

2014 Session Recap!



State Representative Alissa Keny-Guyer



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Dear friends and neighbors,

The 77th Legislative Assembly adjourned just over a week ago after five intense weeks. I held a town hall with Sen. Dembrow and Rep. Smith Warner last Monday and will hold a constituent coffee on Saturday, April 12, 10-11:30am at TaborSpace (5441 SE Belmont) to discuss the wins and losses.

This was the second regular "short session" in Oregon's history; the first one was held in 2012 - my first year in session. Odd year "long sessions" of approximately five months set the budget and allow for in-depth policy formation. Even year "short sessions" are intended to tweak the budget as needed, manage unintended consequences from bills passed the year before, and pass bills that nearly passed in the regular long session - or that deal with pressing needs.

Although the 2012 short session felt like "drinking from a fire hose" because everything was new to me, the 2014 short session felt even more intense because I was so much more engaged in several bills. As Vice Chair of the House Health Care Committee, I was also very involved in determining how we could improve Cover Oregon and prevent similar mistakes in the future. (***Breaking news:*** see the Governor's [press release](#) today, dealing with Cover Oregon!)

I will highlight the bills I championed and then summarize several bills of interest this session. Browse quickly to see the range of what we covered in just 5 weeks, and click on specific bills to see the bill text, sponsors, testimony, and votes. (But don't stop mid-way or you'll miss a photo of my wonderful staff at the end!)

Let's Begin: Bills I Championed

[SB 1569 TOXICS DISCLOSURE FOR HEALTHY KIDS:](#) Creates a "High Priority Chemicals of Concern for Children's Health" list and requires manufacturers to notify Oregon Health Authority within 2 years when their

children's products contain high priority chemicals. The original bill also required manufacturers to replace harmful chemical with a safer alternative (if available) within 5 years; this was deleted in order to secure more votes.

Since the bill was one vote short of passing in 2013, we had hoped that we could get it over the mountain this year. I attended a toxics conference in Atlanta last August, lobbied for national toxics reform in DC in October, met with industry and proponents, and worked with Oregon Environmental Council (the lead advocate) to incorporate feedback into the 2014 bill.

We had bipartisan sponsorship (3 Democrats and 3 House Republicans) and a growing list of endorsers that included nearly every major health and environmental organization in Oregon, businesses, labor, and other community partners. Unfortunately, industry lobbyists poured their money and efforts into defeating it, and we could not get passed the 15-15 impasse in the Senate. I appreciate the strong support by my co-sponsors and am committed to seeing this pass in 2015!

HB 4090 AFTER SCHOOL AND SUMMER MEALS FOR LOW INCOME SCHOOL DSITRICTS: Increases maximum amount allowed from \$10,000 to \$20,000 for after-school meal programs, and allows after-school funds to be used for summer meal programs. This bill was developed by "Partners for a Hunger Free Oregon" and garnered unanimous support in the House and Senate. After the "children's toxics" battle, it's great to champion a bill that everyone supports, knowing that healthy kids learn better.

HB 4108 REPURPOSING OF DURABLE MEDICAL EQUIPMENT: Directs Oregon Health Authority to establish a pilot program in six counties, including Multnomah, to repurpose durable medical equipment to medical assistance recipients.

Many wheelchairs, canes, and other DME items end up in basements, attics, and landfills. Others are sold on Craig's List, where they may not be properly refurbished or fitted to the patient. This project will connect the "supply and demand" so that seniors and people with permanent or temporary disabilities can access equipment more quickly and affordably. This bill, catalyzed by my constituent, David Komeiji, received nearly unanimous support; many people across the state are excited about how transformational this may ultimately be.

SB 1511 RADON MITIGATION: Requires that K-12 public schools and publicly funded childcare centers test for and mitigate radon gas when they are undergoing renovations or expansions. Sen. Dembrow and I worked closely on this bill since several of our neighborhoods have radon "hotspots," as do other areas in Oregon.

While the bill raised awareness about the prevalence of radon in Oregon

and its link to lung cancer, this session was too short to determine the exact costs to test and mitigate in our schools and daycare centers. We look forward to working with the Oregon Health Authority, the schools, and the Early Learning Council to develop legislation for 2015.

Other Bills of Interest (* are the bills I co-sponsored)

HEALTH BILLS THAT PASSED AND I SUPPORTED:

***HB 4154 COVER OREGON MODIFICATIONS:** Reimburses people who tried unsuccessfully to sign up for Cover Oregon for any public subsidies for which they qualified through April 30; authorizes the Governor to remove board members; and requires Cover Oregon to report more data about enrollment and costs to the Legislature.

SB 1582 OMIP: Authorizes Oregon Health Authority, overseen by Oregon Medical Insurance Pool Board, to make expenditures for transitional medical insurance pool program from ending balance of moneys received from premium assessments and from reinsurance program funds. This bill takes care of the high need OMIP patients that have yet to secure health care coverage through Cover Oregon.

***HB 4085 CANCER PREVENTION:** Requires insurance coverage for preventative measures taken during colorectal screenings. If polyps are found during a screening covered by insurance, removal of the polyps should also be considered preventative.

***HB 4028 PROBLEM GAMBLING:** Increases amount of funds allocated to Problem Gambling Treatment Fund to pay for problem gambling treatment, for advertising treatment program, and for data collection related to problem gambling. I was honored to serve on a gambling addictions task force chaired by Rep. Carolyn Tomei, who is passionate about preventing and treating all addictions.

***SB 1541 CROP DONATION TAX CREDIT:** Extends sunset and raises the tax credit from 10% to 15% for farmers who donate crops to food banks and other programs. This is an economic development bill as well as a nutrition bill, since it helps farmers recoup some of the cost incurred in harvesting and transporting crops to assist vulnerable families.

***HB 4050 EXPANDS SELF INSURANCE:** Allows businesses to purchase re-insurance to cover a fully self-insured employee health benefit plan. Several businesses, including AIMCO in my district, have had great benefits in terms of financial savings and employee health by self-insuring. This removes any minimum number of employees to allow more companies this option.

SB 1531B MEDICAL MARIJUANA DISPENSARIES: Allows cities and

counties to impose local restrictions regarding medical marijuana dispensaries. While I do not support banning dispensaries because it prevents patient access to a legal drug treatment, I supported the compromise that allows local government to place a one-year moratorium on dispensaries while they develop regulation, such as on dispensary location and operating hours.

***HB 4094 MINOR IN POSSESSION (MIP):** Creates defense to possession of alcohol by person under 21 years if evidence of offense resulted from person's having sought medical assistance for alcohol poisoning. We want minors to call authorities when someone's life is at risk, without concern they will be penalized.

HB 4109 BASIC HEALTH CARE STUDY: Requires Oregon Health Authority to study the feasibility of a health care program to cover people below 200% of the federal poverty line, and to cover legal immigrants during their first five years when they are not yet eligible for the Oregon Health Plan.

***HB 4124 YOUTH SUICIDE INTERVENTION AND PREVENTION COORIDNATOR:** Moves position from Oregon Health Authority's Public Health division to Mental Health and Addictions; requires annual reports to the Legislature and five-year strategic planning to combat the high rate of suicide. While this bill addresses the immediate crisis in our high rates of youth suicide, I hope we can restore the public health prevention-focused position in 2015.

HEALTH BILLS THAT DID NOT PASS:

***HB 4129 TOBACCO TAX:** Raises tax on cigarettes and tobacco products; appropriates the new tax revenue to the Oregon Health Authority to provide preventative services and innovative, nontraditional health services, including mental health services and substance abuse treatment. Our current cigarette tax of \$1.31/pack compared to Washington's \$3/pack is woefully inadequate, both to deter smoking (especially among minors) and to pay for \$1 billion/year in tobacco-related health care costs in Oregon. We must defeat the tobacco industry opposition to get on top of our rising health care costs.

***HB 4073 E-CIGARETTES:** Prohibits minors (under 18) from smoking e-cigarettes with nicotine. I supported this but preferred the stronger bill below.

***HB 4115 E-CIGARETTES:** Prohibits minors (under 18) from smoking any e-cigarettes, with or without nicotine. Prohibits e-cigarettes in public buildings, in accordance with Oregon's Clean Air Act. I supported this measure because of the potential health risks of e-cigarettes, but favored making an exception for smoking in vaping shops where consumers can try products, as we currently allow in cigar and hookah shops.

SB 1556 MARIJUANA LEGALIZATION: Refers a ballot initiative that asks Oregonians if adults, 21 years of age or older, should be able to possess, transfer or produce marijuana legally. If passed, it directs Legislative Assembly to enact laws that regulate possession, transfer, production, and taxation of marijuana. I would have supported this if it made it to the House. It's better to get a "thumbs up or down" from the electorate and then shape the law in the Legislature with citizen and expert input (learning from CO and WA), rather than have a citizen-initiated ballot measure that lacks extensive review and input.

ENVIRONMENT BILLS THAT PASSED AND I SUPPORTED:

***HB 4107 ALTERNATIVE FUEL VEHICLES:** Extends Alternative Fuel Vehicle Revolving Fund loan program to certain private entities for the purchase of conversion of alternative fuel vehicles that have lower emissions.

***HB 4139 POLLINATOR PROTECTION:** Directs OSU and the Department of Agriculture to develop educational materials for pesticide users and creates a Task Force on Pollinator Health to protect bees from harmful pesticides (neonicotinoids).

HB 4078 LAND USE IN WASHINGTON COUNTY: Compromise on Urban Growth Boundary and urban and rural reserves by developers, conservationists and local governments - catalyzed by an Oregon Court of Appeals decision that scuttled a 40-year regional growth plan.

ENVIRONMENT BILLS THAT DID NOT PASS:

SB 1570 CLEAN FUELS PROGRAM: Repeals 2015 sunset on low carbon fuel standards to allow this program to move forward. I would have vigorously supported it if it had passed the Senate and come to the House. Requiring industry to reduce greenhouse emissions and incentivizing local renewable energy production is important for our sustainable economy, environment and health. While this didn't pass, I appreciate the Governor's Executive Order to allow rule-making to proceed in hopes that the sunset will be lifted in 2015.

EDUCATION & WORKFORCE DEVELOPMENT BILLS THAT PASSED AND I SUPPORTED:

***HB 4116 ASPIRATION TO COLLEGE:** Will provide grants and support services, such as Future Connect at PCC, to low-income and first-generation community college students.

***HB 4117 SUMMER LEARNING GRANTS:** \$500,000 to add at least 60 hours of learning time over the summer for over 5,000 students at high-poverty, low performing schools.

***HB 4058 APPRENTICESHIPS:** Amends 40-40-20 education goals to include apprenticeship programs registered with State Apprenticeship and Training Council.

***HB 4069 CAREER AND TECHNICAL EDUCATIONAL:** Establishes Oregon Task Force on Career and Technical Education Teaching to increase availability and quality of teachers of CTE courses. (The CTE Grant Revitalization Program also received an additional \$2 million to add to the \$10 million we allocated in 2013. This will fund the many excellent middle and high school proposals that we were not able to fund last year.)

HB 4019 COST OF HIGHER EDUCATION: Requires Higher Education Coordinating Commission to provide incoming students with information regarding affordability, value, and potential debt upon degree completion of institutions of higher education in Oregon.

SB 1566 MODERNIZES OREGON'S JOB TRAINING PROGRAMS to ensure they work employers' and workers' needs.

SB 1524 OREGON PROMISE: Commissions a study to see whether it's realistic to provide free tuition to community college for Oregon residents.

SB 1527 DISLOCATED WORKER TRAINING PROGRAM: Directs Oregon Business Development Department (OBDD) to contract with private or public entities to develop Dislocated Worker Training pilot program to re-employ unemployed and underemployed engineers and industry professionals into bioscience and manufacturing traded sector industries.

BUDGET NOTE: We added \$2.2 million in employment-related day care and early learning programs to help children be ready for Kindergarten.

EDUCATION BILLS THAT DID NOT PASS:

***HB 4062 STUDENT EDUCATION RECORDS:** Modifies standards that State Board of Education must adopt related to student education records to ensure student privacy.

***HB 4142 STRATEGIC INVESTMENT PROGRAM:** Amends definition of "rural area" for the purposes of determining qualification for the strategic investment program (SIP) tax credit for corporations. Updating the definitions would more accurately reflect areas that are truly rural and would presumably reduce the amount school districts are losing because of the SIP tax credit to corporations.

HB 4141 PROTECTING SCHOOL FUNDS: Local government tax breaks to developers and corporations result in nearly \$379 million lost education dollars each year. The original bill sought to put school dollars in a "lock box" so they couldn't be given away, and a later compromise called for

input from schools on how local governments make re-allocations of the corporate fees that are gathered when tax breaks are made. This compromise also sadly failed.

HB 4102 HIGHER ONE CARD: Prohibits public or private post-secondary institutions of education from entering into contracts with student financial aid management firms unless contracts meet certain requirements. This bill aimed to reduce the high transaction fees that contribute to student debt.

HB 4136 NATIVE AMERICAN MASCOTS: Permits school board to enter into written agreement with federally recognized Native American tribe in Oregon to identify acceptable name, symbol or image of mascot and to identify behavior expectations and diversity training. Although this bill was narrowed and improved from last year, I still could not support it due to the potential harm of stereotyping races and ethnicities.

HUMAN SERVICES, SENIORS & HOUSING BILLS THAT PASSED AND I SUPPORTED:

***SB 1542 IN-HOME CARE PROVIDERS:** Allows private payers to hire home care workers through registry maintained by Home Care Commission. The Commission ensures the quality of home care services paid for by the Department of Human Services for seniors and people with disabilities. Since our tax dollars pay for workforce quality control, it makes sense to allow private citizens to use that registry when hiring a home care worker to assist their loved one.

***HB 4114 CASA FOR VULNERABLE SENIORS:** Authorizes court to appoint "protected person special advocate" in protective proceeding at any time after appointment of fiduciary.

***HB 4148 HOMESTEAD PROPERTY TAX DEFERRAL:** Changes interest rate accruing on deferred taxes under homestead property tax deferral program from 6% compounded annually to 6% per annum to make it more affordable for struggling seniors and people with disabilities.

HB 4151 SENIOR ABUSE: Requires Department of Human Services to complete abuse investigations of persons 65 and older within 120 days from date of report of abuse except when concurrent criminal investigation is ongoing.

HB 4038 MANUFACTURED HOME PARKS: Requires manufactured park owner to give written notice to park tenants and Oregon Housing and Community Services of owner's interest in selling park prior to marketing or considering offers, so tenants have a chance to buy the park and maintain their community.

***HB 4065 NOTICE OF METH IN FORECLOSURE SALE:** Requires notice of trustee's sale in connection with foreclosure of residential property to

include language that warns prospective purchasers that residential property may have been used in manufacturing methamphetamines.

SB 1553 PUBLIC GUARDIAN: Creates a new office to serve vulnerable Oregonians in medical and financial decision making when they don't have the capacity to do it themselves, or have no other trusted person to make such decisions.

BUDGET NOTE ON HOUSING: With funds from the 2013 special session and the slowly recovering economy, we added \$10 million in additional housing for the community mental health system and \$2.5 million in bonds to maintain affordable housing units. We also added \$2 million to the State Homelessness Assistance Program and the Emergency Housing Account for our homeless neighbors, bringing the shelter and counseling services back to their pre-2007 levels.

PUBLIC SAFETY BILLS THAT PASSED AND I SUPPORTED:

***HB 4120 FALLEN PUBLIC SAFETY OFFICERS:** Expands scholarships for children of public safety officers killed or injured in line of duty to include children of reserve officers and volunteer firefighters killed or disabled in line of duty. The bill honors fallen officer and my constituent, Robert Libke, whose widow Wendy gave birth to a baby girl days after witnessing the passage of this bill on the House floor.

HB 4055 TAX ON PRE-PAID CELL PHONES TO SUPPORT 911: An increasing number of people are using pre-paid cell phones and have access to the 911 emergency reporting system, but they don't pay for that service. It took years to agree on how to tax pre-paid cell phones for the fee charged to all other phones. This compromise will help fund a system that has been under-funded for too long.

PUBLIC SAFETY BILLS THAT DID NOT PASS:

SB 1551 GUN SAFETY: Requires criminal background checks before transferring firearms to any other individual except for family members, inherited firearms, and antique firearms. I strongly support this common-sense legislation to keep guns out of the hands of criminals and the adjudicated mentally ill. I am gravely disappointed that after all the ongoing tragedies, we have not yet been able to pass this responsible gun ownership bill.

HB 4054 DRIVING CARD TITLE: Corrects the 2014 ballot title to more accurately reflect the legislative intent in passing SB 833 in 2013.

CONSUMER PROTECTION & GOVERNMENT EFFICIENCY BILLS THAT PASSED AND I SUPPORTED:

***HB 4122 PUBLIC CONTRACTING STANDARDS OF PERFORMANCE:**

Requires state contracts that exceed \$1 million or meet other criteria to procure quality management services. Due to the Cover Oregon fiasco, this increases oversight of public contracting and requires preliminary and final reports to be shared with several oversight bodies.

HB 4135 STATE INFORMATION TECHNOLOGY: Requires State Chief Information Officer to advise executive staff of state agencies, boards or commissions on specified information technology trends and resources, and to report findings to the Legislature. This tightening of IT procedures was another response to Cover Oregon.

***SB 1544 CITIZENS INITIATIVE REVIEW COMMISSION:** Changes membership and meeting requirements of Citizens' Initiative Review Commission, which makes an independent analysis of ballot measures.

CONSUMER PROTECTION & GOVERNMENT EFFICIENCY BILL THAT DIDN'T PASS:

***HB 4143 CLASS ACTION LAWSUIT:** Authorizes court, in a class action settlement or judgment, to allocate "residual funds" which plaintiffs have not collected to go to Oregon Legal Aid rather than back to the corporation found guilty of harm. Oregon is one of only two states that return unclaimed funds, which often total 40-50% of the total award, to the wrong-doer. As the Senate Judiciary Chair explained, our current system is akin to a thief stealing 12 bikes, returning 8 to the found victims, but keeping 4 when those bike-owners could not be located.

Many of the Oregon's top lawyers have tried for years to change our law. Former Secretary of State Hardy Myers, Gov. Ted Kulongoski, Secretary of State Ellen Rosenblum, and Legislative Counsel agreed this bill was constitutional - after corporate lobbyists argued otherwise. Unfortunately, the corporate interests won out over the many low-income Oregonians who rely on Legal Aid to seek justice. But momentum has built for 2015!

***HB 4083 UNSOLICITED CHECKS IN THE MAIL:** Requires person, before sending unsolicited check or other payment, to notify consumer at least 7 days in advance and secure consent to receive payment. Too many unsolicited checks get stolen, unbeknownst to the payee, often leading to identity theft.

RULES COMMITTEE BILLS THAT I SUPPORTED BUT DIDN'T PASS:

HB 4100 GMO LABELING: Refers a ballot measure so Oregonians can decide whether to require labeling of genetically engineered food to enable consumer choice of food purchases. This measure failed, but as I mentioned in my [2013 Special Session summary](#), I expect the Governor's task force on GMO's to consider this issue.

ECONOMIC DEVELOPMENT BILLS THAT PASSED AND I SUPPORTED:

SB 5703 OHSU KNIGHT CANCER INSTITUTE: \$198 million in bonding for the construction of two buildings on the Portland Waterfront to house \$1 billion in investments raised by OHSU for world-class cancer research and treatment. Those bonds came with a set of expectations, including construction apprenticeship goals, minority/women/emerging small businesses contracting targets, and the development of a preferential contracting policy for Oregon-based companies.

***SB 1563 ENTREPRENURIAL DEVELOPMENT LOAN FUND:** Authorizes Oregon Business Development Department to undertake entrepreneurial development activities for start-ups, micro-enterprises, and small businesses; it increases cap on entrepreneurial development loans from \$70,000 to \$100,000.

***HB 4063 TASK FORCE ON LOANS FOR DEVELOPMENT:** Establishes Task Force on Statutory Common School Fund Loans to identify opportunities for financing projects that provide significant in-state economic benefits, such as the development of brown fields. (Note that these Lottery funds cannot be used for schools.)

SB 1566 COORDINATION OF WORKFORCE AND ECONOMIC DEVELOPMENT: Promotes coordinated provision of education, employment, economic development and job training, involving community colleges, public and private universities, and the local and State Work Investment Boards.

HB 4111 PUBLIC INFRASTRUCTURE COMMISSION: Establishes the Commission to identify Oregon's public infrastructure funding needs and to research and analyze financing and procurement methods for public infrastructure projects, in conjunction with the West Coast Infrastructure Exchange.

BUDGET NOTE ON BONDING FOR CONSTRUCTION: The sale of public bonds builds local infrastructure and supports statewide economic development goals. Last year, every community college and university received authorization for bonding campus projects. This year, in addition to supporting the OHSU Knight Cancer Institute, we approved bonding for construction projects at many of our higher ed facilities. We also issued lottery bonds to spark economic development, including a program for home energy efficiency upgrades around the state.

ECONOMIC DEVELOPMENT BILLS THAT DID NOT PASS:

HB 4067 MODIFICATIONS TO BUSINESS FILER TAX BREAK: Reduces the preferential tax rate for Schedule E filers with pass-through income and decreases number of hours worked required for the rate. As I mentioned in my **2013 Special Session Summary**, the tax break we passed in the Grand Bargain benefits high-income business owners who may not need

the break and who are not required to re-invest their savings into their business. I supported this bill's goal to cap the tax break for annual incomes at \$250,000 rather than the current \$5 million. I regretted that neither this bill passed, nor an amendment to another bill that would have limited the tax break to businesses in Oregon. Currently, any Oregon filer that has material participation in a business anywhere in the country receives this preferential rate. I hope we make meaningful changes to this tax break when we take on comprehensive tax reform in 2015.

HB 4144 INVESTMENT MODERNIZATION ACT: Establishes Oregon Investment Department as public investment agency to be supervised by director appointed by Oregon Investment Council. This will restructure the State's investment programs to provide more flexible and cost-efficient oversight, resulting in billions of dollars in projected savings to the state, as recommended by Treasurer Ted Wheeler. After amendments added additional legislative oversight of this new entity, I fully supported it. Although we ran out of time to create a new agency this session, I hope it will pass in 2015.

HB 4113 COLUMBIA RIVER CROSSING (CRC): Given this would have been Oregon's largest public works project in history, I spent many hours talking with proponents and opponents and reading countless documents, including the 182-page Investment Grade Analysis. Although we have to deal with the traffic congestion and environmental, health, and safety shortcomings of the current I-5 bridge, and I voted for the project last year with strong triggers, I could not support the project as proposed this session.

In addition to the fiscal imprudence of the "single state solution" whereby Oregon would bear the full financial risk, I was extremely alarmed at the Investment Grade Analysis's projected negative impact on East Portland. Furthermore, some of the aspects I had originally liked, such as the "congestion tolling" to manage traffic flow at peak hours, were abandoned for financial reasons.

While the demise of this project is a huge disappointment to some and a huge relief to others, I hope that we can move forward to address the ongoing transportation needs of the whole region. Transportation safety, neighborhood livability, and public health are high priorities among my constituents; so I will continue to seek state support for community solutions.

CONCLUSION

There were many excellent bills that passed, and others that hopefully will pass in 2015, to ensure that private and public dollars are strategically invested to build a sustainable economy and environment, create living wage jobs, and strengthen our health and human services.

In the meantime, I want to thank my constituents and stakeholders around the state for your feedback about bills, and my wonderful staff for their hard work and dedication throughout the session!



My 2014 Legislative Team:

Top aide Roberto Gutierrez, PCC intern Jazmin Menjivar, Willamette intern Sonya Essaadi, and staff/former PSU intern Jillian Johnsen with me in the House chamber!