HOUSE OF REPRESENTATIVES

THIRD READING ALERT

PROJECTED THIRD READINGS FOR FRIDAY, FEBRUARY 28, 2014

HOUSE CONVENES AT 10:30 A.M.

BILL#	COMM	RECOMMENDATION	Filed	CARRIER

PROPOSITIONS AND MOTIONS:

(Possible Consideration of Senate Amendments)

HB 4011 B-Eng BL concur 02/27/2014 Doherty

Permits pawnbroker to charge $1 fee to renew placement of firearm. Changes delivery method of notice to pledgor at risk of forfeiting pledge securing loan of at least $1,500 from certified mail to regular mail. Adds 30-day grace period to redeem or renew if loan is less than $500. Declares emergency, effective on passage. **Senate amendments retain existing statutes allowing local jurisdictions to require pawnbrokers who deal in second-hand precious metals to supply jurisdiction with photographs of precious metal items.** (Senate vote: 29-0)

HB 4013 A-Eng HC concur 02/28/2014 Greenlick

Authorizes practitioners to electronically transmit prescriptions for Schedule II controlled substances in nonemergency situations. Defines step therapy. Requires prescribers have access to clear explanation of clinical criteria for a step therapy protocol, the process by which a prescriber may submit to the plan the practitioner's medical rational, and specifies that documentation, if any, that a practitioner must submit to the plan for the plan to determine appropriateness for a specific patient. Adds language to the coordinated care organization statute. Declares emergency, effective on passage. **Senate amendments define step therapy. Requires prescribers have access to clear explanation of clinical criteria for a step therapy protocol, the process by which a prescriber may submit to the plan the practitioner's medical rational, and specifies that documentation, if any, that a practitioner must submit to the plan for the plan to determine appropriateness for a specific patient. Adds language to the coordinated care organization statute.** (Senate vote: 30-0)

Please note: Has minimal fiscal impact, no statement issued.

HB 4035 B-Eng JUD concur 02/28/2014 Barker

Allows a corrections officer employed by the Oregon Department of Corrections (DOC) to possess a weapon in the officer's personal vehicle when the vehicle is in a DOC parking lot if: (1) The officer is present in his or her official capacity; (2) He or she has a valid Oregon concealed handgun license; (3) The weapon is in a locked container, including the glove compartment or trunk, inside the vehicle; and (4) The department does not provide a secured location. Requires the officer to keep his or her firearm in the secured location if one is available. Applies 91 days after adjournment. **Senate amendments allow a Corrections officer to keep a firearm in locked trunk, glove box or other locked container if the department does not provide a secure locked location. Applies 91 days after adjournment.** (Senate vote: Ayes, 29; Nays, 1 – Burdick)

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REV.....Revenue
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RC.....Rural Communities
TED.....Transportation & Economic Development
VET.....Veterans' Services & Emergency Preparedness
WM .....Ways and Means

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HB 4068 B-Eng JUD concur 02/28/2014 Barker

Allows a person with one violation or misdemeanor conviction for marijuana possession or one court diversion for marijuana possession to apply for a concealed firearm permit regardless of whether the conviction was in Oregon or in another state. Allows a person convicted of misdemeanor marijuana possession to obtain a concealed firearm permit after waiting four years from the date of conviction. Applies to license applications submitted on or after the effective date of this Act. **Senate amendments treat a person convicted of marijuana possession in another state the same as a person convicted in Oregon of the same offense for the purposes of obtaining a concealed firearm permit. Allows a person convicted of misdemeanor marijuana possession to obtain a concealed firearm permit after waiting four years from the date of conviction.** (Senate vote: 30-0)

Please note: Has minimal fiscal impact, no statement issued.

HB 4093 B-Eng JUD concur 02/27/2014 Bentz

Makes reports and agreements created for the purpose of sage grouse habitat protection exempt from public disclosure when those reports and agreements are voluntarily submitted to Department of Agriculture, Department of Forestry, or a soil and water conservation district. **Senate amendments limit disclosure exemption to only those agreements dealing with greater sage grouse.** (Senate vote: Ayes, 24; Nays, 5 – Burdick, Hass, Monroe, Rosenbaum, Steiner Hayward)

HB 4103 B-Eng CPGE concur 02/28/214 Holvey

Requires lien claimant, when providing notice of foreclosure sale, to provide lien debtor and persons with security interest copies of records and documents that are evidence of the basis for the lien when the chattel is a motor vehicle, boat, or aircraft. Allows a secured party or lien debtor to obtain attorney fees to enforce their respective rights to notice and copies of the records. States that a person who purchases a vehicle at a foreclosure sale takes free of any security interest in the vehicle even if proper notice was not provided to the lien debtor or person with a security interest in the vehicle. Directs the Department of Transportation, the State Marine Board, and the Oregon Department of Aviation to take the appropriate steps necessary to carry out their duties under this measure. Stipulates that Sections 1, 2 and 3 of the Measure take effect January 1, 2015. Stipulates Section 4 is effective on passage. **Senate amendments remove the lien claimant's failure to give notice from the unlawful trade practices Act. Specifies that if the lien claimant fails to give a secured party or the debtor notice, they are entitled to attorney fees in a legal action against the lien claimant. Clarifies that the foreclosure sale extinguishes a security interest in the property sold at foreclosure sale even if the secured party was not given notice of the sale.** (Senate vote: 30-0)

Please note: Has minimal fiscal impact, no statement issued.

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HB 4150 B-Eng ED concur 02/28/2014 Gelser

Revises assessment and grading system standards for school districts. Establishes standards for proficiency education. Requires allowance of use of accommodations for students who provide work samples to demonstrate proficiency in Essential Learning Skills. Allows use of more than three indicators per content area reporting category. Allows district superintendent to revise duties of an existing committee, or establish new advisory committee, for purpose of developing and implementing proficiency education/grading system. Replaces references to "a grading" system with "a reporting" system. Directs Department of Education to conduct evaluation on impact of requirement to demonstrate proficiency in Essential Learning Skills on high school graduation rates. Directs Department of Education to negotiate with United States Department of Education to determine appropriate use of new statewide summative assessment and to submit report related to new statewide summative assessment to Legislative Assembly by December 1, 2014. Declares emergency, effective on passage. **Senate amendments allow use of more than three indicators per content area reporting category. Allows district superintendent to revise duties of existing committee, or establish new advisory committee, for purpose of developing and implementing proficiency education/grading system. Replaces references to "a grading" system with "a reporting" system.** (Senate vote: Ayes, 27; Nays, 3 – Baertschiger, George, Whitsett)

Please note: Has minimal fiscal impact, no statement issued.

FINAL READING, MEMORIALS AND RESOLUTIONS:

(Carried over from Thursday, February 27, 2014 Calendar)

SCR 201 RULES A 02/26/2014 Hicks

Celebrates 100th anniversary of Oregon Supreme Court Building. (Committee Vote: 9 - 0 - 0)

SCR 202 RULES A 02/26/2014 Barton

Honoring heroism of Oregon City Reserve Police Officer Robert Libke. (Committee Vote: 9 - 0 - 0)

SCR 203 RULES A 02/26/2014 Williamson

Honoring Thomas Vaughan, 1924-2013. (Committee Vote: 9 - 0 - 0)

FINAL READING, MEMORIALS AND RESOLUTIONS:

HCR 204 RULES A 02/27/2014 Matthews

Honors William "Bill" Johnson for being first American male to win gold medal at Olympic Games in Alpine event. (Committee Vote: 8 - 0 - 1)

SJR 203 RULES A 02/27/2014 Barnhart

Allows judges to teach at Oregon public university without violating Oregon Constitution. Allows judge to be member of Oregon National Guard without violating Oregon Constitution. Retains constitutional provision that allows employee of public school or university to be member of Legislature. Rescinds Senate Joint Resolution 34 (2013). (Committee Vote: 8 - 0 - 1)

Please note: Has Fiscal Impact Statement

SENATE BILLS:

(Carried over from Thursday, February 27, 2014 Calendar)

SB 1536 B-Eng JUD dpa PE 02/25/2014 Williamson

Defines "public defense provider" and clarifies which of the juvenile court records they are allowed to see. Clarifies that terms "record of the case" and "supplemental confidential file" are included documents filed prior to the effective date of SB 622. Grants the Oregon Judicial Department (OJD) authority to permit access to juvenile court records to certain specified agencies such as the Office of Public Defense Services, the Attorney General and district attorneys. Grants the Chief Justice of the Oregon Supreme Court and the Chief Judge of the Oregon Court of Appeals or a presiding judge of a judicial circuit authority to permit researchers or evaluators access to juvenile court records. Makes disclosure provisions operative on September 30, 2015 rather than July 1, 2014. Clarifies that for adoptions cases filed before January 1, 2014, a person over the age of 18 who would like access to his or her adoption records can obtain his or her name at birth and the names of his or her birth parents and petitioners to the adoption proceedings. (Committee Vote: 8 - 0 - 1)

SB 1541 REV dp 02/25/2014 Barnhart

Reinstates the tax credit for crop donation as provided in ORS 315.156. The bill also increases the percentage of wholesale price allowed as credit amount from the original 10% to 15%. The bill applies to tax years beginning on or after January 1, 2014 and before January 1, 2020. (Committee vote: Ayes, 7 – Bailey, Berger, Davis, Gelser, Read, Vega Pederson, Barnhart; Nays, 2 – Bentz, Conger)

Please note: Has minimal fiscal impact, no statement issued.
Please note: Has Revenue Impact Statement

SB 1550 A-Eng JUD dp 02/25/2014 Hicks

Requires that a trial must commence within two years from the date of the filing of the charging instrument if the most serious offense in the instrument is a misdemeanor, and three years if the most serious offense in the charging instrument is a felony. Stipulates that these time limits cease to apply if the defendant fails to appear at trial. Excludes periods when the defendant is: (a) being examined for fitness to proceed; (b) determined to be unfit to proceed; (c) being examined for mental disease or defect or other mental defense raised by the defendant; (d) unable to appear because of illness. Excludes period of time for interlocutory appeal or stays of proceeding by an appellate court in a mandamus or habeas proceeding. Excludes periods of time the defendant has attempted to avoid apprehension or prosecution or the defendant's location cannot be determined by due diligence. Requires court to dismiss the charging instrument without prejudice unless the court finds substantial and compelling reasons to allow the proceeding to continue. Includes "reserve" police officer within the term "police officer". (Committee Vote: 8 - 0 - 1)

Please note: Has Fiscal Impact Statement

SENATE BILLS:

SB 1504 RULES dp 02/27/2014 Holvey

Expands list of prior violations that prohibit individual from becoming paid circulator. Amends time period paid circulator's criminal records check is valid. Permits name of candidate nominated for more than one district office to appear on ballot more than once. Permits elector who submitted ballot in unsigned return identification envelope to remain on active voter registration rolls. Resolves discrepancy regarding day on which challenged ballot records may be released to public. Resolves certification date discrepancy for write-in ballots. Limits prohibition on electioneering to business hours. Permits person to show person's own marked ballot to another person. (Committee Vote: Ayes, 7 – Barnhart, Berger, Harker, Holvey, Jenson, Smith Warner, Hoyle; Nays, 1 – Kennemer)

SB 1525 B-Eng HEWD dpa PE 02/26/2014 Harker

Grants Higher Education Coordinating Commission (HECC) authority to enter into and administer interstate agreements regarding provision of post-secondary distance education. Clarifies relationship between HECC and Oregon Education Investment Board (OEIB). Revises composition of State Board of Higher Education (SBHE). Prevents faculty and non-faculty staff members of university governing board from taking part in board discussions relating to collective bargaining. Clarifies legislative intent on how constitutional references to SBHE are interpreted. Enables universities with independent governing boards to continue to participate in the Public Employees Retirement System (PERS) as they currently do by making those agencies for purposes of PERS. Prohibits any faculty or non-faculty staff member of institutional governing board of a university from participating in collective bargaining discussions that affect faculty or non-faculty staff of that university. Establishes that notice must be given to Governor and SBHE of intent to become a university with an independent governing board no later than May 15, 2014. Clarifies that independent governing boards of technical and regional universities shall take over administrative responsibilities for university on July 1, 2015. Reestablishes work group on regional education service delivery systems. Clarifies that registering to vote in Oregon has no effect on student eligibility to participate in Western Undergraduate Exchange coordinated by Western Interstate Commission for Higher Education. Declares emergency, effective on passage. (Committee Vote: Ayes, 8 – Gallegos, Gorsek, Greenlick, Huffman, Johnson, Smith Warner, Whisnant, Harker; Nays, 1 – Gilliam)

Please note: Has Fiscal Impact Statement

SB 1531 B-Eng JUD dpa PE 02/26/2014 Olson

Allows a county to impose restrictions on marijuana facilities that impose reasonable limitations on the hours that a medical marijuana facility may operate, reasonable limitations on the hours of operation, reasonable zoning restrictions, and reasonable conditions on the dispensing of medical marijuana. Allows the governing body of a city or county to adopt ordinances that prohibit the establishment of medical marijuana facilities or regulate these facilities. Prohibits the transfer of marijuana infused products unless the product is properly packaged. Requires the Oregon Health Authority to consider the federal Poison Prevention Packaging Act when adopting regulations for the packaging of marijuana infused products. Effective March 1, 2014. (Committee Vote: 8 - 0 - 1)

Please note: Has Fiscal Impact Statement

SB 1534 B-Eng JUD dpa PE 02/26/2014 Barnhart

Makes a number of technical clarifications to existing statute and reinstates language pertaining to reciprocal state tax exemptions. Clarifies an Internal Revenue Code reference and the calculation of the phase-out for the medical subtraction. Clarifies the applicability of the 2.5 percent tax on IC-DISCs to those formed prior to January 1, 2014 and aligns the IC-DISC provisions for the 2.5 percent tax, the deduction, and the subtraction. Clarifies that certain cigarette tax revenue is directed to the General Fund. Ties the meaning of "material participation" to the definition in the Internal Revenue Code and clarifies that the non-passive preferential rates are applicable to income from Oregon sources. Makes the use of the non-passive income tax rates an 'opt-in' choice for taxpayers instead of an 'opt-out'. Limits the authority of the Department of Revenue to waive penalty and interest in certain cases to tax year 2013. Reinstates the handicapped child and severe disability tax credits beginning with tax year 2013. Changes the word "on" to "in" for statutes relating to navigable waters. Limits potential filing penalties to W-2s. Allows a potential local income surtax to be apportioned analogous to the state level approach. (Committee Vote: 9-0-0)

Please note: Has minimal fiscal impact, no statement issued.
Please note: Has Revenue Impact Statement

SB 1544 RULES dp 02/27/2014 Berger

Changes membership and meeting requirements of Citizens' Initiative Review Commission (the Commission). Directs Commission to establish compensation for electors by rule. Eliminates sunset date for Commission. Declares emergency, effective on passage. (Committee Vote: 8 - 0 - 1)

Please note: Has minimal fiscal impact, no statement issued.

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(Requires Rule Suspension)

HB 4078 A-Eng RULES dpa PE 02/27/2014 Clem, Davis

Makes Legislative findings. Designates land in Washington County designated as rural and urban reserve in Metro Resolution No. 11-4245, adopted March 15, 2011, as acknowledged rural and urban reserve except for certain areas specified in measure. Stipulates land in Metro county planned and zoned for farm, forest or mixed farm and forest use and not designated as urban reserve may not be included within urban growth boundary (UGB) before at least 75 percent of land in county has been included in UGB and planned and zoned for urban uses. Establishes certain property is employment land of state significance and does not count in determining employment capacity of land within Metro in first legislative review. Establishes UGB as designated by Metro Ordinance No. 11-1264B, adopted October 20, 2011, except for certain areas as specified in measure. Effective January 1, 2015, metropolitan service district is allowed additional year to complete inventory, determination and analysis (Process) after completion of previous Process. Requires Land Conservation and Development Commission (Commission) to issue final order within 180 days after Commission votes whether to approve specified decision. Stipulates urban service agreement in effect on effective date of Act does not apply to certain area. Requires City of Hillsboro and Tualatin Valley Fire and Rescue to enter into urban service agreement for certain unincorporated communities in Washington County and report back to Legislature on or before January 1, 2015. Sunsets requirement for establishing urban service agreement on December 31, 2015. Authorizes Commission to approve all or part of local land use decision when acting on remand of Court of Appeals decision if Commission identifies evidence in record clearly supporting all or part of decision. Declares emergency, effective on passage. (Committee Vote: 8 - 0 - 1)

Please note: Has minimal fiscal impact, no statement issued.