills provide for a task force to examine the workplace environment for women including wage/salary discrimination and career opportunities, and an increase in funding for domestic violence crisis, prevention and shelter programs. We also supported increasing the grant dollars for child care programs for post-secondary students at the state's public community and four-year institutions. The Women's Health and Wellness Alliance with which the League cooperates worked very hard for a proposal to have health insurance coverage for prescription contraceptives, but hearings were denied. The EEOC has found denial of coverage to be discriminatory and lawsuits in California and Washington had found for the female plaintiff. It is hoped the insurance companies will act to close this health care gap for women in the interim. The League opposed 24-hour "informed consent," the elimination of health insurance coverage for pregnancy and birth, and the change to optional for county health programs to provide family planning information to low income families.

2002-03. The League met with the Women's Health and Wellness Alliance during 2002 to draft the legislative program which would move women forward. Members of the League, often in leadership positions, participated in local commemorations of Roe v. Wade.

2003. During the session, the League supported several of the proposals drafted by the Women's Health and Wellness Alliance including emergency contraceptives, insurance coverage for prescription contraceptives, paid family leave, insurance coverage for breast reconstruction following a mastectomy, breast-feeding privacy in the workplace, and parents as scholars (allowing education to be considered as work for low income families). Successes included insurance for breast reconstruction, parents as scholars programs, and funding for the victims of domestic violence budget for emergency contraceptives. Oregon still does not require health coverage for prescription contraceptives although it has been declared discriminatory by the EEOC and several states have enacted such laws after successful law suits by women plaintiffs.

We again had to battle against five anti-choice measures brought by Oregon Right to Life. The League joined many other groups and individuals opposing such bills as requiring 24-hour "informed" consent, fetal pain information, partial-birth abortion ban, limited access to abortion facilities, and parental consent. The 24-hour consent bill passed the House 34-22, but died in the Senate committee. None of the rest went beyond the House committee, although there was consistent lobbying from the anti group to move them. A 24-hour consent proposed initiative has been filed for November 2004.

2005. Basic health care for women (insurance coverage for pregnancy, child birth, mammograms, pap smears and cancer screening) will continue to be required without future sun setting, a positive result for the work of the Women's Health and Wellness Alliance this session. The rest of the women's agenda was not so fortunate. Oregon still will not require that health policies cover the cost of prescription contraceptives nor will emergency contraception be available from pharmacists after a sexual assault. For the first time the Oregon Pharmacy Association agreed to participate in the plan, but the House Speaker would not allow the bill to move. The Pro Choice Coalition of Oregon, of which the League is a member, prevented the movement of five anti-choice bills including 24-hour informed consent and parental notification. The bills regarding death of fetuses were not passed. There will be no expansion of the family leave act, but there will be funding continued for victims of sexual and domestic violence through the Department of Justice budget.

2007. This session adopted proposals for which advocates had been working for five sessions. The League supported each of the following:

- Emergency rooms must now provide emergency contraception and counseling to women who have been sexually assaulted.
- Health insurance providers offering prescription drug coverage must now offer an option for prescription contraception.
- Employers must provide nursing mothers with space in the workplace to express milk.
- Additional funding has been allocated to the services provided for victims of domestic violence and sexual assault.

2009. The Women's Health and Wellness Alliance, of which the League is a member, had some successes this session. Among the bills passed was (1) equal accountability for perpetrators of sexual assault (when the female is unconscious or intoxicated); (2) establishment of a Maternal Mental Health Workgroup; (3) HPV insurance coverage mandate (particularly for

teenage girls); (4) preventative prescriptions for partners; (5) access to clinical trials (requires insurance coverage); and (6) economic safety for victims of domestic violence (cannot lose job or time off).

What didn't pass was the Family Leave Insurance bill, funding for additional breast cancer and prevention treatment and expanded eligibility for prenatal care. The Alliance will seek informational hearings for these issues during the 2010 Special Session.

2011. The League participates in the discussion of women's issues as part of the Women's Health and Wellness Alliance, chaired by Rep. Carolyn Tomei and Sen. Diane Rosenbaum. From its relatively large agenda which is set by the members, the following were among bills enacted.

Sex trafficking of children was addressed by modifying compelling prostitution, by eliminating the ignorance of age defense, and by creating two offenses of prostitution and patronizing a prostitute, including a high penalty for the latter.

The Oregon Health Authority now must provide training and informational materials concerning maternal mental health to appropriate health care providers and hospitals.

Not enacted were bills to improve Oregon's law regarding expression of breast milk in the workplace by meeting the federal law, and the protection of infants from bottles containing BPA.

