



Summary of Legislation 2015

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Table of Contents

Table of Contents	1
Agriculture and Natural Resources	2
Business and Consumer Protection.....	16
Economic Development.....	28
Education and Workforce Development.....	33
Elections and Ethics	52
Emergency Preparedness	58
Energy	61
Environment.....	70
Government.....	79
Health Care	91
Human Services and Housing	113
Judiciary	127
Labor and Employment.....	159
Land Use	171
Marijuana	175
Transportation	178
Veterans	191
Water.....	195

For information on legislative revenue and legislative fiscal measures, see:

[Legislative Revenue Office](#)

900 Court Street NE, Room 143
Salem, OR 97301

[Legislative Fiscal Office](#)

900 Court Street NE, Room H-178
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Agriculture and Natural Resources

House Bill 2182

Comprehensive predator management plan

Some of Oregon's game and threatened or endangered species have their own management plans. These plans address issues such as ideal population size, response plans for when these animals cause damage, sport hunting, interactions with humans and other wildlife species, and recent research.

House Bill 2182 requires the Oregon Department of Fish and Wildlife to study the potential development of a comprehensive predator management plan and to present a report to the interim committees of the Legislative Assembly related to environment and natural resources on or before September 15, 2016.

Effective date: January 1, 2016

House Bill 2184

ODOT website link; day-use park passes at State Parks

The Oregon Department of Transportation website does not provide a link to the Oregon Parks and Recreation Department (OPRD) website to provide easy access to information about how to purchase day-use parking passes at Oregon State Parks.

House Bill 2184 requires a cooperative effort between the two agencies to add such a link. The bill also requires OPRD to coordinate with other state agencies to provide website links, informational brochures, applications and other materials on the purchase of day-use parking passes.

Effective date: January 1, 2016

House Bill 2209

Oregon Shellfish Task Force

The commercial and recreational shellfish industry is an important part of the history and economy of Oregon's coastal communities. Oyster production is a particularly important part of this industry, with an estimated farm-gate value in Oregon of approximately \$12 million.

House Bill 2209 states the intention of the Legislative Assembly to develop and adopt a shellfish initiative to prioritize and implement strategies for achieving protection of native shellfish and enhancing shellfish production. The measure establishes an 11-member Oregon Shellfish Task Force to study efforts needed to restore and expand shellfish resources and produce a draft Oregon Shellfish Initiative. The Oregon Department of Agriculture is appropriated funds and directed to conduct a pilot project to increase water quality monitoring related to the closure and opening of shellfish harvesting in Tillamook Bay. Oregon State University is appropriated funds and directed to engage in specific research related to shellfish.

Effective date: August 12, 2015

House Bill 2402

Task Force on Funding for Fish, Wildlife and Related Outdoor Recreation and Education

The budget of the Oregon Department of Fish and Wildlife (ODFW) relies on four major fund types: General Fund, Lottery Funds, Other Funds and Federal Funds. In the 2013-15 biennium, one-third of the agency's revenue came from the sale of

hunting and fishing licenses. Another third came from the federal government – much of it tied to the sale of hunting and fishing equipment. The remaining funding came from a variety of sources, in many cases funding that could be used only for specific purposes spelled out in grants, contracts or statute. Roughly six percent of ODFW’s revenue was a combination of Oregon’s general tax dollars and lottery funds.

House Bill 2402 establishes a Task Force on Funding for Fish, Wildlife and Related Outdoor Recreation and Education to identify and recommend alternative funding strategies and opportunities to leverage existing funds for ODFW.

Effective date: July 20, 2015

House Bill 2443

Soil enhancing products

All fertilizer products marketed or distributed in Oregon must be registered with the Oregon Department of Agriculture. A portion of the fees collected for the fertilizer program may be used to fund grants for research and development related to fertilizer, agricultural amendment or agricultural mineral products and ground water or surface water. Fertilizer registration and tonnage fees are currently at the statutory cap. State law also authorizes a product evaluation fee not to exceed \$50 annually. As new fertilizer products are introduced featuring new additives and biological materials formulated to enhance performance, the cost of analyzing some of these new materials is estimated to range up to \$500 per product evaluation.

House Bill 2443 increases the registration and tonnage fees for soil enhancing products to increase funding for grants and research and development. The measure also increases the product evaluation fee to cover laboratory product evaluation costs and amends Oregon law to update terms.

Effective date: January 1, 2016

House Bill 2444

Agricultural mediation services

Presently, Oregon’s Farm Mediation program provides professional mediators for agricultural and rural disputes. The goal of the program is to provide a lower-cost and faster alternative to the court system to resolve agricultural disputes. The program was established initially during the farm credit crisis of the 1980s to help resolve foreclosure disputes between farmers and banks. The program was certified by the United States Department of Agriculture as a foreclosure mediation service. Eventually, the Oregon Department of Agriculture discontinued using the program to mediate foreclosures. In the 1990s, the mediation program began to focus its work on other types of agricultural disputes. In 1997, the Oregon Legislative Assembly passed legislation (House Bill 3737) which broadened the types of work the program could do from foreclosure to “other disputes directly related to department activities and agricultural issues under the jurisdiction of the department.”

House Bill 2444 authorizes the Department of Agriculture to coordinate agricultural mediation services for disputes directly related to the activities of the department and agricultural issues under the jurisdiction of

the department. The measure also removes language regarding foreclosure mediations as well as removes a price cap for mediation services.

Effective date: June 2, 2015

House Bill 2455

Harvest tax

A tax on the harvesting of forest products is assessed and funds forest management, fire suppression, the Oregon State University College of Forestry and forest research lab, and the administration and enforcement of the Oregon Forest Practices Act. The harvest tax rates are set by the Legislative Assembly every two years.

House Bill 2455 sets and extends the privilege taxes on merchantable forest products for calendar years beginning January 1, 2016 and January 1, 2017.

Effective date: October 5, 2015

House Bill 2463

Derelict or abandoned structure on, under or over state-owned Submerged or submersible lands

State-owned submerged and submersible lands are under the management of the Department of State Lands (DSL) to protect them for ‘public trust’ uses of navigation, recreation, fisheries and commerce. DSL oversees more than 1.2 million acres of state-owned waterways, including many lakes, rivers and the Territorial Sea. Throughout Oregon, there are derelict and abandoned structures, vessels and other debris that can pose a danger to the public and interfere with

the public’s right to use waterways. Currently, DSL has statutory authority to pursue these situations as trespasses and to remove the structures.

House Bill 2463 authorizes DSL to seize a derelict or abandoned structure on, under or over state-owned submerged or submersible lands and establishes a Submerged Lands Enhancement Fund.

Effective date: January 1, 2016

House Bill 2501

Private property loss information for certain fires

The Oregon Department of Forestry provides fire protection on approximately 16 million acres – primarily privately owned forestlands, but also state-owned and other public land, including west-side forests owned by the U.S. Bureau of Land Management. Oregon law requires the State Forester to submit an annual report to the Emergency Board after the close of fire season, including a report on the money spent on fire suppression and the nature and severity of the fire season.

House Bill 2501 requires that the annual report also include private property loss information for fires of 1,000 acres or more, including losses of timber, buildings, fences, livestock and grazing land capacity if the land is expected to be unavailable for two or more grazing seasons.

Effective date: January 1, 2016

House Bill 2509

Agriculture mediation program services

Genetically engineered (GE) foods are created by artificially inserting genetic material from one or more organisms into the genetic code of another organism using modern genetic engineering techniques. Genetically modified organisms and the regulation of GE seeds and food products have received increased attention in several states, including Oregon and neighboring Washington and California. The recent passage of Senate Bill 863 (2013 Special Session) by Oregon's Legislative Assembly reserved the regulation of seed to the state; a ballot measure to ban genetically modified crops in Jackson County was exempted from this measure.

House Bill 2509 outlines a process that two parties would be able to use when there is a dispute where a person has a reasonable belief that the planting, growing or harvesting of a commodity on nearby land is or might be interfering with their farming practice. The Act authorizes a court to impose sanctions against a party that is unwilling to participate in at least four hours of mediation and stipulates that the cost of mediation may not exceed \$2,500 if provided by the Oregon Department of Agriculture.

Effective date: January 1, 2016

House Bill 2534

Drones used for hunting, angling, harassing and tracking wildlife

Drone technology has become more affordable in recent years and there is evidence that drones are already being used

by some to aid in hunting and fishing activity and by others to interfere with those engaged in lawful hunting and fishing activity. Several states have moved to ban the use of drone technology for such purposes.

House Bill 2534 directs the State Fish and Wildlife Commission to adopt rules that prohibit the use of drones for hunting, angling, harassing and tracking wildlife and interfering with lawful angling or hunting. The Act provides an exemption from the prohibition for the Oregon Department of Fish and Wildlife and its agents or contractors if the purpose is to benefit wildlife management or protect property.

Effective date: January 1, 2016

House Bill 2653

Beekeeping in residential areas

Beekeeping and the establishment of apiaries in residential areas of the state has become increasingly popular. Presently, there are no established rules or standards for keeping bees in residential zones.

House Bill 2653 directs the Oregon State University Extension Service, along with the Oregon Department of Agriculture, to create and disseminate best practices for beekeeping in residential areas. The measure also allows local governments to adopt ordinances relating to beekeeping consistent with best practices and to charge reasonable fees for registering hives in those areas.

Effective date: January 1, 2016

House Bill 2984

Clackamas Forestry Product Cooperative Project

ORS Chapter 321 defines forestland as land that is being held or used for the predominant purpose of growing and harvesting trees of a marketable species and designated as forestland or land for which the highest and best use is the growing and harvesting of such trees. Non-forest lands are all other lands.

House Bill 2984 requires Clackamas County to establish the Clackamas Forestry Product Cooperative Project as a pilot program to promote investment in forest production on non-forest lands. The measure allows cities within the county to participate in the project and creates a regulatory system intended to displace competition and grant immunity from federal and state antitrust laws to parties of the project. The State Forester is directed to actively supervise and establish procedures and guidelines for negotiations between the parties and to set prices for forestry products bought and sold as part of the project.

Effective date: July 20, 2015

House Bill 2998

Western juniper

Western juniper grows across more than 6 million acres of central and eastern Oregon. The majority of juniper forested areas are split between Bureau of Land Management and privately owned lands. Western juniper in Oregon has increased dramatically since the 1930s due to land management decisions, notably wildfire suppression.

Juniper expansion affects plant communities, water availability, fire cycles, forage production and wildlife habitat and biodiversity.

House Bill 2998 requires the Oregon Business Development Department to support and provide technical assistance for the harvesting of western juniper and the manufacturing of products from western juniper, and requires the Institute for Natural Resources to identify and map high-quality marketable stands of western juniper.

Effective date: July 1, 2015

House Bill 3012

Oregon Hatchery Research Center funding

The Oregon Hatchery Research Center (OHRC) opened in October 2005 to help fishery managers understand and manage the interactions between hatchery and wild fish. OHRC is a cooperative research project between the Oregon Department of Fish and Wildlife and the Oregon State University Department of Fisheries and Wildlife.

House Bill 3012 establishes new funding for OHRC research and hatchery construction through surcharges added to most fishing licenses and commercially caught salmon.

Effective date: January 1, 2016

House Bill 3013

Wildlife food plots

Oregon's Small Tract Forestland (STF) Program allows forestland owners to delay paying part of their annual property taxes

until their timber is harvested. This tax on harvest is known as the STF severance tax. Under the STF Program, a landowner pays annual property taxes on 20 percent of the forestland's special assessment value. The STF severance tax is designed to recover the remaining 80 percent when timber is harvested.

The Oregon Forest Practices Act applies to activities that are part of the commercial growing and harvesting of forest trees, including timber harvesting, road construction and maintenance, pesticide and fertilizer use and reforestation. Reforestation is required if the post-harvesting numbers of residual seedlings, saplings and trees are below rule-specified levels, and Oregon holds the forestland owner responsible for reforestation. Failure to reforest can result in a citation, an order to repair the condition, a fine up to \$5000 and removal from forestland tax deferral with a bill for back taxes.

House Bill 3013 allows owners of small forestlands subject to reforestation requirements to establish wildlife food plots within the boundaries of small forestlands without affecting small tract forestland assessments. Wildlife food plots are limited to a combined size of: 2.5 percent of small forestland if forestland is 500 acres or less in size; 2.0 percent of small forestland if forestland is more than 500 acres but not more than 1,000 acres in size; and 1.0 percent of small forestland if forestland is more than 1,000 acres in size.

Effective date: January 1, 2016

House Bill 3089

Mineral resource potential

Throughout Oregon's history, a wide variety of minerals have been produced from many locations. Because of its mineral endowment and varied geology, mining companies still look at Oregon as a place to explore for and develop mineral deposits.

House Bill 3089 directs the Department of Geology and Mineral Industries to study the mineral resource potential of eastern and southern Oregon counties and to report back to the Legislative Assembly by September 15, 2016.

Effective date: August 12, 2015

House Bill 3188

Predator Damage Control Districts

In some parts of the country, predator damage control districts have been established by government entities to address farmer and rancher concerns for economic losses resulting from predation.

House Bill 3188 authorizes county commissioners to form a predator damage control district (District) when petitioned by a minimum of 50 percent of the eligible petitioners who cumulatively own more than 50 percent of eligible land within the District. The Act authorizes the District to charge landowners a fee for the actual cost to the county of preventing, reducing and mitigating damage from predatory animals.

Effective date: October 5, 2015

House Bill 3315

Funding for ODFW services provided to other state agencies

The Oregon Department of Fish and Wildlife (ODFW) has traditionally received its largest source of funding from the sale of hunting and fishing licenses, tags and associated fees. In recent years, license and fee revenue have not been adequate to fund ODFW operations, including services provided to other state agencies. For example, providing assistance to the Oregon Water Resources Department in determining water rights and assisting the Department of State Lands for the purpose of issuing removal/fill permits.

House Bill 3315 requires ODFW, beginning July 1, 2015, to track and prepare statements reporting the hours spent by ODFW personnel, and applicable hourly rate, performing recompensable assistance for other state executive department agencies. The Act stipulates that beginning on July 1, 2019, ODFW must bill other executive department agencies for costs of providing professional, investigatory, administrative and clerical services as well as capital outlays.

Effective date: June 25, 2015

House Bill 3333

Use of salmon license plate revenues

Currently, after the deduction of administrative costs, surcharge revenue from the sale of salmon license plates is transferred in equal shares to the Watershed Conservation Operating Fund and the State Parks and Recreation Department Fund.

ORS 541.945 requires moneys in the Watershed Conservation Operating Fund be used for certain activities related to restoration and protection of watersheds, native fish and wildlife and water quality. The purpose of the Watershed Conservation Grant Fund is to provide funding for grants to achieve the purposes and uses described in ORS 541.942 and to implement the mission of the Oregon Plan.

House Bill 3333 requires that half of the surcharge revenue received from the sale of salmon license plates be transferred to the Watershed Conservation Grant Fund and used only for funding projects to protect or restore native salmon habitat and watershed functions.

Effective date: January 1, 2016

House Bill 3362

Pollinator health outreach and education plan

Oregon's insect-pollinated agricultural economy generates approximately \$600 million per year. Pollinator populations have suffered losses over recent years due to complex interactions among multiple stressors, including pests, pathogens and viruses, poor nutrition, pesticide exposure, bee management practices and a lack of genetic diversity.

House Bill 3362 directs Oregon State University (OSU), in consultation with the State Department of Agriculture (ODA), to develop a pollinator health outreach and education plan. The purpose of the plan is to educate the public on best practices for avoiding adverse effects from pesticides on populations of bees and other pollinating insects. The measure also requires ODA to develop a bee incident reporting system and

adjust fees for bee colony and pesticide application registrations.

Effective date: July 20, 2015

House Bill 3382

*Canola growth in Willamette Valley
Protected District*

In 2013, the Legislative Assembly passed House Bill 2427 directing the College of Agricultural Sciences at Oregon State University to study canola and report the results to an interim committee of the Legislative Assembly by November 1, 2016. The measure also prohibited the growing of canola in the Willamette Valley with an exception for 500 acres necessary to conduct the study.

House Bill 3382 amended that law allowing the State Department of Agriculture to authorize up to 500 acres for the commercial production of canola in the Willamette Valley Protected District (District) with certain restrictions. The measure also extended the sunset prohibiting the growing of canola in the District.

Effective date: January 1, 2016

House Bill 3549

Regulation of aerial pesticide applications

Under current Oregon law, a person may apply pesticides from an aircraft provided they hold a pesticide applicator's license and a license to operate the aircraft from which the pesticide is being applied. The Pesticide Analytical and Response Center (PARC),

comprised of eight state agencies, coordinates investigations to collect and analyze information about reported pesticide incidents that have suspected health or environmental effects.

House Bill 3549 requires forest operators to leave a 60-foot unsprayed buffer around inhabited dwellings or schools when applying herbicides by aircraft and adds certification requirements to aerially apply pesticides. The measure requires PARC to create standard operating procedures for public entities receiving complaints regarding the use of pesticides and to report on those standard operating procedures to the Legislative Assembly. The Department of Agriculture is directed to establish a pesticide incident telephone line for receiving complaints by the public indicating possible health or environmental effects from spray operations.

Effective date: August 12, 2015

House Concurrent Resolution 9

Pollinator health

The Oregon insect-pollinated agricultural economy generates approximately \$600 million per year. Pollinator populations have suffered significant losses over recent years due to complex interactions among multiple stressors, including pests, pathogens and viruses, poor nutrition, pesticide exposure, bee management practices and a lack of genetic diversity.

House Concurrent Resolution 9 recognizes the importance of and urges support for programs that benefit pollinators.

Filed with Secretary of State: May 19, 2015

Senate Bill 202

Independent scientific review of natural resource issues

The Independent Multidisciplinary Science Team (IMST) was established by the Legislative Assembly in 1997 (Senate Bill 924). The IMST is a scientific review panel charged with advising the State of Oregon on matters of science related to the Oregon Plan for Salmon and Watersheds. These matters include fish recovery, water quality improvements and enhancing watershed health.

Senate Bill 202 abolishes the Independent Multidisciplinary Science Team on January 1, 2017. The bill also establishes the Task Force on Independent Scientific Review for Natural Resources (Task Force) which will have 15 members appointed by the Governor from certain sectors and universities. The Task Force is to assess the need for independent scientific review in Oregon and make recommendations regarding which entities should conduct or coordinate scientific review across the broad range of natural resource issues. The Task Force is to submit a report of its findings and recommendations to the Governor and the Legislative Assembly by September 15, 2016.

Effective date: July 27, 2015

Senate Bill 247

Department of Fish and Wildlife fee increase

The Oregon Department of Fish and Wildlife (ODFW) receives funding from several sources. A third of ODFW's revenue comes from the sale of hunting and fishing licenses.

Another third comes from the federal government – much of it tied to the sale of hunting and fishing equipment. The rest of the ODFW funding comes from a variety of sources. Most of that funding can be used only for specific purposes spelled out in grants, contracts or statute. Six percent of ODFW's revenue comes from Oregon's general tax dollars and the lottery combined. During the 2013 - 2015 biennium, ODFW staffed 25 district and field offices to provide customer service, operated 33 hatchery facilities and 15 fish-rearing facilities and managed 16 wildlife areas with 1,262 full-time equivalent employees.

Senate Bill 247 incrementally increases and establishes certain fees related to hunting, angling and commercial fishing over a six-year period, applicable January 1, 2016, January 1, 2018 and January 1, 2020. The Act also consolidates fee provisions for certain hunting and angling fees into a statutory fee schedule and extends the landowner preference program.

Effective date: July 27, 2015

Senate Bill 320

Exemption from domestic kitchen license for residential baking establishments

The Oregon Department of Agriculture is responsible for regulating production, processing and distribution of food products. Under current law, anyone who would like to sell bakery products that are made in his or her home kitchen, must meet requirements and must obtain a domestic kitchen license.

Senate Bill 320 exempts certain food establishments from having to obtain a domestic kitchen license if, in addition to

other requirements, they are located in a residential dwelling, prepare baked or confectionary goods and their annual gross sales does not exceed \$20,000.

Effective date: January 1, 2016

LEGISLATION NOT ENACTED

House Bill 2183

Arundo donax L.

Arundo donax L. is a type of grass that can grow over 20 feet tall. It grows best in stands and is being looked at by Portland General Electric (PGE) as a source of biomass to be burned in their Boardman plant. PGE has had a test plot of Arundo donax L. near the Boardman plant since 2011.

House Bill 2183 would have created new bonding requirements for the commercial production of Arundo donax L. to ensure that funds would be available to eradicate the plant if it spreads beyond the intended production areas.

House Bill 2503

Authority to regulate hunting ammunition and fishing gear

The Oregon Fish and Wildlife Commission regulates hunting ammunition and fishing gear. House Bill 2503 would have vested sole authority for the regulation of hunting ammunition and fishing gear with the Legislative Assembly with some exceptions.

House Bill 2589

Neonicotinoid ban

Neonicotinoids are a type of insecticide that can be applied to either the plant or soil. Recent research suggests that neonicotinoids may be harmful to pollinators, specifically bees. House Bill 2589 would have prohibited the application of neonicotinoids with some exceptions.

House Bill 2598

Antibiotic use in livestock production

Currently, antibiotics are used on food animals for both therapeutic and non-therapeutic purposes. Some health authorities have expressed concern that this use contributes to antibiotic resistance in humans.

House Bill 2598 would have made legislative findings regarding the provision of antibiotics to food-producing animals and would have restricted the use of medically important antibiotics on food-producing animals for non-therapeutic purposes.

House Bill 2666

Mining permit process

Throughout Oregon's history, a wide variety of minerals have been produced from many locations. Because of its mineral endowment and varied geology, mining companies look at Oregon as a place to explore for and develop mineral deposits.

House Bill 2666 would have established a process for local governing bodies, or their

designees, to evaluate whether proposed mining use causes significant change or significant increase in cost when a federal or state agency has not issued a permit authorizing the proposed mining use. The measure would have also authorized local governing bodies to impose conditions of approval that are intended to resolve conflicts between mining, processing or associated uses and accepted farm or forest practices.

House Bill 2668

Industrial hemp production

Oregon law requires industrial hemp growers and handlers to be licensed by the Oregon Department of Agriculture (ODA).

House Bill 2668 would have prohibited the issuance of a license to an industrial hemp operation within 1,000 feet of a school. The measure would have also required ODA to rescind licenses for any existing operations not meeting the requirement and directed ODA to reissue a license if an operation became compliant or provide compensation if an operation is unable to comply and has planted hemp seeds. In addition, the measure would have required a currently licensed grower of industrial hemp, who is in compliance with all conditions of licensure, to allow ODA and Oregon State University to use its operations for research on specified topics.

House Bill 2687

Carrying dogs on vehicles

Under Oregon law, carrying a dog on the external part of a vehicle is a Class D traffic violation. A person commits this offense if a

dog is on the hood, fender, running board or other external part of any automobile or truck that is on a highway unless the dog is protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.

House Bill 2687 would have modified requirements for carrying dogs on the external part of a vehicle and made it lawful for a person operating a registered farm vehicle or engaged in commercial agriculture to carry a dog on the external part of a vehicle.

House Bill 2723

Urban agriculture incentive zone

In community gardens both edible plants, such as vegetables, and nonedible plants, like flowers, are grown by and for members of the surrounding community. According to the American Community Gardening Association, there are about 18,000 community gardens in the United States and Canada. However, numerous barriers, such as lack of long-term leases or water access, along with liability concerns may hamper the creation, operation and long-term sustainability of community gardens. In 2013, the California Legislature enacted Assembly Bill 551, which created the Urban Agriculture Incentive Zones Act to authorize a local government and a landowner to enter into a contract to restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry and lower property tax assessment for qualifying areas.

House Bill 2723 would have authorized a county or city to designate any urbanized area as an urban agriculture incentive zone and enter into an agreement with the owner

of the unimproved land within the zone if the landowner agreed to restrict the use of the land to small-scale urban agricultural production for five consecutive years in exchange for a special assessment of that land.

House Bill 3217

Artificial beaver dams

Historically, many small streams in eastern Oregon were inhabited by beaver populations and strongly influenced by beavers' ability to modify their physical surroundings. Beaver dams have the effect of slowing the flow of water, allowing for natural overflow onto surrounding floodplains and providing positive benefits to stream ecosystems and to the hydrologic functioning of streams.

House Bill 3217 would have directed the Department of State Lands (DSL) to establish by rule a pilot program for voluntary stream restoration that would have involved participating landowners constructing artificial beaver dams on qualifying streams in the Malheur Lake Drainage Basin.

House Bill 3283

Mirror Pond Dam removal

Mirror Pond was created in 1910 by the construction of the Bend Water, Light & Power Company dam which provided the city with its initial source of electricity. Mirror Pond acts as a settling basin for sediment flowing down the Deschutes River and from the City of Bend storm water outfalls. Mirror Pond needs to be dredged every twenty to thirty years to maintain the pond in its historic form. The Mirror Pond Dam has been owned by PacifiCorp since

1926 and produces electricity for approximately 200 households. PacifiCorp, in a press release dated November 25, 2013, stated that the cost of repairs needed to keep the dam in operation made the dam no longer cost effective. The Bend City Council and Bend Parks and Recreation District Board of Directors have been studying Mirror Pond and considering plans related to the removal of Mirror Pond Dam since 2009.

House Bill 3283 would have authorized the State Treasurer to issue lottery bonds in the amount of \$5 million to the Bend Parks and Recreation Department to fund projects related to the removal of Mirror Pond Dam.

Senate Bill 24

Natural resource agency consolidation

Senate Bill 24 would have established a Task Force on Natural Resource Agency Consolidation (Task Force). The Task Force would have been required to study the benefits of abolishing and consolidating natural resource state agencies and consider how the abolishment or consolidation would further certain goals. The Task Force would have had to report findings and recommendations to interim legislative committees on or before September 15, 2016.

Senate Bill 210

Expedited review

Natural resource agencies are largely funded with Other Funds revenues, generated through fee assessments, other regulatory actions and Federal Funds. General and Lottery Funds supplement other sources and fund constitutionally dedicated programs.

Senate Bill 210 would have allowed an applicant to obtain an expedited review of certain applications by filing a request and paying a fee.

Senate Bill 803

Coastal spring chinook hatchery programs

The Oregon Fish and Wildlife Commission adopted the Coastal Multi-Species Conservation and Management Plan (CMP) on June 6, 2014. The plan is the state's working document for managing salmon, steelhead and trout populations along most of the Oregon Coast. The CMP was developed by the Oregon Department of Fish and Wildlife (ODFW) to address conservation and management of anadromous salmonids (salmon, steelhead and trout) on the Oregon Coast from Cape Blanco to Seaside.

Senate Bill 803 would have appropriated \$370,000 to ODFW for activities related to the administration, operation and monitoring of Yaquina Bay and Coos Bay spring chinook hatchery programs established by the CMP.

Senate Bill 830

Motorized in-stream and upland placer mining

In 2013, the Legislative Assembly passed Senate Bill 838 which imposed certain restrictions and conditions on placer mining between January 1, 2014 and January 2, 2016 and set a limit of 850 permits that the Department of State Lands may issue for placer mining during this period. Under the measure, these restrictions are repealed on January 2, 2016, and a moratorium is imposed until January 2, 2021 on placer mining in specified rivers containing essential indigenous anadromous salmonid habitat or naturally reproducing populations of bull trout. Senate Bill 838 also directed the Governor's office to work with state agencies and other interested parties to conduct a study and make recommendations for a revised regulatory framework for suction dredge mining.

Senate Bill 830 would have directed the Environmental Quality Commission to adopt rules establishing a consolidated permitting program for motorized in-stream and upland placer mining and repealed the 2021 moratorium on mining using motorized equipment.

Business and Consumer Protection

House Bill 2480

Processing fee for liquor license applications

The Oregon Liquor Control Commission (OLCC) issues licenses to businesses engaged in the manufacturing, distribution and retail sale of alcoholic beverages. Except for special events licenses, the licenses are good for one year and require an annual fee ranging from \$100 for off-premises sales to \$400 for full on-premises sales. The OLCC processes approximately 3,500 new license applications each year for new establishments and for those changing ownership. The OLCC does not charge a fee to process an application and collects the annual license fee only when the process is complete and the agency is ready to issue the license. More than 200 applicants last year (about six percent of all applicants) submitted applications that were never completed. The OLCC expends staff resources to process these applications, which results in a longer wait time for all other applicants.

House Bill 2480 directs OLCC to charge a one-time application fee not to exceed \$150 for new license applications or when ownership changes; the measure does not charge an application fee on annual renewals. The fee is refundable if the application is complete and the OLCC does not either grant or refuse the application within 75 days.

Effective date: January 1, 2016

House Bill 2567

Distilled spirits

House Bill 2567 broadens the ability of Oregon distillers to showcase their products on their licensed premises and at special events. The measure allows tastings of distilled liquor manufactured in and approved for sale in Oregon, and the tasting may contain other distilled liquors approved for sale by the Oregon Liquor Control Commission (OLCC). This allows the tasting to be presented in a mixed drink and it allows the distiller to offer a comparison to other products. (Sales by the glass remain prohibited unless a special events license is obtained.) Joint tastings are allowed only if the premises are a primary production location for both distillers or are owned by the same entity. At special events, the distiller can offer tastings or sales by the glass as long as it includes liquor manufactured by the licensee, which opens up the opportunity to offer mixed drinks. The bill sets limits on the duration and frequency of special events held by a distillery licensee. House Bill 2567 also allows licensed distillers to buy and sell bulk spirits from each other; currently they can only purchase through the OLCC.

There are more than 60 craft distillers licensed in Oregon. Distillers can offer tastings at their licensed premises and up to five other premises owned or leased by the distiller. Prior to passage of House Bill 2567, a distillery licensee could provide tastings, sales by the glass, and, if appointed as a distillery retail outlet agent, sales by the bottle of only the products they manufactured. These restrictions limited the ability to offer a taste of their product in a mixed drink. In addition, a distiller could not

hold a special event on their own premises, unlike the ability wineries have to hold special events on site.

Effective date: June 25, 2015

House Bill 2578

Cancellation of cable and telecommunication contracts

Contracts for cellular telephone service or for cable or satellite television typically are for specified periods of time, between several months or several years, and often include provisions penalizing the customer for early cancellation of the service. While these provisions are designed to prevent the customer from switching to a competing company, there are occasions when the customer no longer has need of such services.

House Bill 2578 specifies that residential and cable telecommunications contracts may be terminated, without penalty, when the customer is entering hospice care. The measure also provides a similar provision whereby the next of kin of a deceased individual may cancel such a contract without penalty.

Effective date: January 1, 2016

House Bill 2893

Prize-linked savings program

In recent years, several states have passed laws allowing credit unions and banks to conduct promotional savings raffles, sometimes referred to as prize-linked savings programs. The intent of the raffles is to create an incentive for people to open and

build a balance in their personal savings account. Research from the Harvard Business School found a correlation between those people who play the lottery and those with little to no personal savings. The research led to a pilot program of prize-linked savings in Michigan, and the results indicate that the target population participated in the program.

House Bill 2893 allows banks and credit unions to conduct raffles as part of a savings promotion program. The bill modifies the statutory definition of gambling by excluding savings promotion raffles. The Oregon Constitution states that “lotteries and the sale of lottery tickets, for any purpose whatever, are prohibited.” Exceptions are made for the State Lottery Commission, charitable, fraternal and religious organizations. Though “lottery” is not defined, the courts have generally defined the essential elements of a lottery as including a prize, consideration and chance. Raffles in a prize-linked savings program appear to lack the element of consideration, since the raffle entrant does not risk anything of value and enters the raffle by making a deposit to their personal savings account.

Effective date: May 21, 2015

House Bill 3031

Opt-out from robocalls

The Federal Communications Commission (FCC) defines “robocalls” as unsolicited, prerecorded telemarketing calls to landline home telephones, and all autodialed or prerecorded calls or text messages to wireless numbers. FCC rules require a business to obtain a consumer’s written consent, or a recording of a consumer’s oral

consent, before making prerecorded telemarketing calls to a residential phone number or prerecorded telemarketing calls or texts to a wireless number. Other types of autodialed calls to landline phones are not prohibited, including informational messages such as school closings, market research or polling calls, and calls on behalf of tax-exempt nonprofit groups. FCC rules require all prerecorded calls to identify the caller at the beginning of the message and include a contact phone number. All autodialed or prerecorded nonemergency calls to wireless phones are prohibited without prior consent, regardless of content.

House Bill 3031 requires that users of automatic dialing and announcing devices provide, within the first ten seconds of the call, a method for the recipient to indicate that they do not wish to receive future calls, and to exclude call recipients that do so from call lists in the future. The measure provides exemptions for collection agencies, debt buyers, debt collectors, public safety and law enforcement representatives and callers with an established business relationship with the recipient.

Effective date: June 25, 2015

House Bill 3236

Noncompetition agreements

House Bill 3236 limits the enforceable term of a noncompetition agreement to 18 months, which is a reduction of 6 months from current law.

Under current Oregon law, a noncompetition agreement may not exceed two years from the date of an employee's termination. The remainder of a term of a noncompetition agreement exceeding two years is voidable

and may not be enforced by any Oregon court. A noncompetition agreement is enforceable if the employer provides, while the employee is restricted from working, the greater of either compensation equal to at least 50 percent of the median family income for a four-person family, or 50 percent of the gross annual base salary and commission the employee was receiving at the time of termination. Additional criteria must be met in order for a noncompetition agreement to be enforceable. The criteria include that the employee be informed in writing at least two weeks prior to the start of employment that a noncompetition agreement is required as a condition for employment or that the agreement is entered into upon advancement of the employee. Also, the employer must have a protectable interest and the employee must be receiving compensation that exceeds the median family income for a four-person family at the time of termination. The current restrictions on noncompetition agreements were established by the Legislative Assembly in 2007 through Senate Bill 248.

Effective date: January 1, 2016

House Bill 3304

Examinations for landscape construction professionals

Created in 1972, the State Landscape Contractors Board (Board) licenses landscape contracting businesses and landscape construction professionals. Landscape contracting businesses must obtain a surety bond, submit evidence of liability insurance and employ or be owned by a licensed landscape construction professional. A landscape construction professional license applicant must pass an examination, and must have at least 24

months of employment with a landscape contracting business or at least 12 months of employment with a landscape contracting business with one full year of training in an area related to landscaping from an accredited school. A probationary license can be issued if the applicant does not meet the training and experience requirements but meets the requirements of a probationary license. An applicant for a landscape contracting business license must show proof that the owner or managing employee, if not a licensed landscape professional, has completed required courses and passed an examination.

House Bill 3304 allows a person applying for the landscape construction professional license to satisfy the examination requirement by either passing the written examination or passing a practical skills test and attending a six-hour business practices class. The Board must offer the practical skills test and business practices class three times a year starting in September 2016. The Board must set the applicant fee to offset the full cost of providing the practical skills test and business practices class. The Board is to report to the Legislative Assembly by May 15, 2017, regarding implementation of the practical skills test and business practices class. In addition, the Board must provide the landscape construction professional and backflow assembly installer written examinations in Spanish.

Effective date: January 1, 2016

House Bill 3501

Voting requirements for benefit company formation or conversion

Through passage of House Bill 2296 in 2013, the Legislative Assembly allowed the

formation of, or conversion of existing companies to, benefit companies (commonly referred to as “B corps”). In addition to seeking profits, a benefit company has the purpose of providing a material positive impact on society and the environment through its operations. The enabling legislation provided the voting requirements of an entity’s shareholders in order to form or convert to a benefit company. For a publicly traded entity, each class or series of the entity’s shares must separately meet the requirement to approve the action by two-thirds of the shares entitled to vote. House Bill 3501 allows the majority (instead of two-thirds) of each class or series of shareholders to separately approve the action if the entity has gross revenues of \$200 million or less.

Effective date: January 1, 2016

Senate Bill 141

Compensation to liquor store operators in event of system transformation

Currently, Oregon’s liquor agents face uncertainty regarding their current business model due to the possibility that the state could, at some future time, transition from the current control state system to a privatized system. Senate Bill 141 is designed to add security and certainty that individual agents will be paid four percent of the average annual sales from the previous five years if, and only if, the system was to privatize. The measure has no effect unless the state transitions to a private system. The payout provided for by the measure is similar to the current administrative rule requiring a newly appointed liquor store agent to buy out an outgoing agent by paying an amount that equals three or four percent, depending on

the outgoing agent's annual evaluation, of the average annual gross sales for the last five years.

Under Senate Bill 141, the business loss compensation would be paid from the suspense account described in ORS 471.805, which would have been funded from the proceeds of selling the assets of the Oregon Liquor Control Commission (OLCC). These assets would no longer be needed in a privatized system, including the warehouse, distilled spirits and other assorted assets. The OLCC would still need to regulate establishments that serve alcohol, servers and other services that it currently provides, except for the retail services side, which would be eliminated under a privatized system.

Effective date: June 2, 2015

Senate Bill 411

Personal injury protection insurance

Oregon law requires every insurance policy for private motor vehicles to include personal injury protection (PIP) and uninsured motorist (UIM) coverage against damages caused by uninsured or underinsured motorists. PIP benefits are intended to offset immediate expenses associated with an accident. PIP benefits are paid by the insurer to the policyholder for only economic damages, up to the limits of the policy. The insurer may recover PIP benefits paid from any remaining benefits received after the policyholder's economic damages have been satisfied. "Benefits received" may include at-fault driver's liability insurance or payments by an at-fault driver.

UIM coverage pays damages to an insured in instances where the insured negligence is equal to or less than that of an at-fault driver, who is either uninsured or underinsured. Oregon law requires the calculation for UIM claims to be the difference between a policyholder's UIM policy limits and at-fault driver's liability policy limits.

Senate Bill 411 enables a policyholder to apply PIP benefits received to any damages, not just economic damages, prior to the insurer recovering expenses from benefits paid. The measure also extends the period of coverage of PIP benefits from one year after the date of injury to two years. The bill also allows the recovery calculation for UIM claims to stack the policyholder's UIM policy limits and at-fault driver's liability policy limits.

Effective date: January 1, 2016

Senate Bill 574

Licensing requirement for restoration work

During the 2014 session, the Legislative Assembly considered legislation to address issues related to restoration companies. Testimony was received indicating that property owners who had suffered damage from fire had been solicited by companies offering to clean up and repair damage from the fire. While some restoration service companies, such as "board up" and construction services, are regulated by the Construction Contractors Board (CCB), other services, such as cleaning, are not regulated. Following the 2014 session, a work group was formed to address the issue.

Senate Bill 574 requires those who provide restoration work on residential and small

commercial structures following a man-made or natural disaster to have an appropriate endorsement on a CCB-issued license. The measure creates a residential restoration endorsement and specifies that contractors with only that endorsement are limited to restoration work that does not include demolition or removal of structural components or sheetrock. Several other CCB license endorsements, including residential general contractor and commercial general contractor level 1, will continue to allow a contractor to perform restoration work.

Effective date: January 1, 2016

Senate Bill 578

Digital posting of insurance policies

Senate Bill 578 allows for the electronic posting of the general provisions of a property or casualty insurance policy. The measure is permissive, meaning that a company can choose to offer electronically posted policies and endorsements. The measure still requires mailing the declarations page to the policy holder, which explains all the specifics of the policy; the declaration page must also be accompanied by a description of the exact policy and endorsement purchased, a statement advising the insured of their right to receive, without charge, a printed copy of the policy and endorsement, as well as the Internet address where the policy and endorsements are posted. The insurer is required to post the policy and endorsements in a manner that allows the insured to print and download them free of charge, and must archive the policy for five years after it is no longer in effect, continuing to make it available free of charge.

Effective date: January 1, 2016

Senate Bill 582

Removing credit union branch fees

There are currently 65 state and federally chartered credit unions operating in Oregon. Credit unions are not-for-profit, cooperative-financial service providers that are democratically controlled by members and operated to provide credit and other financial services to their members.

Senate Bill 582 makes several changes to Oregon statutes governing credit unions. First, the measure permissively allows Oregon credit unions the option of providing reasonable compensation to their directors, which is designed to help them attract and retain qualified directors. Second, the measure changes the process for opening additional branches in the state. Currently, a credit union must submit an application to the Department of Consumer and Business Services (DCBS) when it wishes to open a new location; Senate Bill 582 allows opening a new branch after providing a 30-day notice of intent to the DCBS, which retains the ability to limit or restrict additional branch locations. The measure also allows persons to become a member of a credit union based on a credit relationship or payment of a membership fee, as opposed to opening a share account. Finally, Senate Bill 582 clarifies the requirement that credit unions serving state employees include foster parents in the field of membership by making foster parents and legally appointed guardians eligible as family of eligible members, which has the effect of making them eligible to be members of any credit union, not just those that serve state employees.

Effective date: January 1, 2016

Senate Bill 583

Sale of malt beverages

Senate Bill 583 allows an off-premises licensee (e.g., a grocery store) to deliver malt beverage to retail customers, subject to rules adopted by the Oregon Liquor Control Commission (OLCC). Prior to passage, these licensees were only allowed to deliver wine and cider to retail customers. The bill also permits those holding a direct shipper permit from the OLCC to ship malt beverages to Oregon residents from within Oregon and from out of state. Prior to passage of the bill, only wine and cider could be sold and shipped directly to Oregon customers. By allowing direct shipment of beer to Oregon residents, Oregon brewers hope to encourage other states to open their borders to allow Oregon products to be direct-shipped to their residents. The measure includes a reciprocity clause so that malt beverages can be direct-shipped to consumers from out of state only if that state allows Oregon to direct ship to its residents.

Senate Bill 583 allows brewery licensees to sell malt beverages it brewed on site to retail consumers for consumption offsite. This will allow the sale of growlers and bottles, the same privilege enjoyed by brewery-public house licensees.

Effective date: January 1, 2016

Senate Bill 596

Licensure requirement for construction flagging

Construction flaggers have one of the most dangerous jobs on highway construction sites. Currently, Oregon law does not

categorize this work as construction, and therefore does not hold traffic control flaggers to the same standard as most other workers on job sites. These contractors are considered construction contractors for other purposes, such as for meeting women business enterprise/minority business enterprise requirements; however, for purposes of providing consumer and workplace protections through licensure by the Construction Contractors Board (CCB), they are not considered construction contractors.

Because flagging contractors are not considered construction contractors and are not licensed by the CCB, they are not required to obtain a bond. When wage claims or complaints are made against them, the Bureau of Labor and Industries must go through a process of recouping the money from the bonded general contractor, a process that can take months or years, a time during which the claimant worker may be unable to meet household expenses.

Senate Bill 596 subjects construction flagging contractors to licensure requirements under the Construction Contractors Board. The measure specifies that this licensure will not authorize the licensee to engage in activities requiring a license other than construction flagging.

Effective date: July 1, 2017

Senate Bill 937

Restrictions on granulated alcohol

In April 2014, the United States Alcohol and Tobacco Tax and Trade Bureau (TTB) approved labels for a product known as “Palcohol” that can be added to water to make an alcoholic beverage. The makers of

Palcohol, who are seeking federal approval to market the product assert that freeze-dried vodka, rum, “powderitas” and other drinks will appeal to backpackers and others who want a lightweight, more portable form of liquor. Within two weeks of approving the labels, however, the TTB issued a statement that the label approvals were issued in error. In March 2015, the TTB approved revised labels for Palcohol, allowing the product to be sold legally in the United States, unless otherwise prohibited.

As of March 2015, two states, Delaware and Michigan, have included powdered alcohol in their statutory definitions of alcohol, bringing the product under regulation in their respective states. Five other states, Alaska, Louisiana, South Carolina, Vermont and Virginia have statutorily prohibited the sale of powdered alcohol.

Senate Bill 937 prohibits the retail sale of granulated alcohol in Oregon. The measure specifies that the product may be sold at wholesale only for scientific, industrial, manufacturing or other purposes identified by the Oregon Liquor Control Commission.

Effective date: January 1, 2016

LEGISLATION NOT ENACTED

[House Bill 2252](#)

Debt buyer regulation

Debt collection regularly places high up on the list of consumer complaints received by the Oregon Department of Justice, and in recent years there has been increased

collection activity by people who have bought consumer credit card debt. Debt collectors, people who are in the business of collecting debts owed to commercial creditors, are currently regulated by state and federal law. People who purchase delinquent debt and are attempting to collect on their own behalf are not covered by those regulations, however. In some cases, consumers have been subjected to collection activity for debts already past the statute of limitations, or have struggled to get accurate information to verify that they do in fact owe the alleged debts.

House Bill 2252 would have created a new registration program within the Oregon Department of Consumer and Business Services (DCBS) for debt buyers. The measure would have allowed the Director of DCBS to deny, suspend, revoke or impose conditions on a debt buyer’s registration in response to a repeated pattern of violations and would have required debt buyers to obtain certification from a national nonprofit trade association. In addition, it also would have established notice requirements for a debt buyer to provide to a debtor within five days of initial communication and established that violations would be designated as an unlawful trade practice and unlawful collection practice.

[House Bill 2548](#)

Social games and poker tournaments

Cities and counties have had statutory authority (ORS 167.121) to adopt ordinances allowing the playing of social games in private businesses, private clubs and places of public accommodation since 1974. A social game is a game between players where no house player, house bank or house odds exist and there is no house

income from the operation of the social game.

House Bill 2548 would have permitted the playing of social games, poker games and poker tournaments in private establishments if authorized by a city or county and if gambling is not the dominant use or dominant purpose of the establishment. It would have established a standard for determining the dominant use or purpose of the establishment conducting the games. In addition, the bill would have allowed the operators of poker games to employ persons to manage and operate the games, to impose player fees and to keep a percentage of the prize pool to cover operating expenses.

House Bill 2671

Funding for sobering centers

A sobering center is a facility that provides temporary care, shelter, detoxification and stabilization services to people who are incapacitated by alcohol or are having an acute reaction to drugs and are at risk of harming themselves or others. A sobering center is likely to be a more appropriate facility for an intoxicated person than the emergency room or a jail-type facility.

House Bill 2671 would have created the Sobering Center Support Fund to support counties operating, or providing funding to, sobering centers. Off-premises sales licensees would have annually paid an amount in addition to the \$100 annual fee for the license issued by the Oregon Liquor Control Commission. The additional amount would have been deposited in the Sobering Center Support Fund. The additional amount would have been based on the licensee's annual gross sales of wine, cider and malt beverages. The introduced version of the bill

did not specify the additional amount or the gross sales volume that would determine the stepped increases.

House Bill 2995

Insurance requirements for transportation network companies

The term "transportation network company" (TNC) refers to a company that uses an online-enabled platform to connect passengers with drivers who use their personal, noncommercial vehicles to provide rides, for a fee, to users of the online platform. The definition of TNC was created by the California Public Utilities Commission in 2013 through rulemaking around this previously unregulated form of real-time ridesharing. The best-known examples of TNCs are Uber, headquartered in San Francisco and operating since 2010, and Lyft, also headquartered in San Francisco and operating since 2012. Both companies offer a type of online marketplace through which driver-owners may register with the company and offer their services and vehicle to people needing a ride.

In the past year, several states and cities have attempted to develop a regulatory structure for transportation network companies. House Bill 2995 was the product of a work group that attempted to address the issue of insurance requirements for TNCs to cover drivers and vehicles used to transport customers. The measure would have required TNCs to maintain primary insurance for each participating driver in two stages: when the driver was connected to the network and available to provide a ride, but not actively doing so (\$50,000 per person and \$100,000 total for death and bodily injury and \$25,000 for property damage); and when the driver has been

connected with a customer until the customer has been delivered to their destination (\$1 million in aggregate death, bodily injury and property damage). The measure specified that such policies may not require denial of a claim on any other insurance policy, and were to cover costs beginning with the first dollar of a claim. The measure also would have created a work group to advise the development and implementation of statewide insurance standards applying to all commercial vehicles, including TNCs and taxi companies that provide transportation services.

Senate Bill 136

Relationships between franchisors and franchisees

Franchise agreements involve a right or license granted by a company to an individual or group to market the company's products or services in a specific territory. Franchise establishments throughout Oregon are owned and operated by small business owners, accounting for over 114,000 jobs across more than 10,000 franchise establishments. Franchises are local small businesses representing national or international brands, typically under one of two models: product-distribution franchisees sell a franchisor's products, while business format franchisees often utilize the franchisor's method of operation.

Senate Bill 136 would have clarified Oregon statutes relating to franchises to provide greater clarity and to clarify the relationship between Oregon's statutory definition of "independent contractor" and the business format franchises.

Senate Bill 275

Mortgage loan servicing

When a person borrows large sums of money for a home, the lender that provides the financing typically assigns the administrative duties of collecting and administering payments, releasing liens and paying incidental charges to a third party known as a loan servicer. The troubles in the national mortgage market highlighted problems associated with loan servicing, which continue to create difficulties around the nation. In 2012, states negotiated a \$25 billion settlement (to which the Oregon Department of Justice was a party) with national loan servicers to address many borrower issues. However, the settlement did not involve nonbank servicers, which have increasingly obtained large portfolios of loans from banks selling them to raise capital. The concentration of loans with nonbank entities raises concerns as to whether these businesses can operate in a financially sound manner and if consumers may be able to address unlawful servicing practices. Furthermore, if a loan servicer fails, the disruptions to the secondary market (where loans are bought, securitized and sold) are significant. In 2014, the state of New York blocked such a portfolio sale to a national loan servicer, Nationstar, citing "capacity issues."

There is growing concern among state regulators that nonbank servicing needs to be examined for business acumen and compliance with consumer protection standards. Twenty-eight states currently regulate servicing of mortgage loans. In 2014, a council of federal banking agencies recommended that states work together on prudential and corporate governance standards for servicers. As for Oregon, the Department of Consumer and Business

Services (DCBS) has very limited statutory authority to regulate loan servicing by nonbank entities. The Attorney General can set loan servicing standards as unlawful trade practices under the Unlawful Trade Practices Act, with approval of the Department.

Senate Bill 275 would have required mortgage loan servicers to obtain a license or endorsement through DCBS, and other persons engaging in business as mortgage loan servicers to obtain an endorsement. The measure also included provisions for surety bonds or other proof of financial responsibility, including a requirement that mortgage loan servicers maintain an escrow account. Exemptions were provided for chartered banks and credit unions and for others in certain circumstances.

Economic Development

House Bill 2643

Designation of enterprise zones

Enterprise zones exempt qualifying businesses within a specified boundary from local property taxes on new investments in order to incentivize such investments as a focal point within the zone. Enterprise zones may be sponsored by municipal or tribal governments. The Oregon Business Development Department (OBDD) reports that there are currently 66 enterprise zones in Oregon, 53 in rural areas and 13 in urban areas. In addition to standard enterprise zones, there are additional designations, including long-term rural enterprise zones, reservation zones and electronic commerce zones. The number of enterprise zones is currently limited by statute.

House Bill 2643 authorizes sponsors, including cities, counties, ports or tribal governments, to self-designate an enterprise zone, electronic commerce zone, electronic commerce city or reservation enterprise zone. Such zones, or boundary changes to existing zones, would be approved upon determination by OBDD that statutory requirements are met. The measure repeals the statutory limitation on the number of enterprise zones that may exist at any given time in Oregon.

Effective date: October 5, 2015

House Bill 2734

Land banks for brownfields remediation

The term “brownfield” is defined by ORS 285A.185 as real property where expansion or redevelopment is complicated by actual or perceived contamination. This contamination needs to be cleaned before

the property can be reused for business, job creation, housing and other community needs. The Oregon Business Development Department reports that there are approximately 13,500 brownfields in Oregon, of which only 35 percent have been assessed or addressed. Approximately 54 percent of brownfields are located in economically distressed counties, and 76 percent are located within an urban growth boundary, making these properties good candidates for redevelopment if the environmental issues can be remediated.

House Bill 2734 authorizes local governments to organize land banks to take ownership of brownfields within the community. These land banks would be immune from legal liability for legacy contaminations or for damages of any spill or release of oil or hazardous material under certain conditions.

Effective date: January 1, 2016

House Bill 3526

Oregon Main Street Revitalization Grant Program

The National Main Street Center is a national organization committed to historic preservation-based community revitalization. The organization operates through education, outreach, hands-on training, online resources, facilitation of connections and conferences to enable local leaders across the country to build communities. Over the past 34 years, the National Main Street Center has helped more than 2,000 communities to organize frameworks to preserve and revitalize their traditional downtown and commercial districts.

House Bill 3526 establishes an Oregon Main Street Revitalization Grant Program within the Oregon Business Development Department. The program awards grants to participants in the Oregon Main Street Network and to members of the National Main Street Center for economic development targeting preservation and refurbishment of historic buildings. To provide the grants, the measure established the Oregon Main Street Revitalization Grant Program Fund and approved lottery bonds sufficient to deposit \$5 million into the Fund.

Effective date: August 12, 2015

Senate Bill 482

Pacific Northwest Manufacturing Partnership

The Pacific Northwest Manufacturing Partnership (PNMP) is an alliance of urban and rural communities seeking to deepen the integration of the Willamette Valley, Columbia River Gorge and Portland/Vancouver metropolitan economies. The PNMP was formed to capitalize on opportunities created with the formation of the Investing in Manufacturing Communities Partnership (IMCP), which was launched in 2013 to help raise the awareness of funding opportunities available in manufacturing, as well as to seek bottom-up input from local communities on the upcoming phases of the initiative. The federal Economic Development Administration has awarded more than \$7 million to 44 communities in the form of IMCP implementation strategy grants to support development of long-term economic development strategies to help communities attract and expand private investment in the manufacturing sector and to help increase international trade and exports.

Senate Bill 482 authorizes the Oregon Business Development Department to appoint a Pacific Northwest Manufacturing Partnership Advisory Committee to advise the Department regarding the PNMP and manufacturing economic development within the Willamette Valley and Columbia Valley corridors. The Department is directed to provide support to, and consult with, the Partnership. Both the Department and the Advisory Committee are required to report to the Legislative Assembly during the active duration of the Advisory Committee, beginning January 1, 2017.

Effective date: January 1, 2016

LEGISLATION NOT ENACTED

House Bill 2072

Increases size of tax credit program for film productions

House Bill 2898

Increases maximum tax credit reimbursement per project for film productions

The Oregon Production Investment Fund (OPIF) provides tax credits to qualified television and movie productions filmed in Oregon. Currently, the program can incent productions up to \$10 million total incentives per year through the OPIF (for projects with budgets over \$1 million) and Indigenous Oregon Production Investment Fund (iOPIF) (for locally produced projects with budgets under \$1 million). The incentives are provided through a rebate of

up to 20 percent of goods and services purchased and up to 10 percent of Oregon-based payroll. As reported by Oregon Film, investments from the OPIF resulted in over \$240 million of estimated direct spending by film and television projects in the state during the 2013-2015 biennium. Notable projects that have benefited from the OPIF include: “The Librarians” (a cable television series on TNT); “Grimm” (a television series on NBC); “Portlandia” (a cable television series on IFC); and movies such as “Wild” and “The Boxtrolls,” as well as 15-20 locally produced projects per year which have directly benefited from the iOPIF program.

As of 2014, there were 39 states offering some sort of film production incentive to draw productions to their respective states in what has become an increasingly competitive field. Some states, such as Arizona and Idaho, have ended or defunded their incentive programs, while other states, such as Nevada, have recently created programs.

House Bill 2072 and House Bill 2898 were each designed to enhance the OPIF to boost Oregon’s competitive advantage in bringing productions to Oregon. House Bill 2072 would have made several changes to the program, including: increasing the annual limit of tax credits from \$10 million to \$20 million; expanding eligibility to local media production service companies; and adjusting amounts to be allocated from the fund for specified purposes, including an earmark for films and media production services performed outside the Portland metropolitan area. The measure would also have created a task force to report to the Legislative Assembly specifically regarding additional in-state distribution and financing aspects of the program. House Bill 2898 would have increased the maximum reimbursement to local filmmakers and media production

service companies from \$1 million to \$2 million and extended the sunset on the program to 2024. While neither of these measures was enacted, the program’s sunset was extended by House Bill 2171.

House Bill 2289

Brownfield redevelopment

The term “brownfield” refers to a vacant or underutilized property where actual or perceived environmental contamination complicates the process for expansion or redevelopment of the property. The risks and costs associated with cleanup of a brownfield property deter potential developers, creating a barrier to community revitalization and economic development. There are an estimated 13,500 brownfields in Oregon, of which only 35 percent have been assessed or worked on; 76 percent of these sites are located within an urban growth boundary, and 54 percent are located in economically distressed areas. There are currently about 450 active remediation/reclamation projects involving brownfields within the state.

The Oregon Business Development Department (OBDD) undertook an assessment of the impact of public investment in brownfield remediation in Oregon in 2013. The project involved 92 study sites, for which short-term and long-term economic impacts were studied and compiled. The study indicated that investment in brownfield redevelopment can generate significant return on investment through property taxes, job creation and business recruitment, expansion and retention.

House Bill 2289 would have created a tax credit for cleanup of brownfield property applicable to tax years between 2016 and

2022. Owners or operators of a brownfield would have been eligible for a tax credit of up to \$500,000 per taxpayer to reimburse for costs associated with cleanup of the brownfield. An additional 25 percent of eligible costs could be claimed, up to a maximum of \$1 million, for the following: use of at least 50 percent minority or women business enterprises; remedial action on a brownfield in high-poverty areas; conversion of the property to affordable housing or protected open space; construction of hospitals or community health care facilities in underserved areas; or creation of high-paying jobs. The program was to be overseen by the Oregon Department of Revenue.

Education and Workforce Development

House Bill 2016

Statewide education plan for historically underserved students

House Bill 2016 requires the Oregon Department of Education (ODE) to develop and implement a statewide education plan for students who: (a) are either black or African-American or students not covered under existing culturally specific statewide education plan; and (b) have experienced disproportionate results in education due to historical practices. The bill also requires that ODE, as part of the creation of the plan, form an advisory group, award grants and report back to the Legislative Assembly. The report is due no later than January 1, 2016. The measure also directs the State Board of Education to adopt rules for the implementation of the plan.

In January 2013, The Oregonian reported that in 2012, less than 55 percent of African-American, native Americans and students learning English as a second language in Oregon earned a diploma in four years. House Bill 2016 addresses historically underserved populations of students in Oregon.

Effective date: July 1, 2015

House Bill 2407

Oregon Opportunity Grant Redesign

House Bill 2407 allows the Oregon Opportunity Grant (OOG) to be awarded to students with the highest need when funds are insufficient to award to all eligible applicants. The measure also allows the Higher Education Coordinating Commission (HECC), through its Office of Student Access and Completion (OSAC), to develop

financial awards to incentivize student persistence and completion. Additionally, the measure assures eligible students that grants will be renewed as long as they maintain academic standing and apply in a timely manner each year.

Since 2007, the mechanism outlined in statute for distributing these funds has been the Shared Responsibility Model, wherein, students, families, the Federal Government and the State of Oregon share responsibility for the cost of higher education. Oregon's need-based financial aid program had not been reevaluated since the adoption of the state's 40-40-20 goal for education attainment. The HECC convened a Financial Aid Work Group to study the OOG program and make recommendations focused on improved student access and completion for students with the greatest need and progress toward 40-40-20. In addition to the recommendations of the Work Group, the measure was amended to include a requirement for OSAC to provide the names of grantees to educational institutions so that they may be made aware of academic guidance and counseling services available to them.

Effective date: July 1, 2015

House Bill 2545

Student lunch provided free of charge

House Bill 2545 requires school districts in Oregon to provide lunch free of charge to students who are eligible for reduced price lunches.

The Oregon Department of Education administers school nutrition programs in schools. Prior to the passage of House Bill 2545, these programs included both free and reduced price meal programs. Free and

reduced price meals were available to eligible students at a price of no more than 40 cents for lunch. Previously, the legislature provided funding to eliminate the reduced price payment for School Breakfast, making breakfast accessible at no charge to students who qualify for reduced price meals.

House bill 2545 removes the option to provide reduced price lunch, requiring that lunch be provided at no charge to qualifying students. Eligibility is determined by factors including household size and income. Children in households receiving Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF) or Food Distribution Program on Indian Reservations (FDPIR) are also eligible for free meals.

Effective date: July 20, 2015

House Bill 2611

University Shared Services

House Bill 2611 extends by four years the period during which Oregon's public universities must participate in shared services in the areas of employee benefits and collective bargaining. In addition to allowing universities to create independent governing boards, Senate Bill 270 (2013) established the Work Group on University Shared Services, consisting of the presidents of the state's seven public universities to, "develop a shared services model that delivers efficient and effective administrative operations to participating post-secondary institutions in a manner that focuses on quality, responsiveness, and customer service and that seeks to achieve cost savings, economies of scale, accountability, transparency and

streamlining." The Work Group concluded that, "No shared services should be mandatory after June 30, 2015, except for the statutorily required collective bargaining partnership for the purpose of engaging in collective bargaining with the existing statewide employee organization." That recommendation was codified in ORS 352.129. In addition to collective bargaining, the shared services addressed in Senate Bill 270 included employee benefits and risk management.

Concerns from university employees regarding potential increased costs for employee benefits led to the introduction of the measure. They argued that since the size of a benefit pool impacts the cost of participation, individual universities would not be able to negotiate coverage rates similar to those negotiated before the break-up of the Oregon University System. The greater impact to smaller regional and technical universities was of particular concern. The measure was amended in the House to remove risk management from the mandated services at the request of the universities and to reduce the extension period from six to four years. The Senate further amended the measure to clarify that universities must provide the same scope and overall value of employee benefits as those specified in statute.

Effective date: June 18, 2015

House Bill 2655

Student assessment

House Bill 2655 establishes the "Student Assessment Bill of Rights," a list of rights for students and parents regarding statewide standardized testing. It also allows parents, or those in a parental relationship, to excuse their child from taking the statewide

summative assessment for any reason. As a part of the Student Assessment Bill of Rights, the measure directs school districts to notify parents twice a year of the parental right to opt their student out of the test, with one notice to go out at the beginning of the school year and the second notice to be issued thirty days prior to the assessments. Notice must include the purpose of the assessments and how the results will be used; the specific days the assessments will be administered; the amount of class time required for the assessments; the learning targets that make up the assessments; the difference between good and poor performance on the assessments; when the results of the assessments will be available to students; and access to the opt out form.

Finally, the measure directs school districts to provide supervised study time for students that opt out of assessments. House Bill 2655 sunsets July 1, 2021.

Oregon began to develop standards for public education with the publication of the State Manual of the Course of Study for the Elementary Schools in 1920. In the 1960s, school districts participated in the development of a statewide curriculum improvement plan and Common Curriculum Goals followed in the 1980s. As part of Oregon's Educational Act for the 21st Century (1991), content standards were first introduced at grades 3, 5, 8 and 10 and grade-level content standards were mandated by the federal No Child Left Behind Act of 2001.

Beginning in 1991, Oregon used the Oregon Assessment of Knowledge and Skills (OAKS) to determine student progress toward meeting standards. The Common Core State Standards (CCSS) in English language arts and mathematics were adopted by the State Board of Education in October

2010. They meet the requirement for standards leading to college and career readiness required by Oregon's No Child Left Behind waiver granted in 2012. For the 2014-2015 school year, Oregon moved to Smarter Balanced Assessments for English language arts and mathematics. Smarter Balanced Assessments are aligned to the CCSS.

Effective date: January 1, 2016

House Bill 2661

Lockdown drills in schools

ORS 336.071, established by House Bill 2789 (2013), controls school safety and drill procedures. It requires all schools to, "instruct and drill students on emergency procedures so that the students can respond to an emergency without confusion or panic." The statute lists the types of emergency scenario responses that must be drilled, and how often schools are required to conduct drills during the school year.

House Bill 2661 requires that school drills and instruction on safety threats include lockdown, lockout, shelter in place and evacuation procedures. It also allows governing bodies of public bodies to hold executive sessions to consider matters relating to school safety.

Effective date: July 1, 2015

House Bill 2713

Audit of use of statewide standardized tests

The Common Core State Standards (CCSS) in English language arts and mathematics were adopted by the State Board of

Education in October of 2010. They meet the requirement for standards leading to college and career readiness required by Oregon's No Child Left Behind waiver granted in 2012. For the 2014-2015 school year, Oregon is moving to Smarter Balanced Assessments for English language arts and mathematics. The Oregon Assessment of Knowledge and Skills will continue to be used to assess science and social science until common standards are developed for those content areas.

House Bill 2713 requires the Office of the Secretary of State to conduct an audit relating to the use of statewide standardized tests, and to report back to the Legislative Assembly and the Superintendent of Public Instruction no later than September 15, 2016.

Effective date: June 11, 2015

House Bill 2728

Oregon Talent Council

House Bill 2728 establishes the Oregon Talent Council (OTC) and the Oregon Talent Council Fund in the State Treasury as replacements for the Engineering and Technology Industry Council (ETIC) and associated fund, which it abolished. The measure empowered the Director of the Employment Department, in consultation with the Governor, to appoint council members, the majority of whom must be senior executives of traded sector and high-growth industries in Oregon. The OTC is directed to advise and serve as a resource for state agencies and educational institutions on issues of talent development to promote the growth and competitiveness of Oregon industry. Additionally, the measure directs OTC to develop a Talent Development Plan

and establish criteria and measurements to inform investments from the OTC Fund. The OTC is required to update the Plan and the Council's recommendations and report to the Governor and the Legislative Assembly annually.

Senate Bill 504 (1997) created the ETIC to establish criteria and measurement for use in guiding investments from the ETIC Fund. House Bill 4020 (2014) transferred responsibility for analyzing biennial performance reviews prepared by the ETIC from the Oregon University System, which was about to sunset, to the Chief Education Officer and the Oregon Education Investment Board. House Bill 2728 placed authority for management and oversight of the OTC with the Oregon Employment Department.

Effective date: July 15, 2015

House Bill 2832

Third party firms disbursing financial aid

House Bill 2832 requires post-secondary institutions in Oregon that contract with third party financial firms for disbursement of student aid to evaluate contracts based on the recommendations of the United States Department of Education and the Consumer Financial Protection Bureau. The measure prohibits contracts from including revenue sharing, per-use transaction fees on student debit cards, initial disbursement of funds by paper check or electronic transfer and account inactivity fees. Additionally, colleges and universities are required to post contracts online and to undertake reasonable efforts to establish collaboration agreements with other institutions for the purpose of negotiating contracts with third party firms.

A number of post-secondary educational institutions in Oregon contract with a third party vendor to handle the disbursement of student financial aid. After tuition and fees are subtracted from the award, any remaining balance is delivered to the student for payment of expenses including books and room and board. Depending upon the terms of the contract, the student may receive the funds through a debit card, pre-paid credit card, demand deposit account set up for the student by the vendor, transfer to an account designated by the student or by paper check.

Students in Oregon and across the country who chose to receive their financial aid funds via a debit card, pre-paid credit card or account set up by the vendor complained about fees charged to access the funds. Concerns expressed included that students were not provided a clear description of the fees prior to selecting the method in which to receive their financial aid or that they were steered away from selecting payment via a paper check or transfer to an existing account. In some contracts, the educational institution had participated in a revenue-sharing agreement with the third party vendor to receive a percentage of the student account balances and transaction volume. Some contracts had provided for the educational institution to receive payment back from the third party vendor for the purpose of crediting fees charged when a student complained. In one case, half of the contract amount was returned to the school for the school to refund fees to students upon request.

Three measures addressing these concerns were introduced in 2015 and heard by the House Committee on Higher Education, Innovation and Workforce Development. The sponsors collaborated to reach consensus on the provisions of House Bill 2832. These provisions originally also included creation of a private right of action

for students which was deleted by the Senate Committee on Business and Transportation.

Effective date: January 1, 2016.

House Bill 2847

Financial aid instruction as part of ASPIRE

House Bill 2847 requires that Access to Student Assistance Programs In Reach of Everyone (ASPIRE) programs annually provide financial aid instruction to high school students, specifically requiring that the instruction outline different types of loans available to students, potential use of individual development accounts (IDAs) and economic impacts of each type of loan.

The ASPIRE programs operate with the goal of helping middle and high school students access education and training beyond high school. Students receive information about college and career options, admission and financial aid from trained ASPIRE volunteer mentors. ASPIRE started in 1998 with four pilot schools. As of 2015, ASPIRE operated in 145 sites across Oregon, and is administered by the Office of Student Access and Completion (OSAC).

Effective date: January 1, 2016

House Bill 2871

Open Educational Resources

House Bill 2871 establishes the Open Educational Resources Grant Program within the Higher Education Coordinating Commission (HECC). Open Educational Resources (OER) are defined as teaching, learning and research resources that reside in the public domain or that have been released under an intellectual property license that

permits their free use and repurposing by others. The issue of rising college textbook costs, which averaged \$1,207 in 2012 has led to an increase in their use nationally.

The measure appropriates \$700,000 to the HECC to fund the grant program and to hire an OER Specialist to administer it and promote the expanded use of OERs. Grants will be awarded on a competitive basis to public universities and community colleges with priority given to applications that: adapt existing OERs; leverage matching funds; utilize students in design and/or production; involve multiple institutions; focus on high-enrollment courses; address needs unmet by existing OERs; and promote the use of OERs for post-secondary education. House Bill 2871 requires the HECC to identify by June 30, 2017, OERs that have been peer-reviewed and can be adopted as primary instructional materials for at least 15 high-enrollment, transferrable, general education courses. Colleges and universities are required to designate courses utilizing OERs in catalogs, online and at campus book stores.

Effective date: July 20, 2015

House Bill 2973

Fixed-cost baccalaureate degrees

House Bill 2973 directs Oregon's public universities, with the assistance of community colleges, to work toward providing four-year baccalaureate degrees at a fixed-cost that is significantly less than the cost of a traditional degree. Several states have explored options for fixed-cost baccalaureate degrees to address the dramatic rise in college costs generally recognized as a barrier to post-secondary education.

The measure specifies that any degrees offered under its provisions meet the same educational and accreditation standards as other baccalaureate degrees offered by the institution. The Higher Education Coordinating Commission (HECC) is directed to conduct a detailed analysis of options to include an examination of the use of credits earned in high school and community college, online courses and state funding incentives and to report its findings during the 2016 regular session of the Legislative Assembly.

Effective date: June 2, 2015

House Bill 3063

Aspirations to college

House Bill 4116 (2014) directed the Higher Education Coordinating Commission (HECC) and Department of Community Colleges and Workforce Development to establish a grant program to fund initiatives at community colleges intended to increase enrollment of underserved, low-income and first-generation students. The measure specified that funds be used for counseling programs, advising services and assistance in the acquisition of financial aid and that priority be given to programs with demonstrated support from the private sector, the community and local governments. That measure appropriated \$700 million to fund the program.

House Bill 3063 increases the appropriation to \$3 million in order to expand the program statewide, particularly to rural areas. The measure also adds community college foundations to eligible recipients of grant funds. The Future Connect program at Portland Community College was cited as an example of a past grant recipient. In addition to scholarship funds, Future

Connect includes outreach to high school students, summer bridge workshops and intensive coaching and advising.

Effective date: August 12, 2015

House Bill 3069

Education program graduate ability to teach to third grade reading standards

House Bill 3069 requires the Teachers Standards and Practices Commission (TSPC) to adopt rules that will ensure all graduates of education programs are able to teach students to achieve third grade reading standards by the end of third grade.

The ability of a student to read proficiently at grade level by third grade is considered a powerful benchmark of that student's later academic success. According to the American Educational Research Association, students who cannot read on grade level by the third grade are four times less likely to graduate by age 19 than a child who does read proficiently by that time. Furthermore, third grade is typically the last year where curriculum in primary school focuses on reading instruction. After third grade, curriculum is often designed with grade-level reading proficiency assumed.

Effective date: July 1, 2016

House Bill 3072

Career and Technical Education and Science, Technology, Engineering and Math (STEM) education programs funding framework

House Bill 3072 creates the framework, including distinct accounts and biennial

appropriations, for funding Career and Technical Education (CTE) and Science, Technology, Engineering and Math (STEM) education programs.

House Bill 2732 (2009) established the Career and Technical Education Task Force and charged the task force with developing a plan to increase collaboration among elementary and secondary schools, community colleges, labor, business and industry, and also with making recommendations regarding the revitalization of Career and Technical Education (CTE) programs in Oregon. House Bill 3362 (2011) implemented those recommendations by funding a grant program for CTE programs. The bill established the framework for a system of educational pathways for workforce development efforts. Senate Bill 498 (2013) continued the work of House Bill 3362 by funding the CTE grant programs created therein.

House Bill 3072 codifies the general structure of House Bill 3362 and Senate Bill 498. It provides the authority for the Oregon Department of Education (ODE) to administer the CTE and STEM programs included in the ODE budget. The measure also establishes the Connecting Education to Careers Account beginning July 1, 2017, requires that programs related to STEM education shall be funded from the account, and continuously appropriates moneys from account to ODE. It also requires, of the disbursements from the account, that 60 percent go to CTE programs and 40 percent go to STEM programs. Finally, the measure requires that ODE and the STEM Investment Council issue a biennial report to the Legislative Assembly.

Effective date: July 27, 2015

House Bill 3166

Licensure pilot program for non-core course teachers

ORS 329.045 regulates academic content standards for core courses, including mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages. Non-core courses are courses for which the State Board of Education has not adopted academic content standards, including career and technical educational courses (CTE) in science, technology, engineering and mathematics (STEM) programs.

House Bill 3166 requires the Teacher Standards and Practices Commission to administer a pilot program for the purpose of identifying non-core courses and alternative authorization requirements, with the general goal of enabling qualified industry professionals to more easily be licensed or permitted to teach CTE and STEM classes in their areas of expertise.

Effective date: July 20, 2015

House Bill 3335

Recognition for completion of lower-division coursework

“Reverse transfer” refers to a process whereby a student who transfers from a community college to a four-year institution without graduating may transfer credits earned at the university back to the community college in order to obtain an associate’s degree. House Bill 3335 was introduced to address the issue of students who complete all the requirements of an associate’s degree while attending a

university, but leave the institution before graduating with no credential to show for it. Many such students incur significant debt in the form of student loans and are left to pay them without the increased earnings their education might otherwise afford.

House Bill 3335 directs the Higher Education Coordinating Commission (HECC) to work with public universities to develop an effective solution to address the problem of students who: enroll in a public university; successfully complete two or more years of coursework at the university; and leave without graduating and without any official recognition of their academic accomplishments.

Effective date: July 20, 2015

House Bill 3339

TSPC audit

The Teachers Standards and Practices Commission (TSPC) was established in 1965 to maintain and improve performance in the education profession by: approving teacher preparation programs offered by Oregon colleges and universities; licensing teachers, administrators and other personnel employed in Oregon schools; and taking disciplinary actions when educators commit crimes or violate Standards for Competent and Ethical Performance. Testimony by various education groups and stakeholders throughout the 2015 legislative session indicated dissatisfaction with TSPC performance, specifically around licensure operations.

House Bill 3339 requires the Office of the Secretary of State to conduct an audit relating to TSPC, and requires the Secretary of State to report the results of that audit to

the Legislative Assembly no later than January 15, 2016.

Effective date: June 18, 2015

House Bill 3371

Protection for student whistleblowers

House Bill 3371 creates statutory provisions prohibiting retaliation by educational institutions against students who make good-faith reports of possible violations of state or federal laws, rules or regulations. The measure also creates a private right of action for student whistleblowers.

An incident involving a student who was expelled after filing a complaint with Oregon's Attorney General regarding suspected misuse of financial aid funds led to the introduction of this measure.

Although employees making good-faith reports of suspected illegal activity were protected from retaliation by their employers, students were not similarly protected from retaliation by their schools prior to enactment of this measure. House Bill 3371 defines retaliation as "suspension, expulsion, disenrollment, grade reduction, denial of academic or employment opportunities, exclusion from academic or extracurricular activities, denial of access to transcripts, threats, harassment or other adverse action that substantially disadvantages a student in academic, employment or extracurricular activities."

Effective date: June 16, 2015

House Bill 3375

Minority Teacher Act of 1991 revision to Educator Equity Act

The Minority Teacher Act of 1991 describes goals to be achieved by 2001. The Act specifically indicates that the number of minority teachers, including administrators, employed by school districts and Education Service Districts shall be approximately proportionate to the number of minority children enrolled in the public schools of this state. Reports on the Act issued 2005, 2011 and 2014 all indicate that the state had not, at that time, achieved the goals set forth in the Act.

House Bill 3375 revises the Minority Teacher Act of 1991, updating it and renaming it the Educator Equity Act. Among other revisions, the measure changes "minority educator" references to "diverse educator," where relevant. It also revises teacher hiring goals from an increase of ten percent to a work force that reflects the percentage of diverse students in the district. Finally, it directs the Oregon Department of Education to use federal reports on educator equity in certain monitoring activities.

Effective date: January 1, 2016

House Bill 3380

Early Learning Division preschool programs

House Bill 3380 directs the Early Learning Division of the Oregon Department of Education (ODE) to administer a program that expands preschool options available in the state. This "mixed delivery" preschool program is to be coordinated by the early learning hubs in their region. The preschool programs eligible for financing through the

program must meet a set of criteria, including requirements that the program: be a new program or be expanding their program; provide at least the annual number of instructional hours as a full-day kindergarten program does; serve children age three to age five; serve families whose incomes are less than 200 percent of the federal poverty level; provide services from infant to early elementary grades; work with community programs and others to make sure families have knowledge of community supports available to families; and meet certain quality measures, including having lead teachers who have at least a bachelor's degree or have a plan to get the degree as well as having the lead teacher paid at least at the minimum amount set by the Early Learning Council. A waiver is possible for some of the listed requirements. The measure requires the Early Learning Division to submit a biennial report to the Legislative Assembly on the program.

Effective date: July 20, 2015

House Bill 3499

English language learner program revisions

House Bill 3499 represents a revision of English language learner (ELL) student programs. The measure directs the Oregon Department of Education (ODE) to develop and implement a statewide plan to support students eligible for and enrolled in an ELL program. It also creates the Statewide English Language Learner Program Account for statewide activities related to English language learner programs, and carves out an on-going \$12.5 million allocation from the State School Fund each biennium to fund the Account. (Because it was convenient, the funding was actually a part of a related measure, House Bill 5017.)

Furthermore, House Bill 3499 directs ODE to convene two separate work groups to deal with various ELL program policy challenges, including: uniform budget coding requirements, uniform reporting requirements, budget transparency for the spending of moneys received by school districts, identification of criteria for determining if a school district is not meeting the needs of students, and identification of any other best practices. ODE is to adopt rules regarding school interventions no later than January 1, 2016, and on long-term best practices no later than January 1, 2017. Also, school districts must annually report, by September 1 of each year, allocations and expenditures related to English language learner programs, student demographics and progress. Finally, ODE must report to the Legislative Assembly on data collected from school districts prior to January 1 of odd-numbered years.

Prior to the passage of House Bill 3499, under the distribution formula for the State School Fund, students designated as belonging to "English language learning" category receive an additional 0.5 weight, for a total Weighted Average Daily Membership (ADMw) of 1.5. Within the broad category of ELL programs, there was no specific restriction, and limited reporting, around how that additional money was to be spent.

Effective date: July 1, 2015

House Bill 3516

Bond requirement for degree granting institutions

The Office of Degree Authorization (ODA), an entity of the Higher Education Coordinating Commission (HECC),

regulates private and out-of-state educational institutions that enroll Oregonians. While the HECC has statutory authority to require a surety bond from private career schools operating in Oregon, it did not previously have similar authority to require bonds or letters of credit from degree granting institutions (such as the Art Institute of Portland or Everest College). Recent financial difficulties experienced by some such entities inspired the HECC to seek this authority in order to protect student tuition payments in the event of school closures.

House Bill 3516 creates requirements for each school obtaining approval from the HECC to offer academic degrees to Oregon students to obtain a bond or letter of credit annually demonstrating the school's financial soundness and ability to fulfill its commitment to students. The measure also creates the right for students to bring claims against the school, bond or letter of credit for monetary losses suffered due to a school's failure to provide educational services. Additionally, the measure provides the HECC with the ability to place a school on probation or revoke its approval to offer academic degrees.

Effective date: June 10, 2015

Senate Bill 79

Cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) instruction in schools

Senate Bill 79 requires school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the uses of automated external defibrillators (AEDs) to students in grades seven through 12, beginning in the 2015-2016 school year. The bill requires that the instruction include

hands-on practicing of CPR, with specified exemptions, and be based on current, nationally recognized emergency cardiac care guidelines.

Senate Bill 79 is the most recent in a series of measures considered regarding CPR and AEDs. Senate Bill 1033 (2010) requires all public schools to have (AEDs) on school premises. Senate Bill 275 (2013), which remained in committee on *sine die* and thus did not become law, proposed to require that students receive training in CPR and the use of AEDs in order to receive a high school diploma.

Effective date: July 1, 2015

Senate Bill 81

Waiver of community college tuition

According to the College Board, community college tuition has increased 58 percent over the past decade. Some states have addressed these increases by enacting laws to provide increased access to affordable opportunities. For example, the Tennessee Promise Scholarship program allows qualifying residents to attend community college tuition-free.

In Oregon, Senate Bill 1524 (2014) required the Higher Education Coordinating Commission (HECC) to examine the viability of a program that would allow students to attend Oregon community colleges without paying tuition and fees. The National Center for Higher Education Management Systems was selected by the HECC to provide technical assistance on the topic, and produced a report on the viability of the program. During the 2013-14 interim, the Senate Interim Committee on Education and Workforce Development held five

hearings on the topic of tuition waivers at community colleges.

Senate Bill 81 creates provisions to waive tuition for community college courses if a student meets specified requirements. The measure provides that the amount of tuition waived will be the amount owed after subtracting applicable state and federal grants plus \$50 per term paid by the student receiving the waiver. The bill requires the HECC to adopt rules regarding the timelines and form by which a community college seeks and receives reimbursement, and the academic advising requirements that the college and student must satisfy to ensure that the student earns a certificate or degree.

Effective date: July 17, 2015

Senate Bill 135

Day treatment program funding

Senate bill 135 changes the way that the Oregon Department of Education (ODE) reimburses schools and school districts for costs associated with educating students in specific programs.

Existing law, specifically ORS 343.961, requires ODE to provide payment for the costs of educating students with mental health, physical and behavioral challenges who are placed in eligible day and residential treatment programs. Prior to the passage of Senate Bill 135, payment for these services was made under contract with the school district or education service district (ESD) in which the eligible day or residential program is located. ODE provided funding to 47 programs, with approximately 903 children served, during the 2013-2014 school year. ODE also contracted with 26 school districts and ESDs to provide services for these children that

year. This contract process was considered cumbersome, lengthy and inefficient by all participants, schools, ESDs and ODE.

Senate bill 135 changes the form of payment in ORS 343.961. Rather than the existing contract process, the bill directs ODE to provide payment for the costs of education of students in treatment programs directly to the school district in which the program is located in the form of grants-in-aid.

Effective date: July 1, 2015

Senate Bill 187

Oregon Student Information Protection Act (OSIPA)

Senate Bill 187 enacts the Oregon Student Information Protection Act (OSIPA). It puts into law a number of regulations regarding student data and electronic information in public schools. OSIPA prohibits the operator of website, service or application designed for kindergarten through grade 12 educational purposes from engaging in targeted advertising, amassing student profiles, selling student information or disclosing covered information. The Act allows limited disclosure of information made to further school purposes, to comply with legal and regulatory requirements, to participate in judicial proceedings and to protect safety of user or integrity of application. It also requires operators to implement and retain reasonable security procedures and practices, and to delete students' covered information within reasonable time of request to delete. It allows disclosure of covered student information if required by law, for legitimate research purposes, or if made to a state or local educational agency, and it makes a violation of the Act an unlawful

business practice that is enforceable by Attorney General.

The U.S. Census Bureau estimates that there are over 860,000 children in Oregon. Over 550,000 of those children are enrolled in public kindergarten through grade 12 schools. Schools are increasingly utilizing online and mobile applications to enhance learning and provide feedback on student performance. As applications and software become more integrated into the classroom, concerns have been raised about the safety and use of the data collected through such applications.

Effective date: July 1, 2016

Senate Bill 215

Oregon Education Investment Board disestablishment, change to Chief Education Office

Senate Bill 909 (2011) established the Oregon Education Investment Board (OEIB) and Chief Education Officer (CEO). That bill says that the OEIB was established “for the purpose of ensuring that all public school students in this state reach the education outcomes established for the state,” and states that the OEIB will “accomplish this goal by overseeing a unified public education system that begins with early childhood services and continues throughout public education from kindergarten to post-secondary education.” The measure included a sunset, repealing the OEIB and Chief Education Officer as of March 15, 2016.

Senate Bill 215 expires the terms of office for OEIB board members and dissolves the board. However, the measure maintains the agency, under a new name, Chief Education Office, as well as the CEO position. The

measure further specifies the purpose, powers and duties of the agency and CEO.

Effective date: July 27, 2015

Senate Bill 287

Speech pathologist licensure process

Senate Bill 287 modifies the licensure process for speech-language pathologists. It deletes the provision that authorizes teachers who are licensed and endorsed by the Teachers Standards and Practices Commission (TSPC) to practice speech-language pathology without obtaining a license from the Board, thereby creating only one possible process for licensure.

Prior to the passage of the bill, there were two possible ways a speech-language pathologist could be licensed. The Board of Examiners for Speech-Language Pathology and Audiology (Board) was established in 1973 to license and regulate the performance of speech-language pathologists and audiologists for consumer protection. However, existing law allowed teachers licensed by the Teacher Standards and Practices Commission (TSPC) who are holding a communication disorders or speech impaired endorsement issued by the commission to practice speech-language pathology as employees of education service districts, school districts or charter schools. In August 2014, the TSPC voted unanimously to support the concept of the Board licensing all new speech-language pathologists working in kindergarten through grade 12 schools.

Effective date: January 1, 2016

Senate Bill 321

Compulsory age of education

Senate Bill 321 decreases the compulsory school attendance age by requiring that all children between the ages of six and eighteen who have not completed the twelfth grade regularly attend a public school full-time during the school term.

Prior to the passage of Senate Bill 321, children between the ages of seven, not six, and eighteen were required to regularly attend a public school full-time during the school term. Exemptions from compulsory attendance are provided in ORS 339.030, and include children who are taught in private or parochial schools, have demonstrated equivalent knowledge to that acquired in grades one through twelve, have received a high school diploma, are being taught by a private teacher or educated at home by a parent or guardian or are otherwise excluded from attendance as provided by law.

Effective date: July 1, 2016

Senate Bill 418

Accelerated credit college programs in high school

Senate Bill 254 (2011) created an oversight system and grant program, administered by the Oregon Department of Education (ODE), to support accelerated college credit programs, including dual credit, two-plus-two, advanced placement and International Baccalaureate programs. Senate Bill 222 (2013) established the Accelerated Learning Committee to explore programs like those above and examine methods to further encourage and enable students to obtain

college credits while still in high school. That committee released a report on their findings in 2014. Recommendations from the committee included additional funding and legislation to provide access at every Oregon high school to at least three college credit courses at no cost to students and their families.

Senate Bill 418 requires each school district provide an accelerated college credit program at each high school within the district and details what these programs must and may include. The bill further instructs multiple agencies, including the Higher Education Coordinating Commission, Chief Education Office and ODE to support the programs by providing standards, identifying model programs and best practices and administering a grant program to support accelerated college programs.

Effective date: July 27, 2015

Senate Bill 553

Suspension of students in fifth grade or younger

Senate Bill 553 limits instances under which students in fifth grade or lower may be suspended or expelled, and requires school districts to take steps to prevent the recurrence of behaviors that initially led to exclusionary discipline.

Prior to the passage of Senate Bill 553, Oregon law allowed suspension or expulsion for students of all ages, but requires that the age of a student be considered prior to imposing his or her suspension or expulsion. Findings from six Oregon school districts in 2011-2012 indicate that approximately 6.4 percent of students were suspended or expelled from school, and that nearly 40

percent of students who were suspended received more than one suspension.

Effective date: July 1, 2015

Senate Bill 556

Prohibition against use of expulsion to address truancy

Senate Bill 556 amends ORS 339.250 to prohibit the use of expulsion to address truancy. Prior to the passage of the bill, House Bill 2192 (2013) established requirements for school policies relating to discipline, suspension and expulsion. While that measure limited expulsions, Oregon law still allowed expulsion as a disciplinary measure to address truancy.

Effective date: July 1, 2015

Senate Bill 759

Campus sexual assault protocol

Out of 5,446 women surveyed for the 2007 Campus Sexual Assault Study by the National Institute of Justice, 28.5 percent reported having experienced an attempted or completed sexual assault either before or since entering college. Of the women surveyed, 19 percent reported experiencing completed or attempted sexual assault since entering college, a slightly larger percentage than those experiencing such incidents before entering college.

Senate Bill 759 requires public universities, community colleges and Oregon-based private universities and colleges to adopt a written protocol regarding sexual assault. The protocol is to be posted on the institution's website, distributed to incoming

students at orientation and provided to anyone reporting a sexual assault involving a member of the university community, regardless of where the assault takes place. Additionally, Senate Bill 759 requires that the protocol adopted ensure that victims who report sexual assaults are provided with written notification containing information on their rights, legal options, campus-based, state and community-based resources.

Effective date: January 1, 2016

Senate Bill 820

Use of weighted lottery for admission to public charter schools

Senate Bill 820 amends existing law, specifically ORS 338.125, to allow public charter schools to implement a weighted lottery for historically underserved students. The bill defines "historically underserved students" as students at risk because of any combination of race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, disability and geographic location. The measure sunsets the weighted lottery authorization in the 2020-21 school year, and requires the Department of Education to produce a report about the lottery results prior to the sunset.

Prior to the passage of the measure, ORS 338.125 prohibited public charter schools from limiting student enrollment based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, the terms of an individualized education program, income level, proficiency in the English language or athletic ability. If the number of applications from students who reside in the school district exceeds the school's capacity, the public charter schools were required to select students through a lottery, but allows

schools that have existed for one or more years to prioritize previously enrolled students, siblings or students who reside in the school district that is the sponsor of the public charter school or in a school district that is a party to the cooperative agreement with the charter school.

Effective date: June 25, 2015

Senate Bill 932

Financial aid eligibility

Senate Bill 932 extended eligibility to receive state financial aid to qualified students who meet existing statutory exemption from paying nonresident tuition. Senate Bill 2787 (2013) codified this exemption for undocumented students who: attended an Oregon elementary or secondary school for the three years immediately prior to receiving a diploma or leaving school without receiving a diploma; attended school in another state for five years prior to receiving a diploma or leaving school without receiving a diploma; received a diploma from an Oregon school no more than three years prior to enrollment at a state university; and demonstrated intent to become a U.S. citizen or lawful permanent resident.

Senate Bill 932 also removed requirements that students must enroll at a public university within three years of graduating high school and the existing limit on eligibility for the tuition exception of five years from initial enrollment in a public university. The Higher Education Coordinating Commission was directed to implement the program including the development of an application process separate from the Free Application for Federal Student Aid (FAFSA) since

undocumented students are ineligible to file FAFSAs.

Effective date: August 12, 2015

LEGISLATION NOT ENACTED

House Bill 2662

Pay It Forward

House Bill 2662 would have established the Pay It Forward program, a system of financing post-secondary education whereby, in lieu of paying tuition or fees, a student would contract with the institution (or the State of Oregon) to repay a specified percentage of adjusted annual income for a period of years following graduation. The measure would have directed the Higher Education Coordinating Commission (HECC) to develop rules for the program and the Office of Student Access and Completion to administer it. A pilot program of limited scope would also have been allowed under the provisions of the bill. Additionally, the Commission would have been required to submit progress reports during the 2016 and 2017 regular legislative sessions.

The 2013 Legislative Assembly directed the Oregon Education Investment Board, Oregon University System and Department of Community Colleges and Workforce Development to propose a “Pay Forward, Pay Back” pilot program to replace the existing system of tuition and fees required to attend public institutions of higher education in Oregon. The HECC convened a work group which responded with a report

in September of 2014 outlining the parameters of a potential pilot program. But HECC leadership recommended prioritization of other initiatives, such as expansion and redesign of the Oregon Opportunity Grant, above what had come to be known as “Pay It Forward.”

House Bill 2662 was referred to the House Committee on Higher Education, Innovation and Workforce Development, where it was heard and moved without recommendation or amendment to the House Committee on Revenue. That committee amended the measure to specify that the Pay It Forward program could only proceed with subsequent legislative approval and sufficient appropriation to the Pay It Forward Fund. The measure was moved to the Joint Committee on Ways and Means where it remained upon adjournment sine die.

House Bill 2835

Prohibition against penalizing schools that do not adopt Common Core State Standards, curriculum or assessments

Oregon began to develop standards for public education with the publication of the State Manual of the Course of Study for the Elementary Schools in 1920. The Common Core State Standards (CCSS) in English language arts and mathematics were adopted by the State Board of Education in October 2010. They meet the requirement for standards leading to college and career readiness required by Oregon’s No Child Left Behind waiver granted in 2012.

House Bill 2835 would have provided that the Department of Education could not require any school district to align instruction or assessments with the CCSS,

and could not penalize school districts for failing to align instruction or assessments with the CCSS.

House Bill 3342

State tax deduction for student loan interest

House Bill 3342 would have allowed personal income taxpayers to subtract qualifying student loan interest from the income taxable by the State of Oregon. The maximum amount allowed would have been \$2,500 with income limitations equivalent to those established for federal tax purposes. The measure would have offset lost revenue by limiting mortgage interest deductions to \$35,750 per taxpayer.

Economic studies have indicated that the ability of recent college graduates to purchase homes has been negatively impacted by their student loan debts. House Bill 3342 proposed to address this issue by creating a state income tax deduction for student loan interest payment equivalent to that allowed on federal income taxes. Opposition to the measure centered on the mortgage interest cap and though it passed the House Committee on Higher Education, Innovation and Workforce Development, it remained in the House Committee on Revenue upon adjournment sine die.

Senate Bill 112

Investment in career and technical education

Career and technical education (CTE) provides students and adults with the academic and technical skills, knowledge and training necessary for careers in technical professions. CTE programs can be

found in high schools, community colleges, technical institutes and other post-secondary environments. According to the National Association of State Directors of the Career Technical Education Consortium, CTE programs prepare individuals for skilled professions in sectors of the economy reporting a shortage of qualified applicants.

Senate Bill 112 would have established a nine-member Career and Technical Education Investment Council to assist in the development and oversight of a long-term strategy that encourages, coordinates and supports the expansion of career and technical education in Oregon. The Council would have made recommendations to the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission regarding administration of the Career and Technical Education Revitalization Grant Program and other matters related to CTE. In addition, the Council would have coordinated its efforts with the STEM Investment Council.

Senate Bill 214

Age Three Through Grade Three Reading Initiative

House Bill 3232 (2013) established the Oregon Early Reading Program, which includes funds to be directed by the Early Learning Council for the purpose of strengthening early literacy among children ages zero to six with the intention of improving children's kindergarten readiness and third grade reading proficiency. House Bill 2013 (2013) created the Early Learning Kindergarten Readiness Partnership and Innovation Fund, also directed by the Early Learning Council to provide funding for communities to pilot approaches for linking early learning and kindergarten.

Senate Bill 214 sought to continue these efforts to improve early reading skills in preparation for entering school by establishing the Age Three Through Grade Three Reading Initiative within ODE to ensure that all students can read at grade level by the end of grade three. The measure would have required Oregon Department of Education (ODE) award extended learning grants and professional development grants to school districts to implement the initiative. The measure remained in committee on sine die.

Senate Bill 598

Task Force on 21st Century Apprenticeship

Apprenticeships are occupational career training programs that combine supervised on-the-job training experience with classroom instruction. Apprentices usually begin at half the salary of certified "journey" workers. Apprenticeship committees, made up of employee and employer representatives, operate apprenticeship programs. The waiting period for acceptance into an apprenticeship program may be up to two years and is a highly competitive process. If a candidate is qualified, the candidate is added to a pool of eligible applicants. As apprenticeship vacancies become available, candidates are selected from the pool. An apprenticeship typically is for a two-to-five year period, depending on the specific industry requirements.

Senate Bill 598 would have created the Task Force on 21st Century Apprenticeship comprised of legislators, contractors, labor representatives, agency representatives and others to evaluate and recommend apprenticeship policies to the Legislative Assembly.

Elections and Ethics

House Bill 2019

Expansion of Oregon Government Ethics Commission membership and duties

Currently, the Oregon Government Ethics Commission (OGEC) is made up of seven members; four members appointed through recommendation of leadership of the Democratic and Republican parties in each house of the Legislative Assembly and three members appointed by the Governor, no more than two of whom from the same political party.

House Bill 2019 expands the OGEC to nine members and the number of members who are directly appointed by the Governor is reduced to one. While still appointed by the Governor, the other eight members must first receive two recommendations from the leadership of the Democratic and Republican parties within the two chambers of the Legislative Assembly. All appointees to the Commission remain subject to Senate confirmation.

Prior to the passage of this measure, the process for receiving a complaint or deciding to proceed on its own motion regarding a possible ethics violation, the OGEC was required to notify the subject of the complaint within two business days and the executive director of the OGEC must undertake a Preliminary Review Phase to determine whether there is cause to undertake an investigation. This Preliminary Review Phase was limited to 135 days, with provision for a candidate for election to request a delay if the candidate is the subject of a complaint within 61 days before the election. The results of the Preliminary Review Phase were considered in an executive session meeting, at which time OGEC makes a final determination about whether to undertake an investigation. House Bill 2019 reduces the number of days allowed for the Preliminary Review Phase of

an ethics investigation from 135 to 30 days and requires advisory opinions and specified statements to be made available online by January 1, 2017.

Effective date: July 1, 2015

House Bill 2020

Relating to government ethics

The spouse of the Governor is commonly referred to as the First Lady or First Gentleman of that state. This is an unofficial title, in which the title or explanation of the duties are not defined by statute in Oregon. Thus, officially Oregon does not recognize a first lady, but traditionally, that role is played by a spouse in the Governor's mansion.

House Bill 2020 formally defines "first partner" as a spouse or domestic partner of the Governor, or an individual who primarily has a personal relationship with the Governor. The measure expands the definition of "public official" to include the first partner to ensure compliance with government ethics statutes as it relates to gift limits, prohibited activities and conflict of interest.

In addition, the measure prohibits the Governor, First Partner, Secretary of State, State Treasurer, Attorney General and Commissioner of the Bureau of Labor and Industries from soliciting or receiving an honorarium, money or any other consideration, for any speaking engagement or presentation. Finally, HB 2020 expands the list of public officials who are required to file statements of economic interest with the Oregon Government Ethics Commission to include the Deputy Secretary of State, First Partner, the legal counsel, the deputy

legal counsel and all policy advisors within the Governor's office.

Effective date: July 1, 2015

House Bill 2177

Oregon Motor Voter Act

The National Voter Registration Act of 1993 (NVRA) established procedures to increase voter registration of eligible citizens in elections for federal office, to protect the integrity of the political process and to assure accurate and current voter registration rolls. To increase registration of eligible citizens, the NVRA requires states to permit voter registration by application simultaneous with an application for a motor vehicle driver's license ("motor-voter" registration), by use of a uniform mail application or by in-person application at a designated agency. The NVRA registration methods are in addition to any other methods approved by state law.

House Bill 2177 requires the Oregon Department of Transportation, as a designated voter registration agency, to provide the Elections Division of the Secretary of State's (SOS) Office with the electronic records of each person who may qualify as a voter when an individual interacts with the Department of Motor Vehicles (DMV) for specific purposes. The Oregon Motor Voter (OMV) registration process is initiated only when a qualified individual takes one of the following actions at the DMV: applies for an original driver license, permit or identification (ID) card; renews a driver license, permit or ID card; or applies for a replacement driver license, permit or ID card.

Once the Elections Division has identified individuals who may participate in the OMV

(individuals who do not have qualifying voter records and who have not declined), the Elections Division will send an Oregon Motor Voter (OMV) card to each qualified individual. The OMV card will be sent by non-forwardable mail to the mailing address or residence address provided at the DMV. The OMV card will give an individual an opportunity to select a political party or to decline to be registered.

An individual will have 21 days to return the card, either declining to be registered or selecting a political party affiliation. If no response is received, the individual will be registered as a nonaffiliated voter, effective the 22nd day after the day the card is mailed. However, once an individual is registered to vote, they can change their party at any time or cancel the registration.

Effective date: March 16, 2015

House Bill 2974

Legislative and congressional redistricting process

Every ten years, the Legislative Assembly must redraw legislative and congressional district lines based on new U.S. Census data.

ORS 188.010 establishes criteria to guide the Legislative Assembly when redrawing district boundaries. According to this statute, each district, as nearly practicable, should: be contiguous; be of equal population; utilize existing geographic or political boundaries; not divide communities of common interest; and be connected by transportation links. The criteria further states that: 1) no district shall be drawn for the purpose of favoring any political party, incumbent legislator or other person; 2) no district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group; and 3) two state

House of Representative districts shall be wholly included within each single state senatorial district.

Currently, there is no statutory requirement specifying how the Oregon Legislative Assembly collects information regarding how to address changes in population in Oregon's legislative and congressional districts. During the 2011 legislative redistricting process, the members of the House and Senate Committees on Redistricting conducted 13 informational hearings around the state, allowing participation, in person or via video conference, from citizens in all of Oregon's 36 counties. In addition, the committees conducted three informational hearings on proposed legislative and congressional redistricting plans at the Capitol in Salem. The Oregon Legislative Assembly adopted and the Governor signed the legislative redistricting plan on June 13, 2011 and a congressional redistricting plan on June 30, 2011.

House Bill 2974 establishes a process for collecting information regarding redistricting by codifying the public participation process utilized during the 2011 redistricting process. The measure requires the Legislative Assembly to hold at least 10 public hearings throughout the state prior to proposing a legislative or congressional redistricting plan. The legislature is to hold at least one hearing in each congressional district and at least one hearing in each area that experienced the largest population shift since previous redistricting. Upon proposal of legislative and congressional plans, but prior to adoption, the Legislative Assembly or Secretary of State, to the extent practicable, is to conduct at least five public hearings throughout the state.

Effective date: January 1, 2016

LEGISLATION NOT ENACTED

House Bill 3331

*Investigations of Executive Branch
misconduct by independent counsel*

Independent counsel is an attorney who investigates and prosecutes criminal activity in the federal government. They are appointed to investigate and prosecute federal government officials. The need for independent counsel arises from the conflict of interest posed by having the established criminal justice system investigate government misconduct. Prosecutors and law enforcement agencies work under the authority of government leaders. Independent counsels do not answer to the government officials they are assigned to investigate, and therefore they avoid much of this conflict of interest.

House Bill 3331 would have allowed the Legislative Assembly, by joint resolution, to request the Attorney General to conduct a preliminary investigation with respect to potential violations or allegations of violations identified in the joint resolution of ethics or criminal laws. The Attorney General, upon completion of the preliminary investigation, would have reported the results of the preliminary investigation to the Legislative Assembly. If the Attorney General, upon completion of a preliminary investigation, determined that there were reasonable grounds to believe that further investigation was warranted, they would apply to the circuit court for the appointment of an independent counsel.

The measure would have provided the independent counsel with all the powers of a

district attorney and the independent counsel could have: executed in writing and served a subpoena or subpoena upon any person the independent counsel believed to have information or material relevant to the investigation; called upon the Department of State Police or any other peace officer or department for assistance in making the investigation; or, at the discretion of the independent counsel, employed special investigators and directed a grand jury to convene for the investigation and consideration of the matters of a criminal nature and taken full charge of the presentation of the matters to the grand jury, issued subpoenas, prepared indictments and done all other things necessary to the same extent as a district attorney.

House Joint Resolution 31

Proposing constitutional amendment to vest power of impeachment of statewide elected Executive Branch officials in House of Representatives and power to try impeachments in Senate

House Joint Resolution 31 would have referred to voters an amendment to the Oregon Constitution to vest the power of impeachment of statewide elected officials of the Executive Branch for malfeasance in office, corruption, neglect of duty or other high crime or misdemeanor in the House of Representatives and provide the Senate the power to try any impeachment.

Impeachment is a process that provides legislatures with oversight of official government conduct and to remove executive or judicial public officers from their positions. The impeachment process has two stages, and the responsibility for each stage usually is separated. The first stage is the impeachment—that is, the

development of a formal accusation or statement of charges. Most often, the responsibility for this stage is given to the House or Assembly legislative chamber. During this stage, accusations are heard and investigated. If the body believes that misconduct occurred, the charges—articles of impeachment—are developed and voted upon. If the requisite affirmative vote is reached, the articles of impeachment are forwarded to the body responsible for the second stage of the process. The second stage is the formal consideration of the charges laid out in the articles of impeachment, and the responsibility usually is assigned to the Senate legislative body. This stage often resembles a trial; both sides may call witnesses and present evidence. When the presentation of arguments is completed, the body must vote whether to find the person guilty of the charges, and a supermajority vote typically is required to convict the accused. Impeachment is relatively rare and regarded as a power to be used only in extreme cases.

Impeachment and removal of governors has happened occasionally throughout the history of the United States, usually for corruption charges. A total of at least eleven U.S. state governors have faced an impeachment trial, but in many cases individuals will resign before the impeachment proceedings begin or are completed. Currently, the Oregon Constitution does not provide for impeachment, but does provide in Article II, section 18, for the recall of public officers.

Senate Joint Resolution 5

Proposing constitutional amendment to permit the enactment of laws limiting or prohibiting contributions made in connection with campaigns for nomination or election to public office

Senate Joint Resolution 5 would have referred to voters an amendment to the Oregon Constitution to permit the Legislative Assembly, or people through the initiative process, to enact laws limiting or prohibiting contributions made in connection with campaigns for nomination or election to public office. The measure would have amended Article II, Section 8 of the Oregon Constitution, the article governing the regulation of elections by the Legislative Assembly.

Currently, Oregon is one of four states with no limits on contributions and there are seven states with minimal contribution limits; these states limit or prohibit contributions by corporations and unions to candidates, but contributions from all other sources are unlimited.

The Oregon Supreme Court has found that limits on contributions to political campaigns generally violate the Oregon Constitution. The Oregon Supreme Court looked at contribution limits for the first time when reviewing Ballot Measure 9 (1994). The measure limited campaign contributions by individuals and political action committees (PACs) in legislative and statewide races. In *VanNatta v. Keisling*, 324 Or. 514; 931P.2d 770 (1997), the Court found that campaign contributions are a form of speech protected by the Oregon Constitution and that the state Constitution would have to be amended to allow any contribution limits. In 2012, the Court considered the case of *Hazell v. Brown*

regarding the implementation of campaign contributions that were adopted in Ballot Measure 47 (2006). The Secretary of State and the Attorney General had determined that since Ballot Measure 46, the constitutional amendment to allow the legislature or the people to create limits on campaign contributions and spending by enacting a statute, did not pass, the statutory limitations would not be enforced. The Court concluded that the campaign finance limits were inoperative and that according to the plain text of the measure itself, the limits were dormant.

Emergency Preparedness

House Bill 2270

Creation of State Resilience Officer

In 2013, the legislature enacted Senate Bill 33, creating a task force to study implementation of the Oregon Resilience Plan and prioritize issues for legislative attention, including the issue of oversight. The task force's top recommendation was to replace the current temporary, unfunded, volunteer structure with centralized ongoing, long-term, statewide resilience oversight located within the Governor's office.

House Bill 2270 creates the new position of State Resilience Officer within the Governor's office to provide policy guidance and oversight of efforts to implement the Oregon Resilience Plan.

Effective date: July 27, 2015

House Bill 2566

Easing out-of-state contracting for disaster or emergency-related work

During a declared emergency, resources and personnel from other states may be needed on a temporary basis to expedite the task of cleaning up, restoring and repairing critical infrastructure, and performing other disaster-related work. Critical infrastructure includes property and equipment owned or used by or for communications networks; electricity generation, transmission and distribution; fuel distribution systems; and water and waste pipes and related support facilities.

House Bill 2566 exempts out-of-state businesses from paying state taxes for purposes of disaster or emergency work on critical infrastructure in order to expedite the

induction of resources and personnel into the state after a disaster.

Effective date: October 5, 2015

Senate Bill 85

Local government financing for private seismic improvements

Many private building owners in Oregon are interested in upgrading for earthquake preparedness, but the cost of doing so is prohibitive, even for those who are relatively well-to-do. The Portland area, in particular, has a high proportion of "unreinforced masonry" buildings of certain historic character that may be particularly susceptible to damage. Public funds are limited and other emergency preparedness considerations, such as energy and transportation infrastructure, are prioritized ahead of private structures, while local governments and communities seek to exercise their creativity and resourcefulness.

Senate Bill 85 authorizes local jurisdictions to develop financial programs and arrangements, within certain parameters, to assist qualifying private property owners with making seismic improvements.

Effective date: May 4, 2015

LEGISLATION NOT ENACTED

House Resolution 5; House Bills 3048, 3393, 3395, 3447

and 3461; and Senate Bills 94, 95, 778 and 808

Increased attention to earthquake/tsunami preparedness

The Oregon Seismic Safety Policy Advisory Commission (or Earthquake Commission) was established by Senate Bill 96 in 1991. It exists to influence pre-disaster mitigation policy, educate the public, and respond to new earthquake and tsunami data or issues. It is required to submit a report to the legislature every two years, and in February of 2013, it issued arguably its most comprehensive report: [The Oregon Resilience Plan](#) (the Plan).

The Plan's central finding is plain and not new, but only gained momentum in 2015 with media attention: The Cascadia subduction zone, an active fault off the coast of Oregon, poses a severe geological hazard to the state – a large-magnitude earthquake and corresponding tsunami that are overdue to occur – for which the state and the region are entirely underprepared. The Plan exceeds 300 pages and contains more than 140 recommendations. It emphasizes the importance of a long-term effort, perhaps over the course of fifty years, to make ongoing earthquake and tsunami preparations.

Soon after the Plan's release in 2013, the legislature enacted Senate Bill 33, creating a task force to study implementation and to prioritize issues for legislative action including oversight, transportation, land use, energy, critical facilities, training and education, and water. The [task force recommendations](#) issued in October of 2014,

and a record number of legislative concepts, were introduced during the 2015 regular legislative session.

In addition to measures that were enacted, measures that were introduced but not enacted included: House Resolution 5, recognizing the Cascadia threat; Senate Bill 808 and House Bills 3048, 3393, 3395 and 3461, concerned with funding, crisis resources and creating additional task forces; Senate Bill 94 and House Bill 3447, requiring resilience planning; Senate Bill 95 concerning emergency fuel; and Senate Bill 778 to prohibit new construction of public buildings in hazard zones.

House Bill 2428

Responsibility for emergency volunteers

Oregon Revised Statute 401.358 defines “qualified emergency service volunteers” as those registered with Oregon’s Office of Emergency Management or another public body who are acknowledged as qualified. It includes members of the Oregon State Defense Force outright, without requiring registration or acknowledgement. The Oregon State Defense Force is a component of the Oregon Military Department, subject to its regulations and to activation and suspension by the Adjutant General (ORS 399.035).

House Bill 2428 would have required the same registration and acknowledgment of members of the Oregon State Defense Force as is required of all others seeking “qualified emergency service volunteer” status.

Energy

House Bill 2187

Ocean renewable energy transmission

Oregon's territorial sea, defined as the ocean and seafloor area from mean low water seaward three nautical miles, has been identified as a favorable location for siting renewable energy projects, including wave energy. These facilities vary in type and transfer energy to on-shore substations.

House Bill 2187 declares as state policy that regional transmission planning processes should adequately consider the transmission of ocean renewable energy from Oregon's territorial sea and adjacent federal waters.

Effective date: January 1, 2016

House Bill 2193

Energy storage

Energy storage technology includes batteries, flywheels, compressed air energy storage, thermal and pumped hydro-power. Individual energy storage projects can augment the electric grid by capturing excess electrical energy during periods of low demand and storing it in other forms until needed. One of the distinctive characteristics of the electric power sector is that the amount of electricity that can be generated is relatively fixed over short periods of time, although demand for electricity fluctuates throughout a typical day. Electricity storage devices can manage the amount of power required to supply customers at times when need is greatest, which is during peak load. Many renewable energy sources, most notably solar and wind, produce intermittent power. Energy

storage is one option to provide more reliable energy supplies.

If authorized by the Public Utility Commission, House Bill 2193 directs electric companies which sell to 25,000 or more retail consumers to procure qualifying energy storage systems with a specified capacity by the year 2020 and allows the company to recover in rates the cost of such procurement.

Effective date: June 10, 2015

House Bill 2447 and House Bill 3344

Residential Energy Tax Credit (RETC)

The Oregon Residential Energy Tax Credit (RETC) was created in 1977 to create a financial incentive for investments in a variety of energy efficiency devices.

A version of both House Bill 2447 and House Bill 3344 was included in the final tax credit bill, House Bill 2171. For more information, please see [Revenue Measures Passed by the 78th Legislature – 2015 Session \(Research Report #3-15\)](#)

House Bill 2941

Solar energy rates and program reports

Solar photovoltaic (solar PV) systems convert sunlight directly into current that can be used to meet the electricity needs of homes and businesses. Oregon offers a variety of programs to encourage the development of solar PV systems, including net metering, utility incentives, feed-in

tariffs, solar capacity standards and state tax credits.

If the Public Utility Commission (PUC) finds that demand is sufficient, House Bill 2941 requires electric companies to provide rate options to their residential customers that include the choice of electricity associated with specific renewable energy resources, including solar PV systems. The measure also directs the Public Utility Commission to evaluate the state's solar incentive programs and report recommendations back to the Legislative Assembly before September 15, 2016. The PUC is also required to hold a proceeding to examine a range of community solar programs and provide recommendations to interim committees of the Legislative Assembly before November 1, 2015.

Effective date: June 25, 2015

House Bill 3068

Reducing woodstove smoke

Since 1991, Oregon has required that new woodstoves be certified to meet air pollution standards. Woodstoves are a major source of benzene and carbon dioxide in the air which can affect human health and the environment. The Department of Environmental Quality (DEQ) also identifies wintertime residential wood burning as a significant source of fine particulate air pollution, which at times exceeds federal air quality health standards.

House Bill 3068 directs DEQ to form a work group to study and develop recommendations for reducing woodstove smoke. The agency is required to submit an initial report with preliminary findings and recommendations to a legislative committee

during the 2016 regular session and a final report to an interim legislative committee by September 15, 2016.

Effective date: June 18, 2015

House Bill 3257

Low-Income Home Energy Assistance Program

The Oregon Low-Income Home Energy Assistance Program is a federally funded program designed to help low-income households pay home heating costs. To be eligible to receive assistance, a household's income must be at or below 60 percent of Oregon's median income, based on household income and household size. Recipients must also have documented energy costs.

Senate Bill 863 (2011) directed the Public Utility Commission to collect an additional \$5 million per year for the low-income bill payment assistance program in the event certain criteria were met as of January 1, 2014. This measure was set to sunset on January 2, 2014 but was extended to January 2, 2016. House Bill 3257 extends the sunset on the surcharge until January 2, 2018.

Effective date: May 28, 2015

House Bill 3329

Geothermal energy in public schools

Oregon law requires public entities to spend 1.5 percent of the total price of a public improvement contract for new construction or the major renovation of a public building on green energy technology. Public entities

include, but are not limited to, state agencies, community colleges, school districts and education services districts and local government. In 2012, Senate Bill 1533 allowed the use of geothermal energy to satisfy the 1.5 percent requirement if the water used as a heat source is at temperatures of more than 140 degrees Fahrenheit.

House Bill 3329 modifies the standard for geothermal energy resources to qualify as a green energy technology if the water used as a heat source is more than 128 degrees Fahrenheit and the system is used for a public school building.

Effective date: October 5, 2015

House Bill 3492

Utility scale solar property assessment

Under current law, utility scale solar production property is subject to central assessment. Generally, the valuation approach followed for this type of property is a combination of the income and cost approach. Using these valuation approaches generally results in a property valuation equal to a percentage of the property's original cost straight line depreciated over the life of the property (generally 20 years). This results in a higher initial property tax liability followed by years of declining property tax liability. House Bill 3492 allows a local government to enter into an agreement with the owner of a utility scale solar property to exempt from property taxes the property and allow the payment of a fee in lieu of property taxes based upon the solar property's megawatt nameplate capacity. In the absence of a decline in the property's nameplate capacity, this approach sets a property's in-lieu-of-

property tax payment at the same amount for the 20-year agreement period.

Effective date: October 5, 2015

House Joint Memorial 19

Newberry Geothermal Project

Geothermal exploration began at the Newberry Volcano in central Oregon in the 1970's. Newberry Volcano is one of the largest and youngest volcanoes in the United States, consisting of over 400 individual volcanic vents, centered at the Newberry National Volcanic Monument and covering an area in excess of 600 square miles.

The purpose of the United States Department of Energy's Frontier Observatory for Research in Geothermal Energy (FORGE) is to perform advanced research on enhanced geothermal systems (EGS) to develop large-scale, economically sustainable heat exchange systems. The FORGE mission is to enable cutting-edge research and drilling and technology testing, as well as to allow scientists to identify a replicable, commercial pathway to EGS. House Joint Memorial 19 urges the Secretary of Energy and Congress to support siting FORGE at the Newberry Geothermal Project.

Filed with Secretary of State: June 2, 2015

Senate Bill 259

Energy Facility Siting Council compensation

The Oregon Energy Facility Siting Council (EFSC) is a seven-member board appointed by the Governor to review applications for site certificates for all state-jurisdiction energy facilities. The Department of Energy administers the EFSC process, which consolidates state and local government regulations into a single review process. State agencies and local governments participate in the site certificate process as reviewing agencies. Applicants submit a notice of intent prior to applying for a site certificate. Oregon law currently allows compensation for reviewing agencies for expenses related to review of a notice of intent and site certificate application (ORS 469.360).

Senate Bill 259 authorized EFSC to compensate a state agency or local government for expenses directly related to its consultation, initiated by an applicant's notice of intent or request for an expedited review prior to the submission of a notice or request. The measure also authorizes EFSC to similarly compensate a tribe for expenses directly related to its review of a notice of intent, site certificate application or request for expedited review.

Effective date: January 1, 2016

Senate Bill 319

Authorization for ocean renewable energy facilities

Oregon's territorial sea is defined as the waters and seabed extending seaward three miles from the Pacific coastline. In 1994, the State of Oregon, through the Land Conservation and Development Commission (LCDC), adopted a Territorial Sea Plan as a detailed guide to evaluating uses of these waters consistent with state land use policy and other policies and statutes. The plan was amended in 2009 to provide state and federal agencies with specific standards for siting and regulating ocean renewable energy facilities in the territorial sea, and in 2013 with the adoption of maps designating areas that are and are not appropriate for locating these facilities. Under current law, an ocean renewable energy facility must also obtain a water right and a hydroelectric license from the Water Resources Department.

Senate Bill 319 exempts ocean renewable energy facilities from regulation as a hydroelectric project and requires the Department of State Lands to develop a proprietary authorization to construct or operate an ocean renewable energy facility in Oregon's territorial sea. The Act also requires a permit for removal or fill activities in the territorial sea related to an ocean renewable energy facility.

Effective date: June 11, 2015

LEGISLATION NOT ENACTED

House Bill 2092

Charge Ahead Oregon

Electric vehicles – including hybrid electric vehicles, plug-in hybrid electric vehicles and all-electric vehicles – use electricity as either their primary fuel or to improve the efficiency of conventional vehicle designs.

House Bill 2092 would have established a tax credit for contributions to the Zero-Emission Incentive Fund. The measure would have also directed the Oregon Department of Energy (ODOE) to establish a rebate program for the purchase of alternative fuel or zero-emission vehicles and directed ODOE to hire or contract with a third party to develop and implement a “Charge Ahead Oregon” program.

House Bill 2216

Offshore wind energy projects

The first offshore wind project was installed off the coast of Denmark in 1991. Since that time, commercial-scale offshore wind facilities have been operating in shallow waters around the world, mostly in Europe, and along the eastern United States. In 2014, Seattle-based Principle Power announced plans for the west coast’s first offshore wind farm: a 30-megawatt project located 16 nautical miles from Coos Bay.

House Bill 2216 would have authorized the Public Utility Commission to include in an

electric company’s rates the cost of electricity from an offshore wind project under certain conditions.

House Bill 2448

Business Energy Tax Credit

The 2011 Legislative Assembly divided the Business Energy Tax Credit program into four distinct tax credits. Three of those tax credits are known as the Energy Incentives Program continuing policies related to conservation, transportation and renewable energy.

House Bill 2448 would have modified the Energy Incentives Program by requiring owners of conservation projects with an annual project cost of \$1 million or more to enter into a performance agreement and receive annual recertification.

House Bill 2449

Biomass tax credit

Oregon offers tax credits for the production, collection and transportation of biomass that is used for energy production. To be eligible for this credit, an applicant must be an agricultural producer or biomass collector and the biomass material must be sourced from within Oregon. In addition, the biomass must be used as biofuel or to produce biofuel in Oregon.

House Bill 2449 would have modified the biomass tax credit program and extended the tax credit from January 1, 2018 to January 1, 2022.

House Bill 2559

Solar energy system prohibitions

“Covenants, conditions and restrictions,” commonly called CC&Rs, are a set of rules established by a developer or a homeowners association that govern residences in a particular neighborhood or condominium. CC&Rs are typically attached to the title of a property. In some cases, CC&Rs may prohibit or restrict the use of solar energy systems within a community.

House Bill 2559 would have prohibited the conveyance of real property and CC&Rs that ban the installation and use of solar panels.

House Bill 2627

Energy program analysis

The mission of the Oregon Department of Energy (ODOE) is to reduce the long-term cost of energy for Oregonians. ODOE administers a variety of programs, including programs that offer energy conservation project tax credits (ORS 315.331), alternative energy device and alternative fuel vehicle tax credits (ORS 316.116), renewable energy resource tax credits and grants (ORS 469B.100 – 118), and energy conservation projects (ORS 469B.270 – 306).

House Bill 2627 would have directed ODOE to conduct a study of specific energy efficiency programs and report to the Legislative Assembly.

House Bill 2632

Solar development incentive program

Solar energy technologies produce electricity from the energy of the sun. The most commonly used solar technologies are solar water heating, passive solar design for space heating and cooling and solar photovoltaics for electricity.

House Bill 2632 would have directed the Oregon Department of Administrative Services to establish a program to incent the development of solar energy projects in Oregon.

House Bill 2833

Woody biomass as green energy technology

Oregon law requires public entities to spend 1.5 percent of the total price of a public improvement contract for new construction or the major renovation of a public building on green energy technology. Public entities include, but are not limited to, state agencies, community colleges, school districts and education services districts and local government. This requirement was originally established by the 2007 Legislative Assembly and amended in 2012 to include geothermal energy. In 2013, the law was amended to allow a contracting agency to meet the green energy technology requirement using off-site energy generation, provided it meets certain requirements.

Woody biomass is material from trees and woody plants that is a byproduct of other activities such as timber harvesting or fuel reduction. Woody biomass is used in recycled wood materials or converted into

biofuels to provide a source of renewable energy. House Bill 2833 would have added woody biomass as an eligible fuel for space or water heating, or to provide heat for combined heat and power systems, to the definition of green energy technology for the purpose of the requirement that a public body spend 1.5 percent of the total contract price on green energy technology.

House Bill 3398

Ocean power districts

Oregon's territorial sea, defined as the ocean and seafloor area from mean low water seaward three nautical miles, has been identified as a favorable location for siting renewable energy projects, including wave energy. These facilities vary in type and may require structures and equipment to be anchored to the seafloor and transfer energy to on-shore substations. The Oregon Territorial Sea Plan describes the process for making decisions concerning the development of renewable energy facilities in the state territorial sea.

House Bill 3398 would have authorized ocean power districts to be established to permit and regulate, and build and maintain infrastructure for ocean renewable energy facilities.

Senate Bill 258

Energy Facility Siting Council's process for issuing amended site certificate

Oregon's Energy Facility Siting Council (EFSC) is a seven-member board appointed by the Governor to review applications for site certificates for all state-jurisdiction

energy facilities. The Department of Energy administers the EFSC process, which consolidates state and local government regulations into a single review process. Upon review of the application, EFSC may issue a site certificate, which is a binding contract between the applicant and all political subdivisions. State agencies then issue permits including EFSC's conditions.

Senate Bill 258 would have removed a statutory provision requiring that an amended site certificate be issued by EFSC and that both parties be required to abide by local ordinances, state laws and EFSC rules in effect on the date the amended certificate would be executed. The Act would have also clarified EFSC's authority to require the compliance of such ordinances, laws and rules adopted after the issuance of a certificate if there is a threat to the public health, safety or the environment.

Senate Bill 477

Reduction of electricity from coal

Electricity used in Oregon is derived from different fuel sources and generated in states throughout the Western Interconnection, one of the two major power grids in North America. Recent estimates of Oregon's electricity sources, according to the Oregon Department of Energy, are: hydropower: 44.7 percent; coal: 33.4 percent; natural gas: 11.8 percent; wind: 5.2 percent; nuclear: 2.8 percent; biomass: 0.54 percent; and solar: 0.02 percent. The Boardman Coal Plant, operated by Portland General Electric, is Oregon's only remaining coal-fired power plant.

Senate Bill 477 would have required electric companies to reduce the allocation of

electricity from coal-derived generating resources to zero on or before January 1, 2025 and would have developed a plan for replacing those coal-derived resources with an energy mix that is 90 percent cleaner.

Environment

House Bill 2207

Ballast water discharge

Ocean-going vessels pick up and discharge ballast water for better ship stability. Because water from foreign ports may be used to fill ballast tanks, the discharge of a ship's ballast water in Oregon ports and harbors has the potential to introduce aquatic, non-indigenous species into state waterways, potentially resulting in ecological damage, economic costs and human health concerns. Since 2007, the Department of Environmental Quality has implemented and enforced ballast water management regulations to reduce the risk of introducing new aquatic, invasive species.

House Bill 2207 authorizes the Environmental Quality Commission to adopt standards and procedures for implementing alternative ballast water management including the appropriate use of treatment technology and strategies to mitigate risks from vessels that enter waters of the state.

Effective date: January 1, 2016

House Bill 2451

Clean water fund

The Oregon Clean Water State Revolving Fund provides low-interest loans to local governments for the planning, design and construction of wastewater treatment facilities, implementation of nonpoint source pollution management plans, and the design and implementation of estuary management plans. The loan repayment period is a maximum of 20 years, and all repayments, including interest and principal, are credited to the fund. Eligible agencies include

federally recognized Indian tribal governments, cities, counties, sanitary districts, soil and water conservation districts, irrigation districts, various special districts and certain intergovernmental entities. Since 1990, the program has loaned \$1 billion to 146 communities in Oregon.

House Bill 2451 authorizes the Department of Environmental Quality to use the Clean Water State Revolving Fund to buy or refinance the debt obligations of all eligible agencies and extends the loan term that may be authorized from 20 to 30 years.

Effective date: January 1, 2016

House Bill 2762

School lunch trays

Polystyrene is a thermoplastic material made from petroleum-derived styrene. It is one of the most common types of plastic and is used to produce disposable plastic cutlery, dinnerware and in products to keep hot and cold foods at desired temperatures.

House Bill 2762 prohibits a school district providing meals using polystyrene foam plates, trays, containers or packaging after July 1, 2021. The measure allows the use of these materials if a district participates in a foam recycling program and directs the Department of Education to allow an extension for districts able to show a financial hardship from compliance with the prohibition.

Effective date: July 1, 2015

House Bill 3068

Reducing woodstove smoke

Since 1991, Oregon has required that new woodstoves be certified to meet air pollution standards. Woodstoves are a major source of benzene and carbon dioxide in the air which can affect human health and the environment. The Department of Environmental Quality (DEQ) also identifies wintertime residential wood burning as a significant source of fine particulate air pollution, which at times exceeds federal air quality health standards.

House Bill 3068 directs DEQ to form a work group to study and develop recommendations for reducing woodstove smoke. The agency is required to submit an initial report with preliminary findings and recommendations to legislative committees during the 2016 regular session and a final report to interim legislative committees by September 15, 2016.

Effective date: June 18, 2015

House Bill 3225

Oil by train

Oil production from the Bakken fields of North Dakota has resulted in more crude oil being shipped by rail across the country and through the Pacific Northwest. Reports show three oil trains a week pass through Oregon, following the Columbia River to the Global Pacific oil terminal near Clatskanie. Additional oil trains travel south through central and southern Oregon on their way to

California. Several recent oil train accidents have raised concerns about oil train safety.

House Bill 3225 requires the State Fire Marshal, as part of the effective implementation of the statewide hazardous material emergency response system, to adopt by rule a plan for a coordinated response to oil or hazardous material spills or releases that occur during rail transport.

Effective date: July 20, 2015

House Bill 3522

Water quality permit fees

The federal Environmental Protection Agency has delegated authority to the Oregon Department of Environmental Quality (DEQ) to operate the federal Clean Water Act in Oregon. DEQ's wastewater management program regulates and minimizes adverse impacts of pollution on Oregon's waters from point sources of pollution. Currently, the Environmental Quality Commission has the authority, not more than once each calendar year, to increase water quality permit fees in an amount not to exceed the anticipated increase in the cost of administering the permit program or three percent, whichever is less.

House Bill 3522 authorizes a larger fee increase if the increase is provided for in DEQ's legislatively approved budget.

Effective date: January 1, 2016

Senate Bill 245

Materials management fees

The revenue for the materials management program administered by the Department of Environmental Quality (DEQ) comes from tipping and permit fees assessed on tons of solid waste disposed in Oregon. There has been a decline in revenue since 2008 resulting from a decrease in disposal rates while operating costs have increased. Fees were last changed in 1994.

Senate Bill 245 increases the tipping fees from \$0.81 to \$1.18 per ton. The Act applies the fees to the waste from building demolition or construction, land clearing debris and waste tires as well as composting facilities depending on waste disposal rates. Senate Bill 245 also creates a tipping fee rebate program for the nine most economically distressed counties. The Act requires DEQ to submit a report to the interim legislative committee on environment and natural resources no later than October 31, 2022.

Effective date: January 1, 2016

Senate Bill 263

Waste management recovery

The Oregon Legislative Assembly passed the first “Opportunity to Recycle Act” in 1983. The Act established solid waste management policies that recognized the environmental benefits of waste prevention, reuse and recycling. It stated that in order to conserve energy and natural resources, solid waste management should follow a hierarchy: reduce the amount of waste generated; reuse materials for their original intended use;

recycle what can’t be reused; compost what can’t be reused or recycled; recover energy from what cannot be reused, recycled or composted; and dispose of residual materials safely. The Act also required wastesheds to have recycling depots and cities with populations over 4,000 to provide monthly curbside recycling collection service to all garbage service customers. The 1991 Legislative Assembly broadened the recycling requirements and added activities to develop markets for recycled materials and the 2001 Legislative Assembly enacted a statewide recovery goal of 45 percent for 2005 and 50 percent for 2009.

Senate Bill 263 updates the recovery goals and expands the program options that cities and counties can use to provide opportunities for recycling and waste prevention. The Act also updates waste generation goals for the calendar years 2025 and 2050 and subsequent years as well as identifies specific voluntary recovery goals for certain counties. Senate Bill 263 requires the Department of Environmental Quality to conduct a statewide survey of recovery rates for certain materials for the calendar year 2020 and 2025 and report to the legislature if the goals are not being met.

Effective date: January 1, 2016

Senate Bill 324

Clean fuels standard

In 2009, the Oregon Legislative Assembly passed House Bill 2186 authorizing the Oregon Environmental Quality Commission (Commission) to adopt rules to reduce the average amount of greenhouse gas emissions per unit of fuel energy of gasoline, diesel and substitutes for those fuels by 10 percent below 2010 levels by

2020. In December 2012, the Commission completed Phase 1 of the rulemaking process requiring that Oregon fuel producers and importers register, keep records and report the volumes and carbon intensities of the transportation fuels they provide in Oregon. In January 2015, the Commission completed Phase 2 of the rulemaking process requiring suppliers and importers to reduce the average carbon intensity of the fuels they provide to meet the annual clean fuel standards.

Senate Bill 324 removes the December 31, 2015 sunset on the statutes requiring the adoption of clean fuel standards. The measure also extends the target date for standard compliance from the year 2020 to 2025, directs the Commission to adopt provisions to manage and contain costs and adds exemptions for fuels used for specified purposes.

Effective date: March 12, 2015

Senate Bill 412

Port district placement of dredged material

Ports remove dredged materials in order to maintain their shipping channels and port facilities. Maintenance dredging projects are subject to compliance with the federal Clean Water Act, and federal as well as state agencies oversee these projects. Oversight includes approval for disposal of the dredged materials if they are to be placed at an identified in-water disposal location. In Oregon, if the dredged materials are to be placed upland rather than in water, the Department of Environmental Quality's (DEQ) Solid Waste Program reviews the proposed upland placement to ensure the sediments will not have an adverse impact on human health or the environment.

In May 2009, the Environmental Quality Commission adopted the Beneficial Use of Solid Waste Rules (OAR 340-093-0260 through -0290) which established criteria and procedures for DEQ to approve the use of solid waste that would otherwise be disposed of at a permitted facility. The rules have three main criteria: 1) the applicant has sufficiently characterized the material; 2) the use is productive; and 3) the use will not create an adverse impact to public health, safety, welfare or the environment.

Senate Bill 412 establishes that the upland placement of dredged material by a port district is considered productive.

Effective date: June 18, 2015

Senate Bill 478

Toxic-Free Kids Act

Senate Bill 478 establishes the "Toxic-Free Kids Act" requiring the Oregon Health Authority (OHA) to establish and maintain on its website a list of designated high priority chemicals of concern for children's health used in children's products and to periodically review and revise the list. The manufacturers of certain children's products are required to provide notice to OHA regarding the chemicals on the list. The Act requires that the manufacturer remove, make substitution, or seek a waiver for a chemical present in a children's product on or before the date on which the manufacturer submits their third biennial notice if the product is mouthable, cosmetic, or made for or marketed to children under three years of age. Senate Bill 478 requires OHA to report on certain information to public health, environment and natural resource committees of the Legislative Assembly no later than September 15 of each odd-numbered year.

Similar legislation has been passed in other states, notably Maine's Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products and Washington's Children's Safe Products Act.

Effective date: July 27, 2015

Senate Bill 752

Exemption of carbon dioxide emissions from biomass combustion or decomposition

Biomass, including wood and other plant material, can be used as an energy source through direct combustion of wood chips and pellets or by the conversion of biomass into biofuels such as ethanol and similar energy products. Although these materials release carbon when burned to produce energy, this process has been viewed as "carbon neutral," meaning it is part of a closed loop in which subsequent plant regrowth recaptures the carbon emissions associated with the energy produced.

Senate Bill 752 exempts carbon dioxide emissions from the combustion or decomposition of biomass from regulation under certain air pollution laws unless it is necessary to implement the federal Clean Air Act.

Effective date: June 18, 2015

LEGISLATION NOT ENACTED

House Bill 3056

Certification of crematoria

The State Mortuary and Cemetery Board (Board) consists of 11 members appointed by the Governor and confirmed by the Senate. Members include licensed funeral service practitioners, a licensed embalmer, representatives of private and publicly owned cemeteries, a representative from a crematorium and members of the public. The Board adopts and enforces rules relating to the licensing of various professions and the issuance of certificates of authority for crematoria, cemeteries and other facilities for the final disposition of human remains.

Concerns have arisen about air quality and noise resulting from crematorium operations after a funeral home near a school in the Portland area received a permit to operate a crematorium. House Bill 3056 would have granted authority to the Board to refuse to issue a certificate of authority to operate a crematorium if the Board determines that the crematorium would endanger public health and safety.

House Bill 3076

Domestic drinking water wells

Approximately 23 percent of Oregonians rely on domestic wells, or private wells, as their primary source of drinking water. ORS 448.271 requires testing of domestic well water for arsenic, nitrates and total coliform

bacteria at the time of property sale or exchange. A seller is required to submit test results to the Oregon Health Authority (OHA) and the buyer within 90 days of receiving the results.

House Bill 3076 would have directed OHA to analyze ground water test results, identify areas with ground water contamination and provide education in those areas. The measure would also have established the Safe Ground Water Fund and authorized OHA to make grants and loans to low-income and rental property owners to assist with the installation of treatment systems in areas identified by OHA as having ground water contamination problems.

House Bill 3091

Greenhouse gas program evaluation

The 2007 Legislative Assembly adopted House Bill 3543 establishing targets for reducing greenhouse gas emissions in Oregon. The measure also established the Oregon Global Warming Commission and the Oregon Climate Change Research Institute.

House Bill 3091 would have established the Greenhouse Gas Reduction Evaluation Framework Task Force to develop and recommend an evaluation framework to assist the Legislative Assembly when making decisions on proposed greenhouse gas reduction policies and programs.

House Bill 3250

Cap-and-dividend program

A cap-and-dividend program is a market-based trading system that retains the original capping method of a cap-and-trade program, but includes compensation for consumers to offset cost increases that result from the program. The process begins by setting carbon emission quotas and selling pollution permits or allowances. Polluters are required to buy permits to match their pollution outputs. Public revenues raised from the sale of pollution permits are rebated to citizens or to consumers to offset those price increases.

House Bill 3250 would have: 1) required the Environmental Quality Commission to adopt a greenhouse gas cap-and-dividend program to reduce greenhouse gas emissions according to certain benchmarks; 2) required the Department of Environmental Quality to administer the program; and 3) required moneys generated by the program be distributed annually in equal shares to all Oregon taxpayers and their dependents.

House Bill 3252

Carbon tax

A carbon tax is a tax directly linked to carbon dioxide (CO₂) emissions, often expressed as a value per ton of CO₂ equivalent. Currently, at least 15 countries are implementing or have passed legislation for a direct carbon tax. British Columbia implemented a carbon tax in 2008 at a rate of \$10 (Canadian) per metric ton of carbon dioxide. The tax increased by \$5 per ton annually until reaching the current level of \$30 in 2012. Carbon tax revenues are returned to taxpayers through personal income and

business income tax cuts, as well as a low-income tax credit.

House Bill 3252 would have imposed a tax on each fuel supplier and electric utility at a rate of \$10 per ton of carbon in carbon-based fuel sold to consumers or used to produce electricity supplied to consumers. The measure would have mandated rate increases of \$10 per ton annually up to \$60 per ton and specified the distribution of tax revenues.

House Bill 3415

Fracking

Hydraulic fracturing – sometimes called “fracking” – is used to allow oil or natural gas to move more freely from the rock pores to production wells. The process involves injecting fluid commonly made up of water and chemical additives, some of which rises to the surface after fracturing is completed and must be disposed of.

The U.S. Geological Survey estimates as much as one trillion cubic feet of oil and gas occurs in the Columbia Basin of south-central Washington and north-central Oregon. They also estimate that there are numerous small gas fields throughout the Pacific Northwest. Currently, there are about 140 federal leases representing about 226,000 acres in Oregon and Washington, but no active oil and gas drilling or exploration sites on federal lands in Oregon or Washington.

House Bill 3415 would have imposed a 10-year moratorium on the use of hydraulic fracturing for exploration and production of oil and natural gas.

House Bill 3470

Greenhouse gas emission limits

The Oregon Legislative Assembly adopted greenhouse gas reduction goals in 2007 with the passage of House Bill 3543. The goals called for the state to begin to reduce greenhouse gas emissions by 2010, to achieve greenhouse gas levels 10 percent less than 1990 levels by 2020, and to achieve greenhouse gas levels 75 percent below 1990 levels by 2050.

House Bill 3470 would have required the Environmental Quality Commission to adopt, by rule, a program to achieve statewide greenhouse gas emissions limits for 2020 and 2050 and would have required the Department of Environmental Quality to administer the program.

House Bill 3478

Plastic microbeads

Synthetic plastic microbeads are commonly used in exfoliating creams, soaps, toothpastes and other personal care products. The microbeads are made of polyethylene or polypropylene and range in size from 0.0004 to 1.24 mm, making them too small to be filtered out by wastewater treatment plants. Once in the water, microbeads, like other plastics, can absorb persistent chemicals found in waterways. In 2014, Illinois became the first state to enact a ban on the manufacture and sale of personal care products containing synthetic plastic microbeads. The Illinois law requires that the beads be removed from manufacturing by the end of 2018 and the products containing beads may no longer be sold starting at the end of 2019.

House Bill 3478 would have phased in a ban on the manufacture and sale of personal care products and over-the-counter drugs that contain synthetic plastic microbeads in Oregon.

Senate Bill 164

Biodiesel and ethanol fuel blending standard exemption

In 2007, the Legislative Assembly passed House Bill 2210 which required the Department of Agriculture to monitor biodiesel and ethanol production capacity in Oregon and to initiate minimum fuel blending standards statewide for biodiesel and ethanol.

Senate Bill 164 would have exempted counties east of the summit of the Cascade Mountains from the requirement that fuels contain a certain percentage of biodiesel or other renewable diesels from November 1st to February 28th each year.

Senate Bill 824

Task Force to Investigate a Clean Diesel Program

Diesel engines are used throughout Oregon and the United States because of their reputation for reliability, durability, power and fuel efficiency. In Oregon, on-road, heavy-duty diesel trucks and diesel construction equipment is the largest source of diesel exhaust. Diesel exhaust poses a health risk, particularly in urban areas that are close to highways and major roads.

Senate Bill 824 would have established the Task Force to Investigate a Clean Diesel Program to explore and recommend a strategy for implementing a clean diesel program.

Government

House Bill 2250

Electronic capture of fingerprint background checks

In 2012, the Legislative Assembly enacted House Bill 4091, establishing a work group to consider the statewide system of criminal background checks and to evaluate potential improvements in timeliness, cost and reduction of duplication. Three measures related to criminal records checks for licensure and employment purposes grew out of the work group process, and were enacted in the 2013 session: House Bill 3330 required the Oregon State Police to adopt electronic fingerprint capture technology; House Bill 3331 directed the Oregon State Police to establish a voluntary, centralized criminal records check registry; and House Bill 3168 required the Department of Administrative Services (DAS) to adopt rules to establish statewide criteria for agencies and other entities to conduct criminal background checks for purposes other than criminal justice.

House Bill 2250 continues the process of moving rulemaking related to background and criminal records checks to DAS. The measure provides uniform rules for agencies to make fitness determinations, and makes numerous related conforming changes in statute. The measure also allows the Oregon State Police to delegate the processing of fitness determinations for a variety of agencies to the Department of Human Services.

Effective date: July 27, 2015

House Bill 2375

Common contract forms for state procurements

The Department of Administrative Services (DAS) recently contracted with a consulting firm about making improvements in contracts and purchasing processes, and one of the recommendations was for Oregon state government to develop standardized forms and contracts for state agency procurements. The Oregon Department of Justice reviewed 3,200 state agency contracts, and found that agencies had used over 400 different forms. Other states are currently working on making similar improvements to contract forms, as well as providing increased training for state employees who administer contracts.

House Bill 2375 requires most state contracting agencies to use common contract forms and templates developed by DAS and the Attorney General as the basis for all public procurements and contracts. The measure provides a process by which an agency with a unique procurement may receive an exception. The Secretary of State and State Treasurer are directed to develop and use their own forms and templates. DAS is required to report to the Legislative Assembly on the implementation progress by November 30, 2015.

Effective date: July 6, 2015

House Bill 2476

Uniform policies and procedures for state agencies

The Department of Administrative Services (DAS) is statutorily responsible for

improving the efficient and effective use of state resources. Services provided by DAS for this purpose include: management of infrastructure, such as state buildings and other facilities and the state motor vehicle fleet; personnel systems and state employee workforce development; statewide financial administrative systems; and statewide information systems and networks.

Under current law, DAS is authorized to adopt rules necessary for the administration of the laws it is charged with administering. House Bill 2476 expands this rulemaking authority to allow DAS to adopt uniform policies by rule that affect multiple agencies, commissions and boards.

Effective date: April 16, 2015

House Bill 2478

Gender-neutral regarding legally recognized marriages

Same-sex marriage has been legally recognized in Oregon since May 19, 2014, after a U.S. federal district court judge ruled that Oregon's 2004 state constitutional amendment banning such marriages discriminated on the basis of sexual orientation in violation of the Equal Protection Clause of the federal constitution. In the decision, the judge wrote "Oregon's marriage laws discriminate on the basis of sexual orientation without a rational relationship to any legitimate government interest, the laws violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution."

Following the court decision, gender-based statutory language defining marriage as between a husband and wife needed to be updated to align with the ruling. House Bill

2478 updates and modernizes statutes where gender distinction has no policy impact, but is in conflict with now legal same-sex marriages. The measure amends statutes in the areas of: real property; tax and estate; civil rights which reference marital status; parental obligations and dissolutions of marriage.

Effective date: January 1, 2016

House Bill 2960

State-administered retirement savings program for private-sector workers

As of 2011, more than half of Oregon workers have saved less than \$25,000 for retirement and more than a quarter have saved less than \$1,000. When an employer offers a retirement plan, on average 71 percent of their employees save. But only 4.6 percent of employees save if they have to seek out a plan on their own.

House Bill 2960 directs the Oregon Retirement Savings Board (Board) to establish a defined contribution retirement plan for people whose employers do not offer a retirement plan. Employee contributions will be tax deductible under current law and pre-tax employee contributions from employer payroll withholdings will be transferred by employers and deposited directly into the individual accounts. Eligible employees will be automatically enrolled in the plan at default contribution rates unless they choose to opt out of the plan. The plan must not require any employer contributions to the employee accounts. Employee accounts will be held in trust by private, third-party investment administrator(s), and employers and the State of Oregon will have no proprietary interest in these accounts.

The Board must first conduct a market analysis and obtain legal advice regarding the applicability of the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code to the plan. If it is determined that ERISA does not apply, the Board is directed to establish the plan in time for employees to begin making contributions by July 1, 2017.

Effective date: June 25, 2015

House Bill 3084, House Bill 3085 and House Bill 3086

City of Damascus

In November 2013, 63 percent of Damascus residents which cast a ballot voted to disincorporate. However, Damascus officials interpreted state law to mean that a successful vote to disincorporate required a majority of all registered voters in Damascus, so the 2013 measure ultimately failed. In 2014, the Legislative Assembly adopted House Bill 4029 which allowed property owners on the edge of Damascus to leave the city if they lived within a half-mile of another city if Damascus failed to pass a comprehensive land use plan. However, the Oregon Court of Appeals ruled the law unconstitutional in *City of Damascus v. Hank Brown* staying all de-annexations from the city. The ruling stated the following: “The legislature's decision to delegate that legislative authority to certain landowners, without any expression of policy to guide their decision, is an unconstitutional delegation in its purest form because it is a delegation of the legislature’s power to make the law -- a law that alters the location of the city’s boundary.”

House Bill 3084 modifies the process for resolving requests to withdraw a tract from within the city boundaries of Damascus. The Act requires the governing body to determine whether a tract qualifies for withdrawal from the city and whether withdrawal of tract would cause undue hardship on city operations.

Effective date: June 25, 2015

House Bill 3085 refers question to disincorporate City of Damascus to voters, for their approval or rejection, at the next primary election. If passed, the City of Damascus would cease to exist 60 days after the election. The measure would require the city to satisfy all outstanding legal debts and obligations and expend all remaining moneys as provided by law and to convey all real property and tangible and intangible personal property to Clackamas County no sooner than the 30th day after the election.

Referred to the people

House Bill 3086 specifies the process for the City of Damascus to distribute all excess moneys to each city taxpayer, after all outstanding legal debts and obligations have been satisfied if voters decide to disincorporate Damascus. The measure specifies public notification requirements of city’s obligation to satisfy debts and obligations and to encourage creditors to present claims to city to ensure timely payment. The measure requires that money in city road fund and state shared funds be transferred to Clackamas County for purpose of maintaining roads and other purposes within boundaries of former city and that city transfer \$3 million to Clackamas County for employment-related and other current service expenses in budget of city on date of disincorporation.

Effective date: July 1, 2015

House Bill 3099

Chief Information Officer's role for information technology projects

The Department of Administrative Services (DAS) oversees state agency implementation of the policy and financial decisions made by the Governor and the Oregon Legislative Assembly and supports other state agencies by providing a variety of centralized and shared services, including human resources, accounting, procurement, information technology and telecommunications, printing, leasing property and administering the state government motor pool. Statewide policy and service delivery functions relating to information technology (IT), geographic information systems, information security and telecommunications are currently housed within DAS, with limited authority and responsibility for planning, policy, rulemaking and oversight given to the State Chief Information Officer (CIO) via delegation from the DAS Director or by the Legislative Assembly in House Bill 3258 (2013). Under current law (ORS 291.039), the State CIO is appointed by the Governor and the Office of the State CIO is housed within DAS.

There have been examples of high-profile, large-scale technology projects undertaken by state agencies that became plagued by problems in development or implementation. Two recent examples that received much attention are the Cover Oregon website portal for implementation of the federal Affordable Health Care Act and the Oregon Wireless Interoperability Network project; two decades ago, the Oregon Department of Transportation tried

unsuccessfully to replace the antiquated computer system for the Driver and Motor Vehicle Services Division, an effort that is once again being undertaken.

House Bill 3099 transfers certain duties, functions and powers related to enterprise information technology and telecommunications from DAS to the state CIO, who is designated as the Governor's primary IT advisor. The measure also clarifies existing statutes regarding the respective duties of the CIO and the DAS Director for enterprise IT operations.

Effective date: August 12, 2015

House Bill 3248

Qualified rehabilitation facilities

The qualified rehabilitation facility (QRF) program, established by the Legislative Assembly in 1977, is intended to encourage and assist individuals with disabilities to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for sheltered workshop and activity center products and services. Public agencies must procure products and services goods from a QRF, at the prices established by the Department of Administrative Services, provided that the products and services are of the appropriate specifications and are available within the time period needed. In 2014, there were 35 QRFs employing 4,332 persons with disabilities. State and local governments procured goods and services totaling approximately \$45 million. Janitorial services, temporary staffing and unarmed security account for the majority of QRF contracts.

House Bill 3248 requires public agencies, when terminating contracts with QRFs, to require in a new contract for the same work that the contractor must offer employment to the employees of the terminated QRF; the compensation package for these employees must include wages and, for certain employees, health benefits at least as favorable as those under the former contract. Employment offers made under this requirement must be allowed to stand for 90 days.

Effective date: June 22, 2015

House Bill 3523

State Library governance structure

In 2011, the Legislative Assembly directed the Oregon State Library, the Archives Division of the Secretary of State and the Oregon Judicial Department's State Law Library to create a work group to consolidate services and restructure the State Library. Though few of the work group's recommendations were implemented, subsequent efforts by the Governor's Office, the Legislative Assembly and the State Library's Board of Trustees to reorganize the State Library have likewise been unsuccessful.

House Bill 3523 makes a number of reorganizational changes to the State Library. First, it renames the Board of Trustees to the State Library Board, changes the composition and membership of the Board, and transfers the Board's appointment authority of the State Librarian to the Governor. The measure creates a State Reference Coordinating Council, consisting of the State Librarian, State Archivist and State Law Librarian, and charges the Council with coordinating interagency

delivery of services. The State Librarian is also charged with approving selection, purchase and maintenance of reference databases and subscriptions for all state agencies except for those overseen by the State Archivist and State Law Librarian.

Effective date: January 1, 2016

House Bill 3557

Public records exemption for home care workers, operators of child care facilities, exempt family child care providers and operators of adult foster homes

There are two categories of public records that are exempt from disclosure pursuant to a public records request: One category may be released upon a showing that the public interest requires disclosure (ORS 192.501), such as information about active litigation, trade secrets, investigative reports in criminal proceedings and electors' residential addresses; the other category of records that are exempt from disclosure are those that require a particularized showing in order to warrant being made public (ORS 192.502), such as: advisory communications where the public interest outweighs the interest in frank discussions; medical or other similar personal information where the public interest is clear and convincing and does not constitute an unreasonable invasion of privacy; and the private addresses, phone numbers, and dates of birth of public employees and volunteers, where the public interest is shown by clear and convincing evidence.

House Bill 3557 applies the clear and convincing public interest standard when determining whether a public body is required to disclose personal information about home care workers, operators of child

care facilities, exempt family child care providers, operators of adult foster homes, public employees and volunteers. In addition, the measure requires that a public body, in receipt of a request, forward it to the affected individual for whom information is requested, including requiring the requestor to provide the names of individuals seeking the information. In addition, the measure allows a public body to recover associated costs with fulfilling a public records request from the requestor and provides the public body with immunity from civil and criminal liability for harm caused by release of personal information based on a determination that the standard was met for release.

Effective date: July 28, 2015

Senate Bill 320

Exemption from domestic kitchen license for residential baking establishments

The Oregon Department of Agriculture is responsible for regulating production, processing and distribution of food products. Under current law, anyone who would like to sell bakery products that are made in his or her home kitchen must meet requirements and must obtain a domestic kitchen license.

Senate Bill 320 exempts certain food establishments from having to obtain a domestic kitchen license if, in addition to other requirements, they are located in a residential dwelling, prepare baked or confectionary goods and their annual gross sales does not exceed \$20,000.

Effective date: January 1, 2016

Senate Bill 491

Pay equity on public contracts

The Public Contracting Code is intended to provide predictability, equal treatment for all, reliability, integrity and clarity in public procurements and construction contracts. Statutes provide the requirements a bidder must meet in order to be determined responsible, making them eligible to enter into a public contract.

Senate Bill 491 requires contractors on any public construction contract or procurement for goods and services to comply with the pay equity statute (ORS 652.220), and that a failure to comply is a breach entitling the contracting agency to terminate the contract for cause. In addition, the bill prohibits contractors on any public contract or procurement from retaliating against employees who discuss compensation and benefits with one another. Specific to procurements for goods or services or construction contracts with the State of Oregon that exceed \$500,000, contractors employing 50 or more full-time workers who bid must possess a certificate showing participation in a pay equity training program administered by the Department of Administrative Services.

Effective date: June 16, 2015

Senate Bill 534

Agreements between cities and airports

Oregon's airport network consists of 97 public-use airports, including 15 privately owned public-use airports. Rural airports are defined as those serving a city with a population of 75,000 or fewer residents.

Some of these rural airports have the potential to provide economic development and job growth opportunities, but lack the funds to cover infrastructure upgrades necessary to attract investment by business and industry. The Legislative Assembly has considered legislation to address this issue in the past, including “Through the Fence” (Senate Bill 680, 2005) and tax increment financing (Senate Bill 807, 2007), but neither measure was enacted.

Senate Bill 534 specifies that a city and airport may enter into agreements for provision by the city of water and sewer services to the airport without first annexing the land on which the airport is situated.

Effective date: July 27, 2015

Senate Joint Resolution 4

Proposing constitutional amendment to remove provisions fixing age for mandatory retirement of judges

Senate Joint Resolution 4 refers to voters for approval or rejection at the November 2016 General Election, an amendment to the Oregon Constitution to remove provisions fixing age for mandatory retirement of judges and allowing the Legislative Assembly or the people to fix age for mandatory retirement of judges.

In 1959, a 21-member statewide Legislative Interim Committee on Judicial Administration issued a report, which included the determination that a mandatory retirement age would address the issues of judicial congestion and delay. The report resulted in the adoption of a constitutional amendment to the judicial retirement requirement in Article VII, Section 1a of the Oregon Constitution, which mandates that a judge of any court retire at the end of the

calendar year in which “he” reaches the age of 75 years. This section also states that the Legislative Assembly or the people may, by law, fix a lesser age for mandatory retirement not to be earlier than the end of the calendar year in which the judge attains the age of 70 years.

There is no mandatory retirement age for judges at the federal level. At the state level, 33 states plus the District of Columbia currently have a mandatory retirement age for judges, but that number is in flux as mandatory retirement has been the topic of several initiatives as well as court cases throughout the nation.

Filed with the Secretary of State: June 30, 2015

LEGISLATION NOT ENACTED

House Bill 2633

Program to provide guidance to local governments on natural disaster planning

In 2011, House Resolution 3 directed the Oregon Seismic Safety Policy Advisory Commission (Commission) to plan for the impacts of a Cascadia earthquake and tsunami in Oregon. The report, “The Oregon Resilience Plan,” was presented to the Oregon Legislative Assembly in February 2013. The Commission determined that Oregon is far from resilient to the impacts of a great Cascadia earthquake and tsunami today. Available studies estimate fatalities ranging from 1,250 to more than 10,000 due to the combined effects of an earthquake and tsunami, tens of thousands of buildings destroyed or damaged so extensively that

they will require months to years of repair, tens of thousands of displaced households, more than \$30 billion in direct and indirect economic losses (close to one-fifth of Oregon's gross state product) and more than one million dump truck loads of debris.

House Bill 2633 would have required the Department of Land Conservation and Development (DLCD) to establish a program to provide guidance to local governments and special districts concerning accurate identification of potential natural hazard areas and best planning practices to mitigate adverse impacts resulting from development in natural hazard areas. The measure would not require local governments or special districts to follow the best planning practice guidelines developed by the program. House Bill 2633 would have appropriated \$50,000 to DLCD to establish the program.

House Bill 2640

City of Boring withdrawal from Metro

Metro is the regional government for the Oregon portion of the Portland metropolitan area. Metro is responsible for managing the Portland region's solid waste system, coordinating the growth of the cities in the region, managing a regional parks and natural areas system, and overseeing the Oregon Zoo, Oregon Convention Center, Portland's Center for the Arts and the Portland Expo Center. Metro adopts and amends the urban growth boundary for the Portland metropolitan area which includes 25 cities and urban populations of three counties, including half of the Boring community. In January 2015, a petition with 697 signatures from residents of the City of Boring was presented to Metro and the Clackamas County commissioners to show support for the removal of Boring from

Metro. No area has ever been withdrawn from the regional government's jurisdictional boundary since it was set in 1977.

House Bill 2640 would have withdrawn the territory within the mapped boundary of the Boring Community Planning Organization from the incorporated boundaries of Metro.

House Bill 3505

Public records disclosure process

Oregon law does not currently impose deadlines for responding to public records requests; instead, ORS 192.430(1) requires that "[t]he custodian of any public records shall furnish proper and reasonable opportunities for inspection and examination of the records during normal business hours to all persons having cause to make examination of them." This has been interpreted by the Attorney General to allow public bodies a reasonable time to provide copies of the requested records or to make them available for inspection. Thirty-three states and the District of Columbia have statutes that establish specific deadlines by which responses must be made by public bodies to records requests. The times range from as few as two days in Vermont to as many as 35 days in Pennsylvania.

House Bill 3505 would have established a schedule for a public body to respond to a public records request and repercussions for failing to provide public records in accordance with the schedule. The public body would have had to respond within seven days of the initial receipt of the request and provide a written response every seven days until the request was complete. If the public body had not provided copies of all records, permitted inspection of all public

records or claimed exemption from disclosure for requested records within three weeks of initial request, all fees that the public body would be entitled to charge would be waived and failure to complete a request within six weeks, would allow a requestor to commence the civil process for public records access according to current statutes.

Current Oregon law also allows public bodies to establish fees for reimbursement of the actual cost of making public records available, including costs of summarizing, compiling or tailoring the records to meet the public's request, staff time, and in some cases, attorney time as well. All states give public bodies authority to recoup the cost of records requests; 11 states exclude staff time in the cost calculation, and no other state allows for calculation of attorney time as part of the fee.

The measure would have established the maximum fees that a public body could charge for providing copies of public records. The fees established by a public body could not exceed the lesser of: five cents per page for physical copies of public records or per standard page-size of electronic records that are capable of being reproduced without electronic reformatting; fifty cents per photograph reproduced on photographic paper; twenty-five cents per minute of audio or video recording; one cent per kilobyte of electronic records and the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.

Senate Bill 99

Abolishes daylight savings time

Senate Bill 99 would have referred to voters at the 2016 General Election, a measure that, if passed, would have abolished daylight savings time as of January 1, 2021. Daylight savings time (DST) in the United States is the practice of setting the clock forward by one hour during the warmer part of the year, so that evenings have more daylight and mornings have less.

The practice has received both advocacy and criticism. It has been argued that DST promotes outdoor leisure activity in the evening (in summer) and is therefore good for physical and psychological health, reduces traffic accidents, reduces crime or is good for business. In addition, it has been argued that DST saves energy and in the Energy Policy Act of 2005, DST was extended in the United States beginning in 2007. As of 2007, DST begins on the second Sunday of March and ends on the first Sunday of November. These changes result in a DST period that is five weeks longer than previously in years where April 1st falls on Monday through Wednesday and four weeks longer than previously in years where April 1st falls on Thursday through Sunday.

Criticism of the practice of DST includes complications in timekeeping and disruption of meetings, travel, billing, record keeping, medical devices, heavy equipment, and sleep patterns. Software can often adjust computer clocks automatically, but this can be limited and error-prone, particularly when various jurisdictions change the dates and timings of DST.

Senate Bill 134

Establishes Oregon Investment Department as public investment agency

Senate Bill 134, the Investment Modernization Act, would have established the Oregon Investment Department (OID) under the supervision of a director who is appointed by the Oregon Investment Council (OIC). The State Treasurer is to serve as vice chairperson of OIC until becoming chair on January 1, 2017. The OIC would become the state investment agency separate from the State Treasury, and assume responsibility from the State Treasurer's Investment Division. The OIC would be responsible for managing Oregon's investment program and staff, which would reportedly enable investment functions to be in-sourced--reducing investment costs--and improve portfolio management.

The Oregon State Treasurer's Investment Division employees approximately 25 people to oversee nearly \$70 billion in assets from the state pension, school and accident insurance funds. The current structure of the Investment Division has remained essentially unchanged since the 1970s, while the size and complexity of the investment portfolio has changed significantly as the portfolio of traditional stocks and bonds has been replaced with investments in illiquid and less transparent private partnerships. Under the current investment model, decisions are divided among three different entities: the Treasurer who has authority over hiring of investment staff; the Legislative Assembly who has financing authority; and the OIC who has responsibility for investment management. As a result of this structure, the state must rely on outside, third-party consultants to help manage much of Oregon's investments.

Senate Bill 414

Cost analysis and feasibility determination prior to procuring services

Under current law, many public agencies must conduct a cost analysis and feasibility determination when considering whether to enter into a service contract with a vendor if the contract would exceed \$250,000. The agency must demonstrate that the cost of contracting with the vendor is lower than that of using internal personnel and resources or that using internal personnel and resources is not feasible.

Senate Bill 414 would have allowed public employees or their union representatives to seek judicial review of a contracting agency's cost analysis or feasibility determination. While an analysis is under review, the contracting agency would have to halt the procurement process until the judicial review reaches a resolution. The measure outlined the judicial authority and jurisdiction of the review and would have prohibited courts from awarding costs or attorney fees. Finally, the measure would have placed additional requirements on the public agencies when conducting the cost analysis and feasibility determination. As an example, the agency would have been required to include the vendor's profit in the cost analysis and would be prohibited from including in the analysis the proceeds from selling long-term assets or the costs to replace those assets.

Senate Bill 555

Working conditions for individuals with disabilities in qualified nonprofit agencies

The Qualified Rehabilitation Facility (QRF) program administered by the Oregon Department of Administrative Services (DAS) promotes employment opportunities through public contracts for people with disabilities. State and local government agencies are required to purchase goods and services from QRFs at prices determined by DAS if the goods and services meet the agencies' specifications and timing needs. An employer can receive certification under Section 14(c) of the federal Fair Labor Standards Act that allows them to pay wages less than the federal minimum wage to workers who have disabilities for the work performed.

Senate Bill 555 would have required QRFs to pay at least the minimum wage set forth in state or federal law to employees who are working on contracts with state or local public agencies.

Health Care

House Bill 2023

Hospital discharge planning involving acute mental health hospitalization

The Oregon Council of Child and Adolescent Psychiatry (OCCAP) states that 2012 preliminary statistics from Oregon indicate that 701 persons died of suicide. Oregon's 2011 suicide rate was 16.9 per 100,000 persons, much higher than the national average of 12.4. OCCAP also states that communication between family members of persons seeking treatment for mental illness and primary care providers and/or mental health practitioners improves the quality of care provided to these persons, reduces the risk of suicide and self-harm behaviors and encourages the use of community resources to improve overall outcomes.

House Bill 2023 directs hospitals to adopt and enforce discharge policies for individuals that have been hospitalized for mental health treatment. The bill specifies that the policies include: a signed (by the patient) disclosure authorization; risk of suicide assessment; long-term needs; needed community services; patient's capacity for self-care; a process to coordinate the patient's care and transition from the hospital setting to outpatient treatment; and the scheduling of a follow-up appointment for no later than seven days after discharge.

Effective date: January 1, 2016

House Bill 2024

Training and certification of health workers to provide oral disease prevention services

Currently, the Traditional Health Workers Commission (Commission) develops rules

that define the criteria and education for health workers not licensed in the state. The rules are to create standards for unregulated health practices which coordinated care organizations (CCOs) can use as they build networks to serve Oregon's Medicaid population. The Commission promotes the traditional health workforce in Oregon's health care delivery system to achieve better health, better care and lower costs. Additionally, the Commission advises and makes recommendations to the Oregon Health Authority (OHA) with the goal to ensure that the program is responsive to consumer and community health needs.

House Bill 2024 requires OHA, in consultation with CCOs and dental care organizations, to adopt rules and procedures for the training and certification of health workers to provide basic preventive dental services and for the reimbursement of oral disease prevention services provided by the certified health workers. The bill also directs OHA to adopt rules requiring that a certified health worker refer patients to dental providers, and recommend that the patient visit a dental provider at least once a year.

Effective date: June 25, 2015

House Bill 2125

Rural medical providers tax credit

In 1989, Senate Bill 438 was enacted to recruit and retain certain medical professionals in rural areas. The Rural Medical Providers tax credit is a non-refundable tax credit of up to \$5,000 against an individual personal income tax.

House Bill 2125 was included in the final tax credit bill, House Bill 2171. For more information, please see [Revenue Measures](#)

House Bill 2231

Credentialing database

House Bill 2020 (2013) was enacted by the Legislative Assembly, which requires the coordinated care organizations (CCOs) to accept credentials of mental health and chemical dependency treatment providers that have been conducted by another CCO to meet credentialing requirements and quality standards. Additionally, the Oregon Health Authority (OHA) was directed to adopt credentialing standards for these providers to ensure uniformity to provide credentialing redundancy relief.

House Bill 2231 builds on House Bill 2020 by directing OHA to develop and maintain a centralized database for the credentialing of behavioral health care organization providers and to adopt rules relating to the content and operations of the database and provides the database to execute the credentialing process outlined in House Bill 2020.

Effective date: May 26, 2015

House Bill 2234

Reimbursement for services provided by community assessment centers

The Oregon Network of Child Abuse Intervention Centers (CAICs) provides assessment and intervention services in cases of child abuse and neglect and reports there are 21 centers across Oregon that serve over 6,000 annually.

House Bill 2234 requires the Oregon Health Authority (OHA) and private health insurance plans to reimburse community assessment centers for services the centers provide to children when conducting a child abuse medical assessment, including forensic interviews and mental health treatment. The bill directs OHA to adopt billing and payment mechanisms to ensure that reimbursement is proportionate to the scope and intensity of the services provided.

Effective date: May 20, 2015

House Bill 2307

Prohibits conversion therapy

Conversion therapies (also called reparative therapies and sexual orientation change efforts (SOCE)) are concerned with changing a person's sexual orientation from homosexual to heterosexual and are generally based on the view that homosexuality is a mental disorder.

Due to concerns about interventions that mischaracterized homosexuality as a mental disorder, the American Psychological Association (APA) convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation in 2007 to examine the available body of scientific research. In 2009, the APA concluded that the evidence was neither sufficient to support claims about the efficacy of such therapies, nor was it definitive about the potential for harm, noting that most of the available studies were not methodologically sound. In the absence of sufficient evidence, and given the presence of qualitative research suggesting the potential for psychological harm, the APA cautions mental health professionals not to create expectations, particularly among individuals experiencing distress,

that their sexual orientation could be changed. Instead, the APA recommends interventions involving “acceptance, support, and identity exploration and development, without imposing a specific identity outcome.”

House Bill 2307 prohibits the use of conversion therapies by health professionals if the client is under 18 years of age.

Effective date: May 18, 2015

House Bill 2522

Premium assistance program for low-income individuals under Compact of Free Association

After World War II, the United States assumed administration of the Trust Territory of the Pacific Islands. The Trust controlled the development of the island economies and international relations. In 1986, the island nations under the Trust Territory were given the option of choosing between becoming a commonwealth of the U.S. or independent nations with special agreements with the U.S. Three Island territories chose independence, and that independence came attached with a unique treaty, known as Compact of Free Association (COFA). COFA agreements were made between the U.S. and the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia. The Compact agreements allow the citizens from each of these nations to freely migrate, without work permits or visas, to study, live and work in the U.S. It also allows the U.S. to have a military presence in the COFA islands in perpetuity.

House Bill 2522 requires the Department of Consumer and Business Services (DCBS) to

develop recommendations for the creation of a premium assistance program for low-income COFA islanders to enable them to purchase health benefit plans through the health insurance exchange. The bill directs DCBS to convene an advisory group to advise the department in developing these recommendations. DCBS is required to report its recommendations to the Legislative Assembly by no later than September 15, 2016.

Effective date: July 20, 2015

House Bill 2546

Electronic cigarettes (e-cigarettes) and vapor products

Electronic cigarettes, often called e-cigarettes, are battery-operated devices designed to look like regular tobacco cigarettes, however, newer generations of the device do not look like cigarettes and are called personal vaporizers or electronic nicotine delivery systems. The devices function as an atomizer that heats the liquid that contains nicotine, turning it into a vapor that can be inhaled and creates a vapor cloud that resembles cigarette smoke.

Manufacturers claim that electronic cigarettes are a safe alternative to conventional cigarettes. However, the Food and Drug Administration (FDA) has not determined and has questioned the safety of these products. When the FDA analyzed samples of two popular brands, it found variable amounts of nicotine and traces of toxic chemicals, including known cancer-causing substances. This prompted the FDA to issue a warning about potential health risks associated with electronic cigarettes.

House Bill 2546 defines “inhalant delivery system,” amends existing laws relating to

sale of tobacco products to, and the use of tobacco products by, minors and adds these inhalants to the Oregon Clean Air Act on January 1, 2016. Additionally, the bill allows healthcare facilities to allow inhalant delivery systems on site for the purpose of administering medical marijuana.

Effective date: May 26, 2015

House Bill 2551

Annual reporting of system safeguards of personal health information

Health care information includes information such as social security numbers, patient demographics, clinical diagnosis, clinical notes and prescriptions. According to the Identity Theft Resource Center's 2014 report, health care entities accounted for nearly 43 percent of reported data breaches. In February 2015, the second-largest health insurer in the U.S. announced that hackers broke into a database, granting access to nearly 80 million records. The Health Insurance Portability and Accountability Act (HIPAA) of 1996 mandated the establishment of standards for the privacy of individually identifiable health information. A 2009 rule required all HIPAA-covered entities and businesses to provide notification following a data breach. According to the Department of Health and Human Services, since 2009, more than 38.7 million individuals have had their protected health information compromised.

House Bill 2551 requires covered entities (i.e., state health plans, private health insurers, health care providers and health care clearinghouses) that are required to file an annual financial statement with the Department of Consumer and Business Services (DCBS), to also file a protection of

health information report demonstrating compliance with federal and state laws protecting individually identifiable health information.

Effective date: January 1, 2016

House Bill 2560

Positive fecal test

Colonoscopy is a test that examines the inner lining of the large intestine (rectum and colon). Currently, Oregon requires private insurance plans to cover colorectal cancer screening for adults 50-75 years of age, with no cost sharing to the patient. Fecal occult blood testing, sigmoidoscopy and colonoscopy (and polyp removal) are included in the coverage. The American Cancer Society Cancer Action Network states that a positive fecal occult blood test or fecal immunochemical test indicates that cancerous cells may be present in the colon and that the proper follow-up is a colonoscopy. These follow-up services are not currently covered in Oregon's colorectal cancer screening coverage.

House Bill 2560 requires health benefit plans to cover the cost of a colonoscopy for an insured who is 50 years of age or older and who has had a positive fecal immunochemical test result and to include polyp removal during the colonoscopy and is effective for health benefit plans issued on or after January 1, 2017.

Effective date: January 1, 2016

House Bill 2600

Group health insurance coverage for employee on family leave

The federal Family and Medical Leave Act (FMLA) entitles eligible employees who work for covered employers to take unpaid, job-protected leave for specified family and medical reasons. If an employee is provided group health insurance, the employee is entitled to the continuation of the group health insurance coverage during FMLA leave on the same terms as if they had continued to work. The employee must continue to make any normal contributions to the cost of the health insurance premiums. The Oregon Family Leave Act (OFLA) does not include the requirement that the employee's group health insurance coverage continue during protected leave.

House Bill 2600 aligns OFLA with FMLA's continuation of group health insurance coverage.

Effective date: January 1, 2016

House Bill 2605

Health benefit plan rate review process

Currently, the Department of Consumer and Business Services (DCBS) establishes health benefit plan rate filing timelines and processes, primarily on the Affordable Care Act (ACA) requirements. The current rate review process proceeds as follows: insurers submit rate filing at least 60 days before proposed effective date; the rate filing request is posted on website; information submitted with the rate request is considered public information; website posting triggers a 30-day public comment period and 40-day timeline for the Insurance Division to review

the filing and issue a decision (decision is due 10 days from close of the comment period); and DCBS summary explains the decision.

House Bill 2605 directs DCBS to convene a work group to consider modifying the standard for rate review filings, to notify the insurer and the public of the preliminary decision, to establish a grievance process for an insurer or any person adversely affected or aggrieved by the preliminary decision and specifies how the decision order will be processed and to report to the appropriate interim committee of the Legislative Assembly no later than September 15, 2016.

Effective date: January 1, 2016

House Bill 2638

Oregon Prescription Drug Program

The Oregon Prescription Drug Program (OPDP) provides drugs at discounts to individuals who have no insurance or whose insurance does not cover their drugs. OPDP also provides discounted drugs for Public Employees' Benefit Board (PEBB), some Oregon Educators Benefit Board (OEBB) members, Oregon Health and Science University (OHSU), Salem Hospital and other groups throughout the state. OPDP joined the Washington Prescription Drug Program to form the Northwest Prescription Drug Consortium. Through the combined purchasing power of the Consortium, both states have benefited from savings on the purchases of prescription medications. In addition, the Consortium offers additional opportunities for shared efficiencies reducing each program's administrative costs. Public and private sector group pharmacy benefit plans may join the OPDP and are available to utilize the advantages of

the Consortium Contract including transparency, competitive pricing and high quality services. All Oregonians may participate in the OPDP through a prescription medication discount program.

House Bill 2638 expands the use of OPDP to include medical assistance recipients and coordinated care organizations.

Effective date: January 1, 2016

House Bill 2642

Board of Certified Advanced Estheticians

In Oregon, cosmetologists (individuals that work on hair cut/color, waxing, facial and other body surface-level services) are regulated by the Oregon Board of Cosmetology, located in the Health Licensing Office (HLO) in the Oregon Health Authority (OHA). Cosmetologists are required to complete specific education, training and professional development to obtain licensure. Surface-level or chemical services (e.g., laser hair removal and chemical peels) are not subject to licensure. Licensed cosmetologists receive training to offer and perform non-ablative laser services.

House Bill 2642 establishes the nine-member Board of Certified Advanced Estheticians within the HLO in OHA. The bill authorizes HLO to certify the practice of advanced non-ablative esthetics. HLO is authorized to take action before the July 1, 2016 operative date. The bill allows HLO to begin certifying individuals as of July 1, 2016, and includes a grandfather period of 18 months. The bill specifies that certification must be renewed biennially, that certificate holders are required to disclose the existence of professional

liability insurance as part of their client records, and stipulates that a certificate holder must enter into an agreement with a health care professional who has schedule III, IV or V prescriptive authority, as well as with a licensed physician or a licensed nurse practitioner.

Effective date: July 20, 2015

House Bill 2696

Requirements for external quality review by Oregon Health Authority of coordinated care organizations

A coordinated care organization (CCO) is a network of all types of health care providers (physical health care, addictions and mental health care and sometimes dental care providers) who have agreed to work together in their local communities to serve people who receive health care coverage under the Oregon Health Plan (Medicaid). There are 16 CCOs operating in communities around Oregon and they are local entities that have one budget that grows at a fixed rate for mental, physical and dental care. They are accountable for the health outcomes of their population and are governed by a partnership among health care providers, community members and stakeholders.

House Bill 2696 requires Oregon Health Authority (OHA) to conduct one external quality review of each coordinated care organization (CCO) annually and permits a contracting review organization to conduct the review. The bill directs OHA to compile a standard list of documents collected from CCOs and subcontractors and requires that when requesting information from the CCOs about subcontractors, the CCOs must be informed of the documents on the standard list collected over the 12-month period.

Additionally, House Bill 2696 prohibits requesting duplicative or redundant information and specifies that the provisions do not apply to documents requested in an audit for or investigation of fraud, waste and abuse among other provisions.

Effective date: January 1, 2016

House Bill 2758

Disclosure of protected health information relating to services provided to enrollee

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides federal protections for individually identifiable health information held by covered entities and their business associates and gives patients rights with respect to that information. Confidentiality is a fundamental role in accessing health care services. Disclosure of information through certain insurance communications can create a barrier to those services. Currently, health information through insurance communication (explanation of benefits) affects individuals as a dependent in a health plan, especially minors, and young adults insured on their parents' plan.

House Bill 2758 requires carriers and third-party administrations to send any protected health information directly to the enrollee receiving the services, not the policyholder. The bill specifies the procedure for enrollees making a confidential communication request and requires the Department of Consumer and Business Services to submit a report to the Legislative Assembly no later than December 1, 2016 on the process.

Effective date: June 18, 2015

House Bill 2828

Study and recommendations on best option for financing health care in Oregon

House Bill 3260 (2013) required the Oregon Health Authority (OHA) to contract with a third party to conduct a study to examine options for financing health care delivery in Oregon. The options were to include: an option for a publicly financed, single-payer model for financing privately delivered health care that is decoupled from employment and allows commercial insurance coverage only of supplemental health services not paid for under the option; an option that allows individuals to choose between a publicly funded plan and private insurance coverage, and allows for fair and robust competition between public and private insurance; the current health care financing system in the state, which includes coordinated care organizations, the health insurance exchange, and full implementation of the Affordable Care Act, and; an option that provides essential health benefits, including preventive care and hospital services, that allows a person to access the commercial market to purchase coverage that is not under the plan.

The 2013 legislation instructed OHA to accept funding from a variety of sources to carry out the study and specified that OHA was only obligated to conduct the study if external funding became available. OHA was not able to find an external source of funding.

House Bill 2828 extends the sunset date of provisions requiring OHA to contract with a third party to conduct a study to examine options for financing health care delivery in Oregon. OHA is expected to report on the progress of the study during the 2016 legislative session and to submit the final

report by November 1, 2016. The bill appropriates \$300,000 to OHA's Health Policy Programs for the 2015-17 biennium to carry out the provisions of this bill.

Effective date: January 1, 2016

House Bill 2876

Certification of surgical technologists

Surgical technologists are members of an operating room team, which generally includes the surgeon(s), anesthesiologist and circulating nurse(s). The role of a surgical technologist includes: pre-surgery techniques, assist the surgeon during surgery and performs post-surgery duties. Currently, there are more than 300 accredited surgical technology programs; these programs are generally 12 to 24 months in length resulting in a certificate or an Associate's Degree. Currently, Oregon does not require surgical technologists to meet any educational or certification requirements.

House Bill 2876 prohibits health care facilities from allowing a person without specified qualifications and education to practice surgical technology and directs the Oregon Health Authority to adopt rules to implement and carry out the provisions of the bill. Additionally, the bill provides an exception for health care facilities in rural or medically underserved areas of the state.

Effective date: June 11, 2015

House Bill 2879

Pharmacists prescribing and dispensing of contraceptives

The American College of Obstetricians and Gynecologists supports improved access to contraceptives for women and has advocated for over-the-counter status for oral contraceptives as one strategy to prevent unintended pregnancy. Their studies indicate that women who are at risk for unintended pregnancy would readily access all forms of self-administered birth control from pharmacies - including oral, patch or vaginal ring. Several studies have demonstrated that women can self-screen for contraindications to hormonal therapy. In 2013, California was the first state to pass a law allowing women to go directly to a pharmacist to get a prescription for birth control pills.

House Bill 2879 permits pharmacists to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to women who are at least 18 years of age. Until January 1, 2020, pharmacists may provide contraceptives to women under 18 years of age, if they have an existing prescription from a physician for contraceptives. The measure requires that all women seeking a prescription for birth control from their pharmacist to complete a questionnaire designed to screen for potential risks, allowing the prescribing pharmacist to select an appropriate product. Pharmacists are required to notify their patients' primary prescriber when a medication is prescribed, and they can only continue to dispense the product for 3 years unless they receive proof that a patient has seen her physician since the medication was initially prescribed. However, the pharmacist cannot require patients to schedule an appointment prior to prescribing and dispensing contraceptives.

Effective date: July 6, 2015

House Bill 2930

Nurse Midwife Nurse Practitioners hospital admitting privileges

Nurse Midwife Nurse Practitioners (NMNPs), also known as certified nurse midwives, are advanced practice, registered nurses who provide counseling and care during pre-conception, pregnancy, childbirth and the postpartum period. Hospitals establish privileges to grant medical professionals the authority to practice in their facility, which can include permission to order certain diagnostic tests or perform certain procedures. Admitting privileges allow patients to be admitted from an office or outpatient setting to a hospital. Privileges may also include the ability to vote and take part in medical staff governance. Hospitals establish credentialing procedures to ensure medical professionals have the qualifications to be granted privileges. Currently, ORS 441.064 specifies that any hospital in the state, by rule, may grant admitting privileges to nurse practitioners, licensed and certified, for purposes of patient care, subject to hospital and medical staff bylaws, rules and regulations governing admissions and staff privileges.

House Bill 2930 requires hospitals to adopt rules granting admitting privileges to NMNPs and specifies that the adopted rules must include admitting privileges that are consistent with other medical staff privileges.

Effective date: January 1, 2016

House Bill 2948

Disclosure of health-related information

House Bill 2948 establishes the “Susanna Blake Gabay Act” which clarifies what conditions a health care provider may disclose protected health information for an individual being treated for mental illness, without obtaining an authorization from the individual or a personal representative. The bill leaves the decision making for disclosure up to the discretion of the health care provider.

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 is the federal law that is intended to make it easier for individuals to keep health insurance, to protect the confidentiality and security of their health care information and to help the health care industry control administrative costs. Protected health information (PHI) is information relating to an individual’s health status, health care or payment for health care, demographic information, any information that identifies the individual and is transmitted or maintained in any form or medium. Generally, this includes any part of an individual’s medical record and/or payment history. The HIPAA Privacy Rule protects most individually identifiable health information. House Bill 2948 clarifies the federal HIPAA Privacy Rule regarding conditions under which an individual’s health information may be disclosed by the health care provider, without obtaining authorization.

Effective date: June 18, 2015

House Bill 2972

Dental screenings of public school students seven years of age or younger

Dental disease is reported as one of the public health problems in Oregon. A recent study notes, “the majority of Oregonians — poor or rich, female or male, old or young, whatever their race or ethnicity — suffer from oral disease.” The causes of this epidemic include inadequate education and prevention, lack of supplies and a shortage of providers serving low-income people. Left untreated, dental disease can be devastating to a person’s health, educational success, productivity and self-image. It has also been linked to increased incidence of serious illnesses, including diabetes and heart disease.

House Bill 2972 directs each education provider to require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received a dental screening within the previous 12 months and allows 120 days for the certification to be provided to the educational program. Additionally, the bill specifies exemptions to the certification and requires the educational provider to provide the screening results to the parent or guardian.

Effective date: June 25, 2015

House Bill 3041

Allowing students to use sun-protective clothing and sunscreen at school

Childhood over-exposure to ultra-violet (UV) radiation is a leading cause of skin cancer. More than 40 percent of an individual’s lifetime UV exposure occurs within the first 20 years of life. Young people spend a substantial proportion of their lives in schools, and some of that time is spent outside during the sunny hours of the day. Skin cancer is one of the deadliest forms of cancer in the U.S., and is also the most preventable. Practicing sun-safe behavior is an effective way to prevent cancer. Oregon has the 5th highest incidence rate of melanoma – and the 4th highest death rate from melanoma – in the country. The Centers for Disease Control and Prevention recommends three methods for sunburn prevention: sun avoidance, protective clothing and sunscreen use.

House Bill 3041 directs school districts to allow students to wear sun-protective clothing and nonprescription sunscreen, including sunscreen containing para-aminobenzoic acid. The bill also specifies that nonprescription sunscreen is not a medication and allows a school district to prohibit certain clothing or hats based on inappropriateness.

Effective date: July 1, 2015

House Bill 3100

Restructuring of Oregon’s Public Health System and Services

In 2013, the Legislative Assembly passed House Bill 2348 which created the Task

Force on the Future of Public Health Services. The bill directed the Task Force to: create a public health system for the future; explore the creation of regional structures to provide public health services that are consistent with the distribution of population and established patterns of delivery of health care services; enhance efficiency and effectiveness in the provision of public health services; allow for appropriate partnerships with regional health care services providers and community organizations; consider cultural and historical appropriateness; and are supported by best practices.

House Bill 3100 requires the Oregon Health Authority (OHA) to adopt and update a statewide public health modernization assessment, including the development and modification of the statewide public health modernization plan for the distribution of funds to the local public health authorities, adopt rules to establish foundational capabilities necessary to protect and improve the health of Oregonians, establish foundational programs, adopt evidence-based practices, establish a 13-member Oregon Public Health Advisory Board charged with making recommendations to OHA and the Oregon Health Policy Board on the development of statewide public health policies and goals and sets January 1, 2016 as the operative date.

Effective date: July 20, 2015

House Bill 3139

Mobile medical clinics

House Bill 3139 bans local government from prohibiting a non-profit mobile medical clinic from being located and staying in one location for 180 days or less

on private property with the permission of the owner of the property.

Currently, some local governments do not have any codes or policies that allow for extended medical services to be provided by a mobile medical/dental unit that exceed a week. House Bill 3139 allows rural Oregonians to have access to a medical/dental clinic in areas where a brick-and-mortar clinic is not sustainable because of the limited population base.

Effective date: January 1, 2016

House Bill 3230

Residential facilities registration requirements

A residential care facility (RCF) is a building or complex consisting of shared or individual living unit in a home-like environment where six or more seniors and adult persons with disabilities may reside. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health and social needs of the residents, using a program approach that promotes resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, independence and home-like surroundings. Currently, there are programs that house and provide services to individuals where neither the setting, nor the services meet the statutory definition of a RCF or home. Therefore, the Oregon Health Authority does not have the authority to license these programs and the facilities are not subject to any of the safeguards provided by statutes governing RCFs.

House Bill 3230 requires registration of community-based structured housing, which is defined as congregate housing, excluding

residential care or treatment where services and supports are provided to assist residents who have mental, emotional, and behavioral or substance abuse disorders. The bill authorizes the Oregon Health Authority and the Department of Human Services to establish standards and review processes for these facilities.

Effective date: July 20, 2015

House Bill 3343

Dispensing of oral contraceptives

Oral contraceptives (the pill) are hormonally active pills which are usually taken by women on a daily basis. They contain either two hormones combined (progestin and estrogen) or a single hormone (progestin). Combined oral contraceptives suppress ovulation. In 2013, the Centers for Disease Control (CDC) and Prevention issued recommendations for contraceptive use that included unnecessary barriers from providers such as limited dispensing. The American College of Obstetricians and Gynecologists issued an opinion encouraging members to follow the CDC's guidelines.

House Bill 3343 requires insurers that cover prescription contraceptives to reimburse the health care provider or dispensing entity for a 3-month supply of the contraceptive and for a 12-month supply after the initial 3-month period.

Effective date: January 1, 2016

House Bill 3378

Lay caregivers

Currently, about half of all family members and other lay caregivers perform medical or nursing tasks such as wound care, medication management and injections for family members in a non-hospital environment. According to the American Association of Retired Persons (AARP), Oregon family caregivers provide unpaid care valued at approximately \$5.5 billion annually. It has been reported that most patients do not receive a home visit by a health care professional after being discharged from a hospital.

House Bill 3378 requires hospitals to adopt written discharge policies to help patients and their lay caregiver transition from the hospital to the home.

Effective date: January 1, 2016

House Bill 3396

Health care provider incentive program

Oregon has a number of financial incentives to recruit and retain health care providers, particularly for primary care and for rural and underserved areas. Incentives include loan forgiveness, scholarships, tax credits and others. Each is separately funded, without the flexibility to respond to the needs of the marketplace as some incentives may become more effective. The different programs receive state or federal funds. The patchwork nature of these programs means that the overall effectiveness of incentives is hard to measure, and a lack of coordination means that it is difficult to respond to changing needs.

House Bill 3396 creates a health care provider incentive program to assist qualified health care providers committed to serving medical assistance recipients in rural or medically underserved areas in Oregon, requires the Oregon Health Authority (OHA) to prescribe by rule the terms and conditions of the program, establishes the Health Care Provider Incentive Fund to consolidate Oregon's health care provider incentive programs and specifies the priority for the distribution of funds must be based on guidance from the Health Care Workforce Committee. Additionally, House Bill 3396 requires the Oregon Health Policy Board (OHPB), in OHA to study the effectiveness of current financial incentives offered by the state to recruit and retain qualified health care providers with the aim of developing recommendations for the continuation, restructuring, consolidation or repeal of existing programs; or the establishment of new incentive efforts and allows OHA to consult with the Graduate Medical Education Consortium, the Health Care Work Force Institute, the Office of Rural Health, the Oregon Center for Nursing, or other appropriate entities and repeals the Nursing Services Account, the Nursing Services Program, the Health Care Workforce Strategic Fund, Scholars for a Health Oregon Initiative program, the Primary Care Provider Loan Repayment Fund, the Primary Care Loan Repayment program, Primary Health Care Loan Forgiveness Program, and the program to provide payments to medical professional liability insurance insurers to subsidize the cost of premiums charged by the insurers to certain eligible practitioners. Finally, the bill requires the OHPB to submit a progress report to an interim legislative committee during November 2015 and report to the Legislative Assembly by September 1, 2016 with the final recommendations.

Effective date: October 5, 2015

House Bill 3464

Dental care for pregnant medical assistance recipients

The American Congress of Obstetricians and Gynecologists states that oral health is an important component of general health and should be maintained during pregnancy and through a woman's lifespan.

Maintaining good oral health may have a positive effect on cardiovascular disease, diabetes and other disorders. Optimal maternal oral hygiene during the perinatal period may decrease the amount of caries-producing oral bacteria transmitted to the infant during common parenting behavior, such as sharing spoons.

A number of dental directors have raised a concern relating to pregnant women not having access to timely dental services. Currently, coordinated care organizations have a requirement for pregnant women to receive timely access for dental services; however the fee-for-service population does not have the same requirement.

House Bill 3464 directs the Oregon Health Authority to adopt rules regarding appropriate time frames within which a pregnant medical assistance recipient, reimbursed under fee-for-service, needing general or specialty dental care, must have the opportunity to be seen or referred for certain services.

Effective date: July 21, 2015

Senate Bill 71

Pharmacists under Prescription Drug Monitoring Program to report to the Oregon Health Authority no later than 72 hours after dispensing drug

The Prescription Drug Monitoring Program (PDMP) was established in 2009 by Senate Bill 355 to improve prescription management. The PDMP is a web-based system for Oregon's licensed retail pharmacies to submit data on prescriptions for which the federal government has designated to have potential for abuse and psychological or physical dependence. Authorized practitioners and pharmacists can request reports on their patients to determine information on the dispenser, prescriber, name and quantity of drug. Law enforcement and licensing boards may also request information. Under the PDMP, prescribers had no later than one week to submit information after dispensing the drug.

The Oregon Health Authority (OHA) reports frequent barriers identified in surveys conducted by contractors in 2012 and 2013 which found time constraints in the clinical practice setting, office staff inability to access the system and out-of-date information. Senate Bill 71 modifies requirements requiring pharmacists to report prescription data to the OHA no later than 72 hours after dispensing a drug.

Effective date: January 1, 2016

Senate Bill 93

Reimbursement for up to 90-day supply of prescription medication

If there was a natural disaster such as an earthquake, Oregonians could experience difficulty getting chronic condition medication. One study aimed to determine the extent of medication loss and the burden of prescription refills on medical relief teams following extreme weather and natural disasters and found that medication refills were a common need, that a considerable number of patients lost medication during evacuation and it was difficult to fill prescriptions due to a lack of information from evacuees.

Senate Bill 93 requires prescription drug benefit programs and prescription drug benefits offered under health benefit plans to reimburse refills for up to a 90-day supply of a covered prescription medication if that medication is covered by the plan; an initial 30-day supply of the drug has been previously dispensed to the member; and the quantity of the refill does not exceed the total remaining quantity authorized by the prescribing practitioner. The bill also specifies that this does not apply to drugs classified as a controlled substance in Schedule II.

Effective date: January 1, 2016

Senate Bill 144

Reimbursement for telemedical health services

In 2009, the Oregon Legislative Assembly enacted Senate Bill 24, which defines telemedical health services as those delivered through a two-way video communication device that allows a health professional to interact with a patient in a separate physical location. Currently, ORS 743A.058 requires a health benefit plan to provide coverage of telemedical services when services are medically necessary,

evidence-based and do not duplicate or supplant what is available in person and telemedical services reimbursement policies vary between plans. Nineteen states and the District of Columbia have adopted laws requiring private payers to provide coverage and payment, or partner with telemedicine companies that offer health consultations. During the 2014 Legislative Session, Senate Bill 1560 was discussed in the Senate Health Care and Human Services Committee, and resulting from those discussions the Telemedicine Reimbursement Expansion Work Group was created.

Senate Bill 144 expands coverage of telemedical services by Public Employee's Benefit Board and Oregon Educators Benefit Board and requires technology to adhere to state and federal privacy standards. The measure also specifies that the coverage of services is possible even if the service is a duplication of service available in person and clarifies that coverage is specific to what is contracted between a plan and a health care professional. Further, the measure clarifies that coverage to a patient must be reimbursed regardless of where someone is located (e.g., homes, schools and workplaces).

Effective date: June 10, 2015

Senate Bill 231

Primary care transformation

Research confirms the value of primary care in improving quality and reducing costs (e.g., reducing unnecessary emergency room visits). The multi-payer Comprehensive Primary Care Initiative is a pilot program scheduled to end in 2016. This initiative aims to implement primary care-based

payments to support primary care infrastructure, reimburse for care coordination and encourage patient engagement. Patient Centered Primary Care Homes (PCPCH) are health care clinics recognized for patient-centered care, with the goal of providing integrated, preventive care in community settings. In 2013, the Oregon Health Authority and the Oregon Health Leadership Council convened a series of meetings between a majority of health insurance payers in Oregon and other partners to develop consensus-based strategies to support PCPCHs.

Representatives from the organizations which opted to participate agreed to shared goals such as providing variable payments to those participating in the PCPCH program based on achieving certain outcomes.

Senate Bill 231 requires health insurance carriers to report to the Department of Consumer and Business Services (DCBS) the proportion of total medical expenses allocated to primary care and requires the coordinated care organizations to report to Oregon Health Authority (OHA) the proportion of total medical costs allocated to primary care. The measure also directs OHA to convene a primary care payment reform collaborative to advise and assist in the development of the Primary Care Transformation Initiative, to develop and share best practices in technical assistance and methods of reimbursement that direct resources and investments toward innovation and improvement in primary care.

Effective date: June 25, 2015

Senate Bill 440

Statewide health outcomes and quality metrics

Health care quality and outcome measures indicate how well health care services are being delivered and consider a variety of factors such as cost, utilization, satisfaction and access. Quality measurement provides comparable data on which to evaluate and make decisions regarding care. In 2013, House Bill 2118 created the Health Plan Quality Metrics work group (work group) to recommend core outcome and quality measures. They found that the Oregon Health Authority, Oregon Educators Benefit Board (OEBB) and the Public Employees' Benefit Board (PEBB) have no standard set of quality and outcome health care measures. While organizations collect a substantial number of measures, specifications and data sources used to calculate measures may vary across organizations. The work group recommended developing a common set of statewide health improvement priorities and goals to guide quality measurement efforts.

Senate Bill 440 incorporates the work group's recommendations. Specifically, the measure directs the Oregon Health Policy Board, in consultation with PEBB, OEBB and the Department of Consumer and Business Services to develop a strategic plan for the collection and the use of health care data. Additionally, the measure creates the Health Plan Quality Metrics Committee (Committee) to work with agencies and boards to adopt health outcome and quality measures to align with data reporting requirements to ensure the metrics are coordinated, evidence-based and focused on the statewide vision. Further, Senate Bill 440 requires that measures are aligned with a strategic plan, that the Committee will be

the single body to apply metrics to services provided by coordinated care organizations and health benefit plans and that the Oregon Health Policy Board will publish the aggregate-level data on the outcomes and quality measures.

Effective date: June 11, 2015

Senate Bill 469

Hospital nurse staffing

A 2011 New England Journal of Medicine Study looked at mortality by factors which increase workload for nurses and found that risk of death increased by two percent for each shift with below-target staffing and four percent for each shift with high patient turnover. A federal regulation (42 CFR 482.23) directs hospitals which participate in Medicare to have adequate numbers of licensed registered nurses, licensed practical nurses and other personnel to provide nursing care to all patients. Oregon is one of thirteen states that address nurse staffing in order to deliver the appropriate quality and mix of patient care and is one of seven states which require staffing committees in hospitals.

Senate Bill 469 requires each hospital to establish a hospital nurse staffing committee to develop a written hospital-wide staffing plan to ensure the hospital is staffed to meet the health care needs of patients. The bill outlines the composition and governance of the committee, as well as staffing standards that must be met. In addition, the bill establishes the 12-member Nurse Staffing Advisory Board (Board) within the Oregon Health Authority (OHA). The Board is charged with advising OHA regarding the administration of hospital staffing plans; identifying trends, opportunities and

concerns related to nurse staffing; and reviewing OHA's enforcement powers of staffing plans and requires OHA to audit each Oregon hospital once every three years to verify compliance with the requirements relating to nurse staffing.

Effective date: July 6, 2015

Senate Bill 660

Dental sealant programs

In 2012, the Oregon Health Authority (OHA) conducted a survey of school-aged children's oral health, where the results show that oral disease disparities exist. Children from lower-income households had higher cavity rates compared to children from higher-income households (63 percent versus 38 percent), almost twice the rate of untreated tooth decay (25 percent versus 13 percent) and more than twice the rate of rampant tooth decay (19 percent versus 8 percent). In addition, about 24,000 children age six to nine were in need of early or urgent dental care. Up to 3,800 children in 1st to 3rd grades in Oregon reported dental pain or infection on any given day.

Senate Bill 660 directs OHA to expand the screening and provision of dental sealants to appropriate student populations who attend elementary schools or middle schools in which at least 40 percent of all students are eligible to receive assistance under the United States Department of Agriculture National School Lunch Program. Additionally, the measure directs OHA to develop a plan for transitioning schools served directly by OHA to receive the services from local dental sealant programs, to assist schools in making this transition, as well as to establish, by rule, procedures and qualifications for the certification,

recertification, and oversight for local dental sealant programs to ensure quality services are being provided.

Effective date: July 27, 2015

Senate Bill 705

Asbestos survey prior to demolition

Asbestos is the name for naturally occurring fibrous minerals that are highly durable and heat resistant and is often used in construction materials such as roofing shingles and cement siding. No amount of contact with asbestos is safe and exposure increases the risk of developing lung cancer, asbestosis and mesothelioma. The Department of Environmental Quality regulates demolition of public and private buildings to ensure that before any facility is demolished, all asbestos is properly abated by certified personnel through inspection and safe removal. Such regulations are not in place for the demolition of residential properties. Homes built prior to 1990 have a high potential of containing asbestos materials and when demolitions occur, this can pose public health risks to neighbors.

Senate Bill 705 requires the Environmental Quality Commission (EQC) to adopt rules requiring accredited inspectors to perform asbestos surveys in order to determine whether a residence is insulated with asbestos prior to beginning demolition and establish procedures for conducting survey and that EQC include an exemption for residences constructed by a date specified by the commission.

Effective date: June 25, 2015

Senate Bill 874

Adrenal insufficiency education and awareness

Adrenal insufficiency is an endocrine or hormonal disorder that occurs when the adrenal glands (located above the kidneys) do not produce enough of certain hormones. These hormones have functions such as regulating blood pressure, metabolism, digestion and stress. Common symptoms of adrenal insufficiency are chronic fatigue, loss of appetite, abdominal pain, depression, vomiting, headache, sweating and low blood pressure. A person is considered to be in adrenal crisis when they experience symptoms of sudden and severe pain, dehydration and loss of consciousness. Corticosteroid injections or oral doses of mineralocorticoid hormone are used as treatment to replace or substitute hormones that the adrenal glands fail to make.

Senate Bill 874 directs the Oregon Health Authority (OHA) to compile information on the dangers associated with adrenal insufficiency, how to identify a person suffering an adrenal crisis and the types of medications used to treat adrenal insufficiency. Further, it requires OHA to disseminate information to health care professionals and the public. Proponents of the bill have reported that there is a lack of information and education available, particularly for emergency medical personnel and that lives could be saved by provision of injections or oral doses of hormones.

Effective date: January 1, 2016

Senate Bill 900

Posting of health care price data

Health care spending growth outpaces the growth of the overall economy and workers' wages. Annual estimates of Oregon's health care spending range from \$20 to \$25 billion. The federal Government Accountability Office found that meaningful price information is difficult for consumers to obtain prior to receiving health care services. The Centers for Medicare and Medicaid Services report that prices between hospitals for the same services vary dramatically, even within the same city. Presently, 34 states require hospitals to report certain charges and reimbursement rates. Four states: California, Colorado, Florida and New Hampshire are required to maintain websites to show prices charged for various procedures.

Senate Bill 900 requires the Oregon Health Authority (OHA) to post on its website, at least annually, health care information to inform and assist consumers in making economically sound and medically appropriate decisions. The bill requires OHA to apply for donations, gifts and grants to pay the cost of posting this information and specifies that OHA's obligation to post the information to the website is limited to the funds appropriated for this purpose or collected from donation, gifts and grants.

Effective date: August 12, 2015

LEGISLATION NOT ENACTED

House Bill 3517

Medical assistance to low-income children residing in Oregon

According to the Kaiser Family Foundation, health expenditures in the United States neared \$2.6 trillion in 2010, a tenfold increase from the \$256 billion spent in 1980, and employer-sponsored health coverage for family premiums has increased by 97 percent since 2002. The rising costs of health care, combined with an economy in recession, have put increased attention on health spending and affordability.

House Bill 3517 would have permitted the Oregon Health Authority to provide medical assistance, within available funds, to children under 19 years of age whose family income is at or below 300 percent of federal poverty level (FPL), and who do not qualify for the Health Care for All Oregon Children program.

Senate Bill 417

Licensure of facilities that sell tobacco and vapor products

Oregon is one of eight states that do not require a license to sell tobacco products at retail. Other states use licensure as a method of preventing purchase and consumption of tobacco products by minors; Oregon ranks near the top of states in terms of sale of cigarettes to minors. In addition, the growing prevalence of vapor products, or e-

cigarettes, has led to a need to address who should be able to purchase such products and where they should be allowed to make such purchases.

Senate Bill 417 would have established a licensure system, administered by the Oregon Liquor Control Commission, through which qualified facilities could be licensed to sell tobacco products and vapor products, the latter of which would have been defined by the measure as “inhalant delivery systems.” Such premises would not be allowed within 1,000 feet of a school. The measure would also have established a Tobacco Control Fund to pay for the licensure system, and authorized the Oregon Health Authority to assist OLCC in regulation of tobacco products.

Senate Bill 442

Immunization requirement for children attending school

Currently, Oregon requires every child attending school through grade 12 to provide one of the following: certification of immunizations received, statement that a child should be exempted due to medical diagnosis, or statement to decline one or more immunizations for non-medical purposes.

The document to decline immunizations for non-medical purposes may include reasons for declining the immunization (e.g., religious or philosophical belief) and must include either a signature from a health care practitioner verifying that they reviewed information with the parent about the risks and benefits, and the contents of a vaccine educational module, or a certificate verifying the parent has completed the vaccine educational module. This

educational component has been required for non-medical exemptions in Oregon since 2013.

According to the Oregon Health Authority (OHA), Oregon has one of the highest non-medical exemption rates in the country, and this continues to rise. In 2001-2002, the kindergarten and first grade non-medical exemption was roughly two percent and by 2013-2014 it was seven percent for kindergarteners. In 2013-2014, roughly five percent of seventh graders had a non-medical exemption.

Senate Bill 442 would have required OHA to adopt rules to impose a schedule of varying dates by which children of different ages, or children attending different types of schools, must submit a signed document that a parent is declining one or more immunizations on behalf of a child if the child enters kindergarten or transferred to the school before March 1, 2014.

Senate Bill 751

Organ donor registry

In 1975, the Legislative Assembly enacted legislation providing citizens an opportunity to indicate their willingness to serve as organ donors at the time of their death through a code on their driver license. Today, over 98 percent of Oregon drivers are registered as organ donors. Despite these numbers there is a growing gap between the need for organ donation and available organs. Currently, there are over 800 people on organ donation lists in Oregon, with an average wait time of two years. Thirty-six people died in 2014 while awaiting an organ transplant and 62 others were too sick to be eligible for transplant.

There are approximately 36 states that have opportunities for voluntary contributions to support organ donation and transplant activities, including Washington, California, Montana and Utah. The average annual revenue from these funds is approximately \$331,000. Senate Bill 751 would have established an Organ Donor Registry and Public Awareness Fund, which would collect moneys donated to the Fund and use those moneys to fund statewide outreach and public education related to anatomical gifts. Donations of \$3 or more could be made by persons applying for or renewing a driver permit or license or identification card. Initial implementation costs would have needed to be provided from an unidentified funding source.

Senate Bill 920

Use of antibiotics in industrial farming for nontherapeutic purposes

Antibiotics are drugs that fight infections caused by bacteria in order to reduce illness and death. However, the overuse of antibiotics creates what is known as antibiotic resistance, impairing or eliminating the effectiveness of drugs to treat infection. Specifically, when an antibiotic is used, bacteria that can resist antibiotics have a greater chance of survival and can mutate and acquire resistance from other bacterium. While some resistance occurs naturally without human intervention, the current higher levels of antibiotic-resistant bacteria are attributed to humans. The Centers for Disease Control and Prevention and the World Health Organization report that this causes a public health threat, as almost every type of bacteria has become stronger and less responsive to antibiotic treatment. Presently, in the United States, at least two million

people each year become infected with bacteria that are resistant to antibiotics and at least 23,000 people die each year as a direct result of these infections. Up to 70 percent of antibiotics sold in the United States are given to food-producing animals, often for non-medical purposes such as promoting faster growth. When antibiotic-resistant bacteria develop in livestock facilities, it can reach the human population by food and through contact with the air, soil, water and animals.

Senate Bill 920 would have prohibited livestock producers from providing medically important antibiotics to food-producing animals for nontherapeutic purposes. The measure would have created exceptions to the prohibition if the risk of disease or infection was significant; administration is necessary to prevent disease or infection and it is provided for the shortest duration necessary and to the smallest number of food-producing animals to prevent disease and infection.

Human Services and Housing

House Bill 2015

Improving the Employment-Related Day Care program

The Department of Human Services (DHS) administers the Employment-Related Day Care (ERDC) program which subsidizes child care for families with incomes at or below 185 percent of the Federal Poverty Level. ERDC is designed to enable adequate child care so that parents can work and most formal and informal child care arrangements are permitted so long as child care providers satisfy required background checks. Families contribute a copayment that is determined by income and family size directly to the child care provider, and the child care provider submits the invoices to DHS. The amount of the subsidy is limited and any additional costs must be covered by parents.

House Bill 2015 directs DHS to work with the Department of Education's Early Learning Division and the Office of Child Care to adopt rules for ERDC program administration that make the subsidy available to self-employed parents and those attending school, and that permit families to receive subsidies for up to one year even if they experience a change in employment status. The agencies are directed to mitigate the financial impacts on parents exiting the program, to provide training and technical assistance, and to integrate with other early childhood services. House Bill 2015 also establishes a tiered rating system for child care providers to incentivize improvements to the quality of care: services that meet certain standards can receive a higher rate of reimbursement with a lower copayment.

Effective date: July 20, 2015

House Bill 2130

Encouraging development of low-income housing

Property tax abatement is used by local governments as a tool to encourage the development of affordable housing. Tax abatement can be conditioned on a variety of criteria, such as: the occupants must be low income, as defined; lands being held must be designated for development as low-income housing; the housing must be rental housing; the developer must be a nonprofit or tax-exempt entity or, if not, the benefit of the property tax savings must be reflected in lower rent.

House Bill 2130 allows local governing bodies to adopt additional criteria in order to expand property tax abatement to encourage development of low-income housing.

Effective date: October 5, 2015

House Bill 2219

Consolidating applications for assistance

Individuals seeking assistance from the Department of Human Services (DHS) are typically eligible for more than one program, and may be required to complete multiple applications to obtain services from these programs.

House Bill 2219 requires DHS to convene a work group to evaluate how to consolidate multiple applications and processes into one, in order to reduce or eliminate duplicative paperwork and administrative costs and report back to the legislature.

Effective date: June 2, 2015

House Bill 2393 and House Bill 2394

Accounting for assistance recipients' lottery winnings

The receipt of lottery winnings can affect a person's eligibility to receive certain government assistance. For this reason, federal law requires the Oregon State Lottery (the Lottery) to share information with the Department of Human Services (DHS) when lottery winnings are paid out. Oregon law also permits DHS and the Oregon Health Authority (OHA) to recoup overpayments of public assistance and medical assistance, respectively, through a garnishment process.

For lottery prizes over \$600, House Bill 2393 requires the Lottery to check for outstanding warrants for overpayment of public assistance, and provides DHS and OHA a 30-day opportunity to seek reimbursement if a warrant exists. The measure also prioritizes payment of past-due child support before recovery of overpayments. For lottery prizes of \$1,250 or more, House Bill 2394 conforms to federal law by requiring the Lottery to inform DHS of the winner's identifying information within seven days of payment.

Effective date: January 1, 2016 and June 10, 2015, respectively

House Bill 2414

Permitting minor siblings to be added to the voluntary adoption registry

The Department of Human Services (DHS), through Oregon's Adoption Search and Registry Program (Program), maintains records of all adoptions that have been

finalized in Oregon since 1920. The adoption registry has three components: consent for mutual contact, nonidentifying health and social information and assisted search. The Program is confidential. Prior to passage of House Bill 2414, only adults were permitted to place themselves on the registry (adoptees, birth parents, putative fathers, genetic siblings of adoptees, adoptive parents of deceased adoptees and parents or siblings of deceased birth parents).

House Bill 2414 allows the parents of minor genetic siblings of adoptees to place them on the adoption registry and lifts certain restrictions on searches made in cases of deceased adoptees, birth parents and their descendants. The measure also allows DHS or its contractor to share certain information regarding the finalization of an adoption, and permits some searches and information sharing electronically.

Effective date: January 1, 2016

House Bill 2442

Realignment of Oregon Housing and Community Services

In 2012, Oregon Housing and Community Services (OHCS) was directed to examine and assess its service delivery systems, governance and partnerships. It made consensus recommendations to the legislature in February of 2014 to effect a restructuring transition and address administrative inefficiencies. A number of measures were introduced to capture these recommendations, including House Bill 2442.

House Bill 2442 codifies OHCS' transition plan by consolidating several commissions and task forces and centralizing

responsibilities within a new Oregon Housing Stability Council (the new Council), replacing the existing State Housing Council. Its responsibilities are expanded and its membership increased. Three advisory bodies are abolished and their authority consolidated under the new Council. A fourth advisory body is transferred to the Department of Human Services, and the new Council is authorized to provide oversight and policy direction across OHCS program areas.

Effective date: January 1, 2016

House Bill 2547

Task force on Housing with Services

“Housing with Services” is a pilot project partially funded by the Patient Protection and Affordable Care Act (or Affordable Care Act or ACA) that began in September 2014. The pilot serves 1,400 seniors, families and people with special needs living in 11 publicly subsidized apartment buildings, located primarily in downtown Portland, and receiving wraparound services. The pilot is meant to increase housing stability, improve access to health and social services, improve health outcomes and reduce health care costs.

House Bill 2547 creates a task force to be staffed by the Department of Human Services to consider legislation that may be needed to establish standards, uniformity and a regulatory framework. The measure puts a six-month moratorium on new Housing with Services facilities to allow the task force to do its work, and requires a report to the legislature by December 31, 2015.

Effective date: July 20, 2015

House Bill 2610

Property tax exemption for agricultural workforce housing

To receive certain property tax exemptions relating to property used for agricultural production, housing provided to farm workers must meet certain health and safety standards. Oregon Occupational Safety and Health Administration (OSHA) doesn't have jurisdiction to certify off-farm and community-based housing for farm workers. This type of housing must independently satisfy local, state and federal building codes, which include fire marshal oversight.

House Bill 2610 updates statutes on safety and health inspection for off-farm and community-based agricultural workforce housing by moving responsibility for health and safety inspection and certification from OSHA to entities that enforce local, state and federal building codes. The measure also defines the circumstances and procedure to obtain abatement and refund of applicable property taxes for the 2014 and 2015 tax years.

Effective date: October 5, 2015

House Bill 2629

Notice of rent increase for rural renters

In Oregon, there are approximately 200 buildings, built with financing from the United States Department of Agriculture's (USDA) Rural Development or Farm Services Agency loans. These buildings provide approximately 6,300 rental units in rural areas. In exchange for subsidies through USDA Rural Development programs, property owners must comply with terms that maintain affordability for tenants. These conditions end when the mortgage is paid off

and many units are thereafter priced at or near market rates. Landlords are not required to provide notice to tenants of the possible increase in rent that results when a loan matures.

House Bill 2629 requires owners of rental properties who have received Rural Development loans or Farm Service Agency loans to notify tenants and housing entities of the loan's maturity date at least a year in advance.

Effective date: January 1, 2016

House Bill 2889 and House Bill 2890

Responding to requests from foster children

House Bills 2889 and 2890 were requested by the Oregon Foster Youth Connection (OFYC). The OFYC is a statewide, youth-led, advocacy group of current and former foster youth between the ages of 14 and 25.

Money management skills can contribute greatly to financial maturity and independence, and foster youth may not have the same opportunity as other youth to gain money management experience. In addition, foster youth who receive Social Security or other financial benefits, or who receive funds from an inheritance or legal settlement, may be more financially vulnerable without an opportunity to gain experience managing their own funds.

House Bill 2889 permits those age 12 or older, in the custody of the Department of Human Services (DHS) for six months or more, to open a savings account for which they are solely responsible.

For school-aged foster youth, access to extracurricular activities is not always possible due to a variety of barriers, including fees and transportation. These activities – such as drama, sports, music, debate, fine arts, science club, student government and more – do not merely add to a child's educational and social experience, but are critical to overall physical, social, emotional and academic development. Extracurricular activities are also important avenues for exploration and self-expression.

House Bill 2890 directs DHS to allow for and support participation in extracurricular activities for youth in its care, in coordination with agencies and foster parents.

Effective date for both: January 1, 2016

House Bill 3016

Manufactured Housing Coalition's omnibus measure restores capital gains exemption

The Manufactured Housing Landlord Tenant Coalition (the Coalition) is comprised primarily of manufactured home community owners and residents. The Coalition meets regularly to attempt to resolve issues that affect its membership, and has proposed legislation every session going back 18 years. House Bill 3016 is the Coalition's negotiated bill for 2015.

House Bill 3016 makes a handful of corrections and improvements to House Bill 4038 (2014), including restoring the capital gains tax exemption for manufactured housing park sales and modifying the time limit for tenants to organize to submit purchase offers. The measure also addresses the collection of special assessments and fees in order to fund the Manufactured Communities Resource Center; provides a compromise to cancel unpaid back taxes on

abandoned manufactured homes that prevent the homes from being reoccupied; addresses the potential for park owners to exert unfair influence when residents attempt to sell their homes; and expands a landlord's existing habitability obligation with regard to energy being delivered to a space, and to maintaining the ground support around a home.

Effective date: October 5, 2015

House Bill 3082

Expanding property tax abatement for nonprofit low-income housing

Currently, nonprofit corporations receive property tax abatement for housing they own that is rented to individuals or families with incomes at or below 60 percent of Area Median Income (AMI). If the renter's income exceeds 60 percent AMI, property taxes are assessed against the nonprofit corporation for that property.

House Bill 3082 provides an expanded allowable definition of "low income" that local jurisdictions may adopt for the purpose of ongoing qualification for tax abatement for nonprofits that offer housing to low-income individuals and families. The new definition would allow for existing renters' incomes to exceed 60 percent AMI, up to 80 percent AMI, before disqualifying the nonprofit from property tax abatement, thereby enabling the existing renter to transition into other housing at market rates, or into home ownership. Local jurisdictions may also elect to stay with the current definition. For initial eligibility for tax abatement, individuals and families must have income at or below 60 percent AMI.

Effective date: October 5, 2015

House Bill 3148

Financial assistance for loss of rural low-income housing due to wildfire

Wildfires, in the best cases, can cause damage to homes, and in the worst cases, can cause the total loss of a home for Oregonians living in rural areas. Individuals of little means may not be able to recover from the loss of a home and all its contents in a wildfire, resulting in permanent displacement. They often live in manufactured or mobile homes, without insurance, and cannot afford to clear debris to reestablish a residence without financial assistance.

House bill 3148 creates a Wildfire Damage Housing Relief Account to provide \$5,000 grants to very low-income people experiencing the loss of or significant damage to a home from wildfire.

Effective date: July 20, 2015

House Bill 3222

Improved approval process for applications to develop needed housing

Land use planning in Oregon rests on Statewide Planning Goals. State law requires each city and county to adopt a comprehensive plan consistent with the Statewide Planning Goals, and to enact local zoning and ordinances needed to put comprehensive plans into effect. Comprehensive plans are reviewed by the Land Conservation and Development Commission (LCDC), and when officially approved, a comprehensive plan is said to be "acknowledged." It then becomes the controlling document for land use in the area covered by that plan. Oregon's planning laws

apply not only to local governments but also to special districts and state agencies.

LCDC is required, under certain circumstances, to order a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decision or other land use decision into compliance with Statewide Planning Goals, acknowledged comprehensive plan provisions or land use regulations (ORS 197.320).

It is possible for local governments to discourage development of needed housing (defined at ORS 197.303) by imposing costs, delays or certain restrictions, so long as it is consistent with the applicable comprehensive plan and land use regulations.

House Bill 3222 requires local governments to approve applications necessary to develop needed housing that are consistent with the comprehensive plan and applicable land use regulations. The measure also requires LCDC to order a local government to act, if the local government's approval, special conditions on approval of specific development proposals, or approval procedures do not comply with ORS 197.307(4) (i.e., if its approval or procedures are based on subjective standards or have the effect of discouraging the development of needed housing through unreasonable cost or delay).

Effective date: January 1, 2016

House Bill 3318

Code of Responsible Gambling Practices for the Oregon State Lottery

There is inherent tension in the Oregon State Lottery's mandate: to maximize revenues commensurate with public good. Lottery games generate substantial revenues for a number of important state programs that serve the public good, including education, job creation and effecting natural resources, while simultaneously causing harm. The Department of Human Services' Gambling Programs Evaluation Update of 2009 estimated the annual socioeconomic cost of problem gamblers receiving treatment in Oregon to be in excess of \$41.5 million per year.

A number of legislative concepts concerning problem gambling were introduced in 2013 that were not enacted; and one was enacted in 2014 that was later overturned. These concepts resulted from a year-long work group activity and sought to require the Oregon State Lottery (the Lottery) to rebalance its interpretation of its mandate in such a way as would take the socioeconomic harms of problem gambling into account. They included requiring the Lottery to adopt policies to mitigate risks associated with lottery games and to dedicate a small percentage of proceeds to the treatment and prevention of problem gambling. House Bill 3318 is the current iteration of those efforts.

House Bill 3318 establishes the "Oregon State Lottery Responsible Gambling Code of Practices" outlining a variety of approaches to address problem gambling and requires the Lottery to comply with it.

Effective date: January 1, 2016

House Bill 3323

Permitting more entities to file civil action for abuse of vulnerable persons

Current law requires the Department of Human Services (DHS) or its designees to investigate and report on allegations of abuse of adults with developmental disabilities, and limits investigators' duties (ORS 430.731). Current law also explicitly authorizes the Attorney General, DHS and district attorneys to bring civil actions against persons suspected of physical or financial abuse of vulnerable persons (ORS 124.125).

Area agencies are public entities or private nonprofits within designated planning and service areas that administer and support community-based care. Type A area agencies serve elderly persons and provide services that the local authority does not accept responsibility for providing. Type B area agencies provide services to both elderly and disabled populations that local governments *do* accept administrative responsibility for providing (ORS 410.040).

House Bill 3323 permits both type B area agencies and DHS abuse investigators, in Multnomah County only, to bring civil actions against those suspected of physical or financial abuse of vulnerable persons. It also requires both to report to the legislature by December 31, 2017, and sunsets July 1, 2018.

Effective date: June 25, 2015

House Bill 3524

Right of first refusal on sale of state lands for development of affordable housing

Oregon law requires the Department of State Lands, the Oregon Department of Transportation and the Department of Administrative Services to sell surplus real property. Agencies routinely review properties to make this determination and if parcels are not needed, they are offered for sale, first to other state agencies, then to local government entities, then to the public. Properties that will be needed in the future are leased until such time as they are needed. The sale and lease of these lands generates revenues that fund a variety of things such as schools and state highway investments, depending on the agency that sells the land.

House Bill 3524 directs state agencies to offer certain lands first to nonprofit organizations and federally recognized Indian tribes for affordable housing development. The subject property must be within an urban growth boundary, an urban reserve, a rural community, or an urban unincorporated community; not being used for a public purpose; and not needed for public use within five years.

Effective date: January 1, 2016

House Bill 3535

Improvements to TANF program

Temporary Assistance for Needy Families, or TANF, is a cash assistance program administered by the Department of Human Services (DHS) for families with children living in deep poverty. To qualify for TANF, families must be at or below 37 percent of the federal poverty level and must have very few assets. TANF provides parents the tools to be job-ready and supports stability for children.

Parents/caregivers receive a small cash grant for living expenses, transportation and child

care to enhance their job search efforts, plus job-readiness training. The program is designed to provide interventions for families both “pre-TANF” and “post-TANF” to ensure they are prepared to meet program requirements in advance, and have the supports they need to transition into employment when they exit the program. The current maximum monthly benefit for a family of three is \$506. Public assistance caseloads in Oregon are slowly and steadily declining, but are not projected to reach prerecession levels for several years due to the uneven economic recovery.

House Bill 3535 supports DHS using savings from declining caseloads to “reinvest” in improvements to Oregon’s TANF program by making changes at every stage, such as: raising the income maximum for families exiting the program; providing small grants to families as they exit; reducing child care subsidies for three months as parents transition to employment; clarifying eligibility; expanding contracts with community-based organizations to prevent entry into the program in the first instance; improving the program’s ability to be customized; providing outcome-focused case management; and aligning state time limits with federal time limits.

Effective date: July 27, 2015

Senate Bill 296

Improving the elderly rental assistance program

The elderly rental assistance program is administered by the Department of Revenue (DOR). It provides annual rental assistance to low-income seniors, if certain criteria are met, and is only available if the place being rented is subject to property taxes. The property tax requirement is the only

connection the program has to DOR; DOR issues payments, but has no oversight or other resources. The more natural connection for program administration is Oregon Housing and Community Services (OHCS), since it provides other supports for, and is generally more accessible to, older and low-income adults.

Senate Bill 296 is the result of work group activity led by OHCS and DOR that included the Oregon Law Center and Community Action Partnership of Oregon. It transfers administration of the elderly rental assistance program from DOR to OHCS, with the ultimate goal of transforming it into a more effective and useful tool for those who qualify, and to take advantage of any opportunity there may be to connect low-income seniors to other services.

Effective date: October 5, 2015

Senate Bill 307

Gender-appropriate care in retirement communities

Senate Bill 307 requires Department of Human Services (DHS) to establish procedures for residents of continuing care retirement communities to request gender of individual assigned to assist with activities of daily living. The bill also requires a facility to honor the request except in the case of significant difficulty or the cost and a written explanation and documentation of the rationale for denial. Additionally, the bill requires DHS to establish a complaint procedure for failure to comply and that DHS investigate each complaint and provide a written report to the resident and the facility within seven days of completion of the investigation.

Residents in continuing care retirement communities may need assistance with a number of activities of daily living, including the most intimate, such as toileting, bathing, dressing, grooming and personal hygiene. It is crucial for caregivers to be sensitive to the modesty, comfort levels, boundaries and preferences of their patients in the delivery of such care.

Senate Bill 307 requires facilities to respect residents' requests for assistance from qualified persons of the same gender, and to provide a process for written responses and documentation concerning such requests.

Effective date: January 1, 2016

Senate Bill 444

Prioritizing housing stability

Stable housing has been shown to be a lynchpin to success in other areas of life. The ability to remain in school; school performance; the ability to find and maintain employment; work performance; obtaining care for personal health and wellness; following through with care for personal health and wellness; maintaining family relationships and overall family stability – all are improved by stable housing.

Senate Bill 444 requires a report on housing stabilization programs by July 1, 2016, from Oregon Housing and Community Services in consultation with the Oregon Health Authority and the Department of Human Services.

Effective date: June 22, 2015

Senate Bill 616

Investigating use of Fairview Trust moneys

The Community Housing Trust Account (the Trust), commonly referred to as “the Fairview Trust” was funded by the sale of land following closure of the Fairview Training Center in 2000, where intellectually and developmentally disabled persons had been institutionalized since 1908. The majority of sale proceeds used to fund the Trust – 95 percent – are required to be held in an interest-bearing account in perpetuity. The remaining 5 percent of sale proceeds, plus interest on the corpus of the trust, are required to be used to support community housing for adults and children with disabilities. Funds from the Trust have been used for construction and equipment and have provided assistance to over 1,000 Oregon households, with grants ranging from \$120 to \$5000. During the recession, the legislature diverted funds from the Trust and other accounts to cover budget shortfalls for basic services across the state.

Senate Bill 616 requires the Secretary of State to investigate and audit the Trust, with assistance from the Department of Human Services, to develop an investment strategy and to report to the Legislative Assembly by February 1, 2016.

Effective date: May 26, 2015

Senate Bill 710

Free copy of records for persons appealing denial of SSD benefits

Individuals applying for Social Security Disability (SSD) benefits are typically unable to work and for that reason, are also likely to be experiencing financial hardship. The applicant's medical history is required, and

are key to eligibility determinations, but obtaining and updating the required records can be costly.

Senate Bill 710 requires one free copy of identifiable health information to be provided upon request, in either hard copy or digital form, for the purpose of appealing a denial of SSD benefits.

Effective date: June 10, 2015

Senate Bill 741

Preferences for certain persons seeking to adopt

In a proceeding to adopt a minor child, a home study and a placement report must generally be completed and filed with the court by the Department of Human Services (DHS) or by an adoption agency licensed by the state. DHS administrative rules govern home studies and placement reports, and the legal standard for court decisions on behalf of minor children is *the best interests of the child*.

Senate Bill 741 requires the administrative rules that govern home studies and placement reports to provide equal status and priority to relatives and current caretakers seeking to adopt, as is provided other prospective adoptive parents with regard to the child's safety, attachment and well-being. With regard to suitability, Senate Bill 741 requires that the rules prefer relatives and current caretakers over other persons seeking to adopt. In addition to expressing preferences for certain persons in DHS administrative rules, the measure also makes court orders illegal that remove a child from, or prevent the placement of a child with, a parent or legal guardian with physical custody of the child for six months prior to legal custody with DHS.

Senate Bill 741 also requires an additional event-based report to the court be added to the list of reports that Oregon law currently requires, and creates a handful of exceptions to the reporting requirement. Current law requires those with guardianship or legal custody of a child or ward to file reports with the court when the child: is placed; remains without placement for six months; is adopted; remains without placement for six months after surrender for adoption or termination of parental rights; and when the child is in the physical custody of a parent or legal guardian for six months prior to being placed in the legal custody of DHS. Senate Bill 741 requires an additional report to the court when an adoption agency has removed or plans to remove a child who has been in a foster home for a year or pursuant to a permanent foster agreement. Exemptions from the reporting requirement created by the measure include: when a child is removed due to abuse or neglect; removed due to imminent threat pending investigation; placed with an adoptive parent; or removed at the request of a foster parent.

Effective date: July 27, 2015

Senate Bill 774

Planning to increase the number of home care workers

The Home Care Commission (HCC) was established in 2000 via amendment to the state constitution. It is responsible for ensuring the quality of home care services for seniors and people with disabilities which is funded by the Department of Human Services (DHS).

In anticipation of the increasing shortages of home care workers, Senate Bill 774 requires the HCC to develop and adopt a statewide plan. The measure directs HCC to convene a

work group and appropriates funds to DHS for the HCC to consult with an outside entity on a plan design. The measure also requires reports to the legislature from both DHS and the HCC.

Effective date: July 27, 2015

Senate Bill 777

Implementing the ABLE Act

The Stephen Beck, Jr., Achieving a Better Life Experience (ABLE) Act became federal law in December 2014. It permits the creation of a tax-free, state-based savings account to pay for disability-related expenses, either by individuals supporting themselves or by families supporting dependents. Expenses qualify as disability-related if they are for the benefit of an individual with a disability and are related to the disability (including education; housing; transportation; employment support; health, prevention and wellness costs; assistive technology and personal support service; and other expenses).

ABLE accounts are intended to supplement benefits currently provided by Social Security, Medicaid, employers and private insurance. The ABLE savings program is treated the same as a qualified tuition program, such as a 529 savings plan. (A 529 tuition savings account allows families to save money for an individual's education without being disqualified for certain aid programs, and prevents tax penalties on the money saved and any income earned from it.) ABLE accounts have no impact on Medicaid eligibility and persons receiving Supplemental Security Income from Social Security have payments suspended while maintaining excess resources in an ABLE account. Senate Bill 777 folds the ABLE program into Oregon's existing, successful

529 tuition savings program, permits Oregon's savings network to loan itself the start-up costs to establish ABLE accounts without using General Fund dollars, and repays the loan as the ABLE program achieves self-sufficiency.

Oregon is among the first handful of states to enact the necessary enabling legislation to implement the ABLE Act in the three months since its passage. The majority of remaining states are developing implementation language.

Effective date: October 5, 2015

Senate Bill 832

Establishing behavioral health homes

A coordinated care organization (CCO) is a network of all types of health care providers (physical health care, addictions and mental health care, and sometimes dental care providers) who have agreed to work together in a particular community to serve people who receive health care coverage under the Oregon Health Plan (Medicaid). CCOs are local entities that have one budget that grows at a fixed rate. They are accountable for the health outcomes of their population and are governed by a partnership among health care providers, community members and stakeholders. There are currently 16 CCOs operating in communities around Oregon.

Senate Bill 832 establishes behavioral health homes to be used by CCOs, analogous to existing primary care homes, and requires the Oregon Health Authority to set standards for achieving integration of behavioral health care with the other services CCOs deliver.

Effective date: July 27, 2015

LEGISLATION NOT ENACTED

House Bill 2198

Increasing the amount of affordable housing

Oregon's communities lack affordable housing. Some communities are facing vacancy rates of less than 1 percent. Families that receive assistance, such as Section 8 vouchers, are unable to use them. The Governor's proposed budget included \$85 million in General Obligation, Article XI-Q Bonds and \$15 million in Lottery Backed Bonds for investment in affordable housing. Oregon Housing and Community Services (OHCS) estimated that between 3,000 and 4,000 new units could be built with a \$100 million investment.

House Bill 2198 would have established the parameters necessary to make the investment in affordable housing as outlined in the Governor's proposed budget. It would have required OHCS to develop and implement the Affordable Family Housing Development Program, and permitted OHCS to acquire, construct, develop, improve, rehabilitate and own affordable housing for families with children.

House Bill 2564

Inclusionary zoning

Inclusionary zoning, also called inclusionary housing, is a land-use practice that directs a certain amount of housing development be made available to people of low and moderate incomes. Currently, local governments are prohibited from imposing

regulations or conditions on residential development that have the effect of setting a sales price or of designating a certain class of individuals as purchasers.

House Bill 2564 would have lifted restrictions on inclusionary zoning to permit local governments to impose conditions that effectively set the sales price of residential housing or that designated sale to a particular group of people, limited to 30 percent of available units, in exchange for incentives such as density adjustments, fee waivers and expedited processing.

Senate Bill 629

Homeless persons' "right to rest"

Strategies to assist with traditional homelessness – where individuals end up on the street against their wishes, as a result of circumstances such as unemployment, trauma, being bankrupted by the high cost of medical care, suffering mental or emotional health issues, addiction or any combination of these – can be inadequate at best and, at worst, condescending to the population in need of support. In addition, features of modern homelessness – where individuals choose homelessness as a lifestyle or as a form of expression or protest – add layers of complication to the development of effective assistance strategies. Further, every political subdivision has an interest not only in offering effective assistance, but in addressing attendant public health and safety issues related to hygiene, human waste, trash or other refuse, panhandling, blight/nuisance, conflict in campgrounds or other shared spaces or conflict with business operations. An inherent tension exists between homeless persons concerned with their very survival, or making important political statements, and the authorities charged with enforcing laws

that protect public health and safety generally.

Senate Bill 629 sought to elevate the privacy rights of homeless individuals by creating the Oregon Right to Rest Act. It enumerated homeless persons' rights to engage in a variety of activities in public spaces and vehicles, free of challenge by authorities, and established causes of action for enforcement.

Judiciary

House Bill 2002

Profiling by law enforcement

Currently, there are no statewide policies regarding profiling by law enforcement, nor is there a central agency where a citizen can file a profiling complaint. Cities, counties and local law enforcement agencies may have their own policies, and those policies can be different from each other.

House Bill 2002 defines profiling and requires law enforcement agencies to develop written policies prohibiting profiling by January 1, 2016. Law enforcement agencies are required to set up a process for receiving complaints and must investigate complaints of profiling. The measure also creates a 10-member Law Enforcement Profiling Work Group charged with reporting to the Legislative Assembly by December 1, 2015. Additionally, the measure creates the Law Enforcement Contacts Policy and Data Review Committee to collect and review complaints of profiling.

Effective date: July 13, 2015

House Bill 2225

Elder abuse investigations

House Bill 2225 allows circuit court judges to authorize search warrants outside of the issuing court's jurisdiction in instances when the search relates to an elder abuse offense, the object of the search is financial records and the proper place for trial for the offense is not known.

Search warrants must be issued by judges and are usually executed only in the

jurisdiction of the issuing court. For example, a search warrant issued from Marion County Circuit Court is only executable in Marion County. In certain elder abuse cases involving financial exploitation, however, law enforcement may not be able to ascertain the specific location in which the abuse occurred, as transactions may be happening through online means or the victim may be unable to communicate with investigators. This presents an obstacle for law enforcement in obtaining the proper search warrant and results in fewer investigations and prosecutions of elder abuse cases.

Effective date: January 1, 2016

House Bill 2226

Restitution

House Bill 2226 revises the definition of "victim" for the purpose of restitution to include the estate of a person against which an offense was committed and clarifies that the right of restitution passes to the estate of a person upon that person's death.

The victim of a crime is entitled to restitution under ORS 137.106. "Victim" is defined in ORS 137.103(4) and includes: 1) the person against whom the defendant committed the criminal offense; 2) any person whom the court determines has suffered economic damages as a result of the defendant's criminal conduct; 3) the Criminal Injuries Compensation Account; and, 4) an insurance carrier, if it expended money on behalf of a victim. The Court of Appeals held in *State v Patton*, 237 Or App 46 (2009) that the estate of a victim cannot claim restitution on behalf of a deceased victim because an estate is not a "person," which is defined in ORS 161.015(5) as a

human being, a public or private corporation, an unincorporated association, or a government entity. As a result of this holding, a person convicted of elder abuse, which could include significant financial harm, had no restitution obligation to the estate of a victim, should the victim pass away.

Effective date: January 1, 2016

House Bill 2228

Fingerprint retention program

“Rap back” is a notification process that informs an employer or other designated entity of any subsequent arrests when an individual has already undergone a background check and their fingerprints were retained in a repository.

House Bill 2228 creates a limited rap back program in Oregon. It requires the Oregon State Police (OSP) to establish a voluntary fingerprint retention program through which OSP retains fingerprint cards and facsimiles of fingerprints received from the Federal Bureau of Investigation, or created during a state criminal records check, for the purpose of providing to agencies and districts subscribing to the fingerprint retention program. The measure states that participation in the program is voluntary, may not be a condition of employment, and requires that certain notifications be provided to participants. It exempts information from public disclosure. The measure mandates that the Department of Administrative Services adopt rules for the administration of the program and permits OSP to adopt a fee to subscribe to the program. It limits the purposes for which collected information may be used. It also

permits individuals to end their voluntary participation in the program.

Effective date: January 1, 2016

House Bill 2317

Prosecution of sex crimes

House Bill 2317 extends the time allowed for prosecution of certain sex crimes from six years to twelve years. The measure applies to prosecution of rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree and sexual abuse in the first degree. First degree sex crimes committed against minors may be prosecuted any time before the victim reaches age thirty, regardless of the twelve-year limitation.

Oregon law provides a specific period of time after a crime occurs to begin prosecution of the offense. This is often referred to as the “statute of limitation.” Some crimes, such as murder, have no statute of limitations. Prior to enactment of House Bill 2317, first degree sex crimes had a six-year statute of limitations, or if the victim was under eighteen years of age at the time of the crime, then prosecution could begin any time before the victim reached age 30 or within 12 years of the offense being reported, whichever occurred first.

Effective date: January 1, 2016

House Bill 2320

Sex offender registration

In 2013, the Oregon Legislative Assembly enacted House Bill 2549, which created a

tier system for sex offender registration. The bill authorized a timeline whereby sex offenders in Oregon would be classified as levels 1, 2 or 3. It authorized the Department of Corrections to assess every offender in the state. Each level carried different obligations/penalties. There have been issues with implementing the statutory mandate.

House Bill 2320 modifies the assessments and timelines for the tiered registration system. It requires the State Board of Parole and Post-Prison Supervision (Board), rather than the Department of Corrections, to adopt a sex offender risk assessment methodology to classify sex offenders into risk levels. The measure also requires the Board to have five members, and allows a minimum of three Board members to make and review certain decisions. The measure extends the time in which the Board must have all existing registrants classified to December 1, 2018. Additionally, the measure requires the juvenile court to hold a hearing at the end of its jurisdiction over the juvenile to determine if the juvenile must report as a sex offender.

Effective date: August 12, 2015

House Bill 2339

Victims' Rights in Court Proceedings

House Bill 2339 requires courts to appoint interpreters for non-English speaking victims who are attending court proceedings and prohibits courts from charging victims fees for interpreters. The measure also provides for hearing-assistive devices or qualified interpreters for disabled persons attending hearings.

Article I, Section 42 of Oregon's Constitution grants certain rights to crime

victims, including the right to be present at all critical stages of the criminal prosecution and to be heard at the pre-trial release hearing and sentencing. A "critical stage" of a proceeding is defined in ORS 147.500 and includes release hearings, preliminary hearings, hearings on motions and petitions, entry of pleas, trials, restitution hearings, sentencing, probation violation hearings or any other stage of the proceeding the court determines is a critical stage. Prior to enactment of House Bill 2339, courts were required to appoint interpreters for non-English speaking parties or witnesses, if necessary, to interpret the proceedings or assist the court in its duties. The court also had an obligation to provide hearing-assistive devices to a person with a disability when that person was a party or a witness. The court was not expressly authorized to appoint an interpreter to victims who were only in attendance at a hearing.

Effective date: May 26, 2015

House Bill 2354

Unmanned Aircraft Systems (Drones)

House Bill 2354 makes small changes to Oregon's statutes on unmanned aircraft systems (UAS), also known as drones. The measure removes the 400-foot limitation for a private civil action against a UAS operator and changes terms to be consistent with federal language.

UAS (or drones) may be as large as an aircraft or as small as a bird. In 2013, the Oregon Legislative Assembly enacted House Bill 2710, which provided guidance and restrictions on the use of UASs. Law enforcement use of drones is limited to situations in which there is a warrant, consent for use, or for search and rescue and

emergency situations. The statute also created a civil right of action for individuals who do not want UASs operated over their property. Under the 2013 Act, an operator must have flown the UAS at an elevation of less than 400 feet over the person's property on at least one other occasion and been notified by the person not to do so. The successful plaintiff may recover treble damages and attorney fees.

Effective date: January 1, 2016

House Bill 2356

Invasion of privacy

The crime of invasion of personal privacy prohibits the nonconsensual recording or viewing of another person when that person is in a private place and nude. Currently, the offense is a Class A misdemeanor.

House Bill 2356 increases penalties for recidivists and for those who make recordings of others. Knowingly recording another person in a state of nudity without consent when that person has an expectation of privacy is reclassified as invasion of personal privacy in the first degree and becomes a Class C felony, with a crime category of 6 on the felony sentencing guidelines. Sex offender registration would be discretionary if the court finds it appropriate for public safety. Invasion of personal privacy in the first degree would also apply to those who, at the time of the offense, have a previous conviction for invasion of privacy, private indecency, public indecency or a sex crime. Invasion of personal privacy in the second degree applies to nonconsensual viewing of another and remains a Class A misdemeanor.

Effective date: January 1, 2016

House Bill 2392

Replacement of Oregon Trail Cards

When a person qualifies for state assistance such as Temporary Assistance for Needy Families (TANF) or Supplemental Nutritional Assistance Program (SNAP), an account is established, much like an ordinary bank account, allowing the recipient to access benefits using a card. In Oregon, this card is called the Oregon Trail Card. The card operates just like a bank card: benefits are deposited into the recipient's account on a monthly basis and the recipient may make purchases or withdraw cash using the card at store locations and automatic teller machines. A cardholder receiving SNAP benefits may buy food and a cardholder receiving TANF benefits may buy nonfood items and obtain cash.

House Bill 2392 requires a replacement Electronic Benefits Transfer card to display the name of the individual to whom the replacement card was issued. It would also reduce the option to receive direct deposit for some assistance programs.

Effective date: January 1, 2016

House Bill 2420

Community restorative services

House Bill 2420 requires a community mental health director or the director's designee to consult with a defendant when a court has reason to doubt a defendant's fitness to proceed in a criminal case. The purpose of the consultation is to determine whether the services and/or supervision necessary to return the defendant to fitness

to proceed are available in the community. The findings of the consultation are to be shared with the court prior to ordering commitment of the defendant at the Oregon State Hospital.

Oregon's criminal justice system mandates that defendants understand and participate in criminal proceedings against them. ORS 161.360 – 161.370 requires a court to suspend criminal proceedings when, as a result of mental disease or defect, a defendant is unable to understand the nature of the proceedings, assist with counsel or participate in the defense. It also authorizes the court to order treatment and commitment in order to restore the defendant to capacity. Commitment to the state hospital for restoration is only permissible when there is a finding that the defendant is dangerous or community-based restorative services are not available.

Effective date: January 1, 2016

House Bill 2557

Set aside for guilty except for insanity adjudication

House Bill 2557 allows courts to expunge, or set aside, guilty except for insanity (GEI) adjudications. When a court grants an order setting aside a GEI adjudication, the person is no longer legally deemed to have been found GEI and the court records are sealed. The bill requires the court to inform persons who have had their GEI adjudication expunged that their right to possess, purchase or acquire a firearm is still prohibited under federal law. The court retains jurisdiction to unseal and disclose records relating to GEI adjudication in civil actions in which truth is a defense or criminal cases when the moving party shows

good cause. In addition, the measure adds language authorizing the expunction of records associated with juvenile adjudications of responsible except for insanity.

A person is adjudicated GEI if, as a result of mental disease or defect at the time of the criminal conduct, the person lacks substantial capacity to appreciate criminal conduct. ORS 137.225 authorizes the court to set aside, or “expunge,” certain criminal convictions. The statute establishes rules for which offenses may be expunged, as well as the process a person follows in seeking an expungement. In *State v. Saunders*, 195 Or. App. 357 (2004), the Oregon Court of Appeals issued an opinion stating that a finding of guilty except for insanity is not a conviction, and therefore cannot be expunged.

Effective date: January 1, 2016

House Bill 2571

Body cameras

House Bill 2571 requires law enforcement agencies to establish policies and procedures for the use of cameras worn by officers. The measure establishes minimum requirements for retention of recordings and provides a public records exemption for recordings unless the public interest requires disclosure and the request is reasonably tailored for the public interest and identifies the approximate date and time. Prior to release, the faces of individuals in the video must be blurred.

Body cameras are small digital recording devices worn upon the body of a person. Law enforcement may choose to use these cameras to record police interactions with

members of the public. Prior to enactment of House Bill 2571, there were no authorizations, prohibitions or guidelines from the state on the use of body cameras or retention and release of video captured by body cameras.

Effective date: June 25, 2015

House Bill 2596

Invasion of personal privacy

House Bill 2596 extends the crime of Invasion of Personal Privacy in the Second Degree (ORS 163.700) to prohibit the nonconsensual recording of a person's intimate area, regardless of whether that person is nude or in a private place, if the person recorded has a reasonable expectation of privacy concerning the intimate area.

Invasion of Personal Privacy is a Class A misdemeanor. Traditionally, invasion of personal privacy was applied to recording another person in a state of nudity without consent and in a place where there is a reasonable expectation of privacy. Because of advances in technology, it is possible to record the intimate areas of another without their consent, but while in a public place. For example, a person may use a cell phone to surreptitiously take a photograph up the skirt of another person who is unaware of the photograph. The photo may then be digitally shared. Such behavior was not captured by ORS 163.700 prior to enactment of House Bill 2596.

Effective date: June 10, 2015

House Bill 2660

Ignition interlock devices

House Bill 2660 provides courts with discretion on whether or not to require a participant in a diversion program for Driving Under the Influence of Intoxicants (DUII) to install an ignition interlock device on the participant's vehicle in instances when the participant submitted to a chemical breath or blood test that resulted in less than .08 percent by weight of alcohol and no substance other than alcohol was detected in the test.

An ignition interlock device is a machine installed on any motor vehicle operated by a person convicted of DUII or participating in a DUII diversion program that requires the operator to breathe into the machine in order to start the vehicle. If alcohol is detected in the breath sample, the machine will prevent the vehicle from starting. A DUII defendant may be able to participate in a diversion program, which if completed, results in a dismissal of the DUII charge. Current law requires all diversion participants to install an ignition interlock device as a condition of diversion, even if a low level of alcohol or no alcohol was detected in the participant's system.

Effective date: January 1, 2016

House Bill 2693

Sexual assault of animals

House Bill 2693 creates the crime of encouraging the sexual assault of an animal. The crime occurs when a person knowingly possesses or controls, for the purpose of arousing or satisfying sexual desire, a visual

recording of a person engaged in sexual conduct with an animal and knows or is aware that the recording involved the sexual assault of an animal and consciously disregarded that fact. The measure also increases the crime of sexual assault of an animal from a Class A misdemeanor to a Class C felony.

Effective date: January 1, 2016

House Bill 2700

Class action lawsuits

House Bill 2700 establishes a cy pres rule within Oregon Rules of Civil Procedure Rule 32 by directing 50 percent of unclaimed or unpaid moneys to the Oregon State Bar for the sole purpose of funding the Legal Services Program. The remaining 50 percent is distributed to any entity that the court determines is directly related to the class action or is directly beneficial to the class. It also changes ORCP 32 so that courts may determine the claims process on a case-by-case basis and modifies the mechanism for individual recovery from the judgment.

The Oregon Rules of Civil Procedure (ORCP) provide the structure for conducting civil suits, including class actions. Rule 32 addresses the use of claim forms or business records to determine the number of individuals who are entitled to receive a portion of a money award in a class action proceeding. If business records exist that can reasonably identify class individuals, the court may order the defendant to notify those individuals of their right to recovery and individuals must then notify the court if they do not wish to be included in the class. If the individuals do not respond to the notice, they will be included in the judgment award. After a judgment has been entered

and an award distributed, there may be money remaining from uncashed checks or unclaimed funds. In many courts, this money is directed to another entity or purpose, and is not returned to the defendant. This principle is called “cy pres.”

Effective date: March 4, 2015

House Bill 2704

Recording of Law Enforcement

House Bill 2704 creates a new exemption to ORS 165.540, which requires a person to specifically inform parties of a recording that is being made, unless exempted. The exemption in HB 2704 applies to a person who openly, and in plain view of the participants in the conversation, records a law enforcement officer while the officer is performing his or her official duties in a place where person recording is lawfully present. The measure makes clear that the exemption does not authorize a person to engage in conduct constituting criminal trespass.

Under ORS 165.540, a person who obtains, or attempts to obtain, the whole or part of a conversation by means of any device must “specifically inform” the parties of the recording. Failure to do so constitutes a Class A misdemeanor. ORS 165.540 provides specific exemptions to this rule. Examples include: 1) public or semipublic meetings such as hearings before governmental or quasi-governmental bodies, trials, press conferences, public speeches, rallies, and sporting or other services; 2) regularly scheduled classes or similar educational activities in public or private institutions; and 3) law enforcement officers operating vehicle-mounted cameras.

Effective date: January 1, 2016

House Bill 2776

Emergency protective order

House Bill 2776 creates an avenue for a peace officer to apply for an emergency protective order in response to domestic disturbances. The officer must obtain the victim's consent to apply for the order. Upon granting of the victim's consent, the officer is permitted to unilaterally approach the court to make a showing that probable cause exists that: 1) the officer has responded to an incident of domestic disturbance and the circumstances for mandatory arrest exist; 2) a person is in immediate danger of abuse by a family or household member; and 3) an emergency protective order is necessary to prevent a person from suffering the occurrence or recurrence of abuse. Should the judge make such a finding, the court will enter an order prohibiting contact between the individuals. The order is not effective unless it is properly served upon the person restricted from contact. An emergency protective order expires on the seventh judicial business day following the day of its entry into the Law Enforcement Data System. Violation of the order constitutes contempt of court punishable by up to six months in jail.

Oregon allows victims to apply for a restraining order against their abusers through the Family Abuse Prevention Act (FAPA). When a petitioner requests relief from the court in the form of a FAPA restraining order, the circuit court holds an ex parte hearing either in person or by telephone. To grant the request for a FAPA order, the court must find: 1) the petitioner has been the victim of abuse by the respondent within 180 days preceding the hearing; 2) there is an imminent danger of further abuse to the petitioner; and 3) the

respondent represents a credible threat to the physical safety of the petitioner or the petitioner's child. Upon granting of the order, the respondent is prohibited from any and all contact with the petitioner. The court may fashion additional remedies for the protection of the petitioner. Prior to the enactment of HB 2776, there was no avenue for a law enforcement officer to apply for a temporary restraining order on behalf of the victim.

Effective date: January 1, 2016

House Bill 2936

Sobering facilities

Law enforcement personnel are permitted to take any person who is intoxicated or under the influence of a controlled substance in a public place, either to the person's home or to a treatment facility. Treatment facilities for this purpose are defined as those that meet certain minimum standards for diagnosis and evaluation, medical care, detoxification, social services or rehabilitation services for alcoholics and drug-dependent persons. These facilities are immune from civil or criminal liability so long as they act in good faith with probable cause and without malice. Many small jurisdictions do not have qualifying treatment facilities, leaving acutely intoxicated persons with few safe alternatives to detoxify.

House Bill 2936 extends similar civil and criminal immunity to less-comprehensive sobering facilities as provided treatment facilities. The measure establishes criteria that sobering facilities must meet to receive immunity, including affiliation with approved providers to refer individuals for appropriate treatment and develop best

practices. The measure also limits the number of sobering facilities that may register after January 1, 2016 and protects the confidentiality of records of persons who are admitted.

Effective date: July 20, 2015

House Bill 3014

Grandparents rights in dependency

House Bill 3014 changes the definition of “grandparent” within the dependency notice and visitation request statute so as to include the legal parents of the child’s parent, even if the parental rights of the parent have been terminated.

The grandparents of a child in the dependency process are entitled to notice of hearings regarding the grandchild if the Department of Human Services knows who the grandparents are and has contact information for them. Grandparents are not parties to the proceeding, but do have an opportunity to be heard. Grandparents may also request the court grant visitation or contact with the child. Prior to enactment of HB 3014, ORS 109.119(c) defined a grandparent as “the legal parent of the child’s legal parent.” The same statute specifies that “legal parent” means a parent whose rights have not been terminated. As a result, grandparents of a child were excluded from the notice and visitation provisions if the parental rights of the parent have been terminated.

Effective date: January 1, 2016

House Bill 3036

Board of Parole and Post-Prison Supervision

House Bill 3036 creates new procedures for Board of Parole and Post-Prison Supervision (Board) hearings. It authorizes the Board to require a prosecuting attorney appear at the Board hearing. The Board must notify the District Attorney who handled the underlying prosecution. The District Attorney may consult with the Attorney General to determine who should appear at the hearing, if the Attorney General participated in the underlying prosecution. Appearance may be in person, by phone, or through an electronic communication device.

The Board has the authority to parole inmates who are within the jurisdiction of the Oregon Department of Corrections. As sentencing has evolved from largely indeterminate sentences to determinate sentences, the specific type of offenders eligible for parole has evolved as well. Today, the Board has authority over felony offenders sentenced before November 1, 1989, dangerous offenders under ORS 161.725 – 161.735, and certain murder sentences of life with the possibility of parole. The Board is required to conduct public hearings regarding parole decisions. District Attorneys have the right to appear at these hearings but prior to HB 3036, no provision of law gave the Board the authority to require the appearance of a prosecuting attorney at these hearings.

Effective date: January 1, 2016

House Bill 3206

Post-conviction DNA testing

House Bill 3206 changes the current statutory framework for requesting post-conviction DNA testing. It expands the availability of testing to all felony offenses while requiring the defendant to identify the evidence to be tested with as much specificity as is practicable. HB 3206 requires the defendant to make a prima facie showing that exculpatory evidence would lead to a finding that the person is actually innocent of the offense. The measure limits victim testimony in motion practice for testing and requires the court to make written findings when denying a motion for testing. Finally, it clarifies the availability of court-appointed counsel to aid in the motions for testing.

Oregon law allows persons convicted of certain crimes to seek post-conviction DNA testing. Prior to enactment of HB 3206, the requests for such testing had to be limited to persons convicted of certain crimes and the petition for testing had to show that the evidence would establish actual innocence of the person. Additionally, the earlier system did not appoint counsel for the defendants seeking post-conviction DNA testing. As a result, very few petitions for post-conviction testing were granted.

Effective date: January 1, 2016

House Bill 3347

Civil commitment

House Bill 3347 revises the definition of “person with a mental illness” for purposes of civil commitment to reflect current case

law interpretation of when a person is unable to provide for basic personal needs.

ORS 426.130 authorizes a court to civilly commit a person with mental illness under certain circumstances. The statutes authorize commitment of individuals in two circumstances: (1) the person is a danger to themselves or others; or (2) the person is unable to provide for their basic needs. There are constitutional limitations on when a person can be civilly committed. Under current Oregon law, “the state must establish by clear and convincing evidence that the individual, due to a mental disorder, is unable to obtain some commodity (e.g., food and water) or service (e.g., life-saving medical care) without which he cannot sustain life.” *State v. Jayne*, 174 Or App 74 (2001). “The statute does not express a standard by which the imminence of the threat to life is to be measured. A speculative threat . . . is not itself sufficient.” *Id.* However, “the state need not postpone action until the individual is on the brink of death. The goal of the commitment statute is safe survival, not merely the avoidance of immediate death.” *State v. D.P.*, 208 Or App 453, 461 (2006). There must be a “likelihood that the person probably would not survive in the near future because the person is unable to provide for basic personal needs.” *State v. Cori Aron*, 176 Or App 342 (2001).

Effective date: January 1, 2016

House Bill 3399

Local courts

House Bill 3399 allows any party to a proceeding conducted in open court of a Justice court or a Municipal court to arrange for recording of those proceedings. If the

parties and the court agree, the recording may be used during the proceedings or may be agreed to as an official record of the proceedings. Additionally, the measure requires Justices of the Peace and Municipal court judges to be members of the Oregon State Bar or to complete a course on courts of special jurisdiction offered by the National Judicial College.

Justice of the Peace courts are created by county court or county commissioners. Justice courts may hear violations, misdemeanors, and some felonies, as well as civil cases. Municipal courts are created by city charter or ordinance and have jurisdiction over offenses created by the city. Justices of the Peace are not required to be attorneys and the qualifications for municipal court judges are determined by the charter of the city.

Effective date: January 1, 2016

House Bill 3452

Indemnification of property

An indemnification clause occurs when one entity agrees to hold the other entity harmless from, or to pay for, losses or damages that result from an agreement. For example, a property owner may require a youth group to pay for any damages incurred on the property when it is in use by the youth group. In some instances, the breadth of indemnification clauses has broadened and may include individuals being asked by the property owner to provide indemnification against damages caused by other individual users. Often, individuals signing the contracts do not understand exactly what they are signing, nor do they understand the resulting shift in liability.

House Bill 3452 prohibits a property owner from requiring an individual user indemnify the property owner for damages caused by another individual that occur through a nonprofit organization or educational provider's use of the property. It does not restrict the property owner from requiring the entity to enter into such agreements for damages caused by the entity's use of the property.

Effective date: July 21, 2015

House Bill 3466

Release conditions

A release hearing determines whether a defendant may be released from jail pending trial. Should the court order release, certain conditions will be placed upon the defendant. If the defendant violates any of these conditions of release, the person may be brought back into custody and held pending adjudication of the underlying criminal matter. For sex crimes or domestic violence, the release decision must include a prohibition on contact with the victim.

House Bill 3466 clarifies that the prohibition on contact extends to attempted contact through third parties.

Effective date: January 1, 2016

House Bill 3476

Confidentiality

Oregon's Evidence Code recognizes several relationships in which communications are kept confidential and are generally not admissible in court. These include

communications between spouses, doctors and patients, counselors and clients, lawyers and clients, and clergymen and penitent.

House Bill 3476 creates a new communication privilege for confidential communications between a victim of a sexual assault, domestic violence or stalking, and victim advocates or providers of safety planning, counseling, support or advocacy service. Victim services programs include non-profit, community-based providers and several programs found on higher education campuses, such as student affairs offices, health centers and women's centers.

Effective date: June 4, 2015

House Bill 3498

Guide services

Currently, any person in Oregon who acts as an outfitter or guide must register with the State Marine Board (Board). Registration must be renewed annually and requires an affidavit from applicants stating they have not been convicted of certain crimes in the previous 24 months. Those crimes mostly relate to wildlife and game violations. The Board also has authority to take action, including suspension, revocation or denial against outfitters and guides who have committed certain violations.

House Bill 3498 extends the crimes that will disqualify an applicant for a guide or outfitter license to include drug-related offenses, assault, crimes that prohibit the applicant from possessing a firearm and offenses requiring registration as a sex offender. The measure also gives the Board authority to revoke or reprimand outfitters

convicted of certain crimes while requiring the revocation of licenses for more serious convictions.

Effective date: June 16, 2015

House Bill 3525

Immigration consultant fraud

In some Latin American countries, a "notario publico" is the equivalent of a bar-licensed attorney. In recent years, individuals have begun offering immigration consulting services in Oregon to the immigrant community under the title of a notario publico. Often, these individuals are not qualified or licensed to practice law. In 2013, the Legislative Assembly enacted measures to prohibit the use of the term "notario publico" by notaries and prohibited the offering of immigration consulting services by anyone but licensed attorneys.

House Bill 3525 creates a 12-member Task Force on Immigration Consultant Fraud to report to the Legislative Assembly by September 15, 2015.

Effective date: July 21, 2015

Senate Bill 3

Endangering person protected by Family Abuse Prevention Act (FAPA)

Oregon law allows victims of domestic violence to apply for a FAPA restraining order protecting them from abuse by family or household members. Individuals seeking protection from a FAPA order must demonstrate to the court that they are in imminent danger of further abuse from the

subject of the order. Should a restraining order be granted by the court, the subject of the order is prohibited from contacting the protected party, either by themselves or through a third party. Violation of a FAPA order constitutes contempt of court and is punishable by up to six months in jail for each violation.

Senate Bill 3 creates the crime of endangering a person protected by a FAPA order. Unlike a typical contempt of court action for a restraining order violation, it is not mere contact that constitutes the crime. Rather, the prohibited contact must be the type that recklessly places the protected party at substantial risk of physical injury, or attempts to place a protected party in fear of imminent physical injury. If persons commit the crimes of recklessly endangering another person or menacing while violating the order, they commit the crime of endangering a person protected by a FAPA order. Such behavior elevates the level of offense to a Class C felony, punishable by a maximum of five year's incarceration, \$125,000 fine or both.

Effective date: January 1, 2016

Senate Bill 161

Tax liens

In Oregon, counties are authorized to collect taxes for personal business property. Personal business property includes machinery, equipment, furniture, books, non-inventory supplies, etc., used by a business, whether currently in use, in storage or held for sale. Purely personal-use items, farm animals, inventory and intangible personal property, such as interest or stock, are tax-exempt personal property. When personal property taxes become delinquent,

the tax collector must give written notice of the taxes due and delinquency, the date of delinquency, the interest rate, and the date at which a warrant may be served. Thirty days later, a warrant may be issued to enforce payment. A properly served and noticed warrant acts as a judgment against the property owner, who may then be subject to liens, garnishment or seizure. Liens against personal business property were recorded at the county level. Personal business property may be sold across county or state lines, making it difficult for buyers to uncover liens against property.

Senate Bill 161 requires sellers to give notice to buyers of liens that may be against the personal business property and sets up a structure for relieving a bona fide purchaser from the tax delinquency of a former owner. It also allows the tax collector to send notice of the electronic warrant to the Secretary of State (SOS). It does not relieve the obligation of the tax collector to properly serve the warrant or to record the lien. The SOS must provide public access to warrant notices and cancellation of warrants in a manner similar to that used for financing statements.

Effective date: October 5, 2015

Senate Bill 173

Examination of firearm

Oregon law allows a peace officer to examine any firearm possessed by a person while they are in or on a public building. The purpose of such inspection is to determine whether or not the firearm is loaded. Under current law, a refusal of such inspection constitutes an arrestable offense pursuant to ORS 133.310.

Senate Bill 173 allows people with a valid concealed handgun license to present their license, rather than their firearm, upon a peace officer's request for inspection and removes language stating that refusal to present the firearm for inspection constitutes reason to believe the person has committed a crime.

Effective date: January 1, 2016

Senate Bill 188

Unlawful dissemination of an intimate image

Individuals may choose to share an intimate image, such as a photograph, of themselves with another person. In some cases, a person may discover that an image shared confidentially with another has been posted to the internet. Some websites may charge a fee to remove an image, even if the person in the image did not authorize its distribution. Further, the Federal Communications Decency Act immunizes website managers from liability when other people post content on their website. Additionally, the First Amendment and the Oregon Constitution provide protection for speech, even when unpopular or potentially injurious. Because of these restrictions, individuals have had little recourse when they find their intimate images shared in a public space without their permission.

Senate Bill 188 creates the crime of unlawful dissemination of an intimate image. The measure prohibits disclosure of an intimate image to a website without permission, with the specific intent to harass, humiliate or injure another. Unlawful dissemination of an intimate image is a Class A misdemeanor for a first violation

and a Class C felony for each subsequent violation.

Effective date: June 11, 2015

Senate Bill 222

Juvenile dependency

Juvenile dependency is a court process whereby a child is temporarily or permanently removed from the care of a parent or guardian as a result of alleged abuse or neglect. Within 24 hours of a child being removed from a home by the Department of Human Services (DHS), a hearing must take place to determine if the child can stay safely within the home. A hearing to determine whether the court takes jurisdiction over a child must happen within 60 days of a petition being filed. In dependency cases, attorneys are appointed for the children and the parents. The District Attorney often is present on behalf of the state. A DHS caseworker is also present, but frequently appears without counsel. Under ORS 9.320, the state must appear by attorney in all court cases; the Attorney General is the attorney for DHS. In the 2014 legislative session, the requirement for representation was suspended for hearings after the jurisdictional hearing, and when the district attorney represents the state and that position is not in conflict with DHS's position. The authority to appear without representation was set to sunset on June 30, 2015.

Senate Bill 222, as amended, extends the sunset to June 20, 2018 and creates an 18-member Task Force on Legal Representation in Juvenile Dependency. The Task Force is required to report to the Legislative Assembly by July 15, 2016.

Effective Date: July 27, 2015

Senate Bill 341

Agri-tourism

The State of Oregon has a robust and growing agri-tourism industry, which includes farm visits, vineyards, pumpkin patches, corn mazes and a broad range of other activities. While many farms welcome the public onto the land and host events, some farms encountered issues with obtaining insurance to cover events due to limited protections from lawsuits arising from farm-related activities.

Senate Bill 341 gives liability protection to agri-tourism providers against injury to or death of a participant arising out of the inherent risks of agri-tourism if the agri-tourism provider posts certain notices and has not acted negligently. Additionally, the measure defines relevant terms and includes the exact warning language that must be posted.

Effective date: June 22, 2015

Senate Bill 343

Tribal police officers

In 2011, the Legislative Assembly passed Senate Bill 412, which provides tribal law enforcement officers in Oregon the same arrest and police powers as other state, local, and special police officers. Senate Bill 412 included a sunset provision taking effect on June 30, 2015. In the years since the bill was enacted, several tribes and law enforcement jurisdictions have advocated for the removal of the sunset and permanent adoption of the tribal law enforcement powers.

Senate Bill 343 repeals the sunset provision contained in Senate Bill 412.

Effective date: May 26, 2015

Senate Bill 364

Set-aside of marijuana offense convictions

In 2013, the Oregon Legislative Assembly passed Senate Bill 40, which reclassified most marijuana offenses to either Class C or Class B felonies. The classification had implications for whether an offense can be set aside or “expunged.” The measure made the reclassifications apply to conduct occurring on or after the effective date of the bill, which was July 1, 2013. In addition, the reclassification of marijuana offenses by Senate Bill 40 eliminated a provision under ORS 161.705 that permitted Class B felony possession offenses to be reduced to misdemeanors.

Senate Bill 364 requires the court to consider these new classifications of marijuana offenses when considering an expungement, regardless of when the conduct occurred. This permits offenders who committed marijuana offenses prior to passage of Senate Bill 40 to use the new classifications in seeking an expungement. Senate Bill 364 also reinstates the provision of ORS 161.705 that permits Class B felony possession offenses to be reduced to misdemeanors.

Effective date: June 8, 2015

Senate Bill 377

Theft of an intimate image

Oregon statute forbids the use of a computer to commit theft, including theft of proprietary information. The statute was not clear, however, that theft of a digital intimate image would qualify as a computer crime.

Senate Bill 377 clarifies that theft of an intimate image is a computer crime, making it a Class C felony. The measure also provides a technical fix to the order of conditions of probation.

Effective date: June 10, 2015

Senate Bill 379

Probate Code update

The Oregon Probate Code was adopted in 1969. In the 46 years of its existence, it has undergone individual modifications, but has not been subject to a lengthy review or update. The Probate Modernization Work Group of the Oregon Law Commission was formed in 2013 to review and recommend changes to the Oregon Probate Code.

Senate Bill 379 is the 2015 probate modernization recommendation of the Oregon Law Commission. It covers Oregon Revised Statute Chapter 112, dealing with disposition of intestate property and wills.

Effective date: January 1, 2016

Senate Bill 387

DUII fingerprinting

ORS 181.515 lists the crimes requiring fingerprinting upon arrest, including any felony; any misdemeanor or other offense that involves criminal sexual conduct; and any crime that constitutes a violation of the Uniform Controlled Substances Act.

Immediately upon the arrest for one of those offenses, the arresting agency must place the person's fingerprints and identifying data on forms prescribed or furnished by the Department of State Police. The arrested person is assigned a unique State Identification Number (SID). In practice, almost all individuals who are booked into jail are fingerprinted under jail policy; however, there is no statutory requirement for such record keeping outside of the offenses listed in ORS 181.515. In some situations, a person may be stopped for a crime, such as driving while under the influence of intoxicants (DUII), cited and released. They are not arrested, booked, fingerprinted or assigned a SID number. As a result, some individuals who complete DUII diversion are not easily identifiable within the court system. This creates problems for recidivism data collection.

Senate Bill 387 requires the court ensure fingerprinting for all DUII cases, including those entering diversion, in an effort to better track recidivism data in the context of DUII.

Effective date: January 1, 2016

Senate Bill 391

Forfeiture of security release deposits

In the past, law enforcement agencies have used Oregon's forfeiture statutes to seize security release deposits (bail) under the theory that money being used as bail is part of a "criminal enterprise" and is therefore subject to seizure and forfeiture. Oftentimes, the security is then transferred into a federal program which allows for disposition of the property in a less cumbersome manner than state statute.

Senate Bill 391 requires law enforcement agencies to obtain a warrant or court order prior to seizure of security release deposits and requires a court order to transfer the money or property to any other entity.

Effective date: January 1, 2016

Senate Bill 397

Ignition interlock devices

Oregon law requires that all persons participating in a Driving Under the Influence of Intoxicants (DUI) diversion program or convicted of DUI install an Ignition Interlock Device (IID) on their vehicles in order to lawfully operate that motor vehicle. The time that the device is required to be installed on the vehicle is dependent on the person's number of DUI convictions. The Oregon Department of Transportation (ODOT) is responsible for promulgating rules on the types of IID that may be used, the reports generated by IIDs, deferment or waiver of the expense for IIDs and for receiving proof of installation of the device.

Senate Bill 397 streamlines the IID process. It requires that, when a defendant is participating in DUI diversion, the provider who installed the IID notify the court or court's designee and the district attorney or city prosecutor of a negative report within seven business days of detecting the negative report. The negative report notification must be in a format prescribed by ODOT. A person participating in diversion may petition the court for removal of the IID after six consecutive months without a negative report. In making the decision, the court will consider the nature of the underlying crime, the blood alcohol content of the defendant at the time of the arrest and any other relevant factors. Additionally, Senate Bill 397 allows for the removal of the IID device after a defendant or diversion participant obtains a certificate from the IID provider that there have been no negative reports for the prior 90 days.

Effective date: January 1, 2016

Senate Bill 462

Perfection of financing statements

The Uniform Commercial Code (UCC) governs commercial transactions and has nine sections, or Articles. Article 9 governs secured transactions and its Oregon statutory counterpart can be found in Chapter 79 of Oregon Revised Statutes. ORS 79.0502 provides the information required on a financing statement: the name of the debtor, the name of secured party and the collateral covered by the financing statement. The names of debtors and priority liens associated with those debtors are catalogued on the Secretary of State's searchable database. There are two different options for providing the name of the debtor: the surname and first personal name of the

debtor, or the name on an un-expired state-issued identification card or driver license.

Senate Bill 462 requires the name as it appears on an unexpired driver license or state-issued identification card for perfection of filing a financing statement.

Effective date: June 22, 2015

Senate Bill 525

Prohibition against possession of firearm or ammunition

The federal Violence Against Women Act (VAWA) has prohibited the possession of firearms or ammunition by certain adjudicated domestic violence offenders. However, it has been difficult to implement the federal law in Oregon because there are a limited number of federal law enforcement officers in the state, and local law enforcement officers are not authorized to enforce federal law. As a result, it is local law enforcement that interact with domestic abusers and victims and need the tools to protect victims.

Senate Bill 525 establishes state firearm prohibitions modeled after the current federal prohibitions found in the VAWA. By incorporating these prohibitions into Oregon's statutes, they will be enforceable at the state level, and will provide the protection for domestic victims. The measure provides that an individual, who is the subject of a restraining order protecting intimate partner or child of intimate partner, may not possess a firearm or ammunition. The prohibition applies if person has been convicted of misdemeanor involving domestic violence that has use or attempted use of physical force or use or threatened use of a deadly weapon as element of

offense and defendant was family member of victim at time of offense. Additionally, the measure states that if a person is convicted of a qualifying misdemeanor and the victim was a family member at the time of the offense, they may not possess a firearm or ammunition.

Effective date: January 1, 2016

Senate Bill 590

Court visitors

Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. The appointment of a guardian occurs after a petition is filed and a court finds that the person who is the subject of the proceeding lacks capacity to make decisions on his or her own behalf. Guardians are often family or friends, but may also be professionals. Appointment of a guardian may be appropriate or necessary in circumstances where an adult has significant developmental delays or illness. Guardianship may be limited, but frequently removes significant decision-making authority from the person and gives it to the guardian. The guardian may be making determinations on housing, daily activity, health care treatment and finances. Under current Oregon law, a court must appoint a court visitor to interview the proposed protected person and the proposed guardian and report back to the court, but no such appointment is required for guardianships filed for minors who are likely to be under a guardianship when they reach adulthood.

Senate Bill 590 requires courts to appoint court visitors in cases where a respondent is more than 16 years of age and the court determines that the respondent is likely to

have a guardian when the respondent reaches adulthood.

Effective date: January 1, 2016

Senate Bill 601

Oregon Consumer Identity Theft Protection Act

In 2007, the Legislative Assembly passed Senate Bill 583, the Oregon Consumer Identity Theft Protection Act. The Act has had few changes made to it since its creation. In 2014, the Attorney General formed a work group to update the Act to include new technologies, challenges and enforcement options.

Senate Bill 601 expands the definition of “personal information” to include new sources of information, such as physical characteristics and health insurance policy numbers. It requires a person who suffers a data breach of the personal information of another to notify the Attorney General when that breach affects more than 250 consumers. The measure also makes violation of the Act actionable by the Attorney General under the Unlawful Trade Practices Act. Entities, such as hospitals or health care plans covered by the Health Insurance Portability and Accountability Act, are not subject to enforcement actions by the Attorney General if they provide notice to the Attorney General when notice is being provided to federal regulators.

Effective date: January 1, 2016

Senate Bill 614

Animals in motor vehicles

Oregon law provides that peace officers may enter the premises with a search warrant when the officer has probable cause to believe an animal is being subjected to treatment in violation of certain Oregon Revised Statutes sections. The law, however, did not contain the same provision for animals contained in motor vehicles.

Senate Bill 614 clarifies that the protections that currently exist for law enforcement officers aiding animals on premises also extends to officers aiding animals in motor vehicles.

Effective date: January 1, 2016

Senate Bill 641

Warrantless searches

The United States and Oregon Constitutions prohibit warrantless searches, unless certain well-founded exceptions to the warrant requirement exist. These exceptions may include consent, search incident to arrest and exigent circumstances. For years, courts have wrestled with the constitutional analysis of when and how portable electronic devices can be searched by police. In *Riley v. California*, 134 S.Ct. 2473 (2014), the United States Supreme Court held that searching a person’s cell phone, incident to arrest, violates the United States Constitution, unless the search is authorized by warrant or certain exigent circumstances. Typically, there are two ways in which law enforcement may access a portable electronic device. The officer may physically examine and search the phone, or

the officer may extract data from the phone electronically.

Senate Bill 641 focuses on electronic extraction and prohibits law enforcement from duplicating or copying the data from a portable electronic device without a warrant or consent. Physical examination and searches pursuant to “exigent circumstances” are not prohibited by the bill, and issues arising from physical examination and searches are to be litigated under the *Riley* standards.

Effective date: January 1, 2016

Senate Bill 740

Interpreters

Oregon law requires an interpreter be made available at the earliest time possible after arrest to a person with a physical hearing impairment or speaking impairment. The court determines responsibility for the fees and expenses of an interpreter after receiving a verified statement and writings under oath from the person with a disability as to his or her inability to pay for the interpreter. If it appears to the court that the person cannot pay, then the public employer of the arresting officer must pay for the interpreter. The Americans with Disabilities Act requires public agencies to ensure effective communication with hearing- or speaking-impaired individuals at no cost to the individual.

Senate Bill 740 requires the employer of the arresting officer to pay for the interpreter, regardless of whether the person could show that he or she could or could not obtain an interpreter. This brings Oregon law into alignment with federal law.

Effective date: January 1, 2016

Senate Bill 825

Grand juries

Grand juries are legal bodies that have authority to investigate criminal allegations and authorize indictments. ORS 132.320 establishes the type of evidence that may be presented to a grand jury. Under current law, the grand jury is not required to hear evidence at the request of the defendant. The prosecuting attorney and the grand jury establish what evidence should be considered.

Senate Bill 825 grants defendants a right to testify before the grand jury when the defendant has been arraigned on a felony allegation and is represented by counsel. The defense attorney must notify the district attorney in writing of his or her request to testify before the grand jury. If notice is provided by the defense attorney, the district attorney must notify the defense attorney of the date, time and location of the grand jury proceeding. The bill does not give defendants the right to appear and testify when the grand jury is meeting in secret, nor does it give defendants a right to offer additional evidence or witnesses, other than their own testimony.

Effective date: January 1, 2016

Senate Bill 839

Drug-related overdose

In 2014, the Oregon Legislative Assembly enacted House Bill 4094, which provided immunity from citation for Minor in

Possession citations to those under the age of 21 years old when the only evidence of possession of alcohol is discovered after a request for alcohol-related medical assistance. The intention of the measure is to encourage calls for assistance when help is needed, without fear of punishment.

Senate Bill 839 creates similar prosecutorial immunities for persons whose contact with law enforcement is in response to a request for medical assistance due to a drug-related overdose. Both the person making the medical request and the person in need of assistance receive the immunity. The specific offenses for which immunity exists are simple possession, frequenting a place where controlled substances are used, and possession of drug paraphernalia with intent to sell or delivery. The measure extends the immunity to violation of supervision and certain warrant-based arrests after a request for medical assistance. The immunity does not extend to new criminal activity, other than the specific drug offenses listed above. It also does not apply to out-of-state warrants and federal warrants. Finally, the immunities in the bill are not grounds for suppressing evidence in cases other than the specific offenses listed above.

Effective date: January 1, 2016

Senate Bill 908

Expungement

ORS 137.225 governs when a person can set aside, or “expunge,” a criminal conviction. First, the court must determine if the offense is a qualifying conviction. If it is, the next step is determining the time period required before an offender can seek expungement. In most situations, a person must wait either three years or ten years, depending upon

whether the person has one conviction, or more than one. Certain convictions require twenty years. If an offender commits any offense within that time period (excluding motor vehicle violations), the time period starts over again and requires an additional period of offense-free behavior.

Senate Bill 908 updates the expungement statute and was the compromise product of a small work group. It prohibits offenders from seeking expungement for ten years if a probationary sentence was revoked for non-compliance. It also prohibits expungement of Assault 3 if the victim of the assault was under 10 years of age at time of offense. It adds Class B felony possession of controlled substance offenses to the list of expungable offenses and allows one non-motor vehicle violation without re-tolling the expungement period.

Effective date: January 1, 2016

Senate Bill 941

Private transfers of firearms

Oregon mandates that all firearm transfers at both gun shows and gun dealers be completed with a criminal background check. Such checks for private individuals, however, are permissive. ORS 166.436 provides that, prior to transferring a firearm, a transferor may request, by telephone, that the Department of State Police conduct a criminal background check on the recipient. Should a transferor elect to utilize this procedure, he or she is then immune from civil liability for any use of the firearm from the time of the transfer, unless the transferor knows, or reasonably should have known, that the recipient is likely to commit an unlawful act with the firearm.

Currently, eight jurisdictions require a background check to be conducted prior to any firearms transfer, including those between private citizens and at gun shows. This is known colloquially as a “universal background check.” These states are California, Colorado, Connecticut, Delaware, New York, Rhode Island, Washington, D.C. and Washington State. Of these states, some have additional restrictions such as handgun purchase permits, waiting periods, assault weapons bans and magazine capacity restrictions. Washington State is the most recent addition to the list, with Initiative 594 taking effect on December 4, 2014.

Senate Bill 941, named the “Oregon Firearms Safety Act,” expands on Oregon’s current background check requirement by establishing universal background checks for firearm transfers. The Oregon Firearms Safety Act requires all private transferors of firearms to appear at gun dealer with the person to whom the firearm is being transferred and firearm and request criminal background check before transfer. The measure specifies exceptions for background check for transfers between family members, law enforcement, inherited firearms and certain temporary transfers. A violation of background check law constitutes a Class A misdemeanor for first offense and Class B felony for second and subsequent offenses.

Effective Date: May 11, 2015

Senate Joint Resolution 4

Mandatory retirement of judges

Oregon’s judicial retirement requirement is contained in Article VII, Section 1a of the Oregon Constitution, which mandates that a

judge of any court retire at the end of the calendar year in which “he” reaches the age of 75 years. Section 1a of Article VII is the result of Senate Joint Resolution 3 (1959) adopted by the people in 1960. In turn, Senate Joint Resolution 3 was the result of a recommendation by a 21-member statewide Legislative Interim Committee on Judicial Administration created in 1957. In 1959, that committee issued its report, which included the determination that a mandatory retirement age would address the issues of judicial congestion and delay. An attorney challenged the mandatory retirement in 2014, but the case was dismissed.

Senate Joint Resolution 4 repeals language from the Oregon Constitution addressing mandatory retirement ages for judges. Senate Joint Resolution 4 will be submitted to the people for their approval or rejection at the next statewide regular general election.

Filed with Secretary of State: June 30, 2015

LEGISLATION NOT ENACTED

House Bill 2358

Juvenile dependency

In 2013, the Legislative Assembly passed House Bill 3363, which created an 11-member Task Force on Juvenile Court Dependency Proceedings. The Task Force was charged with reviewing the juvenile dependency system and to report to the legislature with recommendations. Specifically, the Task Force looked at the timely resolution of jurisdictional petitions,

the basis for dependency jurisdiction, the development and implementation of case plans for reunification of families, the adequacy of case plans, and the identification and implementation of specific, understandable, and realistic conditions for the return of a child to a parent and the development of permanency plans. The Task Force made several recommendations in its report on actions that the represented groups could take under current law and actions that could be implemented through statutory changes.

House Bill 2358 incorporated the statutory changes proposed by the Task Force. It would have created a pilot program in four to six counties, including Linn and Yamhill counties, to evaluate whether increasing representation of children, families and the Department of Human Services in dependency proceedings would reduce the use of foster care. Each county would be evaluated by an independent evaluator and a report to the Legislative Assembly was required each odd-numbered year on the status of the pilot programs.

House Bill 2367

Collateral consequences

Criminal convictions and juvenile adjudications carry additional consequences than those imposed by the court in its judgment. Those consequences can range significantly. Ethically, attorneys have a requirement to provide competent legal advice to their clients about the consequences of their legal decisions. In *Padilla v. Kentucky*, 559 U.S. 356 (2010), the United States Supreme Court ruled that defense counsel must advise their clients on the immigration consequences of their legal decision when deportation will result from a

conviction. This case heightened discussion amongst criminal law practitioners about what consequences defense counsel are required to advise their clients.

House Bill 2367 arose from that discussion. The bill would have established a commission to continue studying the issue. Additionally, the measure would have established certain warnings relating to collateral consequences to be given to persons at the time of arraignment and plea.

House Bill 2382

Fitness in probation violations

Our criminal justice system requires that the defendant understands and participates in criminal proceedings. Courts are required to suspend criminal proceedings when, as a result of mental disease or defect, a defendant is unable to understand the nature of a proceeding, assist with counsel or participate in the defense. In addition, defense counsel has ethical obligations to ensure the defendant is making autonomous decisions and judges have ethical and constitutional obligations to ensure defendants are making voluntary and intelligent decisions. ORS 161.360 limits the court's authority to proceedings before or during the underlying trial, but there is no statutory framework regarding capacity at probation violation proceedings, even though the same ethical and constitutional obligations exist.

House Bill 2382 would have required the court to suspend probation violation proceedings when the defendant lacked capacity. It also authorized the court to order evaluations, treatment and commitment of defendant to gain or regain capacity. It would have also limited the court to

community-based restoration hospitalization unless that person's probationary sentence resulted from a downward departure from prison or optional probation.

House Bill 2647

Digital assets after death

A September 2014 Pew Research poll found that 81 percent of adult Americans use the internet or email at least occasionally, and 52 percent of online adults use multiple social media sites. Oregon laws do not specifically address access to digital data after the death of a user, leaving providers of digital services and estates of deceased users grappling with access to digital communications or documents.

House Bill 2647 (Privacy Expectations Afterlife and Choices Act) would have required a court order for access to a deceased user's records. The measure also required several findings be made by a court prior to the order for disclosure, and allowed a provider to petition the court to modify an order if the request was overly burdensome or if the required findings were not met. The measure would have also provided extensive protection against disclosure of information if the user expressed the intent to protect the information through the deletion of records, agreement with terms that were inconsistent with disclosure or indicated preferences through an affirmative setting.

House Bill 2901

Law enforcement use of technology

Investigations by the state, including law enforcement agencies, are subject to

restrictions found in both the state and federal Constitutions. As new technologies emerge, law enforcement officers have sought to utilize new tools to stop or investigate crimes. In response to issues surrounding privacy, searches and changing technology, a collaboration of law enforcement agencies, called the Oregon Law Enforcement Responsible Technology Work Group, proposed the Privacy Protection and Safe Communities Act, found in House Bill 2901.

House Bill 2901 would have established legislative findings of fact regarding privacy needs, law enforcement standards and technology. In addition, the bill would have created a new statutory framework for criminal investigations in three different areas: law enforcement's use of "pen registers" and "trap and trace devices," law enforcement's ability to obtain data from electronic communication devices, and authorization for law enforcement to install and use mobile tracking devices without a warrant if there are exigent circumstances, consent or when the owner of the instrument to be monitored reports it lost, stolen or has an emergency.

House Bill 3093

Concealed handgun license reciprocity

Oregon law provides Oregon concealed handgun license holders with certain protections. These include specific defenses to the crime of unlawful possession of a firearm, protection from arrest for certain gun crimes, the ability to carry a loaded firearm in certain public buildings, the ability to carry a loaded firearm in the permit holder's vehicle, or if applicable, their snowmobile or all-terrain vehicle, and the right to store a firearm in their vehicle if

the permit holder is an employee of the Department of Corrections and the vehicle is parked in the department parking lot.

House Bill 3093 would have provided that all the aforementioned protections would also apply to those individuals who hold a concealed handgun license issued by another state. In order for reciprocity to occur, the handgun license requirements in the originating state must be no less stringent than those in the state of Oregon. The permit holder's home state must recognize Oregon's concealed handgun license, thus creating full reciprocity between the two states. The bill would have provided that the Department of Justice must compile a list of states that qualify for such reciprocity. The department would then make the list available to both local law enforcement and the public via the internet. Lastly, the bill stated that public access to the list must be free of charge.

House Bill 3170

Motorists implied consent

ORS 813.100, also known as Oregon's Motorist Implied Consent Law, provides that "[a]ny person who operates a motor vehicle upon premises open to the public or the highways of this state shall be deemed to have given consent, subject to the implied consent law, to a chemical test of the person's breath, or of the person's blood if the person is receiving medical care in a health care facility immediately after a motor vehicle accident, for the purpose of determining the alcoholic content of the person's blood if the person is arrested for driving under the influence of intoxicants. As a companion to that provision, ORS 813.131 states that, when a person submits to a chemical test of their breath after an

arrest for DUII and the result is less than 0.08 by weight, implied consent mandates that they submit to a chemical test of their urine.

House Bill 3170 would have amended ORS 813.095, which contains the parameter for what constituted a "refusal" to take a test for DUII. Under the proposed measure, a refusal to submit to a blood test would have constituted a refusal under the law. In effect, it would have given law enforcement the ability to obtain a warrantless blood draw under the authority of implied consent when a chemical test of the person's breath results in less than 0.08 by weight.

House Bill 3365

Obscenity

Currently, it is a Class A misdemeanor for a person to make obscene materials available to minors. Specifically, a person violates the statute if, while acting as a manager on behalf of a business, the person knowingly or recklessly allows minors into a part of a business where obscene materials are available, or sells obscene materials to a minor. Sex toys are not included in the list of obscene materials.

House Bill 3365 would have amended ORS 167.080 to add criminal liability to a 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. The measure also would have eliminated depictions of nudity from the definition of obscene materials and reduce the statute of limitations from six years to two years.

Senate Bill 193

Advance directives

Advance directives are documents that provide health care instructions that take effect when a person becomes incapacitated and can no longer make their own health care decisions. The advance directive appoints a person to make health care decisions, called the “attorney-in-fact.” The advance directive can also contain care instructions for the attorney-in-fact to follow when making treatment or care instructions. Currently, Oregon utilizes a statutory form for advance directives and requires the form to be signed by the principal and witnessed by two individuals. Since its development, the statutory form has become cumbersome and not effective for patients, attorneys-in-fact or care providers.

Senate Bill 193 proposed an extensive modification of the advance directive statute, including removing the statutory form, changing witnessing requirements and adoption of new models that rely on a patient’s values and beliefs.

Senate Bill 274

Debt collection

The Department of Consumer and Business Services oversees the licensing and regulation of collection agencies in Oregon. Collection agencies are required to be registered and carry a \$10,000 surety bond or letter of credit. ORS 646.639 details prohibited debt collection practices. The Attorney General is authorized to bring suit against a person who is engaged or is about to engage in an unlawful practice, including unlawful debt collection practices.

Senate Bill 274, as amended, would have modified when an attorney is considered a collection agency and so must register. It would have provided an exemption to the registration requirement for out-of-state collection agencies if the agencies were licensed in another state, there was reciprocal exemptions for Oregon collection agencies, and the out-of-state collection agency agreed to service and investigation for violations of prohibited collection practices.

Senate Bill 313

Private right of action

The Oregon Insurance Code is administered and enforced by the Department of Consumer and Business Services. ORS Chapter 746 governs trade practices by insurers. Within Chapter 746 are prohibitions on discriminating when making policies, prohibitions on making misleading, deceptive or false statements, and many other consumer protections. Violations of the Insurance Code are punishable by a fine of up to \$10,000, which is directed into the General Fund.

Senate Bill 313 would have provided a private right of action for consumers who were injured by conduct prohibited under Chapter 746. It also would have allowed recovery of actual damages, plus punitive damages and attorney fees in certain circumstances. If an insurer failed to follow the statutory procedure for totaled cars, the consumer was able to bring a claim under the Unlawful Trade Practices Act. Additionally, SB 313 would have allowed actions to be maintained as class actions and provided for a two-year statute of limitations.

Senate Bill 314

Unlawful Trade Practices Act

The Unlawful Trade Practices Act (UTPA) was enacted by the Oregon Legislative Assembly in 1971. The UTPA defines and prohibits various unfair and deceptive trade practices, giving the Attorney General, district attorneys, and in some instances, private citizens the right to sue for violations of the Act. Currently, insurance trade practices are regulated in ORS Chapter 746 and are not subject to the UTPA.

Senate Bill 314 would have added insurance to the definition of “real estate, goods or services,” thereby bringing insurance claims within the UTPA. The measure also would have made violations of the Unfair Claims Settlement Practices actionable under the UTPA.

Senate Bill 315

Private transfer of firearms

Senate Bill 315 would have made adjustments to Senate Bill 941 (2015), which went into effect on May 11, 2015. SB 941 requires criminal background checks to be obtained in person, through a gun dealer, when firearms are transferred between private parties. There are a number of exceptions for situations involving family members, law enforcement and temporary transfers. Temporary transfers include things like using another person’s firearm while target shooting or hunting, or when a firearm is in the possession of a repair person.

Senate Bill 315 would have created another temporary transfer exception to the in-person background check requirement under

SB 941 by permitting approval through a telephonic background check if the transferee is known personally to the transferor, no consideration is involved (no payment or other thing of value), and the transfer is for no more than seven days. SB 315 would have also provided civil immunity for transferors who receive notification that transferees are qualified to complete the transfer of firearms and who retain the required completed forms documenting such transfers.

Senate Bill 316

Polygraphic examinations

Oregon law prohibits the use of polygraphic examinations for employment purposes. Several states allow the use of polygraphic examinations as part of the hiring process for law enforcement officers.

Senate Bill 316, as amended, would have allowed law enforcement agencies to use polygraphic examinations as part of the pre-employment hiring process. The examinations could not be used on officers who are already employed by the agency and any documents relating to the examination would be exempt from public records disclosure.

Senate Bill 369

Digital assets

A September 2014 Pew Research poll found that 81 percent of adult Americans use the internet or email at least occasionally, and 52 percent of those adults use multiple social media sites. Oregon laws do not specifically address access to digital data

after the death of a user, leaving providers of digital services and estates of deceased users grappling with access to digital communications or documents.

Senate Bill 369 would have provided a process whereby a user's digital assets, including communications and content, could be shared with a fiduciary upon the death or incapacity of the user. The measure also required custodians to offer a choice to users to determine what the user would like have happen to the content upon a period of incapacity. The recorded choice of the user would control the disposition of the digital asset. If the user did not make a choice, the fiduciary would be entitled to ask the custodian for a catalog of communications, including to/from, date/time and subject line. The fiduciary would have also been entitled to request content of digital assets through a notarized form containing specific information.

Senate Bill 563

Sexual assault forensic evidence kits

When a person is a victim of sexual assault, the collection of physical evidence is oftentimes an essential component of a case. Upon contacting authorities, victims are asked to submit to an evidence collection procedure colloquially known as a "rape kit." The kit involves collecting swabs for DNA testing, collection of evidence from fingernails and clothing and taking statements from the victim. In some situations, victims choose not to pursue immediate prosecution of the sexual assault. If the case is brought up for prosecution years after the collection of evidence, the kit may be untested, lost or destroyed.

Senate Bill 563 sought to remedy the situation where a victim wants to proceed with a case in the face of untested or destroyed evidence. The bill would have required law enforcement agencies to write a report on any untested kits and submit the report to the Attorney General. The Attorney General, in turn, would submit findings to the legislature to take any appropriate action. The Attorney General's plan would have specified how to process any potential backlog in the processing of evidence.

Senate Bill 639

Motor vehicle registration plate surveillance cameras

Motor vehicle registration plate surveillance cameras ("cameras") are devices that contain small cameras, specific software and networking capabilities. The cameras can be easily mounted anywhere, including cars and public highways. The cameras are programmed to survey and capture license plate information. When the camera captures license plate data it creates a time and location stamp. That data can be matched against information in certain databases, ranging from the Law Enforcement Data System, National Crime Information Center, the Missing Persons Clearinghouse, the Federal Bureau of Investigation and the Oregon Department of Transportation (ODOT).

Senate Bill 639 would have established statewide guidelines for the use of Automatic License Plate Reader (ALPR) surveillance technology, including benchmarks for use of the technology, retention of location information data collected, and protections against unnecessary sharing of individuals' data between government and private companies.

Law enforcement agencies use license plate reader surveillance technology in Oregon without established privacy protections, as there is no statewide policy on the use or disposal of information captured by these cameras. Agencies may retain the location information and photograph of the vehicles captured by cameras for unrestricted retention periods and without limitations on sharing the information. In the aggregate, this stored private-location data can reveal the travel histories of thousands of Oregonians who have committed no crime.

The measure would have specified how ALPRs may be used by law enforcement. They would have been limited to use for enforcing parking and traffic violations; identifying a vehicle that was used to facilitate the commission of a crime or used to avoid apprehension for commission of a crime; identifying a vehicle registered to an individual for whom there is an outstanding misdemeanor or felony warrant; and identifying vehicles associated with a missing or endangered person. The data obtained through use of ALPRs would have been subject to retention and sharing limitations and may have been matched against: ODOT, National Crime Information Center (NCIC) of U.S. DOJ, Law Enforcement Data System (LEDS), state and federal missing persons lists.

Senate Bill 694

Lane splitting

ORS 814.240 prohibits operators of motorcycles and mopeds from driving between lanes of travel on our public roads. Specifically, it is a Class B traffic violation to pass another vehicle within the same lane or between lanes.

Senate Bill 694 would have created an exemption to ORS 814.240, permitting operators of motorcycles and mopeds to pass other vehicles in the same lane or between lanes of travel if four circumstances existed: (1) the traffic had slowed to 10 mph or less; (2) the operator of the motorcycle or moped was traveling at 20 mph or less; (3) the operator of the motorcycle or moped was driving in a cautious and prudent manner; and (4) the motorcycle or moped was on a public highway with a speed limit of at least 50 mph.

Senate Bill 822

Recording grand juries

Grand juries are legal bodies that have authority to investigate criminal allegations, receive testimony and evidence and authorize indictments. Grand juries are not open to the public and are not legally required to be recorded.

Senate Bill 822 would have changed existing law to require grand jury proceedings to be electronically recorded, except for deliberations and voting. The court could elect to use a certified shorthand reporter in lieu of an electronic recording. Unintentional failures to accurately record the proceedings do not affect the validity of the indictment. The measure would have required the court to preserve the recordings or transcriptions and to make copies available to the district attorney, defense counsel or defendant. The measure would have also prohibited the court from disclosing the recording or transcription to a non-party until all legal proceedings were concluded. If the grand jury returned a “not a true bill,” the court would have been prohibited from releasing the recordings or transcriptions, except in cases involving the

conduct of public servants. In addition, the bill would have required the district attorney to notify the defendant if a different grand jury received evidence about the same criminal episode.

Senate Bill 871

Use of deadly force

In 2014, use of force by law enforcement officers resulted in several deaths in Oregon. There are no statewide policies on conducting investigations of police use of deadly force. The cases are sometimes brought before a grand jury for a determination of whether criminal charges should be filed against the officer. Whether to bring such a case is up to the discretion of the district attorney.

Senate Bill 871 would have created a new statutory framework for the use of deadly force by police officers. The measure would have required all deadly force investigations be submitted to a grand jury and that all such proceedings be recorded, with limitations on disclosure of the transcript of the proceedings. The measure also would have required the lead investigator in a use-of-deadly-force investigation to be from a different agency than the officer who is the subject of the investigation.

Senate Bill 913

Trafficking animal parts

African elephants and other animals such as the rhinoceros have long been hunted for their ivory tusks and teeth or horns, leading to significant declines in their populations. In early 2014, the Interior Department's Fish

and Wildlife Service announced a ban on the trade of ivory within the United States. The United States maintains the second largest market for ivory in the world. Current Oregon law does not regulate this type of animal parts trafficking.

Senate Bill 913 would have created the unclassified misdemeanor offense of trafficking animal parts, including ivory, ivory product, rhinoceros horn or rhinoceros horn product. Senate Bill 913 defined relevant terms, outlined prohibited conduct and exceptions, and listed punishments for first, second and subsequent offenses. Additionally, Senate Bill 913 would have directed the courts and State Department of Fish and Wildlife on forfeiture, transfer and destruction of ivory.

Senate Bill 933

Minimum resale pricing agreements

Minimum resale pricing agreements between a manufacturer and distributor, also called vertical agreements, were considered per se unlawful until 2007, when the Supreme Court determined that the "rule of reason" is the standard to determine whether a pricing agreement is in violation of federal Antitrust statutes. *See Leegin Creative Leather Products, Inc. v PSKS, Inc.*, 127 S. Ct. 2705 (2007). Under the rule of reason, a court weighs all of the circumstances of a case to determine whether a restrictive pricing practice imposes an unreasonable restraint on competition. In recent months, some contact lens manufacturers have instituted minimum sale prices on their products.

Senate Bill 933 would have prohibited manufacturers or distributors of contact lenses from setting a minimum price for

retail sales of contact lenses and made a violation of the prohibition actionable under the Unlawful Trade Practices Act.

Labor and Employment

House Bill 2007

Protecting workers who discuss wages

House Bill 2007 protects employees who inquire about, discuss or disclose information about their wage or the wage of another employee. The measure also protects an employee who makes a charge, files a complaint or institutes any proceeding based on the disclosure of the wage information by the employee. A violation is an unlawful employment practice that allows an aggrieved employee to file a private right of action.

In 2011, Labor Commissioner Brad Avakian directed the Oregon Council on Civil Rights, an advisory board appointed by the Commissioner, to create a formal set of policy recommendations regarding equal pay in Oregon. Two years later, the Legislative Assembly directed the Council to study wage inequality and the factors that contribute to it. In January 2014, the Council issued its formal recommendations to address pay inequality in Oregon. House Bill 2007 was introduced to address one of the recommendations contained in the report.

Effective date: January 1, 2016

House Bill 2764

Claimant attorney fees in workers' compensation cases

Claimant attorneys are private attorneys hired by injured workers to represent them through the workers' compensation claims process. Claimant attorneys cannot be paid directly by the injured worker but instead are paid out of the compensation awarded to

the injured worker or awarded as an assessed fee paid by the insurer or self-insurer based on the adjudicator's judgment. There are five broad reasons for which a claimant attorney can be awarded fees: reversing a denial, obtaining an increase in compensation, obtaining penalties or sanctions, preventing a reduction in compensation, and negotiating settlements. Some claimant attorney fees are set in statute by the Legislative Assembly and some fees are set through administrative rule by the Workers' Compensation Board. However, attorneys representing insurers and self-insurers are compensated without limits. Proponents argued that the relatively small number of claimant attorneys is due to the complexity of workers' compensation law as well as the attorney fee structure.

House Bill 2764 modifies the circumstances under which attorney fees may be awarded and the amount of attorney fees in workers' compensation claims. Specifically, the bill requires interest payments be made on compensable benefits, attorney fees and costs that are withheld pending an appeal. The bill also allows attorney fees under certain circumstances when a claimant is being represented before the Director of Department of Consumer and Business Services. The Workers' Compensation Board must review the schedule of attorney fees biennially for adjustment, and take into account the fees earned by attorneys for insurers or self-insured employers when establishing the fee schedule.

Effective date: January 1, 2016

House Bill 2960

State-administered retirement savings program for private-sector workers

As of 2011, more than half of Oregon workers have saved less than \$25,000 for retirement and more than a quarter have saved less than \$1,000. When an employer offers a retirement plan, on average 71 percent of their employees save. But only 4.6 percent of employees save if they have to seek out a plan on their own.

House Bill 2960 directs the Oregon Retirement Savings Board (Board) to establish a defined contribution retirement plan for people whose employers do not offer a retirement plan. Employee contributions will be tax deductible under current law and pre-tax employee contributions from employer payroll withholdings will be transferred by employers and deposited directly into individual accounts. Eligible employees will be automatically enrolled in the plan at default contribution rates unless they choose to opt out of the plan. The plan must not require any employer contributions to the employee accounts. Employee accounts will be held in trust by private, third-party investment administrator(s), and employers and the State of Oregon will have no proprietary interest in these accounts.

The Board must first conduct a market analysis and obtain legal advice regarding the applicability of the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code to the plan. If it is determined that ERISA does not apply, the Board is directed to establish the plan in time for employees to begin making contributions by July 1, 2017.

Effective date: June 25, 2015

House Bill 3025

Consideration of criminal convictions during the hiring process

House Bill 3025 establishes an unlawful employment practice for an employer to exclude an applicant from an initial interview based only on the applicant's past criminal conviction. The measure grants enforcement authority to the Bureau of Labor and Industries but does not provide a private right of action in civil court.

After release, ex-offenders are expected to reintegrate into society by obtaining suitable housing, complying with court-ordered payment of debts such as restitution and/or child support in arrears, and supporting themselves, all of which being predicated on their ability to secure gainful employment. Studies have also found that employment can reduce recidivism. According to the National Conference of State Legislatures (NCSL), at least 27 states limit or prohibit the use of criminal records for public or private employment and/or licensing eligibility. NCSL also reports that 13 states, plus the District of Columbia, have enacted "Ban the Box" legislation restricting or prohibiting employers from using applicant's criminal history in employment consideration, with few exceptions. Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, religion, sex and national origin, does not prohibit discrimination on the basis of criminal history.

Effective date: January 1, 2016

House Bill 3058

PERS retirees working as career and technical education teachers

House Bill 3058 allows a PERS retiree to work an unlimited number of hours as a career and technical education teacher without a loss of retirement benefits. The bill applies to retirees under Tier One and Tier Two; it does not apply to retirees under the more recent Oregon Public Service Retirement Plan (OPSRP). Proponents indicated the incentive is needed in response to the shortage of career and technical education teachers. The bill is intended to be a short-term solution, as the unlimited hours will only be allowed until June 30, 2018.

Approximately 900 public employers in Oregon participate in the Public Employees Retirement System (PERS), covering about 95 percent of all public employees who work for the State of Oregon, public schools, community colleges, counties, cities and special districts. If a PERS retiree wishes to re-enter the workforce, their PERS benefit could be affected based on the plan they retired under, who their employer is and how many hours they work per year. Any retiree who works for a private-sector or non-PERS covered employer may work unlimited hours without any impact on their level of retirement benefit. In general, a Tier One or Tier Two retired member working for a participating public employer can continue to receive retirement benefits as long as the period or periods of employment with one or more participating public employers do not total more than 1,039 hours in a calendar year. Retirement benefit payments will cease for a retiree under the OPSRP if they are employed in a qualifying position by a participating employer or work a total of more than 600 hours in a calendar

year for one or more participating employers.

Effective date: June 18, 2015

House Bill 3059

Live entertainers

House Bill 3059 requires the Bureau of Labor and Industries (BOLI) to operate a toll-free telephone hot-line to receive questions and complaints related to employment of live entertainers. BOLI must also publish a poster that summarizes the rights of independent contractors and employees who perform live entertainment. The poster must also describe the hot-line services. Operators of live entertainment facilities must display the poster so all persons working in the establishment can read it.

Dancers, musicians, athletes and comedians are all live entertainers. Some live entertainers are independent contractors and some work as employees. Concerns about workplace abuses and sex trafficking in live entertainment facilities resulted in the passage of House Bill 3059.

Effective date: January 1, 2016

Senate Bill 185

Social media accounts in the workplace

In response to concerns that employers pressured employees or job applicants to provide access to their social media accounts or to add the employer as a contact on their social media accounts as a condition of employment, the Legislative Assembly passed House Bill 2654 in 2013 to prohibit

such actions and to prohibit retaliation based on the refusal to disclose such information about their social media account. Concern now exists that an employer can require an employee or a job applicant, as a condition of employment, to establish or maintain a social media account and to authorize the employer to advertise on the account.

Senate Bill 185 establishes an unlawful employment practice for an employer to require an employee or job applicant to authorize the employer to advertise on the personal social media account of the employee or applicant. A “personal social media account” is defined to clarify that such an account is unrelated to any business purpose of the employer and it is not provided by or paid for by the employer.

Effective date: January 1, 2016

Senate Bill 454

Sick leave

Senate Bill 454 requires employers with at least ten employees to provide employees with paid sick time for the purpose of caring for personal or a family member’s mental or physical illness, injury or health condition or for preventative medical care. Additionally, leave for the purpose of providing care to a new family member, grieving a family member’s death, or handling matters related to domestic violence, sexual assault or stalking would qualify for paid sick leave. All provisions of the bill apply to smaller employers (those with fewer than 10 employees) except that sick time need not be paid by the employer. For employers located in Portland or any city exceeding 500,000 residents, the threshold for providing paid sick leave is six employees working anywhere in the state.

Employees must be able to accrue one hour of sick leave for every 30 hours worked, up to a maximum of 40 hours per year, and employers may require medical verification of the need for sick leave under certain circumstances. Senate Bill 454 also requires employees to give advance notice of intent to use sick leave when the need is foreseeable. The measure prohibits discrimination against employees who inquire about or use sick leave. Senate Bill 454 classifies a violation of the sick leave provisions as an unlawful practice under the jurisdiction of the Bureau of Labor and Industries and provides a right of private action allowing both equitable and compensatory relief.

In Oregon, the City of Portland implemented an ordinance in January 2014 requiring employers with at least six employees to provide paid sick leave and smaller employers to provide unpaid, protected sick leave. The City of Eugene followed with an ordinance that would have required employers of any size to provide paid sick leave to employees, though it never went into effect. Senate Bill 454 pre-empts all authority of local governments to set any sick leave requirements.

Prior to passage of Senate Bill 454, other than for school employees, state law did not require employers to provide sick leave or prevent retaliation for sick-leave-related absences that were not protected by the Oregon Family Leave Act (OFLA). If an employee needed to miss work due to illness, the employer had no duty to provide time off to the employee, paid or unpaid. However, OFLA requires employers with at least 25 employees to provide 12 weeks of protected unpaid leave for eligible employees to tend to a serious medical condition of their own or of a family member or to care for a newborn or sick

child. Similar statutes require employers with 6 or more employees to provide protected leave for victims of domestic violence, sexual assault and stalking.

Effective date: January 1, 2016

Senate Bill 468

Authority of Labor Commissioner to issue warrants to collect debts

Senate Bill 468 provides the Commissioner of Labor and Industries with the authority to file a warrant with any county clerk and have it recorded in the County Clerk Lien Record. A properly served and noticed warrant acts as a judgment against the debtor, who may then be subject to liens and garnishment. In order to issue the warrant, the judgment must be entered, the time for filing of notice of appeal expired, and the warrant must reflect the principal amount of the debt, any added interest and any other costs.

The Commissioner is responsible for enforcing Oregon's wage and hour laws and civil rights laws. At times, enforcement may lead to an administrative order for payment of back wages or fines. The final order is appealable. A recent survey of cases at the Bureau of Labor and Industries showed over \$30 million in unsatisfied judgments, the bulk of which represents unpaid wages owed to workers. Other agencies, such as Revenue, Consumer and Business Services, Human Services, Oregon Health Authority, and Employment have statutory authority to issue garnishments. Senate Bill 468 extends the authority to the Bureau of Labor and Industries.

Effective date: January 1, 2016

Senate Bill 491

Pay equity on public contracts

The Public Contracting Code is intended to provide predictability, equal treatment for all, reliability, integrity and clarity in public procurements and construction contracts. Statutes provide the requirements a bidder must meet in order to be determined responsible, making them eligible to enter into a public contract.

Senate Bill 491 requires contractors on any public construction contract or procurement for goods and services to comply with the pay equity statute (ORS 652.220), and that a failure to comply is a breach entitling the contracting agency to terminate the contract for cause. In addition, the bill prohibits contractors on any public contract or procurement from retaliating against employees who discuss compensation and benefits with one another. Specific to procurements for goods or services or construction contracts with the State of Oregon that exceed \$500,000, contractors employing 50 or more full-time workers who bid must possess a certificate showing participation in a pay equity training program administered by the Department of Administrative Services.

Effective date: June 16, 2015

Senate Bill 552

Domestic workers

Domestic workers provide in-home services such as childcare, cooking, housekeeping and maintenance. These services often require the domestic worker to live in the home of the employer, typically as the only

employee. As a result, the application and enforcement of workplace protections such as wage and hour laws, harassment laws and working condition regulations pose unique challenges.

Senate Bill 552 establishes workplace protections for certain domestic workers, including overtime pay, periods of rest, paid vacation time and freedom from harassment. The bill classifies a violation as an unlawful employment practice and provides a private right of action, allowing for compensatory and punitive damages. The Bureau of Labor and Industries is directed to adopt rules to implement and administer the law.

Effective date: January 1, 2016

LEGISLATION NOT ENACTED

House Bill 2006

Pay equity

Oregon has laws to protect the civil rights of job applicants and employees and to provide wage and hour protections to employees. Under existing statutes, an employer is prohibited from paying an employee at a lower wage rate than that paid to employees of the opposite sex for work of comparable character when the work requires comparable skills unless there is a nondiscriminatory merit or seniority system in place or the difference is based in good faith on factors other than sex. An employee who was paid in violation of the statute has a private right of action. The Labor Commissioner does not have authority to impose a civil penalty against the employer who violates the statute.

In addition, it is a civil rights violation for an employer to discriminate based on race, color, religion, sex, sexual orientation, national origin, marital status or age in wages or in terms, conditions or privileges of employment.

House Bill 2006 would have added a section to the wage and hour statutes prohibiting an employer from discriminating based on sex by paying wages to an employee that are less than wages paid to an employee of the opposite sex who holds an equivalent job. The measure also would have added to the civil rights statutes a provision that makes it an unlawful practice to pay employees holding equivalent jobs at different wage rates and to fire or retaliate against an employee who inquires, files a complaint, institutes a proceeding or testifies in any such proceeding regarding equal pay. An employee claiming to be aggrieved by a violation would have been granted a private right of action.

House Bill 2090

Task Force on Employees Receiving Public Assistance

Many workers' paychecks do not generate sufficient income to provide for basic necessities. As a result, nearly three-quarters of enrollees in America's major public benefits programs are from working families. According to the Institute for Research on Labor and Employment at the University of California, Berkeley, low-wage fast food workers account for \$3.9 billion in public health care expenditures, \$1.04 billion in food stamp benefits, and \$1.91 billion in Federal Earned Income Tax Credits.

House Bill 2090 would have established a task force to investigate the relationship between large employers and their employees who are receiving public assistance and to make recommendations about a possible fee on large employers to offset public assistance expenses.

House Bill 2386

Enforcement authority of Commissioner of Labor and Industries

The Bureau of Labor and Industries (BOLI), under the direction of the Labor Commissioner, is responsible, among other things, for protecting the rights of workers and citizens to equal, non-discriminatory treatment through the enforcement of anti-discrimination laws that apply to workplaces, housing and public accommodations. BOLI is also responsible for encouraging and enforcing compliance with state laws relating to wages, hours, terms and conditions of employment. House Bill 2386 would have added provisions to Chapter 651 giving the Commissioner authority to issue a temporary cease and desist order that would require an employer to refrain from an alleged unlawful practice related to the prevailing wage rate, wage and hour standards, employment conditions, and farm and construction labor contractors. The measure would have established a process by which the employer may request a hearing to contest a temporary cease and desist order, and it would have allowed the court to award attorney fees to the employer contesting a temporary cease and desist order. House Bill 2386 also would have prohibited the Commissioner from enforcing a temporary cease and desist order precluding the harvest or distribution of perishable agricultural products. Finally, the

measure would have provided BOLI with authority to impose a civil penalty and require a bond when the employer does not pay wages on an established payday.

House Bill 2544

Expedited (interim) bargaining

Under the Public Employee Collective Bargaining Act (PECBA), there is established an expedited (also referred to as interim) bargaining process for when an employer, during the current contract, wants to make a change in employment relations that are subject to collective bargaining. If the labor organization demands to bargain, the statute prohibits the bargaining from continuing past 90 days without the consent of both parties and provided both parties negotiate in good faith. At any time during the 90-day period, both parties can mutually agree to mediation; after the 90-day period, management is allowed to implement its proposed changes without any further obligation to bargain.

House Bill 2544 would have required employers subject to PECBA, for contracts with a term of less than two years, to notify collective bargaining representatives of a desire to engage in interim bargaining when no fewer than 60 days have elapsed since the implementation of the most recent collective bargaining agreement or prior to 60 days of expiration of the agreement. For contracts with a term of two years or more, a public employer would have been required to notify the collective bargaining representatives of its desire to engage in interim bargaining when no fewer than 180 days have elapsed since the implementation of the most recent collective bargaining agreement or prior to 180 days of expiration of the agreement. If the two parties are

unable to resolve their dispute within 30 days of notice, the measure would have authorized the Employment Relations Board to assign a mediator.

House Bill 3471

Funding Employment-Related Day Care Program and Medicaid through a fee imposed on large employers

Many workers' paychecks do not generate sufficient income to provide for basic necessities. As a result, nearly three-quarters of enrollments in America's major public benefits programs are from working families. According to the Institute for Research on Labor and Employment at the University of California, Berkeley, low-wage fast food workers account for \$3.9 billion in public health care expenditures, \$1.04 billion in food stamp benefits, and \$1.91 billion in Federal Earned Income Tax Credits.

House Bill 3471 would have required employers that have at least 250 employees in Oregon to pay fifty cents per hour worked by every employee paid less than \$11 per hour or 120 percent of the state minimum wage, whichever is greater. The fee would have been used to fund the Employment-Related Day Care Program and Medicaid and would have also been spent to cover the Bureau of Labor and Industries' administration and enforcement costs of the new fee.

House Bill 3508

Unemployment insurance benefits for community college instructors

Under current law, those providing instruction, research or principal administration in an educational institution or institution of higher education cannot receive unemployment insurance benefits for unemployment that begins during the summer break between academic years if there is a reasonable assurance that the individual will be returning to work in the fall at any educational institution. Community college instructors have experienced their summer classes being cancelled on very short notice before summer term begins, leaving them without a paycheck or the ability to collect unemployment insurance benefits. House Bill 3508 would have allowed unemployment insurance benefits to be paid during the summer term to a community college instructor who has received a teaching assignment in a previous summer term. The bill did not apply the proposed change to other instructional, research and principal administrators in K-12 and higher education institutions.

Senate Bill 470

Unemployment insurance benefits for community college instructors

The Unemployment Insurance (UI) program, administered by the Oregon Employment Department, provides benefits to employees who lose their jobs through no fault of their own. Currently, school employees who are not instructors, researchers or principal administrators (e.g., school nurses, bus drivers, cooks and

janitors) do not qualify for UI benefits during school breaks if they have a reasonable assurance of returning to the school in the subsequent academic year or term or following a holiday or vacation recess.

Senate Bill 470 would have clarified that a school employee who is not an instructor, researcher or principal administrator who leaves their job for good cause does not have a reasonable assurance of returning in the following academic year or term. This clarification would have allowed such a school worker to receive unemployment insurance benefits during summer and holiday breaks when they terminate employment for good cause. The bill included a saving clause that any provisions of the bill or related rule that failed to meet federal requirements would no longer be in effect.

Senate Bill 555

Working conditions for individuals with disabilities in qualified nonprofit agencies

The Qualified Rehabilitation Facility (QRF) program administered by the Oregon Department of Administrative Services (DAS) promotes employment opportunities through public contracts for people with disabilities. State and local government agencies are required to purchase goods and services from QRFs at prices determined by DAS if the goods and services meet the agencies' specifications and timing needs. An employer can receive a certification under Section 14(c) of the federal Fair Labor Standards Act that allows them to pay wages less than the federal minimum wage to workers who have disabilities for the work performed.

Senate Bill 555 would have required QRFs to pay at least the minimum wage set forth in state or federal law to employees who are working on contracts with state or local public agencies.

Senate Bill 701

Independent medical examinations of injured workers

The workers' compensation system provides benefits to workers who are injured or acquire an illness on the job. Workers' compensation insurers or self-insured employers have the right to request the worker attend up to three independent medical examinations (IME). If the worker refuses, the employee's workers' compensation benefits can be suspended. Costs for the examinations are paid by the insurer, and expenses necessary for attending the exam are reimbursed. Currently, under Oregon law, a physician must be pre-approved by the Director of the Department of Consumer and Business Services (DCBS) to perform an IME. The insurer or self-insured employer has the discretion to select any pre-approved provider to perform an IME.

Senate Bill 701 would have established a process for the random selection of an IME physician from a list of qualified physicians maintained by DCBS.

Senate Bill 718

Wage theft

Wage theft is the illegal withholding of wages or the denial of benefits that are

rightfully owed to an employee. Wage theft can be conducted through various means, such as: failure to pay overtime, minimum wage violations, employee misclassification, illegal deductions in pay, working off the clock or not being paid at all. These rights have been guaranteed to workers in the United States since 1938 by the Fair Labor Standards Act.

Senate Bill 718 would have established and specified the process for a civil right of action for certain wage claims. The measure also would have required employers to maintain time and pay records of terminated employees for three years from the date of termination, to provide employees with written statements for the reason of termination and to provide records to employees upon request. The measure also would have increased the amount of information required on the itemized statement provided to the employee each pay period.

Senate Bill 845

Health care for low-income workers

Under the federal Patient Protection and Affordable Care Act (ACA), employers of 50 or more workers must provide health insurance for their full-time employees. Accordingly, many workers are not offered health insurance by their employer and must obtain it through medical assistance programs or through a health insurance exchange. In Oregon, many low-wage workers who are not offered health insurance by their employers obtain their health insurance through the Oregon Health Plan.

Senate Bill 845 would have imposed a penalty on large employers whose

employees receive health insurance coverage through the Oregon Health Plan and would have appropriated the penalties to the Oregon Health Authority for certain purposes. The measure would have provided a remedy for employees who experience retaliation for applying for or receiving medical assistance or premium tax credits under the ACA.

Senate Bill 888 and House Bill 2010 and House Bill 3377

Flexible or predictable work schedules

A flexible work schedule allows employees to work hours that differ from the normal company start and stop time. Both flexible schedules and predictable schedules may help employees meet medical and childcare needs, attend school or career training and manage personal obligations more conveniently. Employers alter work schedules, sometimes with little or no notice, in order to respond to changing production or customer demands, thereby maintaining optimal staffing levels throughout the day and work week.

With slight differences among them, Senate Bill 888 and House Bills 2010 and 3377 would have permitted employees to request flexible or predictable work schedules from employers. Employers would have been required to grant flexible schedule requests subject to an interactive process in an attempt to establish a mutually acceptable work schedule. The measures also would have required the employer to provide notice of schedule changes and to compensate the employee for schedule changes or split shifts in certain circumstances. It would have been an unlawful employment practice to retaliate against an employee who requests a flexible

schedule or predictable schedule. House Bill 2010 would have applied only to employees with 15 or more workers and it would have granted employees alleging a violation a private right of action.

Senate Bills 130, 327, 332, 597, 610, and 682 and House Bills 2004, 2008, 2009, 2012 and 2956

Minimum wage

The minimum wage is the lowest hourly wage a non-exempt employee may be paid by an employer. In 1938, Congress set the first national minimum wage at 25 cents an hour. Currently, the federal minimum wage is \$7.25 an hour. In 2002, Oregon voters enacted Measure 25, setting the Oregon minimum wage at \$6.90 an hour and directing the Bureau of Labor and Industries to annually adjust the Oregon minimum wage for inflation, as determined by the annual change in the U.S. Department of Labor's Consumer Price Index. Currently, the Oregon minimum wage is \$9.25 an hour. The State of Oregon pre-empts all authority of local governments to set any minimum wage rate requirements.

Senate Bills 130 and 332 and House Bills 2004 and 2956 would have allowed local governments to set minimum wage rates.

Senate Bill 327 and House Bill 2008 would have raised the minimum wage rate in steps to \$12.20 by 2017 and adjusted it annually for inflation in years thereafter. In addition, it would have required an additional adjustment if the rate ever fell below the hourly equivalent of the federal poverty guidelines for a family of four.

Senate Bill 597 and House Bill 2012 would have raised the minimum wage rate to \$13.50 by 2017 and adjusted it annually for inflation in years thereafter.

Senate Bill 610 and House Bill 2009 would have raised the minimum wage rate to \$15.00 by 2018 and adjusted it annually for inflation in years thereafter.

Senate Bill 682 would have raised the minimum wage rate to \$10.75 in 2016 and adjusted it annually for inflation in years thereafter.

Land Use

House Bill 2038

Landowner liability for aviation activities

Current Oregon law does not exempt landowners for personal injury, death or property damage arising from the use of land for aviation activities. House Bill 2038 limits the liability of landowners for personal injury, death or property damage arising from the use of land for aviation activities except under specified circumstances.

Effective date: January 1, 2016

House Bill 2460

One-time application fee for certain easements

With some exceptions, the submerged and submersible land (beds and banks) underlying the navigable and tidally influenced waters in Oregon are owned by the state. In most cases, this ownership, which was granted by the federal government when Oregon became a state, extends to the line of ordinary high water or high tide. The State Land Board and Department of State Lands (DSL) oversee the lands under the territorial sea, tidally influenced land, and the non-tidally influenced beds and banks of 12 rivers and a number of lakes in the state. DSL is responsible for most of the day-to-day management of these lands. The revenue from leases and authorizations for waterway uses, such as marinas, docks, floating homes and wharfs, is deposited into the Common School Fund to benefit K-12 public schools throughout the state.

House Bill 2460 authorizes DSL to establish and impose a one-time application fee on a

person applying for an easement to construct water, gas, electric, or communication service line, fixture or other facility on state lands. In addition, the measure prohibits DSL from imposing more than one application fee per application for an easement.

Effective date: June 2, 2015

House Bill 3431

Metolius transfer of small-scale recreational facility development

The Metolius River Basin is located primarily in Jefferson County, with a small portion in Deschutes County. In 2009, the Legislative Assembly adopted House Bill 3298 which designated a portion of the Metolius River Basin as an area of critical state concern, prohibiting the siting of a destination resort in that area. The measure also described the location and set parameters for a small-scale recreational community and ensured that any new development allowed by plan amendment could not result in negative impacts to the Metolius River or fish and wildlife resources.

In 2009, the Legislative Assembly also adopted House Bill 2228 which allowed for the establishment of one or two small-scale recreational communities in conjunction with a transfer of development opportunity from a Metolius resort site. House Bill 3313 (2009) modified the siting authority for Metolius small-scale recreation community outlined in House Bill 2228 (2009) with the following amendments; (1) An extension of the time limit for the owner of a Metolius resort site to notify the Department of Land Conservation and Development (DLCD) of election to seek approval for a small-scale

recreation community from 90 days to one year and extends the time limit from two to three years for applying to a county for similar approval; (2) The measure specified that a small-scale recreation community authorized under House Bill 2228 must be sited on land that is either planned and zoned for forest use or for rural use and not subject to statewide land use planning goals relating to agricultural lands or forestlands.

House Bill 3431 allows three additional years for the owner of a Metolius resort site to apply to the county for the approval of a small-scale recreation community. The Act also extends the opportunity for a small-scale recreation community to Clatsop County.

Effective date: July 21, 2015

LEGISLATION NOT ENACTED

House Bill 2938

Annexation without voter approval

In an opinion dated January 9, 2006, the Office of Legislative Counsel determined that a requirement that property owners consent to eventual annexation of property to obtain approval of a building permit for that property is “beyond the scope of the building inspection program.” House Bill 2938 would have specified that the legislative body of a city would be required to annex a territory, without submitting the question of annexation to the city’s voters, if all of the following conditions were met: the territory is within the city’s urban growth boundary but outside

the current city limits; the territory is subject to the city’s acknowledged comprehensive plan; the owners of the property petition to annex the property into the city; and the owners comply with all requirements for annexation into the city.

House Bill 3212

Compensation for land use regulations

Oregon statute provides for just compensation to landowners who suffer economic loss due to land use regulations, the definition of which includes statutes, rules or regulations that regulate forest practices.

House Bill 3212 would have broadened the definition of “land use regulation” to include those designed to regulate farming practices that were allowed immediately prior to the enactment or adoption of the regulation.

Senate Bill 25

Statewide planning goal exemption

Under current law, cities and counties are responsible for adopting local comprehensive plans, zoning land, administering land use regulations and handling land use permits for Oregon’s non-federal land. City and county comprehensive plans include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing the issues and problems and implementation measures. Plans must be done in accordance with state standards outlined in statute, statewide planning goals and administrative rules.

Senate Bill 25 would have allowed a county with a population that is less than 50,000 and no population growth, to adopt a comprehensive land use plan without complying with statewide land use planning goals.

Senate Bill 716

Large-lot industrial reserve designation

All of Oregon's cities are surrounded by an "urban growth boundary" (UGB), a line drawn on planning and zoning maps to designate where a city expects to grow residentially, industrially and commercially over a 20-year period. A UGB is adopted or expanded through a joint effort involving the city, adjoining counties in coordination with special districts, and with participation of citizens and other interested parties. Metro adopts and amends the UGB for the Portland metropolitan area that includes 25 cities and the urban portion of three counties.

Senate Bill 716 would have authorized Clackamas, Multnomah and Washington counties to each designate one large-lot industrial reserve of 150 to 500 acres. The Act would have required the Land Conservation and Development Commission (LCDC) to adopt rules to implement a large-lot industrial reserve designation within 180 days of the Act taking effect. Additionally, Senate Bill 716 would have required counties to redesignate or undesignate land to prohibit a net increase or decrease in the total acres designated as urban or rural reserves and establish an expedited process for the designation.

Marijuana

House Bill 2041

Marijuana taxation

Oregon voters passed Ballot Measure 91 (Measure 91) which allowed recreational use of marijuana within specified limits in 2014. Originally, Measure 91 specified a tax on the grower of marijuana with different tax rates for flowers, leaves and immature marijuana plants.

House Bill 2041 replaces that with one tax rate of 17 percent at the point of sale. Also, the measure directs the Department of Revenue to administer, collect and enforce the provisions. Finally, House Bill 2041 allows medical marijuana dispensaries to tax sales of marijuana to non-medical marijuana cardholders at a 25 percent rate. House Bill 2041 does not change the disbursement of the revenue raised by the tax. The money raised would go to:

- 40% - Common School Fund
- 20% - Mental Health, Alcoholism and Drug Services
- 15% - State Police
- 10% - Cities
- 10% - Counties
- 5% - OHA for Drug and Alcohol Abuse Prevention

Effective date: October 5, 2015

House Bill 3400

Medical and recreational marijuana regulation

In 1998, Oregon voters approved Ballot Measure 67 to allow medical use of marijuana within specified limits. The Oregon Medical Marijuana Program (OMMP) under the Oregon Health Authority (OHA) administers the program regulating

medical marijuana. The Oregon Medical Marijuana Act (OMMA) governs the OMMP and has been frequently modified since its passage. In 2014, Oregon voters approved Ballot Measure 91 (Measure 91) to allow the recreational sale and use of marijuana.

House Bill 3400 requires the OHA to create a database that would track the production, processing and transfer of medical marijuana. The measure requires the Oregon Liquor Control Commission to create a seed-to-sale tracking system for recreational marijuana and set limits on the size of recreational grow-site canopies for mature marijuana plants. House Bill 3400 also vests sole authority to tax or impose fees on either medical or recreational marijuana with the Legislative Assembly. The measure also limits the number of plants allowable under the OMMA at an individual grow site within city limits zoned for residential use and at all other sites. House Bill 3400 allows local governing boards to adopt ordinances prohibiting marijuana operations within their jurisdiction, but specifies in doing so that those jurisdictions lose any revenue raised from taxing marijuana.

Effective date: June 30 2015

Senate Bill 460

Marijuana early start sales

Ballot Measure 91, passed by Oregon voters in 2014, allows persons 21 years of age to possess, gift and grow marijuana starting July 1, 2015. However, Measure 91 does not allow the Oregon Liquor Control Commission to start licensing marijuana growers or retailers until January 4, 2016. This creates a system wherein a person can legally possess or grow marijuana but does not have a legal way to buy marijuana or immature marijuana plants.

There are over 300 registered medical marijuana dispensaries in Oregon, regulated by the Oregon Health Authority. These dispensaries can only sell marijuana to registered medical marijuana cardholders of the Oregon Medical Marijuana Program (OMMP).

Senate Bill 460 allows medical marijuana dispensaries to sell up to one quarter ounce of marijuana and four immature marijuana plants to persons who are not registered with the OMMP starting October 1, 2015. The measure further allows city or county governing boards to pass ordinances prohibiting those sales.

Effective date: July 27, 2015

Senate Bill 844

Medical marijuana and public health

In 1998, Oregon voters approved Ballot Measure 67, which allowed medical use of marijuana in Oregon within specified limits. The law, known as the Oregon Medical Marijuana Act (OMMA), provides legal protections for qualified patients, and allows them to designate a caregiver to help formulate and administer proper doses of marijuana. Under current law, health organizations or residential facilities engaging in palliative care cannot be listed as a caregiver. This requires the caregiver to be on site at all times while the patient is in hospice care.

Senate Bill 844 would allow residential and palliative care organizations to be designated as an additional caregiver. The measure would also prohibit denial of a transplant solely on the premise that the patient is registered with the Oregon Health Authority as a medical marijuana patient. Senate Bill 844 would also create a Task

Force to research the medical benefits of marijuana. The measure would also reduce the time necessary to file for an order of expunction for people convicted of marijuana crimes, so long as they complied with court orders, committed no more crimes with the exception of motor vehicle violations and were under 21 years of age at the time of conviction.

Effective date: August 12, 2015

Senate Joint Memorial 12

Marijuana memorial to Congress

Growing, processing and distributing marijuana for permitted purposes is no longer a crime under Oregon law. However, it remains a federal crime. This creates problems for marijuana businesses seeking financial services. Specifically, the Bank Secrecy Act (BSA) requires financial institutions to file suspicious activity reports when they are aware that a client is depositing funds derived from illegal activity. The Financial Crime Enforcement Network also places a series of requirements on financial institutions serving marijuana businesses. In response to these requirements, no Oregon financial institution is willing to knowingly serve a marijuana business.

Marijuana is also classified as a Schedule 1 drug under the federal Controlled Substances Act. As such, there are significant prohibitions on research of marijuana.

Senate Joint Memorial 12 urges Congress to develop solutions relating to the lack of financial services for marijuana businesses and to declassify marijuana as a Schedule 1 drug.

Filed with Secretary of State: July 21, 2015

Transportation

House Bill 2274

Program changes to the ConnectOregon program

The Legislative Assembly created the *ConnectOregon* program in 2005 to provide funding in the form of grants and loans for non-highway transportation projects, including aviation, marine, passenger and freight rail and public transportation projects. Funds are disbursed through a competitive grant program from the Multimodal Transportation Fund by the Oregon Transportation Commission (OTC). The initial program provided \$100 million in lottery-backed bonds, which provided funding for 38 projects. It was followed by an additional \$100 million in 2007 (30 projects) and 2009 (40 projects). The Legislative Assembly approved \$40 million for *ConnectOregon* IV in 2011; the funds were used to help finance 38 projects, which were able to leverage a total of \$95 million in non-*ConnectOregon* funds. Overall, the *ConnectOregon* program, in its first four iterations, received a total of 424 eligible project applications, of which 203 were selected for funding. When combined with leveraged funds, the program has resulted in a total of \$834 million in direct investment to multimodal transportation improvements. A fifth iteration, *ConnectOregon* V, provided \$42 million to fund additional projects.

House Bill 2274 made several changes to the statutes governing the *ConnectOregon* program, including changing the name of the Multimodal Transportation Fund to the Connect Oregon Fund. The measure revises the definition of “transportation project” to exclude operating expenses or the purchase of bicycles; in addition, OTC is directed to consider useful life expectancy when selecting projects for funding. The loan facet

of the program is eliminated, making *ConnectOregon* a grant-only program, and the matching fund requirement is increased from 20 percent to 30 percent. Finally, House Bill 2274 requires that membership of the final project review committee not include persons who represent organizations with projects under consideration for funding.

A separate measure, House Bill 5030, provides for the issuance of lottery bonds sufficient to yield \$45 million in net proceeds for the *ConnectOregon* VI program, as well as \$10 million in net proceeds for the Coos Bay Rail Link.

Effective date: July 20, 2015

House Bill 2389

Change in process for establishment of Fallen Hero roadside memorial signs

In 2011, the Legislative Assembly created the Roadside Memorial Fund for the purpose of collecting moneys and appropriating them to the Oregon Department of Transportation (ODOT) to cover the cost of erecting and maintaining roadside memorial signs commemorating law enforcement officers killed in the line of duty. The program specifies that such signs are erected when a concurrent resolution recognizing the fallen officer is adopted by the Legislative Assembly and ODOT has received the necessary funds. To date, 15 law enforcement officers have been memorialized through this program.

Two measures followed in 2013 (House Bill 2708 and House Bill 3494), which expanded on this model by permitting Fallen Hero roadside memorial signs for active duty members of the Armed Forces killed in

action. The two measures specified four such memorial signs be erected: for Eric McKinley, on Oregon Route 34 near milepost 50; for Tyler Troyer, on Oregon Route 34 near milepost 4; for Kevin Dewayne Davis, on Oregon Route 34 near milepost 15; and for Adam Buys, on Oregon Route 22 near milepost 20.

House Bill 2389 revises the method for recognition of individuals with a Fallen Hero roadside memorial sign in order to align the program with the Fallen Officer roadside memorial sign program. An additional nine fallen soldiers were memorialized by concurrent resolutions during the 2015 session using this revised methodology.

Effective date: May 4, 2015

House Bill 2459

Increased fees assessed by the State Marine Board

The Oregon State Marine Board (OSMB) is the state's regulatory agency for recreational boating. The Board provides education, enforcement, access and environmental stewardship to help make boating a safe and enjoyable experience. The Board receives approximately 66 percent of its funding from boat registration fees, boat titles and the motorboat fuel tax; many of these revenue sources have remained unchanged since 2003, a period during which motorboat fuel tax revenues have decreased by 19 percent. As a result, the Board's revenues have been unable to keep pace with expenditures since 2009.

One of the primary uses of tax and fee revenues is OSMB's Maintenance Assistance Program (MAP), which provides

funds to local jurisdictions to help with maintenance and operation of boating facilities in order to help maintain access to Oregon waterways. Moneys from the MAP are generally leveraged by local funding and provide for capital improvements at boating facilities. During the 2013-15 biennium, OSMB disbursed \$2.344 million to state agencies, local governments and ports through the MAP, and also provided \$4.278 million in facility capital grants during the same period.

House Bill 2459 increased the fee for boat registration and renewal from \$3 per foot for sailboats to \$4.50 per foot. Boat livery certificate fees were increased from \$55 plus \$6 per boat to \$90 plus \$10 per boat. Title fees were increased as follows: original title/title transfer increased from \$30 to \$50; duplicate title from \$15 to \$25; duplicate certification of number or registration from \$10 to \$15; and duplicate validation stickers from \$10 to \$15. Fees for boat dealers and manufacturers requesting an identifying number for a boat or vessel are increased from \$28 to \$45 for first number, and all additional numbers and renewals are increased from \$6 to \$10. Boathouse/floating home title fees are increased from \$20 to \$100, and boathouse/floating home identifying plaque fees are increased from \$20 to \$50.

Effective date: January 1, 2016

House Bill 2465

Various driver license and road usage charge program changes

The Driver and Motor Vehicle (DMV) Services Division of the Oregon Department of Transportation (ODOT) is responsible for licensing more than three million Oregonians to operate motor vehicles on

public roads in the state, as well as for promoting driver safety, protecting financial and ownership interests in vehicles and for collecting revenues to finance the transportation system.

House Bill 2465 makes several changes to programs administered by DMV relating to driver licenses and driving privileges. First, the measure directs ODOT, by rule, to determine what constitutes proof of address when applying for or renewing a driver license, permit or identification card. The measure specifies that qualifying documents may be provided in original form, copy or digital copy, or through third-party address verification. Second, the measure eliminates the restricted Class C driver license that allows persons age 16 and older to operate mopeds. Finally, House Bill 2465 eliminates the current requirement that persons under 18 years of age applying for driving privileges provide DMV with a proof of enrollment form provided by their school; in its place, the applicant's parent or guardian must certify that the applicant is enrolled in school. The measure does specify that the school-provided form is required in cases where driving privileges were suspended for withdrawing from school.

House Bill 2465 also makes two changes to the road usage charge (RUC) program which was created by Senate Bill 810 (2013). The voluntary program, which began operating July 1, 2015, allows up to 5,000 vehicles to pay a per-mile charge of 1.5 cents per mile in lieu of paying motor vehicle fuel taxes. The measure makes permissive the requirement for issuing a fuel tax exemption emblem, and also deletes the requirement that mileage be rounded up to the next whole mile when calculating the road usage charge.

Effective date: October 5, 2015

House Bill 2621

Photo radar in Portland high-crash corridors

There are currently 11 cities in Oregon (Albany, Beaverton, Bend, Eugene, Fairview, Gladstone, Medford, Milwaukie, Oregon City, Portland and Tigard) that are statutorily permitted to use photo radar devices to enforce speed limits on segments of public roads. The photo radar devices are limited to use in residential areas or school zones or in other locations if a local governing body finds that speed has a negative impact on safety in that location. Use of the devices is limited to four hours per day in a given location; Fairview was authorized, under a pilot program in 2014, to operate in school zones during the hours between 7:00 AM and 5:00 PM. Cities operating photo radar are required to submit biennial reports to the Legislative Assembly outlining the results of required process and outcome evaluations of their photo radar programs.

House Bill 2621 authorizes the City of Portland to operate photo radar on high-crash urban corridors, defined as having a rate of fatalities or serious injuries at least 25 percent higher than other highways with similar speed limit. The "fixed photo radar units" authorized by the measure must meet specified signage requirements, including a display of the vehicle speed, and must remain at the same location for at least 180 days, but may be operated during all hours of the day. Because the units are expected to generate a significant number of citations, creating a significantly higher caseload for the Multnomah County Circuit Court, the measure allocates \$1.25 million to the Multnomah County Circuit Court Violations Bureau to cover costs of adjudicating these cases.

Effective date: July 20, 2015

House Bill 2730

Trail Blazers license plate; Breast Cancer license plate; revised procedure for specialty plates

The Driver and Motor Vehicle (DMV) Services Division of the Oregon Department of Transportation (ODOT) issues vehicle registration plates required to legally operate motor vehicles on Oregon roads. Oregon DMV provides several options for vehicle registration plates; the standard “tree plate” is issued to all vehicle owners unless they opt for one of several alternatives, each of which requires payment of an additional fee. Registration plates come in several categories, including “specialty registration plates” (such as Pacific Wonderland, Crater Lake and Wine Country plates), “higher education plates” (Oregon State University, University of Oregon, University of Portland and Willamette University), and “veteran and service-related plates” that recognize the military service of the owner or owner’s family member.

Statute currently limits the number of specialty registration plate designs to five, not including the Pacific Wonderland plate. House Bill 2730 eliminates the statutory limitation on the number of specialty plates and replaces it with a new system through which new specialty registration plates may be approved administratively by ODOT. The measure also creates two new specialty registration plates: a Portland Trail Blazers plate, which will raise money for the Trail Blazers Foundation; and a Breast Cancer Awareness plate, which will raise money for the Oregon Health Authority Fund. The new

plates will become available once a design process has concluded.

Effective date: August 12, 2015

House Bill 3011

Self-serve gasoline at night in counties under 40,000 population

Oregon is one of two states, along with New Jersey, that do not allow for self-dispensing of gasoline at retail fueling stations. Oregon’s prohibition dates back to 1951. ORS 480.315 outlines legislative findings regarding the prohibition, which include: the need for training for safe dispensing of Class 1 flammable liquids; hazards faced by untrained persons dispensing such liquids; difficulties of some persons, such as senior citizens, in self-dispensing fuel and the lack of ability to ensure full-service fuel dispensing; health and environmental factors; the tendency for significantly higher cost of full-service fuel dispensing in states that allow self-service dispensing; the correlation between self-service dispensing and reduced availability of automotive repair at fueling stations; and employment considerations.

House Bill 3011 specifies that, in counties with a population less than 40,000 residents, the owner or operator of a retail fueling station may, if they choose to do so, permit non-employees to operate and dispense fuels into a motor vehicle or other retail container between the hours of 6:00 PM and 6:00 AM.

Effective date: January 1, 2016

House Bill 3225

Safe transport of hazardous materials

Oil production from the Bakken fields of North Dakota has resulted in more crude oil being shipped by rail across the country and through the Pacific Northwest. Reports show three oil trains a week pass through Oregon, following the Columbia River to the Global Pacific oil terminal near Clatskanie.

Additional oil trains travel south through central and southern Oregon on their way to California. Several recent oil train accidents have raised concerns about oil train safety. In July of 2014, the U.S. Department of Transportation proposed new rules aimed at improving the safety of trains carrying large shipments of crude oil and ethanol.

Thousands of older tank cars would be phased out within two years under the regulations, which would apply to trains of 20 or more cars carrying flammable materials like crude oil. The rules would also reduce the speed of oil trains to 40 miles per hour, require better classification of crude oil and mandate enhanced braking systems for trains carrying flammable materials.

The Oregon Legislative Assembly passed the Oil Spill Prevention Act in 1991. This Act directed the Department of Environmental Quality to develop rules to provide for the prevention, preparedness and response to oil spills from large facilities, vessels and petroleum transportation industries. The Office of the State Fire Marshal is the lead state agency for planning for hazmat response, training emergency responders and surveying of hazardous substances.

House Bill 3225 requires the State Fire Marshal, as part of the effective implementation of a statewide hazardous

material emergency response system, adopt by rule a plan for coordinated response to oil or hazardous material spills or releases that occur during rail transport. The State Fire Marshal is to submit an annual report to the Legislative Assembly that addresses: inventory of all emergency response resources available in state; suggested changes to structure for continued coordination between state agencies and industry; possible revisions to response roles or responsibilities of state agencies, local governments and railroads; and strategies for ensuring adequate funding at state and local government levels to cover training, equipment and administrative costs associated with providing comprehensive response and equipment.

Effective date: July 20, 2015

House Bill 3401

Passenger rail on-time study

Oregon is currently served with passenger train service by the daily Amtrak Coast Starlight, which runs between Seattle and Los Angeles, and by Amtrak's daily Empire Builder between Portland and Chicago. The states of Oregon and Washington also cooperate to sponsor a regional passenger train service between Eugene and Vancouver, British Columbia, known as Amtrak Cascades, which provides four daily round trips between Portland and Seattle, two daily round trips between Seattle and Vancouver, and two daily round trips between Portland and Eugene. TriMet also operates a commuter rail service with several daily round trips between Beaverton and Wilsonville, known as the Westside Express Service (WES).

House Bill 3401 directs the Oregon Department of Transportation (ODOT) to study and make recommendations regarding on-time performance of passenger rail service in Oregon. The study is to include: examining modern dispatch systems and protocols; identifying infrastructure and technology that could contribute to improving performance; and identifying potential federal and state funding sources for passenger rail. A second study on how to optimize ridership on passenger rail is to include review of federal and state laws, rules and regulations, and to include a proposed schedule for trains and buses used by passenger rail carriers. ODOT is directed to report the results of the studies no later than November 30, 2015.

Effective date: June 2, 2015

House Bill 3402

Increased speed limits in eastern Oregon

Establishment of speed limits on the interstate highway system was historically relegated to the states until the petroleum crisis of 1973, when Congress, in an effort to curb fuel consumption, established the National Maximum Speed Limit, effectively limiting speeds to 55 miles per hour. The law was modified in 1987/88 to allow for a maximum of 65 miles per hour in certain limited-access rural corridors. Following repeal of the federal limit in 1995, most states moved to increase interstate speed limits. Oregon is currently one of 11 states with a maximum allowable speed on interstates of 65 miles per hour.

Twenty-two states set a limit of 70 miles per hour (including neighboring California and Washington), 12 states set the limit at 75, four states (including the neighboring state of Idaho and portions of Texas) allow 80

miles per hour, and some limited segments of highway in Texas allow for 85 miles per hour. Hawaii's maximum speed limit on interstates is 60 miles per hour.

House Bill 3402 increases speed limits on several highways and interstates in eastern Oregon, including: Interstate 84 between The Dalles and Idaho State Line; Highway 95 between Idaho and Nevada state lines; Highway 20 between Bend and Ontario; Highway 197 between The Dalles and Highway 97; Highway 198 between Highway 97 and Klamath Falls; Highway 31 between Valley Falls and LaPine; Highway 78 between Burns Junction and Burns; Highway 395 between Burns and John Day; Highway 395 between Riley and California State Line; Highway 205 between Burns and French Glen; and Highway 26 between John Day and Vale. Speed limits on certain portions of highway within city limits are not increased. The measure allocates \$735,000 in Other Funds to replace approximately 370 speed limit signs and to allow ODOT to conduct speed studies on some of the roads.

Effective date: January 1, 2016

Senate Bill 120

Mitigation of transportation impacts

When the Oregon Department of Transportation (ODOT) and Land Conservation and Development Commission (LCDC) consider a city's proposal for job creation and state highway development, the agencies primarily consider the impact of that development on the specific intersection or location. If a community is unable to mitigate the transportation impact at that specific location or in the specific community, the development can be

rejected, even if it brings significant economic benefits to a region.

Senate Bill 120 offers an alternative mitigation strategy that allows a community or region to collectively work together to mitigate the impact of a particular development by undertaking improvements to the state highway system elsewhere in the region in a designated highway “corridor.” For instance, if improvements could be made three miles or five miles away that could preserve or even enhance the flow of traffic or preserve mobility in the corridor as a whole, ODOT and LCDC can consider approving the proposal. Additionally, this corridor approach proposal would be optional, and possibly spur better cooperation between cities, counties, the state and others in a state highway corridor.

Effective date: June 8, 2015

Senate Bill 192

All-terrain vehicle work group

All-terrain vehicles, or ATVs, come in several classes: *Class I ATVs* are generally three- or four-wheeled, weigh less than 1,200 lbs., use straddle seats and handlebar steering; *Class II ATVs* are larger vehicles, and often are off-road capable versions of street-legal vehicles; *Class III ATVs* are off-road motorcycles; and *Class IV ATVs*, often called side-by-sides or utility terrain vehicles, are smaller than *Class IIs* but typically have similar structure, such as non-straddle seating and steering wheels. ATVs are required to be licensed with the Oregon Parks and Recreation Department (OPRD) for operation on public lands, but typically are not authorized for on-road use.

Senate Bill 192 directs OPRD to convene a work group to examine options for allowing

ATVs to operate on state highways. There are multiple groups of ATV riders interested in making this change, particularly those in farming and ranching communities who use ATVs for farming operations, and riding groups that travel across the state and through multiple communities. OPRD is directed to report findings of the work group to the appropriate interim committees of the Legislative Assembly.

Effective date: January 1, 2016

Senate Bill 472

Expanding Pacific Wonderland vehicle registration plate

The Legislative Assembly reinstated the classic “Pacific Wonderland” vehicle registration plate with the passage of Senate Bill 961 (2009), in recognition of Oregon’s 150th birthday. The original Pacific Wonderland plate was created for the state’s centennial in 1959 and was issued through 1964. The new version of the plate was created as a limited-edition, restricted to 40,000 total sets of plates. Purchase of the plates requires payment of a one-time, \$100 surcharge paid at issuance; unlike most other non-standard plates, there is no additional fee at renewal for Pacific Wonderland plates. Revenues generated from the surcharge are currently split evenly between the Oregon Historical Society and the Oregon State Capitol Foundation, with the latter half dedicated to creating and maintaining an Oregon History Center at the State Capitol and for maintaining the State Capitol State Park.

Senate Bill 472 increases the total number of sets of Pacific Wonderland plates from 40,000 to 80,000. In addition, the measure removes the restrictions on the Oregon State

Capitol Foundation regarding how the funds may be used.

Effective date: June 11, 2015

Senate Bill 533

Allows motorcycles to turn left when the light is red after waiting

“Safe on Red” and “Dead Red” laws allow motorcyclists to legally proceed at red lights if it is safe to do so after coming to a complete stop and waiting for a specified period, typically one or two complete cycles of light changes, provided they yield to oncoming traffic. Because motorcycles are lighter and contain less metal than passenger vehicles, they do not always trigger the sensors used in some intersections to cause the traffic signal to change and allow the vehicle to proceed. Sixteen states have initiated some version of Safe on Red laws, most recently Washington in 2014.

Senate Bill 533 permits motorcycle and bicycle operators to proceed at a stoplight when the vehicle detection device fails to detect the presence of the motorcycle or bicycle. The rider must wait through at least one full cycle of light changes and then may proceed with caution through the intersection.

Effective date: January 1, 2016

Senate Bill 921

Cable median barriers on interstate highways

In the last ten years there have been twenty crashes along Interstate 5 (I-5) in Salem that involved vehicles crossing the center median

into oncoming traffic. In September 2014, Steven Fritz and Cary Marie Fairchild were killed in a head-on collision on Interstate 5 near Salem.

A February 2000 Oregon Department of Transportation (ODOT) report states that the three-cable barrier installed along I-5 between Salem and Wilsonville has resulted in a decrease in both crossover crash fatalities and crash-related costs. Nine miles of cable were installed in December 1996 and another 12.9 miles in April 1998. The 2000 report showed that in the 1.7 years following installation of the twenty miles of cable barrier, there were zero crossover crashes. According to data from the National Safety Council, crash-related costs to the public have dropped from \$600,000 per year to \$200,000 per year on the initial nine-mile section, when comparing crashes before and after installation of the cable median barrier.

The cost per kilometer of the three-cable barrier was estimated to be \$26,357, compared to an estimated cost of \$93,504 per kilometer for an alternative concrete barrier. Considering installation, maintenance and repair costs, the cable median barrier would save \$1,260 per kilometer per year over the concrete barrier, based on a thirty-year annual cost analysis, the report stated.

Senate Bill 921 directs ODOT to make efforts to complete installation of the cable barriers on interstate highways that are part of the National System of Interstate and Defense Highways before December 31, 2021.

Effective date: January 1, 2016

LEGISLATION NOT ENACTED

House Bill 2512

Motorcycles driving on shoulder of road

ORS 814.240 specifies actions that are prohibited for operators of motorcycles or mopeds with regard to passing slower or stopped vehicles on the roadway. Motorcycles and mopeds may not overtake or pass vehicles in the same lane of travel, unless the vehicle being passed is also a motorcycle or moped; neither may a motorcycle engage in “lane splitting,” which involves traveling along the dotted line between lanes of traffic.

Motorcycles and mopeds, like other types of vehicles, are also prohibited from traveling on the shoulder of the road in order to pass slower traffic. House Bill 2512 would have allowed operators of motorcycles and mopeds to utilize the shoulder of a highway to pass traffic in a lane of travel if the vehicles being passed are traveling between 0-24 miles per hour and the passing vehicle is traveling at a speed not to exceed 30 miles per hour. For the purposes of the Oregon Vehicle Code, “shoulder” is defined as the portion of a highway, whether paved or unpaved, that is contiguous to the roadway and that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of the base and surface courses of the roadway.

House Bill 2639

Free student transit passes for residents of Lane Transit District

Most school districts in Oregon provide student transit services for students attending schools in their district. In some cases, these school districts reside, in whole or in part, within the service area of public transit providers. While school bus transportation can provide rides for students to and from school during regular hours, students that rely on bus service may not have the opportunity to participate in before-school or after-school activities.

House Bill 2639 would have appropriated \$2 million from the General Fund to the Oregon Department of Transportation for provision of free transit passes to secondary school students residing within the service area of Lane Transit District (LTD). The measure directed LTD to submit a report to legislative committees on transportation to update on progress of this pilot program.

House Bill 2736

Vision Zero Task Force

Vision Zero is a road traffic safety concept that sets an objective of creating a highway system with no fatalities or serious injuries in road traffic. The concept originated in Sweden, where it was approved by that nation’s parliament in 1997. That program’s core principle is that no loss of life is acceptable, and that the road system needs to be designed to protect the lives of users. New York City has also adopted a Vision Zero approach, in response to statistics showing that vehicle accidents injure or kill a New Yorker every two hours.

House Bill 2736 would have created a 17-member Task Force on Vision Zero: Achieving Zero Traffic Crashes, Injuries and Fatalities. The Task Force was to be charged with examining strategies to reduce and eliminate traffic crashes in general, and crashes resulting in injury and death in particular, as well as crashes involving bicycles and pedestrians, by a specific target date to be determined by the Task Force. The Oregon Department of Transportation would have provided staffing for the Task Force, which was to submit a report by September 15, 2016, including recommendations for legislation, to an interim legislative committee related to transportation.

House Bill 2995

Insurance coverage requirements for “transportation network company”

The term “transportation network company” (TNC) refers to a company that uses an online-enabled platform to connect passengers with drivers who use their personal, noncommercial vehicles to provide rides for a fee to users of the online platform. Examples of TNCs include Uber, headquartered in San Francisco and operating since 2010, and Lyft, which launched in 2012. Both offer a sort of online marketplace through which driver-owners may register with the company and offer their services and vehicle to people needing a ride.

TNCs have gained in popularity in dozens of U.S. cities including Oregon over the past few years. However, the regulation of TNCs is in its infancy and many questions exist regarding proper regulation of this new service. In the case of TNCs, one of the main risks to consumers is coverage gaps. The insurance issues associated with TNC

activities arise because TNC drivers use personal cars for that commercial activity but do not have commercial auto insurance. Drivers who are often new to the transportation business are transporting people they do not personally know. This activity has traditionally been the realm of commercial taxis. In 2013, the first government agency to impose standards for TNCs was the California Public Utilities Commission (CPUC), who developed through rulemaking a definition of TNC and requirements for insurance coverage for vehicles and drivers while connected to network vehicles and drivers in transit to or during a TNC trip.

House Bill 2995 would have required a TNC to maintain primary insurance coverage for each participating driver when they were connected to network and available to receive requests; when they were providing a prearranged ride; and have uninsured/underinsured motorist coverage and personal injury protection coverage.

House Bill 3102

Prohibits use of studded tires on Oregon roads

Under current law, motor vehicles are allowed to operate with studded tires each year between November 1 and April 1. According to a study conducted in 1995, and reported in 2000, approximately 16 percent of vehicles on the road at that time were equipped with studded tires. A recently completed study, which was detailed in a report issued in 2014, indicated that for the 2013-14 winter season studded tire usage was about four percent. Another significant change between the two studies showed that while in 1995 there was a mix of vehicles using studded tires on driving axles only or

on both axles, the 2014 report indicated that nearly all vehicles today using studs utilize them on all wheels. The result of these two changes effectively means that studded tire usage has dropped by about half between 1995 and 2014.

House Bill 3102 would have repealed statutory provisions related to the use of studded tires on Oregon roads, which would have had the effect of banning their use.

House Bill 3193

Leaded aviation fuel tax increase to fund environmental cleanup

Currently, much of the aircraft fuel used in general aviation utilizes 100 low lead (100LL) aviation fuel. Commonly referred to as avgas, it is differentiated from the fuel typically used by motor vehicles and some light aircraft, known colloquially as mogas, in that some grades still contain tetraethyllead (TEL), a substance designed to prevent engine knocking. The aviation industry has been working toward the development and introduction of an alternative fuel that is lead-free and that will meet the needs of private pilots.

House Bill 3193 would have increased the license tax on leaded aircraft fuel by an unspecified amount and provided for an annual increase, by an unspecified amount, on January 1 of each following year.

House Bill 3255

Bicycle light requirement

ORS 815.280 outlines equipment requirements for operating bicycles on Oregon highways. The required equipment

includes brakes, front lights and rear reflectors or lights; the light/reflector requirement applies when operating the bicycle in limited visibility conditions. The statute also prohibits installation of whistles or sirens on bicycles, except those used by police officers.

House Bill 3255 would have replaced the current requirement that bicycles be equipped with either a reflector or lighting device with the requirement for a red light visible from all distances up to 600 feet from the rear of the bicycle when traveling in limited visibility conditions such as darkness or fog. The offense would have remained a Class D traffic violation, punishable by a maximum fine of \$250.

House Bill 3414

Prohibits left-lane driving

Under current statute, certain motor vehicles are required to remain in the right-most lane while traveling along a multilane highway. Unlike many other states, Oregon does not designate the left-most lane of multilane highways as a passing lane. In states that do so, a driver can be cited for failing to move back into the right-hand lane after passing a slower vehicle moving in the same direction. However, ORS 811.325 specifies that campers, trailers and vehicles with a registered weight of over 10,000 pounds must be driven in the right lane except to pass, to turn left, to avoid emergency conditions, to allow vehicles to merge from an onramp, or when necessary to follow traffic control devices.

House Bill 3414 would have created the offense of failure to keep a vehicle in the right-hand lane on roads with a posted speed greater than 55 miles per hour, designating

the offense as a Class D traffic violation. The measure also reduced the penalty for vehicles currently prohibited from traveling in the left lane from a Class B violation to a Class D violation. Exemptions were provided when traffic is moving slower than the normal flow of traffic and during periods of traffic congestion.

Senate Bill 495

Seat belt requirement exemption

Forty-nine states require operators and passengers of motor vehicles to use seat belts while the vehicle is operating on public roads. Violations of the requirement are designated as a Class D traffic violation. Exemptions are provided in several instances, including: when riding as a passenger in a taxicab or other for-hire carrier; when riding in a vehicle not equipped with safety belts (typically cars that were manufactured before seat belt use was mandatory); persons issued a certificate by the Oregon Department of Transportation indicating that health reasons make using a safety belt unsafe; persons in the vehicle for purpose of delivering mail or newspapers, administering medical aid in an ambulance, reading utility meters or collecting solid waste or recyclable materials; or in cases where all seating positions in the vehicle are already occupied by other persons.

Senate Bill 495 would have eliminated the exemption from seat belt requirements in cases where all equipped seat belts are occupied by other passengers. Under current

law, a vehicle with five seat belts could still carry six or more people, as the additional passengers would be exempted from the seat belt requirement. Senate Bill 495 would have subjected the additional passengers who were not belted to a citation.

Senate Bill 694

Motorcycle lane splitting

Current law prohibits operators of motorcycles from driving between lanes of travel on public roads in Oregon and from traveling between adjacent lines or rows of vehicles, designated under ORS 814.240 as “motorcycle or moped unlawful passing in a lane with a vehicle” and punishable as a Class B traffic violation.

Senate Bill 694 would have created an exemption to ORS 814.240 to permit operators of motorcycles and mopeds to pass other vehicles in the same lane or between lanes of travel if four circumstances exist: (1) the traffic has slowed to 10 miles per hour or less; (2) the operator of the motorcycle or moped is traveling at 20 mph or less; (3) the operator of the motorcycle or moped is driving in a cautious and prudent manner; and (4) the motorcycle or moped is on a public highway with a speed limit of at least 50 miles per hour.

Veterans

House Bill 2036

Dedicating the balance of state highways to veterans

A number of Oregon roadways have been dedicated to veterans' groups in a piecemeal fashion over time, including most recently the Warm Springs Veterans Memorial Highway along U.S. 26 where it runs through Indian Country (House Bill 4023 (2014)), and the Vietnam Veterans Memorial Highway along Interstate 84, from Interstate 5 east to the border with Idaho (Senate Bill 461 (2013)).

In one fell swoop, House Bill 2036 combines three border-to-border initiatives to name the balance of Oregon's highways in honor of veterans of the First World War, the Korean War, the Persian Gulf War and the Global War on Terror, as well as recipients of the Purple Heart (only awarded to those wounded or killed in action). Passage of House Bill 2036 completes the Purple Heart Trail, from Canada to Mexico along the length of Interstate 5.

Effective date: May 21, 2015

House Bill 2230

Expansion of "no wrong door" to Oregon Health Authority

The Oregon Department of Veterans' Affairs (ODVA) estimates that about 230,000 of 330,000 veterans currently residing in Oregon do not receive benefits; and that about 100,000 of those would qualify if they could be identified and contacted.

In 2012, the legislature enacted House Bill 4064 to assist ODVA's outreach efforts. The measure directed the Bureau of Labor and

Industries to inquire about the veteran status of individuals seeking services, and with the veteran's permission, share that information with ODVA. The idea is called "no wrong door" and the practice was extended to the Oregon Department of Transportation and the Department of Human Services in 2013, via House Bills 2421 and 2422, respectively. House Bill 2230 applies Oregon's "no wrong door" policy to the Oregon Health Authority as well: the agency must inquire about the veteran status of individuals seeking services, and with their permission, share their contact information with ODVA.

Effective date: July 1, 2015

House Bill 2539 and House Bill 3479

Proactive steps for female veterans

The Governor's Task Force on Veterans' Services Final Report (December 2008) found a significant number of female combat veterans' health care needs were not being met by the federal Veterans Administration health care system, particularly with regard to military sexual trauma and post-traumatic stress disorder.

The legislature enacted House Bill 2718 in 2009 forming the Task Force on Women Veterans' Health Care [sic] to study care for female veterans, including but not limited to mental health services, inpatient treatment program, what was available via the federal system, what was available via state programs and to identify gaps in services. The Task Force submitted its findings in October of 2010.

Women are the fastest-growing military population, with 28,483 female veterans currently in Oregon. In the next 30 years,

women are expected to make up almost one-fifth of the veteran population. The 78th Legislative Assembly enacted companion House Bills 2539 and 3479 in light of this understanding.

House Bill 2539 directs the Oregon Department of Veterans' Affairs (ODVA) to submit a comprehensive report to the legislature no later than November 1, 2016, to include its recommendations to improve health care service delivery for female veterans. House Bill 3479 creates a position within ODVA dedicated to assisting female veterans.

Effective dates: August 12, 2015 and July 21, 2015, respectively

House Bill 2645

Priority enrollment at public universities

Currently, post-9/11 GI Bill education benefits cover tuition equal to the highest public university tuition rate in each state, for 36 months of full-time enrollment. The 36-month entitlement is also used for placement exams and developmental or remedial classes before a student is qualified to enroll in a full-time program. Additionally, a stipend for housing is provided equal to an E-5 pay grade with dependents (on the military enlisted pay scale) during all periods of full-time enrollment. Because veterans and service members are often a bit older due to having served in the military prior to pursuing higher education, and because their education benefits are time-limited, a trend began in many states to offer priority enrollment at public institutions.

House Bill 2645 provides eligible veterans and service members, as well as their dependents, with priority enrollment over

other students at public universities, and at community colleges that have established a priority enrollment system, beginning with new and continuing students on or after September 15, 2015.

Effective date: January 1, 2016

House Bill 2763

Competitive compensation for deployed public employees

Oregon Revised Statute 408.240 requires public employers to treat employees who are also members of the National Guard or Reserve, as "absent on leave" during periods of deployment, when they are not able to perform their duties. The public employer is prohibited from paying the employee-service member while they are deployed, and the service member's position and employer-sponsored benefits must be maintained.

House Bill 2763 lifts the prohibition against compensation during deployment, permitting public employers to offer compensation at their discretion, the same as private employers. Compensation during deployment cannot exceed the employee's base salary at the time of deployment.

Effective date: April 22, 2015

House Bill 2892

Flying the POW/MIA flag over public buildings

The National League of Families' POW/MIA flag symbolizes our nation's concern and commitment to resolving, as far as possible, the fates of Americans still held prisoner or who remain unaccounted for in Southeast

Asia. The location and days for display of the POW/MIA flag are governed by 36 USC §902 and Oregon Revised Statute 187.220. Federal law specifies sites including the Capitol, the White House, each national war memorial and cemetery and a number of other distinguished locations. State law requires the flag to be displayed by all public bodies. Both state and federal law specify display on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day and Veterans Day.

Effective January 1, 2016, House Bill 2892 requires the National League of Families' POW/MIA flag to be flown year-round, along with the Oregon and United States flags, at each state building and county courthouse with the existing means to properly display all three flags. The measure also requires all newly constructed public buildings to provide means to display all three flags.

Effective date: January 1, 2016

Senate Bill 89

Appointment and training of volunteer veterans' guides

Many local communities in Oregon rely on volunteers who advocate for veterans. This valuable volunteer service develops organically and varies from one locality to the next.

Senate Bill 89 permits Oregon counties and the Oregon Department of Veterans' Affairs to formally appoint and train volunteers that support and assist County Veteran Service Officers in providing services to veterans and to reimburse some of their expenses.

Effective date: January 1, 2016

Senate Bill 253

Protecting service members' privacy

The Oregon Department of Veterans' Affairs (ODVA) often acts on behalf of veterans in capacities that require the veteran's trust, such as managing the veteran's finances, long-term health care or home ownership. It is an established practice of groups hostile to America, to target individual service members. Senate Bill 253 protects personally identifiable information about service members that is obtained by ODVA in the normal course of fulfilling its role and functions.

Effective date: January 1, 2016

Senate Bill 946

Coordinator for LGBT veterans

Current law generally bars persons dishonorably discharged from military service from receiving a variety of federal and state benefits. Dishonorable discharges are generally understood to be reserved for serious misconduct (the equivalent of felony conduct in the civilian world), but it is possible for a person to have been dishonorably discharged in the past based solely on the person's sexual orientation.

Senate Bill 946 establishes a position within the Oregon Department of Veterans' Affairs dedicated to assisting lesbian, gay, bisexual and transgendered persons seeking review and upgrade of their discharge status, if they believe they were dishonorably discharged based solely on sexual orientation, and to assist them with any veterans' benefits they might be eligible to receive.

Effective date: August 12, 2015

Water

House Bill 2277

Drainage district activities

The current drainage district statute (ORS Chapter 547), which dates from 1917, was originally enacted so that property owners could form a special district to construct works to drain agricultural land. Since the 1930s, the four Columbia River drainage entities have been responsible for managing the Columbia River levee system, constructed in part by the United States Army Corps of Engineers. Changing land uses, including substantial development on and behind the levees, new federal regulations enacted after Hurricane Katrina, and the commencement of the Federal Emergency Management Agency levee recertification process have made the management of this system more complex.

House Bill 2277 expands the definition of the Drainage District Act and authorizes drainage districts to carry out certain activities including enacting ordinances and charging fees. The Act also defines certain activities of drainage districts and improvement districts in counties with a population over 700,000, within an urban growth boundary or an incorporated boundary for purposes of sanitation, agriculture and public health safety.

Effective date: June 25, 2015

Senate Bill 206

Temporary transfer and lease of instream use in Klamath Basin

The passage of the Water Code in 1909 established, for the first time in Oregon, a system for acquiring, certifying and

documenting rights to the use of water. Water rights that began before 1909 and federal water rights are determined through a process called “adjudication.” There are two phases to an adjudication. In the first phase, the Water Resources Department (Department) determines federal and pre-1909 rights and then provisionally recognizes those determined rights; the second phase involves a court review of the agency’s decision. The court then issues a decree that identifies a priority date and other aspects of each water right. After the Department has delivered its determination to the court, a water master can regulate in favor of determined claims but these claims may not be transferred or leased until a final court decree is issued.

Senate Bill 206 allows the temporary transfer or lease for an instream use of a determined water right in the Klamath Basin.

Effective date: June 16, 2015

Senate Bill 264

Upper Klamath Basin joint management entity

On April 18, 2014, representatives of the Klamath Tribes, Upper Basin irrigators, the State of Oregon, and the United States signed the Upper Klamath Basin Comprehensive Agreement (Agreement) to address water management and restoration in the Upper Klamath Basin. The joint management entity will oversee implementation of the Agreement, including oversight of the water use and riparian programs. The joint management entity consists of the Klamath Tribes, the United

States, representatives of landowners, and the State of Oregon.

Senate Bill 264 authorizes the Water Resources Department to participate in activities related to the joint management entity.

Effective date: June 16, 2015

Senate Bill 266

Place-based integrated water resources strategies

In August 2012, the Water Resources Commission adopted the Integrated Water Resources Strategy (IWRs) which created a statewide framework and path for meeting Oregon's instream and out-of-stream water needs. Recommended Action 9A of the IWRs calls for the voluntary undertaking of a place-based approach to water resources planning to help communities understand and meet their instream and out-of-stream water resources needs.

Senate Bill 266 authorizes the Water Resources Department to provide grants to entities and to assist in the preparation of place-based integrated water resources strategies.

Effective date: July 27, 2015

Senate Bill 829

Process for developing methodologies to assess state waters

The federal Water Pollution Control Act (Clean Water Act) requires states to adopt water quality standards designating

beneficial uses of the state's waters and setting criteria designed to protect those uses. States submit their standards to the federal Environmental Protection Agency for approval. In Oregon, the Department of Environmental Quality (DEQ) applies water quality standards to assess whether the quality of Oregon's rivers and lakes is adequate for fish and other aquatic life, recreation, drinking, agriculture, industry and other uses. DEQ also uses the standards as a regulatory tool to prevent pollution of the state's waters.

Senate Bill 829 directs DEQ to solicit independent scientific and technical input and to provide adequate public notice, an opportunity for public comment and informational overview on draft assessment methodologies when developing or selecting among methodologies to assess state waters under the federal Water Pollution Control Act and prior to publishing draft water body assessments based on such methodologies.

Effective date: January 1, 2016

LEGISLATION NOT ENACTED

House Bill 3169

Aquifer study and Domestic Well Improvement Fund

The Water Resources Department (WRD) conducts a variety of functions critical to the management of Oregon's water resources. WRD staff set standards for water measurements, complete hydrologic studies, enforce water laws, and help water users and local watershed groups identify and solve

local water needs. Information gathered by the division's studies is managed and analyzed by agency staff and used for water availability assessments, mapping, planning for future water supplies and supporting local efforts.

House Bill 3169 would have directed WRD to conduct a study of all aquifers in the state and submit a report no later than November 30, 2020 to an interim legislative committee. The measure would have also established the Domestic Well Improvement Fund, providing low-interest loans for wells primarily used for domestic purposes qualifying as exempt in ORS 537.545.