

State lawmakers to consider adding stronger invasive mussel defenses

Quagga and zebra mussels cause trouble

By **MATEUSZ PERKOWSKI**
Capital Bureau

SALEM — Oregon lawmakers are considering whether to strengthen the state's defenses against invasive aquatic mussels that threaten both irrigation systems and ecosystems.

The state House Agriculture and Natural Resources Committee has introduced legislation creating a new penalty for people who refuse to subject their boats to inspection for quagga and zebra mussels at checkpoints, among other measures.

The mussels threaten to clog irrigation intakes and disrupt habitats for native fish species.

Currently, drivers hauling boats who don't stop at check points can be ticketed for traffic violations. The stations are located at common entry points for watercraft along Oregon's borders.

Under House Bill 2321, drivers who are pulled over by police within 5 miles of failing to stop at a checkpoint can be charged with a misdemeanor if they refuse to return for inspection.

If convicted, the crime would be punishable by up to 30 days in jail and a fine of \$1,250.

The legislation would

Quagga mussel

This non-native freshwater mussel poses a major threat to



0.8 inches (Actual size)

U.S. waterways as an invasive species. It's similar in appearance to its more infamous cousin, the zebra mussel.

Binomial name: Dreissena rostriformis

Appearance: Shell is striped, being more pale toward the end of the hinge

Diet: Filter feeder

Life span: 3-5 years

Origin: Dnieper River drainage of Ukraine

First observed: 1989 in Lake Erie near Port Colborne, Ontario

Sources: www.wikipedia.org, USGS

Capital Press graphic

also eliminate a current exemption under which operators of nonmotorized watercraft under 10 feet in length, such as kayaks, don't have to buy Aquatic Invasive Species Permits, which cost \$5 a year.

Money collected from selling such permits is used to control invasive aquatic species.

Boats would have to be drained of all water before leaving a river or lake under HB 2321, with operators facing a penalty of \$30 for nonmotorized watercraft and \$50 for motorized watercraft if they don't comply with this requirement.

Between 2010 and 2016,

the number of boats inspected for invasive mussels has grown from fewer than 3,000 to more than 16,000 per year, said Scott Brewen, director of the Oregon Marine Board, during a Thursday committee hearing.

While compliance with the checkpoints has improved in recent years, about 18 percent of boaters still didn't stop for inspections in 2016, spurring the idea for HB 2321, he said.

State Rep. Sherrie Sprenger, R-Scio, said she sympathized with the intent of the bill but was concerned about the potential for boaters to be charged with a misdemeanor, the same class of crime as some thefts and assaults.

Rep. Brian Clem, D-Salem, said he wasn't thrilled about eliminating the permit exemption for nonmotorized watercraft under 10 feet in length, but he said these points would be further debated in the future.

During the hearing, lawmakers also considered House Bill 2266, which pertains to funding for hatchery fish research.

Currently, unobligated money left over in the Oregon Hatchery Research Center Fund is transferred to the Oregon Hatchery Construction Fund at the end of each fiscal year.

Under HB 2266, that money would be allowed to remain in the fund dedicated to hatchery research.

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Murderer, rapist denied parole

Nulph gets another hearing in two years

The Daily Astorian

The state parole board has deferred the potential release of convicted murderer and rapist George Nulph for two years.

The parole board concluded, based on a doctor's report and diagnosis, that Nulph suffers from a severe emotional disturbance and is a danger to the community.

Nulph was convicted in 1976 of murder and kidnapping in the abduction of Frances Christians in Cannon Beach. He was sentenced to life in prison but, under a new sentencing system, he was released in 1986. Nulph brutally raped a Portland woman shortly after his release, and was sent back to prison.

The Oregon Board of Parole and Post-Prison Supervision ruled on Nulph's murder and sodomy convictions after holding a parole hearing in January.



Submitted Photo

George Nulph in his 1976 booking photo from Clatsop County.

Michael DeMuniz, a Portland attorney who represented Nulph before the parole board, declined to comment.

Clatsop County District Attorney Josh Marquis had argued against parole for Nulph at the January hearing.

"While I'm gratified that the (parole board) recognized Nulph did not deserve release, the fact he served less than 10 years on a life sentence is outrageous," Marquis said in an email. "If the Department of Corrections had not

released him on 'leave' he would not have been able to rape an 18-year old woman in Portland.

"This case languished without any action for over 25 years, and while the members of the current parole board bear no responsibility for failures of previous boards, Nulph should serve the rest of his life in prison. Now my office and Multnomah County DA's Office will need to notify the victims again that in two years we are likely to repeat this process."

"Right to farm" law could get weakened on pesticides

Proposal would remove protections

By **MATEUSZ PERKOWSKI**
Capital Bureau

SALEM — State lawmakers with strong track records of supporting pesticide restrictions are chairing two Senate committees that are positioned to affect Oregon agricultural policies this year.

Senate Bill 499 — a proposal to strip pesticide protections from Oregon's "right to farm" law — was introduced at the behest of the Senate Judiciary Committee, whose chair is state Sen. Floyd Prozanski, D-Eugene.

The law prohibits local ordinances restricting common farm practices as well as nuisance and trespass lawsuits against such farm practices.

People who lose such lawsuits are required to pay the opposing party's attorney fees, which has discouraged such cases against farm practices from being filed in Oregon.

Under SB 499, however, complaints alleging nuisance or trespass from pesticides are exempted from the law.

The bill's introduction at the request of the Senate Judiciary Committee bodes well for its chances for a vote before the full Senate,

particularly since Prozanski has supported a harder line against pesticide usage.

In 2015, for example, Prozanski sponsored bills that would ban neonicotinoid insecticides and increase notification and reporting requirements for spraying pesticides.

All of those bills died in the Senate Committee on Environment and Natural Resources, which was then chaired by Sen. Chris Edwards, D-Eugene.

Edwards left the Legislature last year to take a job at the University of Oregon, so Sen. Michael Dembrow, D-Portland, will replace him as chairman of that committee.

Dembrow was a chief sponsor of legislation in 2015 — Senate Bill 613 — that would have increased notification requirements for aerial pesticide spraying of forestland, which died in committee.

The Oregon League of Conservation Voters gives Dembrow a 94 percent "lifetime score" based on his support of environmental legislation.

Scott Dahlman, policy director of the Oregonians for Food and Shelter agribusiness group, said his organization hasn't always seen "eye to eye" with Dembrow.

Even so, Dembrow is known for having an "open door" policy and will hopefully keep an open mind on issues affecting agriculture, Dahlman said.

Beyond Toxics, an environmental nonprofit, believes Dembrow is the right choice to chair the committee, though it's too early to say how he might influence legislation, said Lisa Arkin, the group's executive director.

Arkin said Oregon's approach to pesticides in farming and forestry is "outdated and unscientific" and the state's pesticide laws are overdue for reform.

In the state House, the elimination of the Committee on Rural Communities, Land Use and Water has created some uncertainty for legislation that affects agriculture, said Dahlman.

Bills that would have previously been steered to this committee will now likely wind up before the House Agriculture and Natural Resources Committee and the House Energy and Environment Committee, he said.

The House Agriculture Committee is chaired by Rep. Brian Clem, D-Salem, who is a part-owner of a farm and is familiar with agricultural issues, Dahlman said.

Rep. Ken Helm, D-Beaverton, isn't as familiar with natural resource issues but there's no reason to think he won't be receptive to industry concerns, he said.

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Senate committee will release new revenue plan next week

By **CLAIRE WITHYCOMBE**
Capital Bureau

SALEM — Lawmakers on the state Senate's Finance and Revenue Committee are expected to release a package of measures next week that will likely include a broad-based tax on business.

Facing a nearly \$1.8 billion shortfall to maintain existing services, business tax talks are occurring in the context of a larger discussion legislators are having about the volatility of state revenue.

Most of the state's general fund comes from income taxes, which rise and fall with changes in the economy and produce what state Rep. Cliff Bentz, R-Ontario, has described as "crazy gyrations."

The Senate Finance and Revenue Committee Thursday discussed the merits of three main types of business taxes — a gross receipts tax, a value-added tax and a corporate income tax.

As the name implies, a gross receipts tax is applied to a company's gross sales. It is paid

regardless of whether those receipts generate a profit.

Measure 97, a \$6 billion state gross receipts tax that applied to certain corporations, was defeated at the ballot box in November. The tax would have required some corporations to pay the state 2.5 percent of their annual Oregon sales exceeding \$25 million. Because it only applied to "C" corporations, it would have applied to a relatively small number of businesses.

Legislators and lobbyists have since discussed the possibilities for a smaller tax spread over a broader base of businesses.

A corporate income tax generally taxes gross receipts minus several deductions such as labor costs and operating expenses, and typically at a higher rate than a value-added tax or gross receipts tax.

A group of public finance economists, whose study of Connecticut state taxes lawmakers reviewed Thursday, found that the corporate income tax "has been eroded by intense inter-state competition for eco-

nomics development," legislative revenue officials wrote in a summary document.

A value-added tax is collected in increments at each stage of production. It can put companies at a competitive disadvantage if they sell their goods out of state, where they may be taxed again.

A gross receipts tax generally has a broader base, meaning there are few or no deductions from what is taxed. It is also typically simpler to administer than a value-added tax.

A broader base has advantages, said Paul Warner, the head of the Legislative Revenue Office, because it minimizes distortions in the broader economy but can be a "powerful revenue generator."

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