

OREGON STATE SENATE

THIRD READING ALERT

PROJECTED THIRD READINGS FOR TUESDAY, JUNE 9, 2015

Senate Convenes at 10:30 AM

BILL#	COMM	RECOMMENDATION	FILED	CARRIER
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Propositions And Motions:

(Possible Consideration of House Amendments)

<u>SB 216 B-Eng.</u>	<u>SED</u>	Concur	6/4/2015	Roblan
<p>Adds Education Service Districts (ESDs) and state tribes to list of entities that shall receive funding from Oregon Department of Education (ODE) for specified purposes of Network of Quality Teaching and Learning (NQTL). Modifies purposes for which ODE distributes funding. Requires Oregon Education Investment Board (OEIB) to provide strategic direction to NQTL by convening advisory group to guide activities and expand implementation of effective practices. Modifies non-administrative costs and limits on administrative expenditures. Allows ODE to administer directly School District Collaboration Grant Program or enter into contract with nonprofit entity to administer program. Modifies criteria for awarding grants and potential amount that school districts may receive. Requires application from school district to participate in beginning teacher and administrator mentorship program to include description of priorities to be addressed by moneys received by school district for mentorship program. Requires mentorship program to include at least 75 to 90 hours of frequent contact between mentors and beginning teachers and administrators throughout school year. Allows additional allocation of up to \$50,000 if school has less than 1,500 Weighted Average Daily Membership. Defines acceptable uses of additional allocation. Declares emergency, effective on passage. House Amendment Allows additional allocation of up to \$50,000 if school has less than 1,500 Weighted Average Daily Membership. Defines acceptable uses of additional allocation. (House Vote: Ayes, 50; Excused, 4--Buehler, Gorsek, Hack, Smith Warner; Excused for Business of the House, 6--Bentz, Buckley, Davis, McKeown, Vega Pederson, Speaker Kotek.)</p> <p>Has minimal fiscal impact No Revenue Impact</p>				

<u>SB 493 A-Eng.</u>	<u>SED</u>	Concur	6/4/2015	Bates
<p>Removes ability of Governor to disband university governing board or force university to take other action if university fails to make timely compliance with conditions established when State Board of Higher Education (SBHE) endorsed governing board. Requires Higher Education Coordinating Commission (HECC) to report failure of university to meet conditions specified upon conditional endorsement to Governor, Legislative Assembly and governing board. Declares emergency, effective on passage. House Amendment Requires HECC to report failure of governing board to meet conditions specified upon conditional endorsement to Governor, Legislative Assembly and governing board. Removes requirement for university that fails to comply with conditions to have governing board vote on whether to disband or retain governing board. (House Vote:)</p> <p>Has minimal fiscal impact No Revenue Impact</p>				

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SB 709 B-Eng. **SED** **Concur** **6/4/2015** **Roblan**

Modifies provisions to allow students who are not residents of school district to attend school in school district. Modifies criteria district school board may consider when deciding whether to admit non-resident student. Modifies criteria district school board may use to prioritize students if number of students seeking admission exceeds imposed limitations. Allows priority to be given to students who attended public charter school in district for at least three consecutive years, completed highest grade offered by charter, and did not enroll in and attend school in other district following completion of highest grade offered by public charter. Allows district school board to revoke consent for nonresident students for failure to comply with minimum standards for behavior or attendance. Specifies requirements for length of time for which consent is given to nonresident students. Prohibits specified advertising. Requires district school board to give consent to student whose legal residence changes to different school district during summer prior to school year, to enable student to complete school year following summer in school district. Allows district school board to request information or give consent to student in event of hardship of student, as determined based on rules adopted by State Board of Education. Modifies information district school board may require prior to deciding whether to give consent. Allows district to offer same preferences for outgoing students as are offered for incoming students in case of interdistrict transfer. Declares emergency, effective on passage. **House Amendment Alters language to allow district to offer same preferences for outgoing students as are offered for incoming students in case of interdistrict transfer.** (House Vote: Ayes, 45; Nays, 5--Heard, McLane, Nearman, Parrish, Weidner; Excused, 4--Buehler, Gorsek, Hack, Smith Warner; Excused for Business of the House, 6--Bentz, Buckley, Davis, McKeown, Vega Pederson, Speaker Kotek.)

Has minimal fiscal impact
No Revenue Impact

Third Reading Of Senate Measures:

SB 832 B-Eng. **SRULES** **do pass as amended, print** **6/5/2015** **Boquist**
engrossed

Establishes behavioral health homes to be used by coordinated care organizations (CCOs). Requires Oregon Health Authority (OHA) set standards for achieving integration of behavioral and physical health services in patient-centered primary care homes and behavioral health homes via rulemaking. Permits use of applicable billing codes by providers in patient-centered primary care homes and behavioral health homes. Creates necessary definitions, including "integrated behavioral health care" and "behavioral health home." Declares emergency, effective on passage. **Senate Amendment Replaces original measure.** (Committee Vote: Aye, 3; Exc., 2 --Burdick, Beyer)

Has minimal fiscal impact
No Revenue Impact

Third Reading Of House Measures:

HB 2310 B-Eng. **SJUD** **do pass as amended, print** **6/4/2015** **Prozanski**
engrossed

Provides that Department of Corrections must consider lesser or greater included offense of crime for which sentence imposed and any other crime in same county designated as part of same criminal episode when computing sentence. Establishes that incarcerated person receive credit for time served in jail after arrest and before commencement of probationary sentence when

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probation ordered as downward dispositional departure, presumptive sentence or as part of diversion program or specialty court program where the defendant is not on probation. Provides that unless both court expressly orders otherwise and prosecuting attorney and defendant provide consent, person may not receive presentence incarceration credit for time served in jail if crime not directly related to crime for which current sentence being imposed, or for violation of conditions of probation, parole or post-prison supervision for crime not directly related to crime for which current sentence imposed. Places sunset of July 1, 2017 for district attorney veto on presentence incarceration credit for time served in jail on crime not directly related to crime for which sentence imposed. Allows sentencing judge to limit credit for time served given to inmates sentenced on downward dispositional departure. Applies to sentencing proceedings occurring on or after effective date of act. Declares emergency, effective on passage. **Senate Amendment Places sunset of July 1, 2017 for district attorney veto on presentence incarceration credit for time served in jail on crime not directly related to crime for which sentence imposed.** (Committee Vote: Aye, 4; Exc., 1 --Kruse)

Fiscal impact issued
No Revenue Impact

HB 2313 B-Eng. **SJUD** **do pass as amended, print engrossed** **6/5/2015** **Prozanski**

Authorizes Oregon Youth Authority (OYA) and juvenile department to disclose reports and other relevant materials regarding youth offender's history and prognosis to Department of Corrections (DOC) in limited circumstances. Makes disclosure permissible when there is a direct transfer of youth offender from OYA to DOC or when youth offender is in DOC custody but still under the jurisdiction of the juvenile court. Declares emergency, effective upon passage. Sunsets June 30, 2017. **Senate Amendment Replaces measure.** (Committee Vote: Aye, 5)

Has minimal fiscal impact
No Revenue Impact

HB 2357 B-Eng. **SJUD** **do pass as amended, print engrossed** **6/4/2015** **Thatcher**

Modifies law enforcement defenses to crimes of unlawful possession of firearms and possession of firearm or dangerous weapon in public building or court facility. Provides law enforcement with protections afforded to concealed handgun license holders. Applies to both honorably retired and off-duty police officers. Specifies that bill only applies to parole and probation officers acting within scope of employment. Allows honorably retired police officers to cast artificial light from vehicle while in immediate presence of a firearm or bow and arrow. Permits law enforcement to operate snowmobile and all-terrain vehicle with loaded firearm or bow and arrow. Provides that affirmative defense does not apply if officer is convicted of offense that would otherwise make officer ineligible for concealed handgun license. Declares emergency, effective on passage. **Senate Amendment Provides that affirmative defense does not apply if officer is convicted of offense that would otherwise make officer ineligible for concealed handgun license.** (Committee Vote: Aye, 5)

Has minimal fiscal impact
No Revenue Impact

HB 2365 B-Eng. **SJUD** **do pass as amended, print engrossed** **6/5/2015** **Kruse**

Provides additional clarification to adoption laws. Updates written certification and declaration

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requirements. Changes specified requirements of Adoption Summary and Segregated Information Statement, including adding exceptions. Clarifies that presiding judges have access to court adoption records. Outlines information to be disclosed or redacted. Updates records requirements and adds clarification addressing re-adoption. Addresses process and fees when multiple children adopted. Contains non-substantive scrivener's changes. Staggers implementation. Declares emergency, effective on passage. **Senate Amendment Reverts back to current law in Section 1, addressing Indian Child Welfare Act, and adjusts operative dates to allow fee schedules to go into effect in the course of regular cycle.** (Committee Vote: Aye, 5)

Has minimal fiscal impact

No Revenue Impact

HB 2366 B-Eng. **SJUD** **do pass as amended, print** **6/5/2015** **Kruse**
engrossed

Updates and provides additional clarification to adoption laws. Requires circuit court to collect filing fee of \$255 in adoption cases under ORS chapter 109 in certain instances. Removes \$1 fee for issuance of certificates of adoption. Includes in \$255 filing fee cost of issuing one or more certificates of adoption under ORS 109.410. Provides fee exceptions when Department of Human Services consented to adoption. Contains non-substantive scrivener's changes. **Senate Amendment Resolves a conflict with HB 2365-A, and also corrects minor drafting error.**

(Committee Vote: Aye, 5)

Has minimal fiscal impact

Has minimal revenue impact

HB 2466 B-Eng. **SHC** **do pass as amended, print** **6/5/2015** **Steiner Hayward**
engrossed

Aligns Oregon statutes with certain provisions the Affordable Care Act (ACA). Specifies which requirements apply to group plans, individual plans, grandfathered plans and transitional plans. Specifies that coordination of benefit requirements apply to all group plans. Adds provisions allowing exemptions from some requirements of the ACA for transitional health benefit plans and transitional grandfathered large employer health benefit plans. Permits transitional health benefit plans to be renewable on and after January 1, 2016. Allows transitional health benefit plans to not be excluded from guaranteed renewal, if plan is discontinued and meets certain requirements. Requires report to Legislative Assembly in 2018. Allows director of Department of Consumer and Business Services (DCBS) to specify criteria for small employer for purposes of determining eligibility for small or large employer health benefit plan. Requires small employers to be offered all health benefit plans. Removes references to credible coverage; changes language relating to waiting periods and exclusionary periods to conform with federal requirements; clarifies that preexisting conditions can still be imposed on grandfathered individual or transitional health benefit plan, but not group plans. Directs DCBS to adopt rules to determine if employee is eligible employee and employer is small employer and requires method to be consistent with federal requirements for Small Business Health Options Program. Declares emergency, effective on passage. **Senate Amendment Signifies health benefit plans, other than grandfathered health plans, as transitional health benefit plans. Permits transitional health benefit plans to be renewable on and after January 1, 2016. Allows transitional health benefit plans to not be excluded from guaranteed renewal, if plan is discontinued and meets certain requirements. Requires report by Department of Consumer and Business Services (DCBS) to Legislative Assembly in 2018. Requires small employers to be offered all health benefit plans. Restores subscriber contract in definition of health benefit plan. Clarifies that grandfathered health benefit plans are excluded from specific minimum benefit requirements. Restores data and**

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reporting requirements. Clarifies when insurers may not offer plans. Restores eligibility requirements for coverage of hearing aids. Modifies operative dates. Directs DCBS to adopt rules to determine eligibility of employee and small employer and requires method to be consistent with federal requirements for Small Business Health Options Program.

(Committee Vote: Aye, 5)

No Fiscal Impact
No Revenue Impact

HB 2472 B-Eng. SWF Concur 6/5/2015 Gelser

Allows Mortuary and Cemetery Board to establish self-inspection program to supplement biennial inspections. Allows Board to set criteria through rule by which exempt operating cemetery will not be subject to biennial inspection. Repeals statutes on magistrate-issued warrants for inspection of facilities under Board jurisdiction. **Senate Amendment Clarifies that the restriction on employment of persons who are members of or regulated by the board to perform inspections does not apply to self-inspections.** (Committee Vote: Aye, 5)

No Fiscal Impact
No Revenue Impact

HB 2845 B-Eng. SJUD do pass as amended, print engrossed 6/5/2015 Thatcher

Establishes conditions under which person may sell Guaranteed Asset Protection (GAP) waivers in connection with sale or lease of motor vehicles. Specifies GAP waivers are not insurance and not subject to provisions of Insurance Code. Specifies conditions for cancelation or termination of waiver and process for refund. Requires person selling GAP waiver to insure waiver with reimbursement insurance policy; provides conditions for reimbursement insurance. Makes violation subject to Unlawful Trade Practices Act. Repeals measure January 2, 2020. **Senate Amendment Clarifies that costs for GAP waiver must be stated separately in finance agreement in all circumstances. Clarifies process in which creditor pays borrower pro rata refund of amounts due upon termination of finance agreement. Specifies creditor may not require borrower to submit claim. Clarifies action under Unlawful Trade Practices Act. Makes other technical changes. Repeals provisions of measure January 2, 2020.** (Committee Vote: Aye, 4; Exc., 1 --Kruse)

Has minimal fiscal impact
No Revenue Impact

HB 2910 A-Eng. SENR do pass as amended, print engrossed 6/5/2015 Edwards

Repeals obsolete laws relating to agricultural experiment stations. Declares an emergency, effective on passage. **Senate Amendment Removes repeal of John Jacob Astor Agriculture Experiment Station statutes.** (Committee Vote: Aye, 4; Exc., 1 --Olsen)

No Fiscal Impact
No Revenue Impact

HB 2958 A-Eng. SBT do pass as amended, print engrossed 6/5/2015 Monroe

Provides that limited license obtained by rental company to sell insurance in connection with

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renting vehicles also extends to rental company's employees and designated agents. Becomes operative 91 days after effective date of Act. Declares emergency, effective on passage. **Senate Amendment Clarifies that limited license is for employee or designated agent of the rental company to offer and sell insurance in accordance with ORS 744.854 for vehicles that the rental company rents.** (Committee Vote: Aye, 4; Exc., 1 --Beyer)

No Fiscal Impact
No Revenue Impact

HB 3011 B-Eng. **SBT** **do pass as amended, print** **6/5/2015** **Ferrioli**
engrossed

Allows dispensaries for Class 1 flammable liquids located in counties with population less than 40,000 residents to permit self-dispensing of such liquids after 6:00pm and before 6:00am. Specifies that dispensaries may continue to operate as self-service dispensaries if population of county increases above 40,000 residents. **Senate Amendment Modifies when self-dispensing fuels can occur from when no owner, operator or employee of the dispensary is present to after 6:00pm and before 6:00am.** (Committee Vote: Aye, 4; Exc., 1 --Beyer)

No Fiscal Impact
No Revenue Impact

HB 3031 B-Eng. **SBT** **do pass as amended, print** **6/5/2015** **Thomsen**
engrossed

Requires that caller using automatic dialing and announcing device must provide, within first 10 seconds, method for subscriber being called to notify caller via a single signal or code that subscriber does not wish to receive future calls. Requires caller using automatic dialing and announcing device to exclude from call list subscribers who notified caller of wish not to receive future calls. Creates exemptions for collection agency, debt buyer or debt collector, public safety or law enforcement representative and a caller that has an established business relationship with the subscriber. Defines debt buyer as person that engages in the business of purchasing delinquent or charged-off debt for the purpose of collecting debt. Allows prosecuting attorney to require person believed to have information about unlawful robocalls to testify and provide evidence as part of investigation. Applies to calls made on or after January 1, 2016. Declares emergency, effective upon passage. **Senate Amendment Replaces original measure.** (Committee Vote: Aye, 4; Exc., 1 --Beyer)

Has minimal fiscal impact
No Revenue Impact

HB 3058 A-Eng. **SWF** **do pass** **6/8/2015** **Dembrow**

Permits retired Tier One and Tier Two member of Public Employees Retirement System to work for school district or education service district as a teacher of career and technical education for unlimited hours without loss of retirement benefits. Defines teacher of career and technical education. Sunsets June 30, 2018. Declares emergency, effective on passage. (Committee Vote: Aye, 5)

No Fiscal Impact
No Revenue Impact

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HB 3068 A-Eng. SENR **do pass** **6/8/2015** **Prozanski**

Directs Department of Environmental Quality (DEQ) to study and develop recommendations for legislation to reduce woodstove smoke. Identifies subjects to be evaluated in study. Directs DEQ to form work group to conduct study and stipulates work group to include representatives of other state agencies, stakeholders, elected officials and others with expertise to inform study and represent urban and rural communities and different geographic regions of state. Requires DEQ to collaborate with specified agencies and consult with members of public from urban and rural communities, as well as different regions of state about preliminary findings and recommendations. Directs DEQ to submit initial report on preliminary findings and recommendations to legislative committee during 2016 regular session and final report on or before September 15, 2016. Declares emergency, effective upon passage. (Committee Vote: Aye, 3; Nay, 1 --Thomsen; Exc., 1 --Olsen)

Has minimal fiscal impact
No Revenue Impact

HB 3164 B-Eng. SJUD **do pass as amended, print engrossed** **6/4/2015** **Kruse**

Clarifies when farm implement supplier may, with good cause, terminate, cancel or not renew retailer agreement or change retailer's competitive circumstances. Modifies definition of "change in competitive circumstances" and determination thereof. Increases length of notice supplier must provide retailer before terminating, canceling or not renewing agreement or changing retailer's competitive circumstances when retailer fails to meet marketing criteria from 12 months to 18 months. Contains scrivener's changes. Declares emergency, effective on passage. **Senate Amendment Clarifies determination of "change in competitive circumstances."** (Committee Vote: Aye, 4; Exc., 1 --Gelser)

No Fiscal Impact
No Revenue Impact

HB 3206 B-Eng. SJUD **do pass as amended, print engrossed** **6/4/2015** **Prozanski**

Modifies Oregon's post-conviction DNA testing ("testing") procedures. Authorizes testing for felony offenses only. Requires person to use as much specificity as is reasonably practicable when identifying what evidence should be tested. Requires prima facie showing that exculpatory DNA evidence would lead to finding that person is actually innocent of crime and requires prima facie showing be consistent with statement of innocence filed by person. Prohibits testimony from victim at hearing on motion for testing unless victim consents. Authorizes court to grant motion for testing if there is reasonable possibility that, assuming exculpatory results, testing would lead to finding that person is actually innocent of offense. Requires testing be done by Oregon State Police unless both parties agree or compelling circumstances exist. Requires court to make findings when issuing order on motion for testing. Permits court-appointed counsel only when person completes affidavit swearing person is innocent of offense and is financially unable to obtain suitable counsel. Authorizes court to hear motion for new trial if testing produces exculpatory evidence. **Senate Amendment Amendment corrects error in drafting of A-engrossed version by omitting phrase "of the conduct." An earlier version of the bill authorized testing when a defendant was actually innocent of the offense or actually innocent of conduct that constituted a sentencing enhancement fact. The A-engrossed bill was limited to testing when one is actually innocent of the offense. The amendment makes the bill consistent and eliminates a phrase that was intended to be omitted earlier.** (Committee Vote: Aye, 4; Exc., 1

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--Kruse)

Has minimal fiscal impact
No Revenue Impact

HB 3214 A-Eng. **SENR** **do pass** **6/8/2015** **Edwards**

Requires Land Conservation and Development Commission (LCDC) to adopt or amend rules regarding statewide planning goal criteria to allow local government to rezone land developed or committed to residential use without requiring local government to take new exception to statewide planning goals related to agricultural and forest lands. Requires LCDC to adopt rules that allow rezoning that authorizes change, continuation or expansion of industrial use in operation for previous five years. Specifies rules adopted must provide that: rezoned use will maintain land as rural land in manner consistent with other state planning goal requirements; rural uses, density and public facilities and services permitted by rezoning will not commit nearby land to uses not permitted in statewide planning goals related to agriculture and forestlands or uses of nearby resource land uses; and land to be rezoned is not in area designated as rural or urban reserve. Declares emergency, effective on passage. (Committee Vote: Aye, 4; Exc., 1 --Olsen)

Has minimal fiscal impact
No Revenue Impact

HB 3318 A-Eng. **SBT** **do pass** **6/8/2015** **Monroe**

Creates "Oregon State Lottery Responsible Gambling Code of Practices Act," as specified. Directs Oregon State Lottery Commission comply with gaming code. (Committee Vote: Aye, 3; Nay, 1 --Thomsen; Exc., 1 --Beyer)

Has minimal fiscal impact
No revenue impact, statement issued (Indeterminate Impact)

HB 3365 B-Eng. **SJUD** **do pass as amended, print engrossed** **6/4/2015** **Burdick**

Modifies crime of displaying obscene materials to minors. Prohibits person who, while acting as a manager on behalf of a business, knowingly or recklessly sells sex toys to minors under the age of 18, unless the minor is accompanied by a parent or guardian. Eliminates depictions of nudity from definition of obscene materials. Reduces statute of limitations from six years to two years. **Senate Amendment Amendment eliminates provision that prohibits displaying devices in areas where minors are permitted. Prohibits certain persons from selling sex toys to a minor under the age of 18, unless the minor is accompanied by a parent or guardian.**

(Committee Vote: Aye, 4; Exc., 1 --Kruse)

Has minimal fiscal impact
No Revenue Impact

HB 3399 B-Eng. **SJUD** **do pass as amended, print engrossed** **6/5/2015** **Prozanski**

Provides any party may arrange for audio recording or certified shorthand reporting in any proceeding in open Municipal or Justice court. Allows use of recording if all parties and court agree. Specifies cost of recording to be paid by party arranging recording unless otherwise agreed to by parties. Requires Justice of Peace or Municipal court judge to be member of Oregon State Bar or to have completed course on courts of special jurisdiction offered by National Judicial

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College within 12 months of election or appointment. Allows educational equivalence course if proposed by Justice of the Peace or Municipal court judge and approved by Chief Justice of Supreme Court. Specifies person serving as temporary municipal judge must possess required qualifications. Requires judges for courts of record to be members of Oregon State Bar. Declares emergency; effective on passage. **Senate Amendment Removes requirement for recording in all misdemeanor or felony proceedings. Provides any party may arrange for audio recording or certified shorthand reporting in any proceeding in open Municipal or Justice of the Peace court. Allows use of recording if all parties and court agree. Specifies cost of recording to be paid by party arranging recording unless otherwise agreed to by parties. Replaces educational option to hold juris doctor degree with option to be member of Oregon State Bar. Allows educational equivalence course if proposed by justice of the peace or municipal court judge and approved by Chief Justice of Supreme Court. Specifies person serving as temporary municipal judge must possess qualifications.** (Committee Vote: Aye, 5)

Fiscal impact issued

No Revenue Impact

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