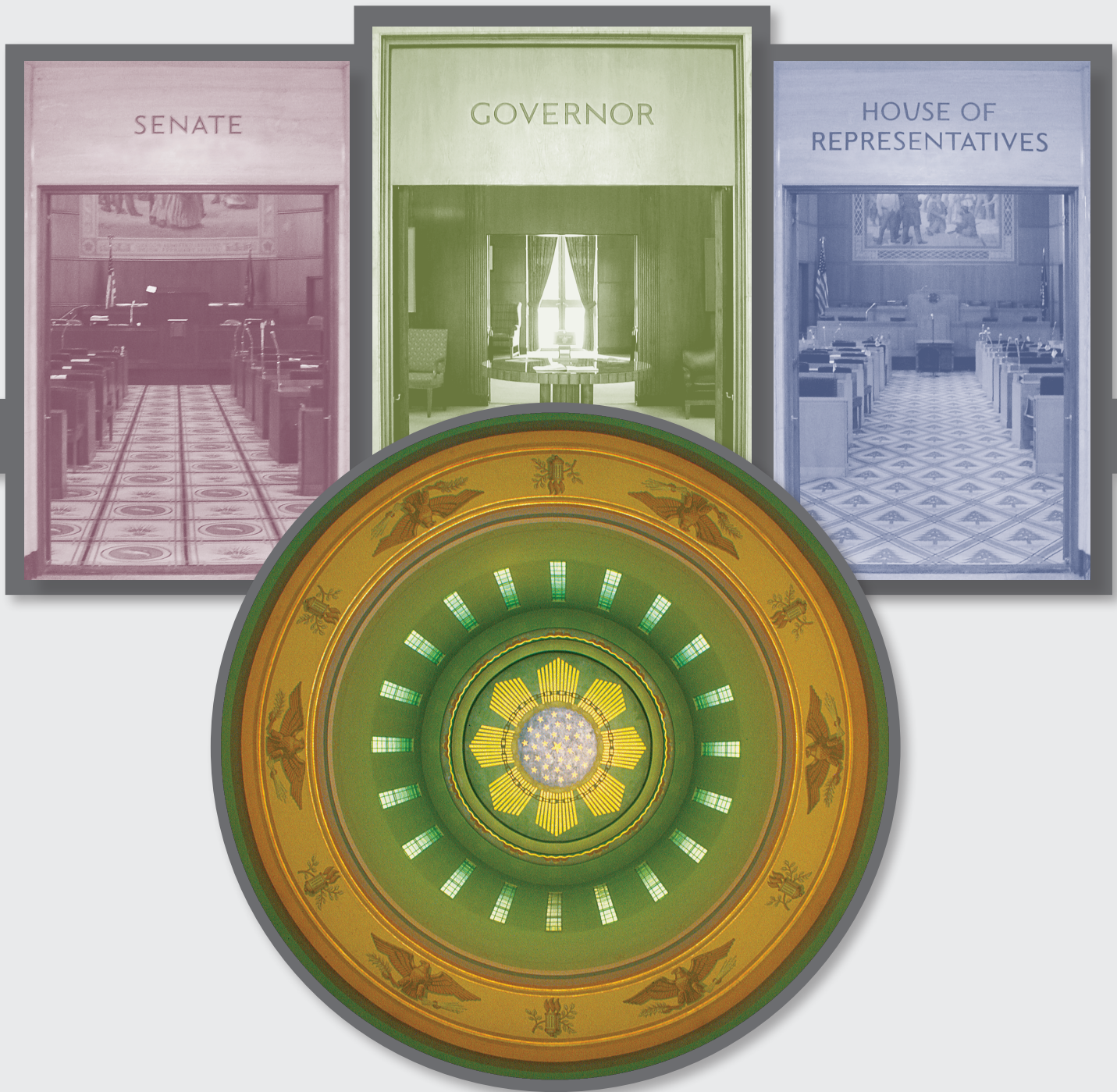


■ SUMMARY OF LEGISLATION ■ 2008



AGRICULTURE & NATURAL RESOURCES

Senate Bill 1069 / Senate Bill 5556

Water supply feasibility studies; Umatilla Basin aquifer storage and recovery study

The Oregon Progress Board's State of the Environment Report 2000 identified a concern about the adequacy of Oregon's water supply. Surface waters in most of the state are fully appropriated by existing out-of-stream and in-stream uses, except during periods that fall outside of the irrigation season when stream flows are generally higher. Additionally, there are some areas of the state that experience an unstable supply of groundwater resources.

SB 1069 directs the Oregon Water Resources Department (WRD) to establish a statewide Water Conservation, Reuse and Storage Investment Fund to provide grants for the planning and feasibility studies necessary to develop community water supply projects. In lieu of grants, the department may pay the cost of providing direct services including but not limited to technical planning services. A grant or direct service provided under this program may not exceed \$500,000 per project and requires a dollar-for-dollar match from another source. SB 5556 appropriates \$1.75 million to establish this program and provide grants or payment for direct services for the water supply planning studies.

The measure also directs WRD to fund a regional aquifer recovery assessment for the Umatilla Basin. The study is to investigate the feasibility of withdrawing surface water from the Columbia River and storing it via groundwater recharge and basalt aquifer injection. Water withdrawals from the Columbia River for this purpose are to occur during times that avoid impacts on state and federally listed threatened or endangered species and on existing water rights. A January 2, 2014 sunset applies to the

aquifer recovery assessment. SB 5556 appropriates \$750,000 for this study.

Effective dates: March 5, 2008 (SB 1069) and March 11, 2008 (SB 5556)

House Bill 3611

Dental waste water management

The 2007 Legislative Assembly enacted legislation requiring dentists who use dental materials containing mercury to implement best management practices (Bumps) as developed by the Oregon Dental Association, and to have an amalgam separator installed in a wastewater drain if materials containing mercury pass through the drain. The legislation granted dentists who are certified by a special district as following Bumps until January 1, 2011 to install an amalgam separator. This time allowance did not cover dentists who work with wastewater treatment facilities, which are not special districts.

HB 3611 exempts dentists who are certified or recognized by September 1, 2008 as following best management guidelines from the requirement to install amalgam separators until January 1, 2010. Dentists may be certified or recognized as following best management practices by a governmental entity that manages domestic wastewater treatment, operates an approved industrial pretreatment program, or manages private domestic on-site wastewater treatment systems.

Effective date: March 3, 2008

House Bill 3612

State agency energy use

The state energy efficiency program (SEED) was established in 1991. The law directs state



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agencies to work with Oregon Department of Energy (ODOE) to ensure cost-effective energy conservation measures are included in new and renovated public buildings. It was revised in 2001 to require that all state facilities constructed on or after June 30, 2001 exceed the energy conservation provisions of the Oregon state building code by 20 percent or more. The Energy Conservation Initiative was added to the SEED program in 2001. The initiative requires a 10 percent reduction in state agency energy usage in existing facilities. In March 2006, Governor Kulongoski issued an executive order directing state agencies to reduce energy usage by an additional 10 percent, increasing the reduction to 20 percent by 2015.

HB 3612 requires a state agency authorized to finance construction, purchase or renovation of structures used by the state to reduce the amount of energy the agency uses by at least 20 percent by June 30, 2015. In addition, the measure requires any agency that fails to meet the energy reduction requirement to submit a biennial energy conservation plan to ODOE. The department is directed to pre-qualify certain types of bidders submitting a bid or proposal to direct an energy consumption analysis for a state agency, enter into an energy savings performance contract or perform services related to the operation and management of a facility's energy systems.

Effective date: March 11, 2008

House Bill 3628

Hybrid poplars

Hybrid poplars are very fast-growing trees that are currently exempt from provisions of the Forest Practices Act and special forestland tax assessments when harvested on a rotation cycle of 12 years or less. Growers are interested in longer rotation cycles to allow the use of hybrid poplars for products such as wood moldings.

HB 3628 authorizes the Board of Forestry to modify or waive certain limitations and requirements of the Forest Practices Act for some research projects; as a term of a stewardship agreement; and for the purpose of planting, growing, managing or harvesting of hardwood timber. A hardwood timber operation may include but is not limited to hybrid cottonwood (poplars) if the timber is grown on land that has been prepared by intensive cultivation methods and is cleared of vegetation for at least three years after planting, the timber is harvested on a rotation cycle of more than 12 years and less than 20 after planting, and the timber is subject to intensive agricultural practices.

Effective date: March 3, 2008

House Bill 3629

Property line adjustments

A property line adjustment involves taking a common boundary between two tracts of land and moving it one way or the other. It can be done between two different owners or between two lots owned by the same person.

HB 3629 authorizes counties to approve a property line adjustment when one or both of the abutting properties are smaller than the minimum before the adjustment and one is as large as or larger than the minimum after the adjustment and when both properties are smaller than the minimum before and after the adjustment. In addition, the bill places particular restrictions on property line adjustments involving land zoned for exclusive farm use, forest use or mixed farm and forest use. The provisions of the bill are applicable to property line adjustments approved before, on or after the effective date of the bill.

Effective date: March 3, 2008



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MEASURES NOT ENACTED

House Bill 3609

Marine reserves and marine protected areas

The Ocean Policy Advisory Council (OPAC) was created by the 1991 Legislative Assembly to coordinate and create ocean policy for the state and to prepare a plan for managing the resources and activities in the state's territorial sea by July 1, 1994. The council adopted two plans: a management-oriented Territory Sea Plan and a policy-oriented Ocean Resource Management Plan. The Territory Sea Plan is part of the Department of Land Conservation & Development's Coastal Management Program.

The 2003 Legislative Assembly enacted HB 3534 that, among other things, made changes to the composition of the OPAC, directed the council to review the Territory Sea Plan, and to conduct an economic analysis if marine reserves were recommended. The designation and management of marine reserves is currently being considered by OPAC and several state agencies including the Department of Land Conservation and Development and the Oregon Department of Fish and Wildlife.

HB 3609 would have provided that marine reserves and marine protected areas may be established only by an amendment to the Oregon Ocean Resource Management Plan; defined "marine reserve" and "marine protected area;" limited the number of marine reserves and marine protected areas to no more than nine; and outlined criteria for the establishment of marine reserves and marine protected areas.

House Bill 3610

Greenhouse gas emissions

The 2007 Legislative Assembly adopted greenhouse gas emission reduction goals. Current law (ORS 468A.205) declares that the policy of the state is to arrest the growth and begin reducing Oregon's greenhouse gas emissions by 2010, and then reduce those emissions to 10 percent below 1990 levels by 2020 and to 75 percent below 1990 levels by 2050. The 2007 Legislature also created the Oregon Global Warming Commission.

HB 3610 would have directed certain state agencies to prepare a report setting forth recommendations for changes to existing programs and activities to assist the state in meeting the greenhouse gas emission reduction goals. The agencies were to submit this report to the Global Warming Commission and the Legislative Assembly on or before October 1 of each even-numbered year.

Additionally, the bill would have authorized the Environmental Quality Commission (EQC) to adopt rules to require registration and reporting of electricity that emits greenhouse gases when generated or fossil fuels that generate greenhouse gas when combusted.

Finally, the bill increased the membership of the Global Warming Commission from 25 to 30 members, requiring one voting member representing public power and one voting member representing labor. The number of non-voting, ex-officio membership would have increased by three members.

House Bill 3627

Oregon sustainable agriculture needs assessment

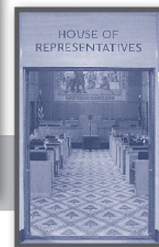
There are many product certification programs available to Oregon's farmers and ranchers. In some



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cases, certification is designed to give a product a marketing advantage. In other cases, certification is required for access to particular markets.

HB 3627 would have created the Oregon Sustainable Agriculture Needs Assessment Advisory Committee. The committee was charged with providing input to the Oregon State University Extension Service as it assessed the needs of producers regarding the availability and delivery of information on sustainable agriculture production and certification programs. The committee was directed to prepare a report based on the needs assessment and submit the report to the appropriate interim legislative committee.



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Senate Bill 1063

Commercial construction contractor key employees

The 74th Legislative Assembly enacted HB 3242, which established a number of changes for construction contractor licensure, bonding requirements, insurance, and continuing education and experience requirements. The measure also created guidelines and experience requirements for entry-level commercial contractors and continuing education requirements for experienced commercial contractors and their key employees.

After HB 3242 was enacted, it was discovered that the required years of experience for a Level 1 commercial specialty contractor and a Level 2 commercial general contractor did not reflect legislative intent, which was for Level 2 commercial general contractors to have at least four years of combined experience and Level 1 commercial specialty contractors to have at least eight years of combined experience. The new law requires all Level 2 commercial general contractors to have one or more key employees with a combined total of at least eight years of experience and Level 1 commercial specialty contractors to have one or more key employees with a combined total of at least four years of experience.

SB 1063 establishes the correct years of combined experience for both types of contractors.

Effective date: July 1, 2008

Senate Bill 1064

Regulation of loan originators

Loan originators are individuals employed by or acting as agents for licensed mortgage bankers and mortgage brokers for items such as qualifying a borrower for a loan and directly negotiating with

borrowers on a loan's terms and conditions. Mortgage bankers and mortgage brokers are required to register their loan originators with the Department of Consumer and Business Services (DCBS), check the originators' criminal history, and ensure that they have met basic education standards and pass a qualifying exam. However, DCBS does not have statutory enforcement tools to ban or place employment restrictions on loan originators who do not adhere to acceptable conduct standards.

SB 1064 adds negligence or incompetence to the current list of prohibited conduct by a loan originator. Furthermore, DCBS can suspend or bar a loan originator from working for either an Oregon mortgage broker or mortgage banker if the loan originator has violated Oregon mortgage lender laws, has been dishonest or incompetent while conducting a transaction, or has failed to account for all money received in a mortgage loan transaction. If DCBS has imposed such action(s), loan originators cannot be hired by a mortgage banker or mortgage broker if they are suspended or have been prohibited to work as a loan originator; if employment violates any conditions of the director's order; or if employment violates any other order issued by the director, other state/federal agency, or a court.

Additionally, the measure creates a registry system that provides consumers with information about loan originators such as enforcement actions, and requires DCBS to collect data from Oregon mortgage lenders which will help the department determine short and long-term trends and shifts in patterns.

Effective date: March 11, 2008

House Bill 3630

Imposes duties and restrictions on foreclosure consultants

Foreclosure is the legal process through which the lender on a mortgage loan can initiate a sale of the



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property when borrowers are not making the required payments and are in default. Homeowners threatened with foreclosure, sometimes confused about the process and their options, may be contacted by consultants who offer assistance with repayment plans, restructuring, refinancing, forbearance agreements, or equity conveyance, sometimes characterized as “mortgage rescue schemes.” HB 3630 regulates these types of activities.

Examples of items that foreclosure consultants and equity purchasers must follow include the requirement for the contents of a contract to be written in plain language and include a full description of services that will be provided, the total amount and terms of compensation, and information on the homeowner’s right to cancel the contract under specified terms; and requires proposed contracts to be delivered to the homeowner at least 24 hours before the homeowner must sign. It also outlines prohibited activities such as claiming or collecting or receiving any compensation from the homeowner unless services have been performed in good faith under the contract, and taking power of attorney.

The measure requires lenders to provide homeowners who are at risk of mortgage foreclosure with notice written in nontechnical language that outlines information on how to stop the foreclosure process as well as a list of legal resources and other counseling services.

Exemptions are established for a number of groups such as a member of the homeowner’s family; real estate licensees, mortgage brokers, and mortgage lenders who are working under the scope of their license; Oregon State Bar members who are working within an attorney-client relationship; and (under specified circumstances) a tax-exempt organization that offers counseling or advice to homeowners in foreclosure.

Effective date: March 11, 2008

House Bill 3631

Children’s product safety

HB 3631 prohibits retailers from selling, offering for sale, or distributing certain children’s products subject to a recall issued by the Consumer Product Safety Commission (CPSC) or a successor agency; a warning either by the product manufacturer, the CPSC, or another federal agency; or subject to a declaration by the Director of the Department of Human Services (DHS) under specified conditions given to the agency by statute. Retailers are required to arrange to receive recall notices and warnings issued by the CPSC or manufacturers from whom the retailers receive children’s products as well as comply with all return, repair, retrofitting, or remediation instructions issued with a recall.

Products affected by HB 3631 are consumer products designed or intended for the care of or use by a child under twelve years of age, or that come into contact with a child under twelve years of age at the time the product is used. Children’s products subject to a manufacturer’s warning are exempted if the retailer has eliminated the health or safety hazard of the children’s product and has made the product safe for sale in strict compliance with the warning’s standards and instructions. To assist retailers with obtaining information about recalls or warnings, the Attorney General is required to assist retailers in obtaining information by providing links from the agency website to a website maintained by or in cooperation with the CPSC for the purpose of broadcasting product recall notices.

HB 3631 establishes that an unlawful trade practice has occurred if it has taken place 30 or more days after a recall notice, warning, or declaration is issued for the children’s product subject to the violation. Enforcement is placed with the Attorney General under the state’s Unlawful Trade Practices Act (UTPA). After a complaint is filed, the Attorney General determines if a violation has occurred and



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can then: 1) review the retailer's policies and procedures for staying informed of recalls; 2) demand the retailer remove the items from their shelves; or 3) assess a fine in egregious cases.

Effective date: March 11, 2008

House Bill 3632

Volunteers providing ski activity services

HB 3632 is the legislative response to the Oregon Court of Appeals decision for *Mount Bachelor Sports Education Foundation (MBSEF) v. Employment Department*. A MBSEF volunteer included a season ski pass received for providing volunteer services in an unemployment benefits claim. The Employment Department issued a tax assessment for the same amount the foundation would have been assessed if the volunteer was an employee. MBSEF contested the tax assessment on the grounds that the volunteer was not an employee, which was upheld by the Employment Department's administrative law judge. The Court of Appeals upheld the ruling, stating that MBSEF had paid "wages" in the form of a season pass, making the foundation subject to unemployment tax.

HB 3632 clarifies that nonprofessional ski patrollers and volunteers who perform services relating to races sponsored by nonprofit corporations and receive nothing other than ski passes for performing these services are exempt from minimum wage statutes. These same classes of volunteers are also exempt from mandatory workers' compensation coverage if they receive only ski passes or other noncash remuneration. Volunteers who provide skiing services to a nonprofit entity and receive no compensation other than ski passes are exempted from unemployment tax only if the value of the passes does not exceed the current federal threshold of \$50 in any calendar quarter, or the established threshold amount if the federal code changes.

Effective date: March 11, 2008

House Bill 3636

Oregon Liquor Control Commission

HB 3636 clarifies that Oregon Liquor Control Commission (OLCC) off-premises sales license holders can deliver wine or cider to Oregon residents without obtaining a direct shipper permit. Prior to the enactment of HB 2171 (2007), grocers were allowed to make wine and cider deliveries to customers as part of their home delivery services. The measure allows this practice to continue, and aligns procedures license holders must follow for ensuring that minors cannot order and receive deliveries with the same procedures used by direct shipper permit holders. Examples include requiring carriers to verify that the recipient is over 21 years of age via inspecting government-issued identification and requiring a signature upon delivery. Deliveries cannot be made to a recipient who is visibly intoxicated, and violations are established for those who knowingly or negligently deliver wine or cider to minors.

An off-premises sales license holder is allowed to sell factory-sealed containers of wine, malt beverages and cider only for off-premises consumption and can provide sample tasting of alcoholic beverages on their licensed premises with OLCC approval. HB 2171 (2007) is the legislative response to the U.S. Supreme Court decision of *Granholm v. Heald*, in which a state cannot enact laws blocking out-of-state wineries from shipping directly to customers in that state, while simultaneously allowing wineries to ship within the state. The new law created under HB 2171 directed the OLCC to issue direct shipper permits only to persons who possess a valid license, either in Oregon or another state, to manufacture wine or cider; as well as a winery trade association.

Effective date: March 11, 2008



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MEASURES NOT ENACTED

Senate Bill 1090

Regulation of residential mortgage lending

SB 1090 would have created the “Responsible Mortgage Lending Act.” The measure would have required lenders who offer or originate a subprime or nontraditional mortgage to ensure underwriting standards are used, to qualify a borrower for a mortgage, are consistent with prudent lending practices and establish and follow written policies regarding how to comply with the underwriting standards and the borrower’s ability to repay a mortgage. The bill would have prohibited lenders from interpreting or complying with the duties and standards to evade duties and obligations imposed under the federal Equal Credit Opportunity Act or Fair Housing Act or imposing a prepayment penalty made within two years after the mortgage’s closing date or during a period that ends 90 days after the first scheduled adjustment of the mortgage’s interest rate, unless the mortgage is offered or originated under a federal program that requires the agreement to include a prepayment penalty.

Additionally, the measure would have required that the borrower receive disclosures related to the subprime or nontraditional mortgage, such as the amount of the initial payment and highest potential regularly monthly payment, at the same as a good faith estimate is provided.

SB 1090 would have authorized the Department of Consumer and Business Services to adopt rules to administer and enforce provisions of the measure, as well as establishing additional enforcement tools, increased the required bond amount for mortgage banker and mortgage broker licensees to \$100,000, and required mortgage bankers and mortgage brokers

to purchase an errors and omissions insurance policy of at least \$500,000 for all times during which they either conduct business in Oregon or hold a license.

House Bill 3603

Loans secured by real estate

HB 3603 would have established the “Responsible Mortgage Lending Act.” Under the measure, a prepayment penalty could not be imposed for a full or partial repayment of principal made within two years after a subprime or nontraditional mortgage’s closing date or during a period that ends 60 days after the first scheduled adjustment of the mortgage’s interest rate, unless the mortgage is offered or originated under a federal program that requires the agreement to include a prepayment penalty. The measure would have required lenders to disclose to the borrower the terms of a subprime or nontraditional mortgage in nontechnical language prior to the mortgage’s closing date. Required information in the disclosure would have included the mortgage’s initial payment amount and annual percentage rate, the amount of the highest potential regularly scheduled mortgage payment, and the amount and timing of any rate adjustments that might occur under the mortgage agreement. Additionally, the bill would have required lenders to issue a new disclosure form if the amounts, rates, or other disclosed information changed, outlined specific requirements to be included in the disclosure form, and required delivery to the borrower at least three days before the mortgage closes.

The Director of the Department of Consumer and Business Services (DCBS) could also require, by rule, other information to be disclosed and authorized DCBS to make private or public examinations and investigations within or outside Oregon as deemed necessary to determine whether violations have occurred or is about to occur, to enforce the measure’s provisions, or aid in the adoption of rules regarding disclosures.



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HB 3603 would have applied to mortgage bankers and mortgage lenders; state banks, credit unions, and banking institutions as defined in statute; and consumer finance licensees as outlined in ORS chapter 725. Federal banks, national banks and their operating subsidiaries; federal credit unions and their operating subsidiaries; and financial institutions subject to exclusive regulation or supervision by a federal agency were not included in the bill as they cannot be regulated at the state level.

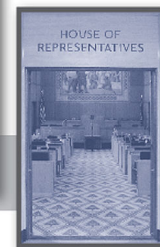
House Bill 3635

Relating to legal medications in workplace

HB 3635 would have established that notwithstanding unlawful labor discrimination statutes against disabled persons, an employer is not required to accommodate an employee's medical use of certain legal medications in the workplace (benzodiazepines, marijuana, codeine, methadone, and morphine) if their occupation requires performing hazardous duties. Examples of hazardous duties included the use of explosives; mining activities, logging/sawmilling; using power-driven machines in specific occupations or activities; activities involving exposure to radioactive substances; slaughtering or meatpacking; brick or tile manufacturing; wrecking, demolition, and shipbreaking; roofing; excavation; and operations at construction sites or the use of construction equipment. In addition, the bill would have authorized the Department of Consumer and Business Services, after consultation with the State Board of Pharmacy, to include additional legal medications to the list by rule after finding that a medication may impair the employee's ability to perform dangerous duties described in the measure. Furthermore, the bill would have directed the employer to verify and certify drug test results prior to taking any action against an employee or prospective employee. Employers who entered into a collective bargaining agreement with a labor organization would be exempted if the agreement

addresses the usage of these medications by employees subject to the agreement.

HB 3635 also would have codified that nothing in the Oregon Medical Marijuana Act may be construed to require employees to possess, consume, or be impaired by the use of medical marijuana in the workplace.



ECONOMIC DEVELOPMENT

House Bill 3605

Regulation of insurance policy terms

In December 2007, several communities in northwest Oregon were devastated by a storm that struck the region. The storm resulted in flooding and severe landslides. Following the Governor's emergency declaration, the Department of Consumer and Business Services (DCBS) issued an emergency order on December 7, 2007, to prohibit insurers from canceling or not renewing policies until January 3, 2008, for policy holders in affected areas. The executive order also prohibited insurers from canceling or not renewing policies based solely on claims resulting from the storm, and required insurers to withdraw and reissue notices mailed the week prior to the storm. The December emergency order covered personal lines of insurance, including homeowner, auto, health, and personal property insurance.

HB 3605 codifies in statute language similar to the DCBS emergency order issued December 7, 2007. The measure authorizes the DCBS Director to issue an executive order to suspend provisions of the Insurance Code and of policies and contracts of insurance in a specified geographical area following a disaster declaration. Furthermore, the measure directs DCBS to adopt rules to establish criteria for the orders, and allows adoption of rules specific to particular disaster declarations.

Effective date: March 11, 2008

House Bill 3606

Unemployment benefits during declared state of emergency

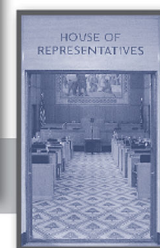
Unemployment Insurance (UI) provides workers with income in cases where they find themselves without work, even temporarily. However, current law requires a one-week waiting period following the loss

of employment before an individual may qualify to receive unemployment benefits.

Following the December 2007 storm that devastated several communities in northwest Oregon, many residents of those communities, whose places of business were affected by the storm, found themselves temporarily out of work. Many of these individuals were ineligible to receive federal disaster UI benefits, as they were eligible for state unemployment at the time of the disaster, but also found themselves ineligible to qualify for state UI benefits due to the one-week waiting period requirement.

HB 3606 grants authority to the Governor to waive the one-week waiting period requirement for UI benefits for individuals living in affected areas following a disaster declaration. However, because such a waiver would currently cause Oregon to incur a federal penalty for early payment of UI benefits, the measure stipulates that the Governor's authority to waive the waiting period is inactive until such time as the federal government provides authorization to do so without incurring the penalty.

Effective date: January 1, 2009



EDUCATION

Senate Bill 1066

Talented and gifted education; anabolic steroids and performance-enhancing substances education; and post-secondary tuition waiver program for child, spouse of certain service members

SB 1066 addresses three issues enacted by the 2007 Legislature, creates a new program, contains a technical fix to an existing statute, and repeals a statute.

SB 1066 removes the limit on the percentage of moneys from HB 3141 (2007) appropriated to the Department of Education (ODE) for administration of talented and gifted (TAG) education. The measure permits such funds to be used to create and administer regional TAG centers as proposed in SB 622 (2007), which did not become law. Additionally, the measure requires school districts, rather than the ODE, as required in SB 517 (2007), to provide curricula on anabolic steroids and performance-enhancing supplements. Lastly, SB 1066 clarifies provisions of SB 426 (2007) that created the Oregon Educator Benefits Board by specifying dates when school districts' represented and non-represented employees can participate in benefit plans offered by their school district.

SB1066 establishes a tuition waiver program for children, spouses, or remarried surviving spouses of service members who died while on active duty or who, as result of a military service disability, died or were 100 percent disabled after September 11, 2001. The tuition waiver is available through the Oregon University System institutions and Oregon Health and Science University for qualified students pursuing baccalaureate or master's degrees. SB 1066 provides that the waiver is available only for open seats in courses already offered.

The measure also extends from one to three years the amount of time a student teacher or others completing a practicum or internship must re-submit

fingerprints to the Teacher Standards and Practices Commission (TSPC). SB 1066 repeals the requirement that the TSPC suspend the license of a teacher who has not obtained a first aid card within 90 days of receiving a teaching license while maintaining school district's ability to require any staff member to have a first aid card.

Effective date: March 11, 2008

Senate Bill 1068

School districts to offer free of charge half-day kindergarten

In January 2007, concerns were raised regarding the practice of charging tuition for kindergarten in the Corvallis Unified School District. The district sought legal counsel from the Department of Education, which, in turn, sought counsel from the Attorney General's Office (AG). In December 2007, the AG issued an opinion stating that if school districts offer more than a half-day kindergarten program, the entire program is part of their regular school program and, therefore, the school district may not charge students tuition to participate in the program. The AG's opinion was considered advisory to the school districts and the Superintendent of Public Instruction recommended that school districts seek local counsel and evaluate their programs based on local legal advice.

SB 1068 requires school districts and charter schools (if they offer kindergarten) to offer half-day kindergarten free of charge. The measure permits school districts and charter schools, for the 2007-08, 2008-09, and 2009-10 school years, to charge tuition for supplemental kindergarten that is offered in addition to free, half-day kindergarten programs and validates the prior collection of tuition or fees for supplemental kindergarten. In addition, SB 1068 prohibits charging tuition for supplemental kindergarten for certain students and provides for partial or full tuition waivers under circumstances of



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severe hardship. Furthermore, the measure requires that student transportation for half-day and supplemental kindergarten be provided in the same manner as for elementary and secondary school students.

Effective date: March 11, 2008

Senate Bill 1092

Disclosure of information about students in the justice system

Current law (ORS 419A.015) requires juvenile departments to provide a monthly report to school districts of all youth who are on court probation within their jurisdiction. Additionally, a school district may request of a juvenile department the offense of any youth who is on probation.

SB 1092 expands the notification requirements to include reports to specified educational administrators once a youth has made a first appearance before a juvenile court for certain criminal conduct including: harm, threatened harm, including criminal homicide, felony assault or any attempt to cause physical harm; sexual assault of an animal or animal abuse; sex crimes except rape in the third degree; crimes involving a weapon or threatened use of a weapon; possession or manufacture of a destructive device; or offenses with elements of possession, use, manufacture, or delivery of alcohol or a controlled substance. If a case is set aside or dismissed, the bill requires notice be provided to the designated administrator. The designated administrator is required to inform specified school employees and school subcontractors of notification within 48 hours. Those personnel are required to keep the notice information confidential and no person who sends or receives notice is civilly or criminally liable for failing to disclose the information.

SB 1092 requires the designated administrator to contact a youth's previous school when he or she transfers to an Oregon school from an out-of-state school. The administrator is required to request from that school information relating to the youth's history of activities that are likely to put at risk the safety of school employees, school subcontractors, or students. Additionally, the measure requires the administrator to provide any information received in response to the inquiry to school employees and school subcontractors who have been determined to need the information to safeguard the safety and security of the school or to arrange for appropriate counseling and education for the youth.

SB 1092 directs the Oregon Law Commission to study policies requiring notice to schools regarding youths and to provide the report and recommendations to the appropriate interim legislative committees by October 1, 2008. Authorization for the study is repealed as of January 2, 2010.

Effective date: January 1, 2009

House Bill 3601

Oregon Farm-to-School and School Garden Program

During the 2007 Legislative Session, the Department of Agriculture was authorized to hire a full-time farm-to-school coordinator to work with the Oregon agricultural community to develop and promote Oregon agricultural products for school cafeterias.

HB 3601 appropriates moneys for a corollary position within the Oregon Department of Education (ODE). Additionally, the measure directs the ODE to assist specified school districts in utilizing Oregon food products and produce from school gardens; to promote food- and garden-based educational activities; and to provide information to school districts on how farm-to-school and school garden projects may help implement federally-mandated



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wellness policies. HB 3601 requires the ODE to report to the Seventy-fifth Legislative Assembly on the activities related to the Farm-to-School and School Garden Program on or before February 1, 2009.

Effective date: March 11, 2008

House Joint Memorial 100

Rural Oregonians and reauthorization and extension of Secure Rural Schools and Community Self-Determination Act of 2000

Congress enacted the Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393) to stabilize payments to counties for schools and roads, and to improve forest ecosystems.

Historically, Congress shared revenue generated from federal forest lands with local governments in recognition of the fact that federal ownership of forestlands deprives counties of revenue that they would otherwise have if the land were privately owned and that counties provide services that benefit this land. As compensation for the land being exempt from taxation and for local services, Congress shares a portion of the revenue from this forestland. The Act expired on September 30, 2007. Without reauthorization, Oregon will lose approximately \$260 million dollars as of July 1, 2008.

HJM 100 expresses support for all rural Oregonians and urges support for reauthorization and extension of the Act.

Filed with Secretary of State, March 11, 2008

MEASURES NOT ENACTED

Senate Bill 1097

Oregon Professional Development Initiative Commission

SB 1097 would have created the Oregon Professional Development Initiative Commission within the Department of Education. The commission's charge was to develop a statewide, research-based, sustainable, high-quality professional development system for all Oregon pre-kindergarten through grade 12 teachers, administrators, and educational assistants. The commission would also have been required to provide professional development resources and curricula as well as a virtual network to support school districts in implementing their own professional development programs. The Act appropriated \$400,000 to the commission from the Administrative Services Economic Development Fund.



GOVERNMENT, ELECTIONS & ETHICS

Senate Bill 1071

Campaign finance reporting

Currently, contributions received and expenditures made by campaign treasurers and chief petitioners are publicly accessible on the Internet via the ORESTAR reporting system. All contributions are printed in black font or blue hyperlink font. SB 1071 requires out-of-state contributions appear in different colored font than in-state contributions on electronic filing systems.

Additionally, changes that occurred in the 2007 Legislative Session created a reporting gap for certain campaign finance transactions occurring between October 2007 and December 2007. SB 1071 requires those transactions be reported. Finally, the current reporting deadline for ORESTAR is midnight, which is the first minute of the next day; the measure modifies the deadline to 11:59 p.m. to prevent late filings on the day after a filing is due.

Effective date: March 11, 2008

Senate Bill 1078

Indian Tribe monument(s) in the State Capitol State Park

Oregon has nine federally-recognized Indian tribes: Burns Paiute; Confederated Tribes of Coos, Lower Umpqua and Siuslaw; Coquille Indian Tribe; Cow Creek Band of Umpqua Indians; Confederated Tribes of Grande Ronde; Klamath Tribes; Confederated Tribes of Siletz; Confederated Tribes of Umatilla Indian Reservation; and Confederated Tribes of Warm Springs.

West of the capitol building is the Walk of Flags, a display of flags from all 50 states around the ellipse. The Walk of Flags was dedicated in June 2005 and was constructed using donations raised by the Oregon

State Capitol Foundation. The 74th Legislative Assembly enacted SB 632, establishing the grounds around the Capitol and Capitol Mall as the State Capitol State Park.

SB 1078 requires the Oregon Parks and Recreation Department (OPRD) to plan, erect and maintain one or more monuments in the Walk of Flags within State Capitol State Park to honor Indian tribes. The measure directs OPRD to consult with the Capitol Foundation and the Commission on Indian Services to carry out the measure's directives.

Effective date: July 1, 2008

Senate Bill 1098

Voter registration

Currently, individuals may register to vote in Oregon if they: 1) are a resident; 2) are a citizen of the United States; and 3) will be 18 years old by Election Day. Individuals register by filling out the voter registration form and submitting it to their county elections office. The voter registration form must be postmarked by the 21st day before an election in order to vote in that election.

SB 1098 requires voter registration cards be addressed to an elections official if the registration arrives after the 21st day before an election. The measure deletes the requirement that voters must request a ballot after they change their voter registration within 21 days prior to an election, and allows county clerks to automatically send a new ballot when the county elections office receives a new address for a voter.

Additionally, the measure allows the Secretary of State to collect information from the U.S. Postal Service in order to assist counties with updating voter registration databases.

Effective date: March 11, 2008



GOVERNMENT, ELECTIONS & ETHICS

Senate Bill 1099

Committee on Performance Excellence

SB 1039 (2007) would have established the Committee on Performance Excellence. The bill was vetoed by the Governor based on concerns that a legislative committee, in overseeing state agency performance and assessing performance excellence, would blur the lines between the constitutional functions of the different branches of government.

Under SB 1099, a Committee on Performance Excellence is established to assist state agencies in reaching performance excellence by providing policy review, recognition, and recommendations for funding proposals for continuous improvement projects that advance performance excellence in state government. SB 5549 (2007) appropriated \$2,500,000 to the Emergency Board for allocation to state agencies for continuous improvement projects under SB 1039 (2007). These monies can be used to fund the continuous improvement grants program established in SB 1099.

SB 1099 also requires agencies that are audited by the Secretary of State to identify audit recommendations that present opportunities for continuous improvement and report to the committee progress on the audit recommendations. SB 1099 requires the committee to make periodic public reports on the achievement of performance excellence.

Effective date: March 3, 2008

House Bill 3602

Secretary of State deadline to file statement regarding candidates for offices of President and Vice President

The Republican National Convention to nominate a candidate for President is scheduled for September

1-4, 2008. September 4th (61 days before the general election) is the current statutory deadline for the Secretary of State to file a statement with county clerks containing information regarding candidates for the offices of President and Vice President. HB 3602 allows the Secretary of State to file the statement with clerks no later than the 55th day before the election (September 10th). With this extension, the Republican nominee will be printed in the Voters' Pamphlet.

The same calendar conflict was encountered during the 2004 election. Section 11 of HB 2825(2003) provided a similar solution that HB 3602 provides for the 2008 election. The several day extension sunsets on January 2, 2009; therefore, for future elections, the Secretary of State will be required to file statements 61 days prior to the general election.

Effective date: March 11, 2008

House Bill 3634

Secretary of State directive to number measures to be voted on by the state

Current law requires the Secretary of State to number measures to be voted on by the state in consecutive order and that no number is repeated during an election. The numbers for each election are to begin with the number after the last number from the previous election. In addition, current law requires the secretary to assign numbers in the order in which the measures are filed, whether they are legislative referrals, citizen initiatives or referenda.

HB 3634 directs the Secretary of State to number measures in the following order: 1) constitutional amendments referred by the Legislative Assembly in the order filed with the Secretary of State; 2) statutory measures referred by the Legislative Assembly in the order filed with the Secretary of State; and 3) initiative or referendum petitions in the order certified to the ballot by the Secretary of State.



GOVERNMENT, ELECTIONS & ETHICS

Effective date: March 11, 2008

House Joint Memorial 102

The Yellow Ribbon Reintegration Program

The Minnesota National Guard has a program called Beyond the Yellow Ribbon. The program is designed to reintegrate soldiers and airmen back into their communities and is named as a reminder that the support of soldiers does not end when they return from deployment.

House Resolution 2090 (2007) was introduced in Congress to establish the Yellow Ribbon Reintegration Program, but has not been acted upon. The Yellow Ribbon Reintegration Program would provide members of the National Guard and Reserves, and their families with resources, services, referral and outreach opportunities throughout the deployment cycle.

Over 4,000 soldiers from the Oregon National Guard have served overseas and 3,500 additional Oregon National Guard soldiers are scheduled to deploy to Afghanistan in 2009. Oregon has instituted a successful reintegration program for members of the Oregon National Guard that may act as a model for other states.

HJM 102 urges the United States Congress to enact and fund the Yellow Ribbon Reintegration Program.

Filed with the Secretary of State March 11, 2008

MEASURES NOT ENACTED

Senate Bill 1083

Initiative petition language, signature verification process and complaint deadline

Oregon law currently requires the Supreme Court to review challenges to initiative petition language expeditiously to ensure the orderly and timely circulation of the petition. SB 1083 would have required the Supreme Court to certify the language or refer the matter back to the Attorney General within 45 days of comments being received.

Additionally, the Secretary of State (SOS) and county clerks work to verify signatures submitted by petitioners. SB 1083 would have placed the verification process with the SOS only and required the secretary to prescribe a training program for signature verification.

Furthermore, SB 1083 would have imposed a deadline of 90 days after receipt of a complaint for the SOS to respond if additional time for review was necessary, and required that if a violation occurred, that the determination be made within one year of the complaint.

Senate Bill 1102

General and special election candidates' listings on ballots

Fusion voting is when more than one party allows the same candidate to be nominated for the same office. Under fusion voting, voters may vote their party preference as well as voting for candidates. Votes from different parties are then combined for that candidate's total number of votes. Under Oregon's



GOVERNMENT, ELECTIONS & ETHICS

current election laws, candidates are nominated by their own party in primary elections. The primary election winners then face off in a general election. Proponents of fusion voting assert that allowing minor parties to nominate the same candidate as a major party would force candidates to build coalitions around issues.

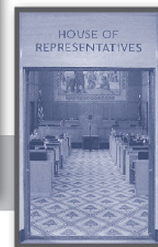
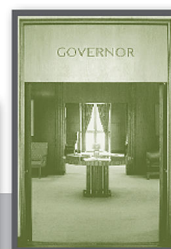
SB 1102 would have required that general and special election candidates be listed on ballots for partisan office for every nomination that they received, with the corresponding name of each political party to be added opposite of the candidate's name. The measure also required that a vote be counted once for multiple votes for the same candidate on a single ballot. Finally, the measure allowed the candidates to decline to be listed as a nominee of a specific political party.

Senate Joint Resolution 41

Amendment to Oregon Constitution to establish joint committee on audits and government accountability

SJR 41 would have established, by constitutional amendment, a joint committee on audits and government accountability within the Legislative Assembly. The joint committee would have been authorized to appoint a legislative auditor who, at the direction of the joint committee, could conduct financial and compliance audits of at least two executive department agencies once every two years.

Establishment of the joint committee would have required submission of a proposed constitutional amendment for approval or rejection at a general election because, according to an opinion from Legislative Counsel, a statute that grants financial audit authority to the Legislative Assembly would intrude upon or limit the constitutional audit authority of the Secretary of State.



HEALTH CARE

Senate Bill 1062

Nurse Practitioners and Clinical Nurse Specialists prescriptive authority

In Oregon, Nurse Practitioners (NPs) and Clinical Nurse Specialists (CNSs) have certification and prescriptive authority through the Oregon State Board of Nursing (BON) under ORS 678.390. In addition, NPs and CNSs must conform to the Oregon Board of Pharmacy rules and regulations. The list of approved drugs is in the *Drug Facts and Comparisons* (drugs that have been Food and Drug Administration approved). The current process requires the BON conduct a secondary review to determine if the drug or class of drugs is appropriate for use by the advanced trained nurse categories.

SB 1062 eliminates the requirement that drugs prescribed by certain NPs and CNSs be included in the formulary established by the BON.

Effective date: March 3, 2008

MEASURES NOT ENACTED

Senate Bill 1075

Task Force on Mental Health and Addiction Services for Underserved Populations

Currently, in mental health services, emphasis is placed on a younger and more mobile clientele, and more acute forms of illness. Statistics show fewer than five percent of the total clientele served by Community Mental Health Programs are age 65 years and over, and less than one percent of the clientele served by alcohol and drug providers are age 65 years and above. Additionally, studies indicate that for African Americans, Hispanics, Native Americans, and

Asian Americans the rate of mental illness is higher and they are more likely to receive fewer if any treatment services.

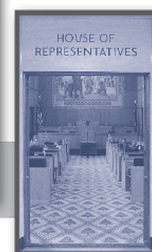
SB 1075 would have created the 27-member Task Force on Mental Health and Addiction Services for Underserved Populations. The task force was directed to develop a plan for a comprehensive, integrated system of mental health and addiction services for seniors, persons with disabilities and persons in underserved racial or ethnic communities.

Senate Bill 1100

Telemedicine reimbursement

‘Telemedicine’ means using telecommunications technology to deliver healthcare, including but not limited to clinical diagnosis, clinical services and patient consultation. Comprehensive reimbursement policies are often inconsistent and fragmented and are often cited as one of the obstacles to total integration of telemedicine into health care practices. The Balanced Budget Act (BBA, 1997) authorized partial Medicare reimbursement for telehealth services.

SB 1100 would have established conditions where health insurers would have reimbursed health care providers for services provided through telemedicine. The measure authorized the Director of the Department of Human Services (DHS) to adopt rules governing rates and reimbursement requirements for the telemedicine services; and authorized the Director of the Department of Consumer and Business Services to adopt rules consistent with rules adopted by DHS.



HEALTH CARE

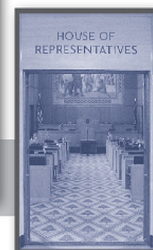
House Bill 3614

Streamline Oregon Health Plan application process; grant program to award four grants that would increase access to health care for families

In Oregon, through the State Children's Health Insurance Program (SCHIP) and the Family Health Insurance Assistance Program (FHIAP), children are allowed 12-month enrollment, while other children enrolled in public health programs are required to renew their coverage every six months. Studies indicate that children with insurance gaps of greater than six months experience a higher rate of unmet health care needs and those eligible children are at increased risk for losing coverage at renewal.

HB 3614 would have directed the Department of Human Services (DHS) to consider policies and procedures that streamline and simplify the state medical assistance program application process. The measure would have required a minimum 12-month period of enrollment and automatic re-enrollment for persons under 19 years of age who are eligible for medical assistance and who are legal residents of Oregon.

In addition, HB 3614 created a grant program to increase access to and effectiveness of health care delivery for families. The measure directed DHS to award four grants, outlined grant criteria and set January 2, 2012 as the sunset date.



HUMAN SERVICES & WOMEN'S WELLNESS

Senate Bill 1061

Long-term care planning

Oregon's aging population is growing at a rate above the national average. It is projected that by 2025, one out of every five Oregonians will be over the age of 65. Many seniors eventually reside in community-based care facilities, which include adult foster homes, residential care facilities, and assisted living facilities; and participate in various other state-funded programs. However, due to increasing demand and budget cuts, many seniors are no longer eligible for programs, or services have been considerably curtailed.

Many low-income seniors are on Medicaid, which pays for community-based residential services. Other seniors, with more resources, pay privately. More and more community-based care facilities are withdrawing from accepting individuals on Medicaid due to the lower rates that the state pays for their care. A growing number of facilities are converting to "private pay" only programs, which results in Medicaid residents in these facilities having to relocate.

SB 1061 requires the Department of Human Services (DHS) to work with stakeholders in developing a comprehensive plan to improve long-term care services. It requires DHS to report to the Seventy-fifth Legislative Assembly on cost projections for stabilizing and restoring numerous programs and services for seniors and people with physical disabilities.

Effective Date: March 11, 2008

MEASURES NOT ENACTED

Senate Bill 1065

Payments to rural health clinics

In the Oregon Health Plan (OHP), fully capitated health plans (FCHPs) contract with local providers including federally recognized rural health clinics (RHC). FCHPs normally contract with providers for capitated payments, which are often below the actual cost of services. Under federal law, RHCs are eligible for the actual cost of providing services versus capitated rates paid by the plan, so the state reimburses the RHCs for the difference. RHCs have noted that the length of time it takes for the state to reimburse the difference often creates a cash flow problem for the RHCs.

SB 1065 would have allowed a RHC, which receives payment from a prepaid managed care plan for services to OHP clients, to report the payment to the Department of Human Services (DHS) within 45 days of receiving a claim from a clinic or within 30 days of the last calendar month of the receipt of the report—whichever is later—to issue a payment to the clinic of the difference between what the clinic received from the plan and other insurers, and the amount due from the department. DHS would have established rules for the payment of claims if the department was unable to determine the amount of payment to the clinic within the timeframe.



HUMAN SERVICES & WOMEN'S WELLNESS

House Bill 3616

Insurance reimbursement for licensed professional counselors and licensed marriage and family therapists

There are approximately 2,000 licensed professional counselors (LPC) and licensed marriage and family therapists (LMFT) in Oregon. LPCs assist individuals, couples or groups through a counseling relationship and must complete at least a two-year masters degree in counseling, psychology or a related field, gain three years of full-time supervised experience and pass a comprehensive national board examination.

HB 3616 would have required health benefit plans to provide coverage for services rendered by a LPC or LMFT acting within their scope of practice if the plan covers services by other professionals providing same or similar services. The bill would have increased civil penalties violation of LPC and LMFT licensing requirements from \$1,000 to \$2,500 per violation, and would have prohibited the use of the terms “licensed professional counselor” and “licensed marriage and family therapist” for marketing and advertising unless the person was properly licensed by the state.

House Bill 3617

Reporting abuse of adults with developmental disabilities who reside in residential programs

In November 2007, *The Oregonian* newspaper ran a series of investigative stories on the care of individuals with developmental disabilities in residential programs. The stories highlighted abuse and neglect of these individuals including deaths of residents in questionable circumstances, physical abuse, theft from residents, and other poor caregiving.

HB 3617 would have created a Quality Care Fund for the Department of Human Services (DHS) to provide training, licensing activities and ensure quality in long-term care facilities, residential care facilities and adult foster homes. The measure would have included assisted living facilities, but excluded residential treatment facilities or residential treatment homes. It would have created a Database of Quality of Care Violations to list names and other information of caregivers who have committed substantiated abuse and violations of quality care against clients, and would have required the database be available on the Internet and accessible by the public. Facilities would have been required to notify each resident and others of the abuse in the facility. The measures also modified licensing fees and penalties for various community-based care settings.



JUDICIARY

Senate Bill 1072

Penalty for participating in dogfighting

SB 1072 increases the penalty for participating in dogfighting from a Class A misdemeanor to a Class C felony and increases the penalty for possessing dogfighting paraphernalia from a Class A misdemeanor to a Class C felony. Participating in a dogfight includes being a spectator at a dog fight and requires that the person possessing dogfighting paraphernalia know its intended use. Additionally, the measure redefines dogfighting paraphernalia by specifically defining a “tread-mill” as a “carpet mill made of narrow sections of carpet, a modified electric treadmill for the purposes of conditioning dogs, or a slat mill with running surface constructed of slats made of wood, plastic or fiberglass.”

Effective Date: March 11, 2008

Senate Bill 1087

Prison term for persons convicted of drug and property crimes under specified conditions

Oregonians have raised concerns regarding the difficulty in successfully sanctioning repeat property offenders (most of whom are drug addicts) and the concerns of the law enforcement community of the inability to apply meaningful sanctions to those involved in the trafficking of significant quantities of heroin, cocaine, methamphetamine (meth) and ecstasy with the side benefit of using these sanctions as leverage to obtain cooperation.

SB 1087 refers to voters, for approval or rejection at the November 2008 general election, a property crime and drug crime legislative proposal that is intended to give voters an alternative to Initiative Petition 40. It includes both increased sentences and increased funding for drug and alcohol addiction

treatment as well as increased funding for jail beds to support treatment.

SB 1087 provides enhanced penalties for drug traffickers and manufacturers who possess amounts of methamphetamine, heroin, ecstasy, and cocaine traditionally associated with large scale trafficking. Sentences will range from 34 to 130 months depending upon the drug trafficked, the quantity trafficked and the person’s criminal history. In addition, the measure provides enhanced penalties for a person who delivers meth, cocaine, ecstasy, or heroin to a person under age 18 with a penalty ranging from 34 to 72 months depending upon the person’s criminal history, and bars prosecution for sale to a minor if the person distributing is less than three years older than the minor he or she is providing drugs to, unless the offender is a repeat offender. SB 1087 provides enhanced penalties for a person who steals \$10,000 or more from a victim who is 65 years of age or older with a penalty ranging from 16 to 45 months depending upon their criminal history.

SB 1087 eliminates the court’s ability to give such an offender a probation sentence if the sentencing guidelines call for a prison sentence for a repeat drug offender for drug offenses other than marijuana. The bill enhances sentencing under the repeat property offender statute, ORS 137.717, by increasing sentences to a presumptive sentence of 24 and 18 months; increases the penalty for identity theft from the current 13 months to 24 months; and provides an increased prison sentence of two months for each additional previous conviction, with a cap of 12 months increased sentence.

SB 1087 directs the Department of Corrections (DOC) to provide appropriate treatment to all offenders who are at medium to high risk of re-offending who have moderate to severe treatment needs. It establishes a grant system in which the DOC makes grants to counties to provide supplemental funding for: 1) jails; 2) treatment of drug-dependent persons on community supervision;



JUDICIARY

and 3) intensive supervision (smaller caseloads) of drug addicted persons. The bill authorizes the Oregon Criminal Justice Commission to make grants for drug courts. It directs the DOC to work with local law enforcement partners in establishing the grant program's rules and requires the Commission to monitor the effectiveness of the grant programs. The measure states that the court or supervising authority shall impose swift and certain punishment for offenders who do not comply with supervision terms and enhances mail theft to a Class C felony. It establishes a January 1, 2009 operative date for the referral, so that this law applies to crimes committed on or after January 1, 2009. The funding and grant program sections become operative July 1, 2009.

SB 1087 provides that if Initiative Petition 40 and this measure should both be approved by the voters at the November 2008 ballot, the one receiving the most votes becomes effective.

Filed with the Secretary of State March 5, 2008

Senate Bill 1095

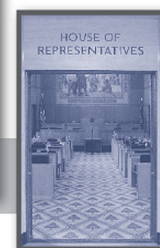
Security release for a person awaiting trial for specified methamphetamine drug crimes

SB 1095 requires a court to set a security release at a minimum of \$500,000 for a person awaiting trial for certain methamphetamine drug crimes, if the court finds probable cause to believe the defendant committed the crime and there is a danger the defendant will: 1) fail to appear in court; 2) commit a new crime; or 3) poses a threat to the public. If the court cannot make these findings, then it must set the security release amount no less than \$50,000.

SB 1095 applies to the following methamphetamine drug crimes: 1) unlawful manufacture of methamphetamine; 2) unlawful manufacture or delivery of methamphetamine within 1,000 feet of a school; 3) unlawful delivery of methamphetamine; 4) unlawful possession of methamphetamine; or 5)

unlawful distribution of methamphetamine to a minor. Additionally, the measure applies to the delivery or possession of 10 grams or more of methamphetamine or to commercial drug offences involving methamphetamines. SB 1095 allows counties to adopt jail capacity limits, which could result in a person incarcerated under these provisions being released.

Effective date: January 1, 2009



TRANSPORTATION

Senate Bill 1079

Fuel and fuel tax

Under current law, a retail station selling diesel fuel must determine the buyers' tax status, which requires an attendant to be present to ensure that the diesel tax is collected from buyers who are not exempt from the tax or who do not have a tax account with the Oregon Department of Transportation (ODOT). An exception exists for "cardlock facilities," where a cardlock issuer, rather than an attendant, determines the cardholder's tax status and collects the tax as appropriate. Current law requires that cardlock facilities must be certified by the State Fire Marshal. The Fire Marshal's statutory definition of cardlock does not include unattended diesel-only facilities, yet it is the definition that was incorporated into the Fuel Tax Laws, meaning that unattended diesel facilities cannot be considered by ODOT as cardlocks for diesel tax collection purposes. As a consequence, ODOT must require cardlock facilities to provide the same sales and tax documentation as are required for attended retail stations, even in cases where a retail station is equipped with a cardlock reader that is capable of obtaining the tax information from the buyer.

SB 1079 defines the criteria to ensure a cardlock card issuer is able to provide ODOT with sufficient information to allow the department to audit sellers' fuel tax reports.

Additionally, SB 1079 provides exemptions from ethanol blend requirements for fuel sold for certain non-road uses, including airplanes, water craft, Class I and Class III off-road vehicles, antique vehicles, racing vehicles, snowmobiles, and tools. The 74th Legislative Assembly enacted HB 2210, which requires that all motor fuel sold in Oregon be blended with 10 percent ethanol. However, following the 2007 Session there were concerns raised that fuel blended with ethanol could cause problems in other types of vehicles that utilize motor fuel, including older and

experimental aircraft, boats that utilize fiberglass fuel tanks, and antique automobiles. SB 1079 allows unblended fuel to be sold for these specified uses.

Effective date: March 11, 2008

Senate Bill 1080

Documents issued by the Department of Transportation

The Oregon Department of Transportation (ODOT) began verifying Social Security numbers (SSN) of applicants for licenses, permits and identification (ID) cards on February 4, 2008, as a result of Governor Kulongoski's Executive Order 07-22. SB 1080 requires the Driver and Motor Vehicle Division (DMV) to verify applicants' SSNs through the Social Security Online Verification (SSOLV) system.

SB 1080 requires proof of U.S. citizenship or lawful presence in the United States, and a SSN or proof of ineligibility for a SSN, to be eligible for an Oregon driver license, driver permit or ID card. In addition, the measure stipulates that a license, permit or ID card issued to persons with temporary status is only valid for the duration of their authorized stay or, if their length of stay is indeterminate, is only valid for one year.

Other provisions of SB 1080 include: clarification that ID cards from federally-recognized Indian tribes may be used for legal presence verification; similar exemptions from biometric data requirements as exist currently for photograph requirements for licenses, permits and ID cards; allowing DMV to use photographs already on file for renewing or replacing licenses, permits or ID cards under certain circumstances, such as military deployment overseas; and creation of an ombudsman within ODOT to assist applicants with meeting documentation requirements.

HB 3624, a companion measure, requires ODOT to submit an annual report to the Legislative Assembly



TRANSPORTATION

regarding implementation of SB 1080. The report is to include the fiscal impact, changes in rates of uninsured and unlicensed drivers, and changes in accident rates. The report is to be submitted during the 2010 to 2014 period.

Effective date: February 15, 2008

Senate Bill 1084

Permits to individuals or groups on roadways

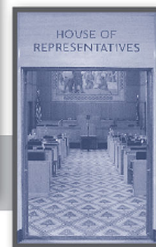
Current Oregon law includes the offenses of a pedestrian with improper position on a roadway and a pedestrian improperly proceeding along a roadway when there is an adjacent usable sidewalk or shoulder. Exceptions are provided for members of groups who are participating in litter cleanup under “adopt-a-highway” programs and, in certain cases, for hitchhikers.

Members of the International Association of Firefighters around the United States participate in an annual “fill the boot” fundraiser for the Muscular Dystrophy Association, where motorists are asked to drop a cash donation in a firefighter’s boot at specified locations. Under current law, firefighters participating in this fundraiser may be in violation of the offense of a pedestrian with improper position upon or along a highway.

SB 1084 authorizes road authorities to issue permits to individuals or groups that wish to proceed on or along roadways under their jurisdiction. Permit holders are required to meet safety requirements, including signage, visible clothing, and liability insurance.

Additionally, the measure authorizes the Department of Transportation to adopt additional safety requirements by rule. The measure sunsets January 2, 2012, with no new permits to be issued after July 1, 2011.

Effective date: March 11, 2008



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