



SUMMARY OF LEGISLATION 2018

LEGISLATIVE POLICY AND RESEARCH OFFICE

79TH LEGISLATIVE ASSEMBLY

2018 SUMMARY OF LEGISLATION 79TH OREGON LEGISLATIVE ASSEMBLY

A publication of the Oregon Legislative Policy and Research Office

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ABOUT THE SUMMARY OF LEGISLATION

The 2018 Summary of Legislation provides a committee membership list and summarizes selected measures that were considered by the 79th Oregon Legislative Assembly, including bills, memorials, and resolutions. Measure summaries are organized into chapters by policy areas. Each chapter begins with a table that highlights the measures that establish task forces or create reporting requirements. The summaries of selected measures follow in three groups—bills, memorials, and resolutions—each listed in numerical order.

Each summary provides information about the chief sponsors, committees, background and current law, description of the measure, and dates when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure introduced, amendments, public testimony, a complete measure history, and final vote tallies.

Users may search for individual measures in the 2018 Summary of Legislation by keyword or measure number and may consult the [conversion table](#) for the Oregon Laws 2018 chapter numbers.

The 2018 Summary of Legislation focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on the state budget and selected legislation that impacts state agencies is available on the [Legislative Fiscal Office website](#).

The Legislative Policy and Research Office will update this publication with each bill's effective date and assigned chapter in Oregon Laws 2018 when that information becomes available.

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April 23, 2018

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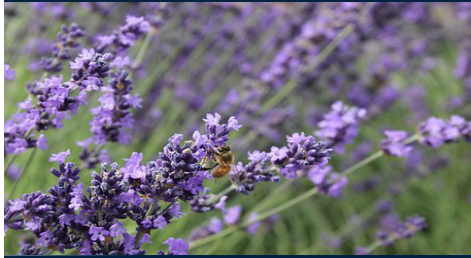
2018 SUMMARY OF LEGISLATION



MEASURE SUMMARIES



AGRICULTURE AND NATURAL RESOURCES



AGRICULTURE AND NATURAL RESOURCES TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
SB 1544	Extends requirement that the Oregon Cannabis Commission report to the Legislative Assembly and make recommendations for legislation on various marijuana-related topics.	February 1, 2019
HB 4068	Directs Oregon Department of Agriculture to report on seed dealer financial assurance rulemaking to the Legislative Assembly, if the department adopts rules.	Next regular session following rule adoption
HB 4118	Directs Governor, Oregon Department of Forestry, or Oregon Department of Fish and Wildlife to report to the Legislative Assembly on recommendations on Good Neighbor Authority Agreement goals.	March 1, 2019

[Senate Bill 1544](#)

Effective Date: June 2, 2018

Marijuana Regulation

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Rules, Joint Ways and Means

Background and Current Law: Oregon voters approved the production, sale, and use of medical marijuana in 1998 (Ballot Measure 67). Sixteen years later, Oregon voters approved recreational use of marijuana (Ballot Measure 91). The legislature has modified the regulations on both medical and recreational marijuana over the years.

Bill Summary: Senate Bill 1544 is an omnibus bill that effects both medical and recreational marijuana, specifically law enforcement, taxation, grow sites, location of retailers and dispensaries, and industrial hemp.

Senate Bill 1544 creates the Illegal Marijuana Market Enforcement Grant Program, funded by the Oregon Marijuana Account, to assist local governments with the costs incurred in detecting and prosecuting unlawful marijuana cultivation and distribution operations. The program and funding mechanism sunset in January 2024.

Senate Bill 1544 makes five changes to the Medical Marijuana Act. First, the bill increases the number of cardholders for whom a designated grower may grow marijuana, from four to eight. The bill also directs the Oregon Health Authority (OHA) to establish a maximum number of immature plants, under 24 inches in height, that may be possessed by a cardholder, and authorizes registered marijuana producers to provide cardholders with immature plants. The bill exempts cannabinoid products produced for a cardholder from otherwise applicable packaging and labeling requirements and exempts two-person medical grow sites from the tracking system.

Current law limits the ability of a marijuana retailer or dispensary to locate within 1,000 feet of a school, but provides an exception if the facility is at least 500 feet from a school and a physical barrier exists between the school and the facility. Senate Bill 1544 creates an additional exception for facilities located near a school, if the facility was established prior to August 1, 2017, pursuant to certain local ordinances.

Senate Bill 1544 regulates industrial hemp by requiring a marijuana retailer's license to sell hemp products containing more than .3 percent tetrahydrocannabinol (THC) to a consumer, prohibiting the export or import of products containing more than .3 percent THC, and requiring marijuana retailers that sell hemp products to affix a label identifying whether the product is derived from hemp or marijuana.

Senate Bill 1544 authorizes the disclosure of certain marijuana tax-related information, modifies how OHA determines the address of a medical marijuana grow site, clarifies the scope of permissible commercial marijuana operations, and extends the deadline to February 1, 2019, by which the Oregon Cannabis Commission must report to the Legislative Assembly and make recommendations for legislation on various marijuana-related topics.

Oregon Laws 2018: Chapter 103

[Senate Bill 1550](#)

Effective Date: January 1, 2019

Food Fish Record Keeping

Chief Sponsors: Sen. Roblan; Rep. Smith DB

Committees: Senate Environment and Natural Resources, House Agriculture and Natural Resources

Background and Current Law: The mission of the Oregon Department of Fish and Wildlife (ODFW) is to protect and enhance Oregon's fish and wildlife, and their habitats, for use and enjoyment by present and future generations. A seven-member Oregon Fish and Wildlife Commission that is appointed by the Governor oversees ODFW and state fish and wildlife programs and policies under the provisions of ORS Chapters 496 - 513. The commission establishes seasons, methods, and bag limits for recreational and commercial take of fish and wildlife.

Under ORS 506.011(5) "food fish" are defined to include any animal over which the Oregon Fish and Wildlife Commission has jurisdiction under ORS 506.036. Oregon's commercial fishing laws (ORS chapters 506, 507, 508, 509, 511, and 513) allow commercial fishers to deliver their catch to a wholesale fish dealer or a wholesale bait dealer, or to sell it off their vessel under a limited fish sellers permit.

Bill Summary: Senate Bill 1550 authorizes the Oregon Fish and Wildlife Commission to adopt record keeping requirements on persons who engage in commercial fisheries in order to trace the chain of possession of food fish.

Oregon Laws 2018: Chapter 104

[House Bill 4015-A](#)

Not Enacted

Oregon Conservation and Recreation Fund

At the request of: House Energy and Environment

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: House Bill 2402 (2015) created a Task Force on Funding for Fish, Wildlife, and Related Outdoor Recreation and Education and charged it with developing recommendations to strengthen the State's ability to conserve natural resources and connect Oregonians to nature through outdoor recreation and education opportunities. The Task Force recommended the establishment of an Oregon Conservation and Recreation Fund dedicated to conservation, management, research, habitat improvements, administration, enforcement, and other activities that support native fish and wildlife.

Bill Summary: House Bill 4015-A would have established the Oregon Conservation and Recreation Fund and Advisory Committee and appropriated \$40,000 from the General Fund to the Oregon Department of Fish and Wildlife to protect, maintain, or enhance fish and wildlife resources in Oregon.

[House Bill 4016-A](#)

Not Enacted

Klamath Project Districts Temporary Transfer

At the request of: House Interim Committee on Energy and Environment

Committees: House Energy and Environment, House Rules

Background and Current Law: Water right transfers allow a change in the point of diversion or appropriation, the place of use, or the beneficial use of a water right. The water right holder must obtain approval of a water right transfer from the Water Resources Department before making any of these changes. In reviewing an application for a water right transfer, the Department is responsible for ensuring that other water right holders will not be injured as a result of the proposed change. In 2015, the legislature passed Senate Bill 206 allowing for the temporary transfer or lease for instream use of a determined water right in the Klamath Basin for up to five years.

Bill Summary: House Bill 4016-A would have authorized an alternative process for determined claims in the Klamath Basin to transfer the place of use of water rights that were: held by qualifying districts, within the Klamath Project Boundary, for irrigation use, and to be transferred to other land within the qualifying district. House Bill 4016-A would have sunset on January 2, 2026.

[House Bill 4029-A](#)

Not Enacted

Prohibition of Bridge Construction on Deschutes Scenic Waterway

At the request of: House Interim Committee on Agriculture and Natural Resources for Oregon Wild

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: In 1970, Oregonians voted to establish the Scenic Waterways Program to balance waterway protection and use through cooperation between federal, state, and local agencies as well as individual property owners and those who recreate along waterways. Oregon law declares that the highest and best uses of the waters within scenic waterways are recreation, fish, and wildlife uses, and it directs that the free-flowing character of these waters be maintained in quantities necessary for these uses. The program is administered by the Oregon Parks and Recreation Department and currently includes approximately 1,200 miles on 22 waterways.

Bill Summary: House Bill 4029-A would have prohibited bridge construction on the Deschutes River within certain segments of the Deschutes Scenic Waterway. The measure also would have directed the Oregon Parks and Recreation Department to study and make recommendations on recreation trail routes connecting Bend and Sunriver.

Wildlife Restitution

At the request of: House Interim Committee on Agriculture and Natural Resources for Rep. Helm

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: In 2016, the Legislative Assembly enacted House Bill 4046, which increased penalties for unlawful taking of wildlife and allowed the Oregon Fish and Wildlife Commission to file suit for the recovery of civil damages for the taking of any listed wildlife. In 2017, a judge in Gilliam County found two men guilty of unlawfully possessing bighorn sheep remains, but ultimately denied the state's request for a restitution award, finding that the civil damages for unlawfully taking wildlife do not constitute "economic damages" necessary for purposes of restitution in criminal cases. This verdict was supported by a subsequent Court of Appeals case (*State v. Shockey*).

Bill Summary: House Bill 4030 allows courts to impose certain fines payable to the Oregon Fish and Wildlife Commission for criminal felony, misdemeanor, and violation offenses that involve the taking of wildlife.

Oregon Laws 2018: Chapter 14

Land Use Omnibus

At the request of: House Interim Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: House Bill 4031 impacts several land use issues.

In 1997, the Oregon legislature authorized guest ranches to allow ranchers a means of generating supplemental income from providing ranching experiences to the public, but sunset their operation. The most recent sunset expired on January 2, 2018.

Oregon law prohibits the siting of destination resorts and restricts new development in the Metolius River Basin, and allows for Transfer Development Opportunities (TDOs) that provide for the establishment of small-scale recreational communities in other locations in lieu of resort development. In 2017, a Metolius resort site owner began exploring Bradwood Landing in Clatsop County as a potential TDO site.

Senate Bill 1051 (2017) requires cities and counties to allow the development of at least one accessory dwelling unit (ADU) in areas zoned for detached single-family dwellings.

Bill Summary: House Bill 4031 reauthorizes guest ranches in areas of eastern Oregon zoned for exclusive farm use, subject to state and county approval or siting standards, until April 15, 2020.

The measure also allows a small-scale recreational community to be established as a TDO on land that is both planned and zoned for forest and rural use, subject to statewide land use planning goals relating to agricultural or forest lands; prohibits siting in natural or conservation estuaries; requires applicants to demonstrate adequacy of streets, utilities, and services; and deems certain county approvals of small scale recreational communities an exception to statewide land use planning goals. The measure modifies requirements for the selection of an economic development pilot program site by the Land Conservation and Development Commission.

Finally, House Bill 4031 clarifies that certain local governments must allow ADUs in areas zoned for detached single-family dwellings within urban growth boundaries.

Oregon Laws 2018: Chapter 15

[House Bill 4045](#)

Not Enacted

Retail Pet Stores

Chief Sponsors: Reps. Boone, Gomberg

Committees: House Agriculture and Natural Resources

Background and Current Law: Oregon law does not restrict where retail pet stores source dogs for sale. Current law requires stores to provide customers with information about the dog for sale, including: breed, age, date of birth, sex, color, medical history, pedigree, breeder information, birth facility information including the number of annual litters produced in the facility, previous sales of the dog, and price.

Bill Summary: House Bill 4045 would have required retail pet stores to sell dogs acquired only from an animal shelter, humane society, dog control district, or nonprofit corporation that provides rescue services, and to maintain and post records regarding the sources of dogs. The bill would have eliminated current requirements to provide customers with certain information about dogs for sale.

[House Bill 4068](#)

Effective Date: January 1, 2019

“Slow Pay, No Pay” Seed Contracts

Chief Sponsors: Rep. Post

Committees: House Agriculture and Natural Resources, Senate Business and Transportation

Background and Current Law: The “slow pay, no pay” statutes were established during the 2011 legislative session (House Bill 2159) to address ambiguity in contract payment dates and prices and delayed contract payments to grass seed growers from grass seed dealers. Current law pertains only to grass seed commonly sold for use in turf lawns or as forage seed.

Bill Summary: House Bill 4068 extends grass seed production and purchase contract requirements to the entire seed industry, including requirements for contract terms, payment due dates, seed not meeting quality standards, seed dealer failure to make timely payments, seed dealer financial assurance, rule adoption, and mediation services.

Oregon Laws 2018: Chapter 26

[House Bill 4075](#)

Not Enacted

Designation of Reserves in Washington County

Chief Sponsors: Rep. Sollman; Sen. Johnson (at the request of Cindy and Chris Hodges)

Committees: House Agriculture and Natural Resources

Background and Current Law: Under Oregon's land use planning system, lands outside the Portland metropolitan area urban growth boundary may be designated as "urban or rural reserves" by Metro and Clackamas, Multnomah, and Washington counties. Reserve designations were enacted by the 2007 legislature in Senate Bill 1011 to provide greater clarity around long-term land use expectations, including which areas might be urbanized, and which areas might remain zoned as farm or forest land. In 2014, the legislature passed the "Grand Bargain" land use bill, House Bill 4078, confirming Washington County's urban and rural reserve designations with some exceptions.

Bill Summary: House Bill 4075 would have redesignated certain real property in Washington County from rural to urban reserves, and authorized other real property in Washington County to be zoned for residential use in addition to existing uses.

[House Bill 4089](#)

Effective Date: April 13, 2018

Industrial Hemp

Chief Sponsors: Rep. Wilson; Sen. Prozanski; Rep. McLain (at the request of Oregon Industrial Hemp Farmers Association (OIHFA))

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: Industrial hemp is an agricultural product that is subject to regulation by the Oregon Department of Agriculture (ODA) and refers to cannabis varieties that are grown for fiber, seed, oil, or as a cover crop. In 2009, the Legislative Assembly passed Senate Bill 676 which authorized the production, possession, and commerce of industrial hemp and commodities in Oregon. ODA licensed Oregon's first industrial hemp grower in early 2015. In 2016, House Bill 4060 updated and clarified provisions related to the regulation of industrial hemp and authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed.

Industrial hemp and marijuana are both derived from cannabis plants, but are differentiated by their percentage of tetrahydrocannabinol (THC) concentration, the cannabinoid known for psychoactive properties. Oregon law defines industrial hemp as any part of the cannabis plant that contains 0.3 or less percent THC.

Bill Summary: House Bill 4089 establishes the Oregon Industrial Hemp Agricultural Pilot Program, an agricultural hemp seed certificate program, and an Industrial Hemp Fund. It also modifies industrial hemp statutes related to testing, regulation, personal possession, and tetrahydrocannabinol concentration.

Oregon Laws 2018: Chapter 116

[House Bill 4106](#)

Not Enacted

Wolf Population Report and Depredation Program Funding

Chief Sponsors: Rep. Barreto; Sen. Hansell

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: Wolf depredation compensation programs pay for implementation of livestock management or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock, and reimburse individuals for related financial losses. Programs are administered by counties and funded by the Oregon Department of Agriculture's Wolf Management Compensation and Proactive Trust Fund.

Bill Summary: House Bill 4106 would have required the Oregon Department of Fish and Wildlife to report biennially to the Legislative Assembly on state wolf population changes, and the Legislative Assembly would have been required to identify the level of financial assistance sufficient to carry out wolf depredation programs based on the report.

[House Bill 4109](#)

Not Enacted

Study of State Carbon Sequestration Opportunities

Chief Sponsors: Rep. Smith DB; Sen. Roblan

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: Carbon sequestration is the process by which atmospheric carbon dioxide is taken up by trees, grasses, and other plants through photosynthesis, and stored as carbon in trunks, branches, foliage, roots, and soils. Both forests and grasslands commonly function as "carbon sinks," absorbing more carbon dioxide than they release. In addition to natural ecosystems' role in sequestering carbon, industrial methods such as Carbon Dioxide Capture and Sequestration (CCS) can also transfer atmospheric carbon dioxide into long-term storage. CCS is a set of technologies that capture and transfer compressed carbon dioxide from coal- and gas-fired power plants and large industrial sources, and inject it into deep, underground rock formations. Carbon dioxide is among the primary greenhouse gases in the Earth's atmosphere, along with water vapor, methane, nitrous oxide, and ozone.

Bill Summary: House Bill 4109 would have directed the Oregon Department of Environmental Quality and Oregon Department of Forestry to study opportunities for state actions to promote carbon sequestration and to report findings to the Legislative Assembly.

[House Bill 4118](#)

Effective Date: April 10, 2018

Good Neighbor Authority Agreement Priorities and Goals

Chief Sponsors: Reps. Bonham, Smith DB

Committees: House Agriculture and Natural Resources, Joint Ways and Means

Background and Current Law: The Good Neighbor Authority (GNA) allows the United States Forest Service (USFS) to enter into cooperative agreements with states so that states can perform forest management and watershed restoration services on National Forest System lands. A GNA Master Agreement between the USFS and State of Oregon was signed in March of 2016. The Agreement allows federal funds to be used by state agency staff or contractors for work on federal public land and provides formal authorization for local projects across land ownership boundaries. Currently, 14 local projects are underway.

Bill Summary: House Bill 4118 requires the Oregon Department of Forestry and Oregon Department of Fish and Wildlife to work with federal land management agencies to prioritize certain projects under the Good Neighbor Authority Agreement and gives \$500,000 to those priority projects. The measure also requires the Governor and Portland State University to develop recommendations on Agreement goals.

Oregon Laws 2018: Chapter 96

[House Bill 4124](#)

Effective Date: April 13, 2018

Land Use Board of Appeals Remand Process

Chief Sponsors: Reps. Witt, Smith DB; Sen. Johnson; Rep. Heard; Sen. Roblan

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

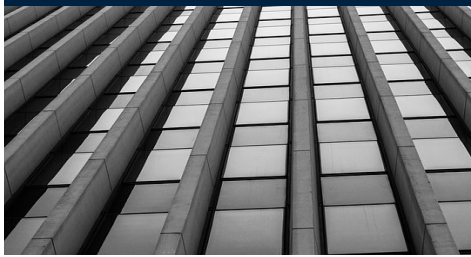
Background and Current Law: The Land Use Board of Appeals (LUBA) was created to simplify the land use appeals process, speed resolution of land use disputes, and provide consistent interpretation of state and local land use laws. LUBA reviews final land use decisions and limited land use decisions, and issues a final opinion and order to affirm, reverse, or remand a challenged decision. Currently, upon remand of a LUBA decision, county governing bodies conduct hearings and make a decision for lands designated under a statewide planning goal addressing agricultural lands or forestlands.

Bill Summary: House Bill 4124 allows a county governing body to have the planning commission or a hearings officer conduct hearings and make decisions on cases involving designated agricultural lands or forestlands following a Land Use Board of Appeals remand decision, and retains county governing body authority to review and issue final decisions.

Oregon Laws 2018: Chapter 117



BUSINESS AND CONSUMER PROTECTION



BUSINESS AND CONSUMER PROTECTION TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4005	Establishes Task Force on the Fair Pricing of Prescription Drugs to create transparency for drug prices across the supply chain. Requires the task force to submit a report to interim committees of the Legislative Assembly related to health. Requires the Department of Consumer and Business Services to report to the Legislative Assembly on the cost of prescription drugs.	November 1, 2018; December 15 of each year
HB 4023	The Oregon Broadband Advisory Council must report on the proposed structure for a local broadband champion program to the interim committee on economic development. The State Chief Information Officer must present proposed rules to the Joint Committee on Information Management and Technology prior to adoption.	December 1, 2018; prior to rule adoption
HB 4052	Secretary of State is required to annually compile administrative rule review reports and submit a report to the Legislative Assembly.	February 1 (annually)
HB 4144	Requires the Construction Contractors Board and Department of Consumer and Business Services to report to an interim committee of the Legislative Assembly regarding licenses issued under this measure. Requires Business Oregon and the Higher Education Coordinating Commission to report to an interim committee of the Legislative Assembly regarding loans and financial support provided under this measure.	October 1, 2020

[Senate Bill 1516](#)

Effective Date: January 1, 2019

Small Business Expansion Loan Fund

Chief Sponsors: Sens. Burdick, Beyer

Committees: Senate Business and Transportation, Joint Ways and Means

Background and Current Law: More than 95 percent of employers in Oregon employ fewer than 50 workers, making up nearly 40 percent of the workforce in Oregon. Currently, the Oregon Business Development Department offers the Oregon Business Development Fund loan, which gives preference to projects located in rural and distressed areas and to small businesses with fewer than 100 employees.

Bill Summary: Senate Bill 1516 creates the Small Business Expansion Loan Fund administered by the Oregon Business Development Department. Loans from the fund can provide up to \$2 million for early stage growth capital for individuals and businesses with 50 or fewer employees. The measure authorizes the department to set aside up to 20 percent of moneys in the fund for loans to applicants with low to moderate income who operate businesses with a majority share owned by minorities, women, or honorably discharged veterans, or that are located outside the Portland metropolitan area.

Oregon Laws 2018: Chapter 71

[Senate Bill 1551](#)

Effective Date: June 2, 2018

Data Breach Notification

Chief Sponsors: Sen. Prozanski; Rep. Holvey

Committees: Senate Judiciary, House Business and Labor

Background and Current Law: Oregon's Consumer Identity Theft Protection Act was enacted in 2007. Under the law, consumers must be given notice when a breach of their personal information occurs. The law prescribes the method for providing notice to consumers and the Attorney General as well as safeguards and protections of personal information. The law also allows for credit freezes on consumers' accounts to prevent fraudulent lines of credit from being established on consumers' accounts. There are three major credit reporting agencies who can place a freeze on a consumer's account, and a \$10 fee can be charged for each freeze, removal, or thaw at each of the agencies.

Bill Summary: Senate Bill 1551 provides free-of-charge placement, removal, and temporary lifts of credit account freezes. If an entity suffers a data breach, the notice of that breach must be given to the consumer in the most expeditious manner, but within 45 days. Additionally, if the entity that suffers a breach provides free credit monitoring or mitigation services to consumers, the entity may not condition acceptance of the free offer on the consumer providing a credit or debit card number. If the entity wishes to offer other services, they must be offered separately and distinctly from the free service. The measure also strengthens the safeguards to protect the security, confidentiality, and integrity of personal information.

Oregon Laws 2018: Chapter 010

[Senate Bill 1556-A](#)

Not Enacted

Lawsuits on Trust Deed Interest Transfers

Chief Sponsors: Sen. Hansell

Committees: Senate Judiciary, Senate Rules, House Business and Labor

Background and Current Law: A trust deed is a legal instrument like a mortgage. It gives one party, the trustee, the right to secure performance of an obligation that the borrower owes to the lender. The trust deed is filed with the county after it is created, with trust deeds often transferred into the secondary mortgage market through an entity called the Mortgage Electronic Registration System (MERS). Once in the secondary market, subsequent transfers of the interest are not recorded with the county. In 2012, Multnomah County filed a lawsuit against several banks and MERS, alleging they failed to properly record transfers of trust deeds. The suit was settled in the county's favor. Currently, 11 other Oregon counties have filed on the same basis.

Bill Summary: Senate Bill 1556-A would have prohibited new lawsuits by counties based on the designation of the grantee or beneficiary, or upon lack of presenting the trust deed for recording in the county. The measure also would have prohibited the counties from charging a fee for instruments that transferred an interest in a trust deed but were not presented for recording.

[Senate Bill 1564](#)

Not Enacted

Distillery Tasting Room Permit

Chief Sponsors: Sen. Beyer

Committees: Senate Business and Transportation

Background and Current Law: Oregon liquor/spirit distillers have experienced steady growth in recent years, with 14 total licenses statewide in 2001 growing to 90 total licenses statewide in 2016. Under current law, a distillery licensee who sells bottles of distilled liquor at the same location where tastings are permitted must be a distillery retail outlet agent and all distilled liquor sold must be purchased from the Oregon Liquor Control Commission. When such bottle sales at a tasting room are made, the distiller is compensated the same as a nonexclusive retail agent.

Bill Summary: Senate Bill 1564, with the proposed -2 amendments, would have allowed distillery licensees to apply to the Oregon Liquor Control Commission for a permit to sell the distillery's own liquor at their tasting room without being a Commission agent. Licensees would then retain the full retail price of the bottle. The measure also would have allowed distillery licensees to apply for special events tasting room licenses.

[House Bill 4005](#)

Effective Date: March 12, 2018

Prescription Drug Transparency

Chief Sponsors: Reps. Nosse, Noble; Sens. Beyer, Linthicum, Steiner Hayward

Committees: House Health Care, Joint Ways and Means

Background and Current Law: Increases in prescription drug spending and prices, coupled with rising out-of-pocket drug costs, contribute to rising health care costs in the United States. Between 1991 and 2014, prescription drug spending in Oregon increased by an average of 7.2 percent annually. In recent years, several states, including Oregon, have considered or passed legislation related to cost control and transparency of prescription drug costs.

Bill Summary: House Bill 4005 establishes a statewide prescription drug cost and price transparency program. The measure requires prescription drug manufacturers and health insurers to report information regarding qualifying prescription drugs to the Department of Consumer and Business Services (DCBS) and gives DCBS the authority to impose civil penalties for drug manufacturers that fail to report. DCBS must then report annually to the Legislative Assembly on the cost of prescription drugs.

The measure also establishes the 18-member Task Force on the Fair Pricing of Prescription Drugs to create transparency for drug prices across the supply chain, including pharmacy benefit managers, distributors, and wholesale and retail pharmacies in Oregon. The task force must submit a report to the interim committees of the Legislative Assembly related to health no later than November 1, 2018.

Oregon Laws 2018: Chapter 7

Rural Broadband Access and Service

At the request of: House Interim Committee on Economic Development and Trade

Committees: House Economic Development and Trade, Joint Information Management and Technology, Joint Ways and Means

Background and Current Law: The Oregon Broadband Advisory Council reports every two years to the Legislative Assembly on the affordability, accessibility, and use of broadband in Oregon, as well as broadband's role in economic development. The federal Universal Service Administrative Company under the Federal Communications Commission provides funding to support broadband access for eligible K-12 schools and libraries, including up to an additional 10 percent if matched by state funds. The Office of the State Chief Information Officer may provide broadband services to state agencies and universities, but not to other public bodies.

Bill Summary: House Bill 4023 makes three changes related to broadband access. It directs the Oregon Broadband Advisory Council to propose ways to develop champions for local broadband infrastructure improvements. It creates the Connecting Oregon Schools Fund to match federal money received by school districts for eligible broadband projects with state dollars. Additionally, the measure allows the State Chief Information Officer to provide broadband services to additional public bodies and federally recognized Indian tribes in unserved or underserved areas under certain circumstances.

Oregon Laws 2018: Chapter 51

House Bill 4048

Effective Date: April 10, 2018

Real Estate Licensees

Chief Sponsors: Reps. Esquivel, Doherty; Sen. Hansell

Committees: House Business and Labor, Senate Business and Transportation

Background and Current Law: Licenses to practice real estate are renewed for 24-month terms; the licensee must have completed 30 hours of continuing education during the preceding two years when renewing their license. Brokers and property managers, but not principal brokers, who renew an active license for the first time must take an advanced course in relevant practices approved by the Real Estate Agency.

The Elderly Housing and Disabled Loan Program, administered through Oregon Housing and Community Services (OHCS), allows certain long-term care providers to utilize bond financing to build assisted living and senior housing projects. Projects that have outstanding bond obligations or state financing can be required by OHCS to have a licensed real estate professional on staff.

Bill Summary: House Bill 4048 requires real estate brokers, principal brokers, and property managers to complete 30 hours of continuing education when reactivating an inactive license, as is required when renewing a license. The measure specifies that licensees must take advanced courses in practices relevant to their license when reactivating their license, and it requires principal brokers to take advanced courses in brokerage practices upon the first renewal of their license. House Bill 4048 also clarifies when Oregon Housing and Community Services can require an elderly housing project to perform property management duties or engage a licensed real estate professional.

Oregon Laws 2018: Chapter 92

[House Bill 4052](#)

Effective Date: June 2, 2018

Small Business Rules Advisory Committee

Chief Sponsors: Rep. Gomberg

Committees: House Economic Development and Trade, Senate General Government and Accountability

Background and Current Law: Administrative Rules are agency directives, standards, regulations, or statements of general applicability that implement, interpret, or prescribe law or policy, or that describe the procedure or practice requirements of an agency. Rules are created by any state board, commission, department, or officer authorized to make rules or issue orders. State law requires agencies to involve the public in the drafting of administrative rules. An agency may appoint an advisory committee, or use other means, to obtain public input and determine a rule's fiscal or small business impact. Agencies are also required to review rules five years after adoption.

Bill Summary: House Bill 4052 establishes a Small Business Rules Advisory Committee to be supported by the State Archives Division. If requested, the committee may assist agencies in adopting new administrative rules or complete the review required five years after rule adoption.

Oregon Laws 2018: Chapter 20

[House Bill 4058](#)

Effective Date: March 12, 2018

Property Services Contractors

Chief Sponsors: Reps. Reschke, Salinas, Stark

Committees: House Business and Labor, Senate Workforce

Background and Current Law: Legislation enacted in 2017 (House Bill 3279) requires property services contractors to be licensed by the Bureau of Labor and Industries (BOLI); property services contractors typically provide janitorial services. The focus of the legislation is the requirement that property services contractors provide professional training to their managers, supervisors, and employees regarding prevention of workplace sexual assault and harassment, prevention of workplace discrimination, promotion of cultural competency, and whistleblower protections. The legislation and subsequent administrative rules generally subject property services contractors to the same licensing requirements as farm and construction labor contractors.

Bill Summary: House Bill 4058 makes many changes to the statutes regulating property services contractors based on issues raised during the rulemaking process. The measure specifies when initial and continuing training of employees must occur. The remaining changes ease the requirements on licensees. Though the measure does not exempt residential housecleaners, the stated intent is that they are exempt.

Oregon Laws 2018: Chapter 8

[House Bill 4086-A](#)

Not Enacted

Building Officials and Inspectors

At the request of: House Interim Committee on Business and Labor

Committees: House Business and Labor, House Rules, Senate Rules

Background and Current Law: The Building Codes Division (BCD) is responsible for adopting a statewide building code and rules establishing uniform permit and inspection requirements. The BCD may approve the administration and enforcement of the building program by a local municipality. Approximately 25 cities and counties contract with private entities and individuals to provide services to the building program. A Department of Justice memo and a Legislative Counsel opinion suggest that it is an unconstitutional delegation of legislative powers to have a person who is not a municipal employee serve as the building official.

Bill Summary: House Bill 4086-A would have required municipalities that administer building inspection programs to obtain the services of a municipal building official and a head building inspector, who could also be the building official. The measure specified that the municipal building official and head building inspector must be employed by the municipality, under an intergovernmental agreement, or by a council of governments by July 1, 2019. Upon passage, it would have allowed specialized building inspectors to be employed by an entity other than the municipality.

[House Bill 4087](#)

Effective Date: January 1, 2019

Auto Repair Shops

At the Request of: House Interim Committee on Business and Labor

Committees: House Business and Labor, Senate Judiciary

Background and Current Law: A lien is a charge against property to secure payment of a debt, performance of an obligation, or discharge of a debt, tax, or duty owed. One type of lien is a “mechanic’s lien,” which allows an auto repair shop to assert a lien against the repaired vehicle until the owner settles payment for the services provided. A work group met during the 2017-2018 interim to develop consensus on changes to Oregon’s mechanic’s lien law.

Bill Summary: House Bill 4087 requires an auto repair shop to carry a \$20,000 bond to properly attach a mechanic’s lien on a repaired vehicle. The measure provides an avenue for recovery against those who improperly assert a lien on a repaired vehicle.

Oregon Laws 2018: Chapter 58

[House Bill 4088](#)

Effective Date: January 1, 2019

Performing Rights Societies

At the Request of: House Interim Committee on Business and Labor for Oregon Winegrowers Association, Oregon Restaurant and Lodging Association

Committees: House Business and Labor, Senate Business and Transportation

Background and Current Law: When music is performed, a performing rights society (PRS) acts as the agent for copyright holders to collect royalties from individuals and businesses such as radio stations, marketers, restaurants, and entertainment facilities. Current law prohibits specified conduct by a PRS, such as engaging in any coercive activity that substantially disrupts a proprietor's business, and requires a PRS to provide proprietors with specified information prior to entering into a contract. A private right of action exists for any person seeking to recover damages, attorney's fees, or an injunction for violations.

Bill Summary: House Bill 4088 amends the code of conduct and requires performing rights societies to provide proprietors with specified information at least 72 hours before a contract is offered or entered into. Each year, each PRS must also file a copy of its contract template with the Secretary of State. Finally, the measure provides for a fine of up to \$1,000 for each willful violation.

Oregon Laws 2018: Chapter 28

[House Bill 4103](#)

Not Enacted

Pharmacy Benefit Managers

Chief Sponsors: Rep. Alonso Leon; Sen. Hansell

Committees: House Health Care

Background and Current Law: Pharmacy benefit managers (PBMs) administer drug benefit programs according to contractual relationships between manufacturers, wholesalers, health insurers, or employers. Some PBM services include processing and analyzing prescription claims, contracting with a network of pharmacies, and developing and managing formularies and prior authorization programs. There are currently more than 40 entities registered as PBMs doing business in Oregon. Nationally, PBMs manage the drug benefits for an estimated 95 percent of all patients with drug coverage. Legislation enacted in 2017 (House Bill 2388) authorized the Department of Consumer and Business Services to deny, revoke, or suspend a PBMs' registration under specific conditions.

Bill Summary: House Bill 4103 would have prohibited PBMs in Oregon from requiring that individuals fill or refill a prescription using their mail order pharmacy. The measure would have required PBMs to reimburse retail pharmacists the cost of a prescription drug at a rate equal to the reimbursement cost paid to a mail order pharmacy owned or managed by the PBM.

[House Bill 4104](#)

Effective Date: January 1, 2019

Hearing Loss Treatments

Chief Sponsors: Reps. Malstrom, Hayden; Sen. Gelser

Committees: House Health Care, Senate Health Care

Background and Current Law: The Centers for Disease Control and Prevention report two to three of every 1,000 children are born with a detectable level of hearing loss in one or both ears. As of 2012, approximately 38,000 cochlear implants have been implanted in children. In Oregon, hearing services and technology are limited in scope for families and children with hearing loss as commercial health plans may not all cover hearing services and technologies for children.

Bill Summary: House Bill 4104 requires health insurers to reimburse costs for bilateral cochlear implants, ear molds, and hearing assistive technology systems for individuals younger than 19, or 19 to 25 years of age and enrolled in secondary schools or accredited educational institutions. The measure also requires health insurers to ensure that their members have access to pediatric audiologists, provide notice of coverage limits, and offer educational materials.

Oregon Laws 2018: Chapter 9

[House Bill 4121-A](#)

Not Enacted

Home Weatherization, Retrofit, and Affordability Program

Chief Sponsors: Rep. Marsh

Committees: House Economic Development and Trade, Joint Ways and Means

Background and Current Law: Oregon Housing and Community Services Department has developed programs and services to support housing stability and promote energy improvement. Locally administered weatherization programs help lower income residents reduce heating costs while improving the efficiency and condition of their homes. Homeowners previously used Oregon's Residential Energy Tax Credits, which ended in 2017, to improve residential energy efficiency. The Small-Scale Energy Loan Program also previously provided long-term fixed rate loans for Oregon energy projects.

Bill Summary: House Bill 4121-A would have required Oregon Housing and Community Services to establish and administer a program to provide incentive payments, funding, and grants for certain energy improvement projects. Incentive payments would have been made directly to construction contractors for qualified projects. The bill would have required the department to reserve a portion of program funding for energy efficiency, weatherization, solar technology, and affordable housing activities.

[House Bill 4127-A](#)

Not Enacted

Public Contracting Using Qualifications-Based Selection

Chief Sponsors: Reps. McLain, Bynum; Sen. Boquist; Rep. Vial; Sen. Steiner Hayward

Committees: House Business and Labor, Senate General Government and Accountability, Senate Rules

Background and Current Law: The process used by state and local government to procure architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services is referred to as Qualifications-Based Selection (QBS). Statute requires a contracting agency to select these consultants based on the consultant's qualifications for the type of professional service required. QBS allows a contracting agency to ask for or use pricing policies and proposals or other pricing information to determine consultant compensation only after a candidate is selected. Direct appointment is allowed if the estimated cost of the services for the project do not exceed \$100,000.

Bill Summary: House Bill 4127-A would have allowed public contracting agencies to consider pricing policies, proposals, and other pricing information along with qualifications when procuring architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services. The measure would have allowed a contracting agency to select up to three firms that have responded to a request for qualifications and then request proposals, pricing policies, and other pricing information from those firms.

[House Bill 4128](#)

Not Enacted

Businesses Owned by Women, Minorities, or Disabled Veterans

Chief Sponsors: Reps. Bynum, Kennemer, Meek

Committees: House Business and Labor

Background and Current Law: Public contracting agencies are required to aggressively pursue a policy of providing opportunities for disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses owned by service-disabled veterans, and emerging small businesses. The Certification Office for Business Inclusion and Diversity (COBID) is responsible for developing and implementing a statewide strategy that encourages these businesses to participate in Oregon's economy. Businesses can apply for certification through COBID if they meet the criteria, one of which is annual gross receipts that fall below a specified level.

Bill Summary: House Bill 4128 would have allowed a disadvantaged business enterprise, minority-owned business, woman-owned business, business owned by a service-disabled veteran, or emerging small business to retain its certification after exceeding the cap on gross receipts if it subcontracts with another certified business, mentors another business, and otherwise remains eligible for certification. The measure would have required public contracting agencies to reimburse certified businesses for expenses related to mentoring.

[House Bill 4144](#)

Effective Date: January 1, 2019

Contractor Licenses

At the request of: Governor Brown

Committees: House Business and Labor, Senate Workforce

Background and Current Law: Between 2008 and 2013, Oregon's construction industry experienced a substantial decline in the number of individuals entering the workforce. Although construction employment has risen steadily since then, it is commonly expressed that the numbers are insufficient to meet consumer demand, particularly in rural areas and for the construction of affordable housing.

Bill Summary: House Bill 4144 waives the license fee and experience requirement for qualified residential general or specialty contractor license applicants who have at least eight years of experience. The measure waives the fee for a plumbing contractor or electrical contractor license for those who obtained a residential contractor license under the measure. The measure also expands access to small business loans to contractors licensed under this measure who agree to operate their business outside the Willamette Valley and to perform work on housing for low- and moderate-income households. These same contractors are also eligible for grant funding if they agree to use the financial support for worker recruitment, training, or retention. All provisions are repealed on January 2, 2022.

Oregon Laws 2018: Chapter 46

[House Bill 4154-B](#)

Not Enacted

Contractor's Liability for Wages Not Paid by Subcontractor

Chief Sponsors: Rep. Fahey

Committees: House Business and Labor, House Rules, Senate Rules

Background and Current Law: In 2017, the Bureau of Labor and Industries received approximately 1,200 employee wage claims, of which a disproportionately large share involved the construction industry. Contractors licensed by the Construction Contractors Board must maintain a bond which can be accessed by employees with a claim of unpaid wages. In addition, a construction contract with a government agency must require the contractor to maintain a payment bond, and a contract subject to prevailing wage rate laws requires the contractor and subcontractors to also maintain a \$30,000 bond.

Bill Summary: House Bill 4154-B would have required general contractors to cover unpaid wages, benefit payments, and other contributions due to employees of subcontractors if the general contractor had not paid the subcontractor in full and there was a valid wage claim. The measure would have required contractors to pay the Bureau of Labor and Industries the amount due to the subcontractor's employees under a final order; the general contractor would then withhold payment to the subcontractor.

[House Bill 4156](#)

Not Enacted

Prescription Drug Coverage

Chief Sponsors: Reps. Doherty, Malstrom, Kennemer

Committees: House Health Care

Background and Current Law: A formulary is a list of medications available in a health plan that is used by health care insurers to manage the use of prescription drugs. Some states have enacted consumer-related laws to create transparency and notice requirements for prescription drug benefits, including changes to formularies. These regulations are designed to help individuals compare covered benefits among health plans and require insurers to notify affected members when changes are made to a prescription drug formulary in a specified period.

Bill Summary: House Bill 4156 would have prohibited health insurers from removing prescription drugs from a formulary during a plan year, and would have barred insurers from changing any out-of-pocket costs for consumers for their prescription drugs during a plan year unless a generic alternative was added to the formulary.

[House Joint Resolution 201](#)

Filed with Secretary of State

Local Bonds for Affordable Housing Projects

At the request of: House Interim Committee on Human Services and Housing

Committees: House Human Services and Housing, Senate Human Services, Senate Rules

Background and Current Law: Bonds are debt instruments issued by an entity with a promise to repay the original amount of the bond plus interest over a designated time. The state's authority to authorize bonds comes from constitutional and statutory provisions. Issuance of bonds is used to finance public investments. Article XI, section 9 of the Oregon Constitution prohibits a county or city from assisting corporations by becoming a stockholder in, raising money for, or loaning the state's credit to any joint company, corporation, or association.

Bill Summary: House Joint Resolution 201 refers to the voters, for their approval or rejection at the next general election, an amendment to the Oregon Constitution that exempts affordable housing-related bonds from the prohibitions in Article XI, section 9, if certain conditions are met.



EDUCATION AND WORKFORCE DEVELOPMENT



EDUCATION AND WORKFORCE DEVELOPMENT TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4023	The Oregon Broadband Advisory Council must report on the proposed structure for a local broadband champion program to the interim committee on economic development. The State Chief Information Officer must present proposed rules to the Joint Committee on Information Management and Technology prior to adoption.	December 1, 2018; prior to rule adoption
HB 4043	Oregon community colleges are required to report to interim committees related to education on findings of community college benefits access study to committees related to higher education.	February 1, 2019
HB 4044	The Chief Education Office must study and report on the recruitment, retention, mentoring, and professional development of educators who serve students who may be at risk for experiencing an achievement gap.	June 30, 2019
HB 4053	The Chief Education Office is required to report on accelerated college credit programs to committees related to education, the Governor, Department of Education, Higher Education Coordinating Commission, each community college district board, and each public university governing board in Oregon.	Annually on December 1, 2018 until 2028

[Senate Bill 1520](#)

Effective Date: April 3, 2018

Education Omnibus Bill

At the request of: Senate Interim Committee on Education

Committees: Senate Education, Senate Finance and Revenue, House Rules

Background and Current Law: Senate Bill 1520 makes a series of technical changes requested by agencies and stakeholder groups.

Bill Summary: Senate Bill 1520 implements changes in ten areas of state law related to education. The bill does the following:

1. expands a 90-day grace period for employment from only teachers to all licensees who are licensed by Teacher Standards and Practices Commission (TSPC) and allows TSPC to adopt an expedited process for issuance of licenses;
2. removes outdated references to institutions of higher education in public charter school law;
3. consolidates reporting requirements for the Higher Education Coordinating Commission;
4. clarifies school district obligations related to half-day kindergarten;
5. provides that the Network of Quality Teaching and Learning is established within the Chief Education Office until 2019;
6. extends by two years the sunset on provisions that allow individuals who are foreign exchange students, and who are residing in Oregon in a dormitory operated by the school district, to be considered residents of the school district in which the dormitory is located;
7. extends by three years the time by which educator preparation programs must comply with national organization accreditation requirements;
8. provides that moneys in the National Board Certification Fund may be distributed only to persons who are licensed by TSPC and who are employed by a public educational program in Oregon;
9. removes the sunset on the provision that virtual public charter schools may contract with a for-profit entity to provide educational services if the employee is an administrator and meets other requirements; and
10. clarifies requirements for Oregon Department of Education mentoring grants.

Oregon Laws 2018: Chapter 72

[Senate Bill 1522](#)

Effective Date: March 16, 2018

Transition Services for Recipients of Modified Diplomas

At the request of: Senate Interim Committee on Education

Committees: Senate Education, House Education

Background and Current Law: Passage of Senate Bill 20 (2017) changed requirements that school districts admit students who had already earned modified diplomas for the purpose of receiving transition services.

Bill Summary: Senate Bill 1522 returns language in ORS 339.115 to its status prior to passage of Senate Bill 20 (2017), requiring districts to admit students who have already received modified diplomas. The measure makes modified diploma recipients in the Youth Corrections Educational Program eligible for transition services and allows modified diploma recipients to be eligible for the Expanded Options Program.

Oregon Laws 2018: Chapter 39

[Senate Bill 1557](#)

Effective Date: April 3, 2018

Rights of Students Called to Active Duty for Fewer than 30 Days

Chief Sponsors: Sens. Thatcher, Manning Jr, Olsen; Reps. Alonso Leon, Hernandez

Committees: Senate Education, House Higher Education and Workforce Development

Background and Current Law: Starting with House Bill 2135 in 2005, the Oregon legislature has protected higher education students ordered to active duty by the federal government for more than 30 consecutive days from adverse consequences, by providing them with choices about how to proceed with or withdraw from coursework, honoring their financial investment, and maintaining their admissions status and scholarship eligibility under certain conditions.

Bill Summary: Senate Bill 1557 allows students at community colleges, public universities, or Oregon Health and Science University, who are ordered to active duty for 30 days or fewer after the beginning of the 2018-2019 academic year, to complete missing assignments or exams in accordance with existing policies for excused absences, and to receive grades without completing assignments or exams at a teacher's discretion. It also prohibits assignments or exams that are completed after the student's return from adversely impacting the student's grades. The bill allows the Higher Education Coordinating Commission to adopt rules relating to scholarships and grants funded by community colleges, public universities, or by the Office of Student Access and Completion.

Oregon Laws 2018: Chapter 82

Tuition and Financial Aid for Undocumented Students in Higher Education

Chief Sponsors: Sen. Dembrow; Reps. Hernandez, Alonso Leon; Sen. Courtney

Committees: Senate Education, House Higher Education and Workforce Development

Background and Current Law: In June 2012, then-Secretary of Homeland Security Janet Napolitano issued a memo outlining the Department of Homeland Security's prosecutorial discretion with respect to undocumented young people brought to the United States as children. Secretary Napolitano directed the department to defer immigration action against individuals who:

- came to the U.S. under the age of 16;
- had continuously resided in the United States for the past five years;
- were students, GED recipients, or honorably discharged veterans;
- did not pose a threat to national security or public safety; and
- were under the age of 30.

The department began accepting applications from these individuals to determine whether they qualified for work authorization. This program is commonly known as "Deferred Action for Childhood Arrivals" or "DACA."

In 2013, the Oregon legislature enacted House Bill 2787, extending resident tuition rates to students who had applied for the federal program and completed their high school diploma within certain time constraints. In 2015, the legislature removed those time constraints, and in 2017, extended the program to recipients of the state's modified diploma.

The DACA program was terminated in September 2017 and the department is no longer accepting applications.

Bill Summary: Senate Bill 1563 removes the requirement that undocumented students apply for an official federal identification document to be eligible for resident tuition at public universities. The bill allows the Oregon Health and Science University (OHSU) board to exempt undocumented students from nonresident tuition rates, and extends eligibility for scholarships and other financial aid from public universities and OHSU to undocumented students. The bill allows undocumented students to receive scholarships, grants, and other financial aid from the Higher Education Coordinating Commission.

Oregon Laws 2018: Chapter 122

[House Bill 4012](#)

Effective Date: June 2, 2018

Employment of PERS Retirees as CTE Teachers

At the request of: House Interim Committee on Education

Committees: House Business and Labor, Senate Workforce

Background and Current Law: If a retiree receiving Public Employees Retirement System (PERS) benefits wishes to return to work, their benefit could be affected based on the plan they retired under, who their employer is, and how many hours they work: Tier One and Tier Two retirees may work for a PERS-participating employer up to 1,040 hours in a calendar year without a loss of benefits. To address a labor shortage, the Legislative Assembly passed House Bill 3058 in 2015, to allow Tier One and Tier Two retirees to work an unlimited number of hours as career and technical education teachers (CTE) without any loss of retirement benefits. The exemption expires June 30, 2018.

Bill Summary: House Bill 4012 extends the sunset to June 30, 2023, allowing Tier One and Tier Two PERS retirees to work as CTE teachers without a loss of retirement benefits.

Oregon Laws 2018: Chapter 48

[House Bill 4013-A](#)

Not Enacted

State Board of Education Membership

At the request of: House Interim Committee on Education

Committees: House Education, Senate Education, Senate Rules

Background and Current Law: There are seven voting members on the State Board of Education, appointed by the Governor and confirmed by the Senate. Five represent Oregon's five congressional districts, and two represent the state at large. Senate Bill 428 (2009) added the Secretary of State and State Treasurer as nonvoting, ex-officio members. The law allows the Secretary of State and State Treasurer to either participate in or send a designee to State Board of Education meetings.

Bill Summary: HB 4013-A would have only allowed the Secretary of State and State Treasurer to send a person employed on a full-time basis as a designee to State Board of Education meetings.

[House Bill 4014](#)

Effective Date: January 1, 2019

Tuition Waiver Requirements for Foster Youth

At the request of: House Interim Committee on Education

Committees: House Higher Education and Workforce Development, Senate Human Services

Background and Current Law: Under current Oregon law, foster youth are eligible to receive a waiver of tuition and fees at public universities and community colleges if they are under age 25, enrolled as an undergraduate student, have submitted the Free Application for Federal Student Aid, and have completed a minimum of 30 volunteer service hours in the previous academic year. According to the Higher Education Coordinating Commission and Department of Human Services, tracking and validation of student volunteer service hours has been inconsistent across institutions.

Bill Summary: House Bill 4014 removes the requirement that current or former foster children must complete volunteer service hours to qualify for a tuition waiver at public community colleges and universities.

Oregon Laws 2018: Chapter 12

[House Bill 4023](#)

Effective Date: April 3, 2018

Rural Broadband Access and Service

At the request of: House Economic Development and Trade

Committees: House Economic Development and Trade, Joint Information Management and Technology, Joint Ways and Means

Background and Current Law: The Oregon Broadband Advisory Council reports every two years to the Legislative Assembly on the affordability, accessibility, and use of broadband in Oregon, as well as broadband's role in economic development. The federal Universal Service Administrative Company under the Federal Communications Commission provides funding to support broadband access for eligible K-12 schools and libraries, including up to an additional 10 percent if matched by state funds. The Office of the State Chief Information Officer may provide broadband services to state agencies and universities, but not to other public bodies.

Bill Summary: House Bill 4023 makes three changes related to broadband access. It directs the Oregon Broadband Advisory Council to propose ways to develop champions for local broadband infrastructure improvements. It creates the Connecting Oregon Schools Fund to match federal money received by school districts for eligible broadband projects with state dollars. Additionally, the measure allows the State Chief Information Officer to provide broadband services to additional public bodies and federally recognized Indian tribes in unserved or underserved areas under certain circumstances.

Oregon Laws 2018: Chapter 51

[House Bill 4035](#)

Effective Date: April 3, 2018

Oregon National Guard Tuition Assistance

Chief Sponsors: Reps. McLane, Whisnant

Committees: House Higher Education and Workforce Development, Joint Ways and Means

Background and Current Law: The Oregon National Guard consists of the Oregon Army National Guard and Oregon Air National Guard, and is charged with supporting the Governor during unrest or natural disaster. It is also a reserve force for the United States Army and United States Air Force. Guard members receive certain educational benefits and scholarships through the federal government, based in large part on the duration of their active service. The most common federal educational benefit programs include the Post-9/11 and Montgomery GI bills. Not all guard members qualify and benefits received may not cover all education expenses. Oregon does not currently offer state tuition assistance or other educational benefits to guard members.

Bill Summary: House Bill 4035 requires the Higher Education Coordinating Commission to provide full resident tuition assistance at community colleges and public universities up to certain credit hour limits for qualifying members of the Oregon National Guard, and appropriates \$2,700,000 to that end.

Oregon Laws 2018: Chapter 53

[House Bill 4036](#)

Effective Date: March 16, 2018

Interscholastic Activities for Grades K-8

Chief Sponsors: Rep. McLane

Committees: House Education, Senate Education

Background and Current Law: Senate Bill 208 (2017) prohibited school districts from denying homeschooled or public charter school students the opportunity to participate in interscholastic activities in a school district. Charter schools must pay school districts a fee for students to participate in an activity as well as an additional fee if a course for credit is involved. The legislation did not address the differences in interscholastic activities between grades K-8 and grades 9-12.

Bill Summary: House Bill 4036 modifies the definition of “interscholastic activities,” specifying that the existing definition of athletics, music, speech, and similar or related activities applies to students in any grade from kindergarten through grade 12 and adding that activities from kindergarten through grade eight offered before or after school may, but are not required to, involve interaction among other schools. It requires that a student attending a public charter school be allowed to participate in the same manner as a resident of the school district and prohibits prioritizing residents of a district. House Bill 4036 requires that activities available to non-chartered public school students be made available to charter school and homeschooled students.

Oregon Laws 2018: Chapter 16

[House Bill 4041-A](#)

Not Enacted

Task Force on Workforce Development for People with Disabilities

At the request of: House Interim Committee on Higher Education and Workforce Development for Rep. Whisnant

Committees: House Higher Education and Workforce Development, Joint Ways and Means

Background and Current Law: According to the Council of State Governments and the National Conference of State Legislatures, people with disabilities experience labor force participation and unemployment rates far above national and state averages. There are currently 350,586 working age individuals with disabilities living in Oregon, of whom 35.7 percent have jobs, compared to 72 percent of working age Oregonians without disabilities. Consequently, people with disabilities experience poverty and economic insecurity in substantial numbers. Oregon law declares state government a leader in providing fair and equal opportunities for employment and advancement of individuals from groups that have experienced past and present discrimination, including people with disabilities.

Bill Summary: House Bill 4041-A would have created the Task Force on Workforce Development for People with Disabilities, charged with developing strategies to increase competitive integrated employment of people with disabilities in state government.

[House Bill 4042-A](#)

Not Enacted

Prosperity 1,000 Pilot Program

At the request of: House Interim Committee on Higher Education and Workforce Development

Committees: House Higher Education and Workforce Development, Joint Ways and Means

Background and Current Law: Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) is a federal program that supports education, employment, and training activities for low-income and low-skilled individuals and families who are receiving SNAP food benefits. Program funds are typically used to train participants for skilled jobs that are in demand in their local labor markets. States may request additional reimbursement grants, such as SNAP 50/50, for innovative direct program expenses and wrap-around support services. The SNAP 50/50 grant requires 50 percent state, local, or philanthropic funding in order to be eligible for 50 percent federal reimbursement.

Bill Summary: House Bill 4042-A would have expanded skills-based SNAP E&T through the SNAP 50/50 program, by establishing the Prosperity 1,000 Pilot Program to provide career coaching, occupational training, and job placement services for 1,000 low-income job seekers who reside in areas of concentrated poverty within Multnomah and Washington counties.

[House Bill 4043](#)

Effective Date: March 16, 2018

Community College Student Access to Benefits

At the request of: House Interim Committee on Higher Education and Workforce Development for Oregon Community College Association

Committees: House Higher Education and Workforce Development, Senate Education

Background and Current Law: The Oregon Community College Association reports that students who experience housing or food insecurity are less likely to complete an academic degree, certificate, or program. Many students who are eligible for public benefits are unaware that they qualify or do not know how to apply with agencies that administer assistance programs, such as the Department of Human Services, the Oregon Health Authority, and the Department of Housing and Community Services. Many students who know they are eligible report confusion and other social and cultural barriers.

Bill Summary: House Bill 4043 directs Oregon community colleges to study methods to help community college students learn about and apply for state or federal assistance.

Oregon Laws 2018: Chapter 17

[House Bill 4044](#)

Effective Date: June 2, 2018

Study of Oregon Educators and Effective Practices

Chief Sponsors: Rep. Helfrich; Sen. Thomsen

Committees: House Education, Senate Education

Background and Current Law: The Chief Education Office's (CEdO) annual Oregon Educator Equity Report contains data on educator candidates in preparation programs, candidates graduating from educator preparation programs, and educators (teachers, administrators, counselors, and instructional assistants) employed in Oregon public schools. The report focuses on racial and linguistic diversity. This report is written in collaboration with the Higher Education Coordinating Commission, Teacher Standards and Practices Commission, and Oregon Department of Education.

Bill Summary: House Bill 4044 requires the CEdO to study the recruitment, retention, mentoring, and professional development of educators who serve students who may be at risk for experiencing an achievement gap. This includes students in preschool through grade 12 who are diverse; enrolled in schools that rank low in performance; enrolled in alternative education programs; enrolled in English language learner programs; receive early childhood special education services or special education services; or enrolled in Talented and Gifted programs. The CEdO must report on its study to the Legislative Assembly by June 30, 2019.

Oregon Laws 2018: Chapter 112

[House Bill 4046](#)

Effective Date: April 3, 2018

PERS and Outside Compensation to Higher Education Employees

Chief Sponsors: Reps. Whisnant, Reardon, Gomberg, Buehler; Sens. Hansell, Roblan

Committees: House Business and Labor, Senate Workforce

Background and Current Law: Oregon law allows public university and community college employees to earn income from other private or public sources, including compensation from consulting, appearances, speeches, and intellectual property. State law specifies when compensation is considered official compensation in accordance with state ethics laws.

Bill Summary: House Bill 4046 provides that outside compensation received by an employee of a public university, Oregon Health and Science University, or a community college is not included in the employee's salary for purposes of the Public Employees Retirement System (PERS) unless it is paid to the employee by the employing institution. The measure applies to compensation paid on or after the bill's effective date.

Oregon Laws 2018: Chapter 54

[House Bill 4047](#)

Effective Date: January 1, 2019

Graduation Requirements for Youth in Corrections

Chief Sponsors: Reps. Bynum, Vial

Committees: House Education, Senate Education

Background and Current Law: Education Service Districts (ESDs) and school districts are contracted by the Oregon Department of Education (ODE) to administer education programs to students in Youth Corrections Education Programs (YCEP) or programs under the Juvenile Detention Education Program (JDEP). Oregon requires a minimum of 24 credit hours to graduate from high school, and both school districts and ESDs can require more. In 2017, House Bill 3267 directed school districts and public charter schools to waive requirements above the minimum for foster children, homeless and runaway youth, children in military families, children of migrant workers, and youth in correctional or detention facilities. House Bill 3267 omitted ESDs.

Bill Summary: House Bill 4047 prohibits ESDs from imposing additional high school graduation requirements on youth in a YCEP or program under the JDEP. It also requires ESDs to apply credits earned in other educational programs in Oregon toward graduation.

Oregon Laws 2018: Chapter 18

[House Bill 4051-A](#)

Not Enacted

Task Force on Rural Education

Chief Sponsors: Reps. Doherty, McLane, Sprenger

Committees: House Education, Joint Ways and Means

Background and Current Law: The Chalkboard Project partnered with ECONorthwest to issue a report titled: “Rural Education in Oregon: Overcoming the Challenges of Income and Distance.” The study recommended that a rural education agenda should: (1) mitigate the role household income plays in student achievement; (2) identify factors that drive higher rates of chronic absenteeism; and (3) seek to overcome the role distance plays in college accessibility.

Bill Summary: House Bill 4051-A would have created the Task Force on Rural Education to review data and research related to student outcomes in rural schools and assess the impact of current state policy and laws on rural schools. The task force would have recommended state policy changes to support rural schools to address chronic absenteeism, graduation rates, student mobility, serving underrepresented students, and advancing post-secondary education.

[House Bill 4053](#)

Effective Date: April 13, 2018

Accelerated College Credit Programs Annual Report

Chief Sponsors: Reps. Reardon, Sollman

Committees: House Higher Education and Workforce Development, Joint Ways and Means

Background and Current Law: Oregon law requires each school district to provide or ensure online access to accelerated college credit programs in English, mathematics, and science for high school students. Current accelerated college credit programs in Oregon include dual credit, two-plus-two, advanced placement, and international baccalaureate programs.

Bill Summary: House Bill 4053 requires the Chief Education Office to prepare an annual report on accelerated college credit programs that includes data on transfer credits to post-secondary institutions. The measure also requires the Chief Education Office to collaborate with the Higher Education Coordinating Commission (HECC) and public post-secondary institutions to determine a representative sampling methodology to obtain the required information for the report. Subsequent to June 30, 2019, the HECC becomes responsible for producing the annual report.

Oregon Laws 2018: Chapter 113

[House Bill 4065](#)

Effective Date: April 13, 2018

Child Care Facility Licensing

At the request of: House Interim Committee on Early Childhood and Family Supports

Committees: House Early Childhood and Family Supports, Joint Ways and Means

Background and Current Law: The Office of Child Care (OCC) licenses child care facilities and administers the Central Background Registry. Child care staff and individuals who may have unsupervised access to children must undergo a background check and be enrolled on the registry. In 2017, the OCC Statutory Work Group convened to strengthen and align regulation of licensed child care facilities to protect children and respond quickly to safety concerns.

Bill Summary: House Bill 4065 prohibits a child care provider from providing care for five years after having a certification, registration, or Central Background Registry enrollment denied for cause or revoked. It enhances OCC's enforcement power and allows the office to develop a system of progressively stronger enforcement actions. The bill authorizes OCC to issue cease and desist orders and impose conditions on a facility's license, authorizes the Attorney General and county prosecutors to seek injunctions against child care facilities, and increases maximum penalties for violations. Some provisions are operational on passage and others on September 30, 2018.

Oregon Laws 2018: Chapter 115

[House Bill 4066-A](#)

Not Enacted

Early Childhood Equity Fund

At the request of: House Early Childhood and Family Supports

Committees: House Early Childhood and Family Supports, Joint Ways and Means

Background and Current Law: The Early Learning Council's (ELC) guiding principles include operating with cultural responsiveness in the best interests of children and their families and promoting equity in access and allocation of resources to, and cultural responsiveness for, populations furthest from opportunity. The ELC's 2015-2020 strategic plan includes tactics such as developing a contracting approach that advances equity goals; providing accountability for an equity plan; and using data to allocate resources by taking race, poverty, and disparities in service access and outcomes into consideration.

Bill Summary: House Bill 4066-A would have created the Early Childhood Equity Fund and appropriated \$2.5 million to the Fund to allow the Early Learning Division to make grants to culturally specific early learning, early childhood, and parent support programs. Grant recipients would have had to demonstrate a proven ability to provide outreach, support, and resources to children and families who are at risk because of a combination of two or more factors, including their race, ethnicity, English language proficiency, socioeconomic status, and geographic location.

[House Bill 4067](#)

Effective Date: July 1, 2019

Services for Children with Developmental Delays

At the request of: House Interim Committee on Early Childhood and Family Supports

Committees: House Early Childhood and Family Supports, Senate Education

Background and Current Law: Currently, children from birth through the age of kindergarten eligibility can receive early intervention services because of a developmental delay (ORS 343.035 (14)). A developmental delay is a delay in cognitive, physical, communications, social, emotional, or adaptive development or a disability that can be expected to continue indefinitely and is likely to cause a substantial delay in a child's development and ability to function independently in society (ORS 343.035 (4)).

Currently, schools must provide special education services to school-age children (kindergarten through 12th grade) who have specified conditions, such as an intellectual disability or hearing, speech, language, or visual impairment.

Bill Summary: House Bill 4067 adds developmental delays to the list of conditions eligible for special education services for children in kindergarten through third grade.

Oregon Laws 2018: Chapter 25

[House Bill 4113](#)

Not Enacted

Collective Bargaining on Class Size

Chief Sponsors: Reps. Clem, Doherty

Committees: House Business and Labor, Senate Education

Background and Current Law: Under the Public Employee Collective Bargaining Act, both the public employer and the labor organization are required to collectively bargain in good faith with respect to "employment relations," which are defined as including matters such as direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures, and other conditions of employment. Subjects included within "employment relations" are also called mandatory subjects of bargaining, meaning that the bargaining representative and the employer must negotiate on those subjects. Other subjects may be bargained if there is mutual agreement to discuss these permissive subjects of bargaining.

Since passage of Senate Bill 750 (1995), class size has been a permissive subject of bargaining. From 1989 until Senate Bill 750 went into effect, class size was a mandatory subject of bargaining. Prior to 1989, class size was a permissive subject of bargaining.

Bill Summary: House Bill 4113 would have included class size as a mandatory subject of school district collective bargaining.

[House Bill 4130](#)

Effective Date: July 1, 2018

Student Transportation Grants

Chief Sponsors: Reps. McKeown, Lively; Sen. Roblan; Rep. Piluso

Committees Assigned: House Transportation Policy, Joint Ways and Means

Background and Current Law: Most Oregon school districts provide student transportation to and from public schools through the bus service funded by the State School Fund. Districts receive funding based on the number of students; districts with especially high per-student transportation costs receive a higher per-student rate. Buses funded by the State School Fund may transport students to and from school only; students participating in after-school programs or activities are often unable to utilize the school bus service.

Bill Summary: House Bill 4130 establishes a grant program under which the Oregon Department of Education awards, as grants to school districts, a percentage of student transportation costs for which the school district does not receive any funds from the State School Fund. The measure allocates \$250,000 for the current 2017-2019 biennium for the grant program. A related measure, House Bill 4059, specifies that up to one percent of revenues from the Statewide Transportation Improvement Fund may also be utilized for the grant program.

Oregon Laws 2018: Chapter 62

[House Bill 4141](#)

Effective Date: April 3, 2018

Tuition Advisory Bodies at Public Universities

Chief Sponsors: Rep. Hernandez; Sen. Dembrow; Reps. Alonso Leon, Bynum, Heard; Sens. Roblan, Thatcher

Committees Assigned: House Higher Education and Workforce Development, Senate Education

Background and Current Law: Under current Oregon law, the governing boards of Oregon public universities may authorize, establish, and collect undergraduate tuition and mandatory enrollment fees with up to a five percent annual increase. For proposed increases of more than five percent, institutional governing boards are required to obtain approval from the Higher Education Coordinating Commission or the Legislative Assembly. Governing boards are required to provide for the participation of enrolled students and the recognized student government as they consider annual tuition and mandatory enrollment fee amounts.

Bill Summary: House Bill 4141 requires each public university to have an advisory body responsible for providing recommendations on undergraduate resident tuition and mandatory enrollment fee increases. The bill also requires that the Higher Education Coordinating Commission consider all advisory body reports and recommendations if a university submits a proposal for an increase of more than five percent.

Oregon Laws 2018: Chapter 65

Designation of Oregon's Rural University

Chief Sponsors: Reps. Smith, G., Barreto; Sen. Hansell

Committees Assigned: House Higher Education and Workforce Development, Senate Education

Background and Current Law: Eastern Oregon University is located in a rural region of the state, and directly impacts rural communities' access to education, workforce, economy, and culture. Informally, Oregon's other public universities are known for certain student populations, curricular development, or other characteristics. However, no designations are currently incorporated into state law.

Bill Summary: House Bill 4153 designates Eastern Oregon University as Oregon's Rural University.

Oregon Laws 2018: Chapter 6



ELECTIONS AND ETHICS



ELECTIONS AND ETHICS TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving elections and ethics enacted through legislation during the 2018 session.

[Senate Bill 1510](#)

Effective Date: April 3, 2018

Election Law

Chief Sponsors: Senate Rules and Executive Appointments

Committees: Senate Rules, House Rules

Background and Current Law: Senate Bill 1510 addresses several election-related issues, including voter records, initiative petitions, and reporting requirements.

Bill Summary: Senate Bill 1510 modifies election law in several respects. Among its provisions, the bill does the following:

- prohibits the disclosure of certain voter-related information and includes other information in publicly available lists maintained by County Clerks and the Secretary of State;
- requires that the final certified ballot title be included on initiative petitions and caps the number of signatures that may be included on a prospective initiative petition to initiate a state measure at 2,000;
- directs elections officers to reprint ballots if the officer determines at least 61 days before an election that a candidate has died, withdrawn, or is not qualified for office;
- eliminates the obligation of district elections officials to notify the county clerk whether a candidate elected to district office is qualified to hold that office;
- clarifies which of two deadlines applies to filing statements of contributions and expenditures in certain circumstances;
- formalizes the process for non-affiliated voters to apply to vote in a major political party primary;
- authorizes a candidate or the treasurer of a principal campaign committee, petition committee, or political committee, to amend a statement of organization within five business days of filing to include financial account information; and
- modifies time periods relating to write-in candidates and district election determinations.

Oregon Laws 2018: Chapter 70

[House Bill 4076](#)

Not Enacted

Small Donor Elections

Chief Sponsors: Rep. Rayfield; Sen Roblan; Rep. Keny-Guyer

Committees: House Rules

Background and Current Law: Some states regulate campaign spending in elections by providing public funds to candidates who agree to certain limitations. Generally, if a candidate receives public financing for a campaign, the candidate agrees to not raise private funds and may only spend up to a set amount. Currently, 13 states provide some form of public financing for campaigns. The two primary types of public financing programs are “clean elections” programs that offer full funding for campaigns, and programs that provide matching funds for each qualifying contribution received by participants.

Bill Summary: House Bill 4076 would have established the Small Donor Elections program (Program) to enable candidates for state office to receive a 6-to-1 match on small dollar donations.

A candidate could have participated in the Program after: filing a statement of intent to participate with the Secretary of State at a specified time; collecting at least the minimum amount and number of in-state qualifying contributions; signing an affidavit; and agreeing to comply with Program requirements. The measure also would have established limits on how a candidate could use Program funds and on accepting contributions that exceed qualified contribution or nonmatching contribution amounts.

[House Bill 4077](#)

Not Enacted

Business Information in Statement of Economic Interest

Chief Sponsors: Reps. Rayfield, Keny-Guyer, G. Smith

Committees: House Rules

Background and Current Law: Oregon law requires certain public officials to file an annual statement of economic interest with the Oregon Government Ethics Commission. The information public officials are required to report includes: sources of income; real property; all expenses exceeding \$50 received while participating in specified activities; and each source of income exceeding \$1,000 if the source of income is derived from an individual or business that has or could have legislative or administrative interests.

Bill Summary: House Bill 4077 would have required a public official to include in the statement of economic interest specified information about sources of income for businesses in which the public official or candidate, or a member of their household, is an officer or holds a directorship, if the source of income has a legislative or administrative interest and if 10 percent or more of the total gross annual income of the business comes from that source.



EMERGENCY PREPAREDNESS



EMERGENCY PREPAREDNESS TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving Emergency Preparedness enacted through legislation during the 2018 session.

Senate Bill 1518-A

Not Enacted

Emergency Management Catchall

At the request of: Senate Interim Committee on Veterans and Emergency Preparedness

Committees: Senate Veterans and Emergency Preparedness, Joint Ways and Means

Background and Current Law: Senate Bill 1518-A would have addressed a number of emergency planning matters affecting cemeteries; deficiencies at the Office of Emergency Management; training for and responding to potential oil train spills; and the composition of the Homeland Security Council.

Bill Summary: The disposition of human remains is heavily regulated. In the event a natural disaster or similar emergency disturbs interred human remains, Senate Bill 1518-A would have allowed cemetery authorities to respond quickly, in specified ways, after making reasonable efforts to notify persons with decision-making authority over the affected remains.

Recent state and federal audits of the Office of Emergency Management (OEM) identified shortcomings in OEM's handling of federal grant funds and the state's overall preparedness for catastrophic events. Senate Bill 1518-A would have required quarterly reports through 2020 on OEM's progress addressing these deficiencies.

In June of 2016, a train shipping crude oil derailed near Mosier, Oregon. The State and local emergency response to the derailment continues to be evaluated for potential improvement. Senate Bill 1518-A would have codified existing multiagency/multijurisdictional planning and training exercises through the State Fire Marshal's office; would have required OEM to include and integrate marine and rail operators into the state's catastrophic emergency planning; and required OEM and other relevant public entities to meet with railroad operators to review and report on oil train spill prevention and response plans.

Oregon's Homeland Security Council within OEM receives regular briefings on security matters and advises relevant state agencies on emergency management strategies. The Council currently consists of the Governor, the Adjutant General, four legislators, the Superintendent of State Police, and OEM's director. Senate Bill 1518-A would have added a representative from the Department of Justice (DOJ), in light of the DOJ's role operating the Oregon TITAN Fusion Center.

House Bill 4004

Not Enacted

Transport of Oil by Rail

Chief Sponsors: Rep. Smith Warner

Committees: House Veterans and Emergency Preparedness

Background and Current Law: In 2015, the Oregon Legislative Assembly enacted House Bill 3225, which required the Office of the State Fire Marshal to adopt a plan for coordinated response to a spill or release of oil or other hazardous material that could occur during rail transport.

On June 3, 2016, a train carrying crude oil derailed near the small city of Mosier in the Columbia River Gorge. Eleven cars from the 96-car train left the rails near Rock Creek, which feeds the Columbia River. Several cars caught fire and some oil was released.

Bill Summary: House Bill 4004 would have designated train routes transporting high volumes of oil near bodies of water as high hazard train routes. The designation would have required railroads transporting oil through high hazard train routes to develop emergency response contingency plans and to submit such plans to the Department of Environmental Quality for approval.

House Bill 4092-A

Not Enacted

Aurora Airport Expansion

Chief Sponsors: Reps. Lewis, Vial; Sen. Girod

Committees: House Transportation Policy, House Rules

Background and Current Law: Oregon's airport network consists of 97 public-use airports. Local jurisdictions (cities, counties, and port districts) own Oregon's six commercial service airports (Eugene, Medford, North Bend, Pendleton, Portland, Redmond) and most general aviation airports. Twenty-eight airports are owned and maintained by the State of Oregon. The Aurora State Airport, constructed in 1943, is the largest of the state airports. It is located in Marion County, just south of the Marion-Clackamas county line, just east of Interstate 5. It has a single runway, 5,004 feet in length. The Aurora Airport's master plan calls for a 1,000-foot extension of its runway; however, while the airport has the land necessary for the runway, additional land must be acquired for supporting facilities.

Bill Summary: House Bill 4092-A would have established standards for expansion of the Aurora State Airport on land zoned for exclusive farm use. Local planning bodies would have been directed to approve the expansion unless the project would cause significant impacts on existing farm practices or to public health, public safety, or the welfare of individuals residing in the area. Local governments would have been directed to amend their comprehensive plans as appropriate to conform to provisions of the measure.

House Bill 4092-A would also have directed the Oregon Homeland Security Council to consider the Aurora State Airport as a critical emergency preparedness, response, recovery, and resiliency platform and to prioritize state airports for resiliency investments.



ENERGY



ENERGY TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4022	Department of Administrative Services must report on the implementation of state agencies installing electric vehicle charging stations.	February 1st of 2019, 2021, and 2023

Cap-and-Invest Program

At the request of: Senate Interim Committee on Environment and Natural Resources

Committees: Senate Environment and Natural Resources, Senate Rules

Background and Current Law: A cap-and-trade program is a market-based system designed to reduce greenhouse gas emissions. Total allowed emissions are capped at a given level that decreases each year. Polluters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government.

Ten states currently have cap-and-trade systems. Nine are Northeastern states that joined together in 2009 to create a common carbon market through the Regional Greenhouse Gas Initiative. California runs a separate program that began in 2012 and is linked to the Canadian province of Quebec's cap-and-trade program through the Western Climate Initiative. Ontario began a cap-and-trade program in 2017.

Bill Summary: Senate Bill 1507-A and House Bill 4001 would have directed the Environmental Quality Commission to adopt a program to establish a cap on total anthropogenic greenhouse gas emissions (GHG) by covered entities and a market-based compliance mechanism. The measures would have declared that the program's purposes are to reduce GHG emissions consistent with statewide GHG emissions limits and to promote carbon sequestration and adaptation and resilience by the state's working lands, fish and wildlife resources, communities, and economy in the face of climate change and ocean acidification. Auction proceeds from the program were to be invested in projects, programs, and activities to further the purposes of the program. The measures would have also established a Program Advisory Committee and a Joint Legislative Committee on Climate.

[Senate Bill 1519-A](#)

Not Enacted

Oregon Energy Commission

Chief Sponsors: Sens. Olsen, Beyer

Committees: Senate Business and Transportation, Joint Ways and Means

Background and Current Law: The Oregon Department of Energy (ODOE) was established in 1975 in response to the national energy crisis. ODOE is overseen by a Governor-appointed Director. During the 2015-2016 legislative interim, the Joint Interim Committee on Department of Energy Oversight conducted a review of ODOE.

Bill Summary: Senate Bill 1519-A would have established the Oregon Energy Commission as the policy and rulemaking body for ODOE, required ODOE to develop a statewide strategic energy plan, and transferred certain duties of ODOE and its Director to the Commission. The measure would have transferred duties and powers of the ODOE related to small-scale local energy project loans and the clean energy deployment program to the Oregon Business Development Department. Senate Bill 1519-A would have also made a change to the annual energy resource supplier assessment.

[House Bill 4001](#) (see [Senate Bill 1507-A](#))

Not Enacted

Cap-and-Invest Program

Chief Sponsors: Rep. Helm; Sens. Dembrow, Beyer; Reps. Hernandez, Marsh, Williamson

Committees: House Energy and Environment, House Rules

Background and Current Law: A cap-and-trade program is a market-based system designed to reduce greenhouse gas emissions. Total allowed emissions are capped at a given level that decreases each year. Polluters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government.

Ten states currently have cap-and-trade systems. Nine are Northeastern states that joined together in 2009 to create a common carbon market through the Regional Greenhouse Gas Initiative. California runs a separate program that began in 2012 and is linked to the Canadian province of Quebec's cap-and-trade program through the Western Climate Initiative. Ontario began a cap-and-trade program in 2017.

Bill Summary: House Bill 4001 and Senate Bill 1507-A would have directed the Environmental Quality Commission to adopt a program to establish a cap on total anthropogenic greenhouse gas emissions (GHG) by covered entities and a market-based compliance mechanism. The measures would have declared that the program's purposes are to reduce GHG emissions consistent with statewide GHG emissions limits and to promote carbon sequestration and adaptation and resilience by the state's working lands, fish and wildlife resources, communities, and economy in the face of climate change and ocean acidification. Auction proceeds from the program were to be invested in projects, programs, and activities to further the purposes of the program. The measures would have also established a Program Advisory Committee and a Joint Legislative Committee on Climate.

[House Bill 4022](#)

Effective Date: June 2, 2018

Electric Vehicle Charging Stations

Chief Sponsors: Rep. Barnhart

Committees: House Energy and Environment, Senate General Government and Accountability

Background and Current Law: Electric vehicles use electric currents provided by onboard batteries for power and movement. Recharging the batteries of an electric vehicle can take several hours if the batteries are significantly depleted. In 2013, the Legislative Assembly enacted Senate Bill 536 which authorized state agencies to provide electric vehicle charging stations for public use on agency property, but prohibited agencies from setting the price at a level that would subsidize the operations of a private entity or the cost of electricity to the public. Under current law, the Department of Administrative Services (DAS) is limited to installing no more than 10 electric vehicle charging stations per biennium, and other agencies are limited to installing five.

Bill Summary: House Bill 4022 authorizes state agencies to install an appropriate number of charging stations as determined by rule and to set a price for the electricity that recovers the cost of operation to the maximum extent practicable, not to exceed 110 percent of the market price.

Oregon Laws 2018: Chapter 90

[House Bill 4121-A](#)

Not Enacted

Home Weatherization, Retrofit, and Affordability Program

Chief Sponsors: Rep. Marsh

Committees: House Economic Development and Trade, Joint Ways and Means

Background and Current Law: Oregon Housing and Community Services has developed programs and services to support housing stability and promote energy improvement. Locally administered weatherization programs help lower income residents reduce heating costs while improving the efficiency and condition of their homes. Homeowners previously used Oregon's Residential Energy Tax Credits, which ended in 2017, to improve residential energy efficiency. The Small-Scale Energy Loan Program also previously provided long-term fixed rate loans for Oregon energy projects.

Bill Summary: House Bill 4121-A would have required Oregon Housing and Community Services to establish and administer a program to provide incentive payments, funding, and grants for certain energy improvement projects. Incentive payments would have been made directly to construction contractors for qualified projects. The bill would have required the department to reserve a portion of program funding for energy efficiency, weatherization, solar technology, and affordable housing activities.

Oregon Energy Board

Chief Sponsors: Rep. Holvey; Sen. Dembrow; Rep. Helm

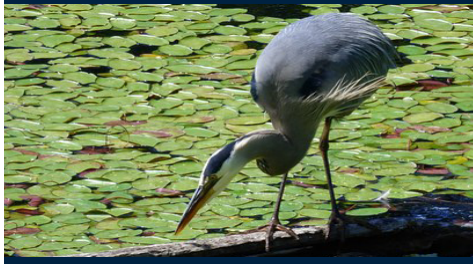
Committees: House Energy and Environment, Joint Ways and Means

Background and Current Law: The Oregon Department of Energy (ODOE) was established in 1975 in response to the national energy crisis. Its statutory mission is to promote the efficient use of energy and advocate for the use and development of new renewable energy. Since its creation, ODOE has been assigned a variety of energy-related responsibilities, including some regulatory functions. In January 2016, the Joint Interim Committee on Department of Energy Oversight (Committee) was appointed to conduct a thorough review of ODOE and make recommendations to the 2017 Legislative Assembly. The Committee was directed by the Senate President and the Speaker of the House to focus on the following: ODOE's charge, mission, and statutory responsibilities; its organizational structure and funding streams; current gaps and deficiencies in its operational structure and capacity to fulfill its mission and programs; and its capacity to facilitate both public and private stakeholder relationships to fulfill its mission.

Bill Summary: House Bill 4148 would have established the Oregon Energy Board (Board) as the advisory body for ODOE. The Board would have been charged with developing a statewide strategic energy plan for implementing energy policies and advising and making recommendations to ODOE on proposals related to planning, policy, technical analyses, legislative concepts, and ODOE's requested budget.



ENVIRONMENT



ENVIRONMENT TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving environment enacted through legislation during the 2018 session.

Cap-and-Invest Program

At the request of: Senate Interim Committee on Environment and Natural Resources

Committees: Senate Environment and Natural Resources, Senate Rules

Background and Current Law: A cap-and-trade program is a market-based system designed to reduce greenhouse gas emissions. Total allowed emissions are capped at a given level that decreases each year. Polluters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government.

Ten states currently have cap-and-trade systems. Nine are Northeastern states that joined together in 2009 to create a common carbon market through the Regional Greenhouse Gas Initiative. California runs a separate program that began in 2012 and is linked to the Canadian province of Quebec's cap-and-trade program through the Western Climate Initiative. Ontario began a cap-and-trade program in 2017.

Bill Summary: Senate Bill 1507-A and House Bill 4001 would have directed the Environmental Quality Commission to adopt a program to establish a cap on total anthropogenic greenhouse gas emissions (GHG) by covered entities and a market-based compliance mechanism. The measures would have declared that the program's purposes are to reduce GHG emissions consistent with statewide GHG emissions limits and to promote carbon sequestration and adaptation and resilience by the state's working lands, fish and wildlife resources, communities, and economy in the face of climate change and ocean acidification. Auction proceeds from the program were to be invested in projects, programs, and activities to further the purposes of the program. The measures would have also established a Program Advisory Committee and a Joint Legislative Committee on Climate.

Senate Bill 1509-B

Not Enacted

Diesel Engine Idling

At the request of: Senate Interim Committee on Environment and Natural Resources

Committees: Senate Environment and Natural Resources, House Health Care, House Rules

Background and Current Law: On-road heavy duty diesel trucks and diesel construction equipment are the largest sources of diesel exhaust in Oregon. Diesel exhaust is considered a health risk, particularly in urban areas that are close to highways and major roads.

A person commits the offense of unlawfully idling the primary engine of a commercial vehicle when they stop and allow the engine to idle for more than five minutes in any continuous 60-minute period on a location open to the public (ORS 825.605). ORS 825.610 establishes exceptions to the idling restrictions. The authority to regulate the idling of primary commercial engines is solely vested in the Legislative Assembly.

Bill Summary: Senate Bill 1509-B would have repealed the preemption of local government regulation of idling of primary commercial vehicle engines found in ORS 825.615 and modified the exceptions to the restrictions on engine idling found in ORS 825.610.

Senate Bill 1518-A

Not Enacted

Emergency Management Catchall

At the request of: Senate Veterans and Emergency Preparedness

Committees: Senate Veterans and Emergency Preparedness, Joint Ways and Means

Background and Current Law: Senate Bill 1518-A would have addressed a number of emergency planning matters affecting cemeteries; deficiencies at the Office of Emergency Management; training for and responding to potential oil train spills; and the composition of the Homeland Security Council.

Bill Summary: The disposition of human remains is heavily regulated. In the event a natural disaster or similar emergency disturbs interred human remains, Senate Bill 1518 would have allowed cemetery authorities to respond quickly, in specified ways, after making reasonable efforts to notify persons with decision-making authority over the affected remains.

Recent state and federal audits of the Office of Emergency Management (OEM) identified shortcomings in OEM's handling of federal grant funds and the state's overall preparedness for catastrophic events. Senate Bill 1518 would have required quarterly reports through 2020 on OEM's progress addressing these deficiencies.

In June of 2016, a train shipping crude oil derailed near Mosier, Oregon. The State and local emergency response to the derailment continues to be evaluated for potential improvement. Senate Bill 1518 would have codified existing multiagency/multijurisdictional planning and training exercises through the State Fire Marshal's office; required OEM to include and integrate marine and rail operators into the state's catastrophic emergency planning; and required OEM and other relevant public entities to meet with railroad operators to review and report on oil train spill prevention and response plans.

Oregon's Homeland Security Council within OEM receives regular briefings on security matters and advises relevant state agencies on emergency management strategies. The Council currently consists of the Governor, the Adjutant General, four legislators, the Superintendent of State Police, and OEM's director. Senate Bill 1518 would have added a representative from the Department of Justice (DOJ), in light of the DOJ's role operating the Oregon TITAN Fusion Center.

Public Health Risks of Toxic Air Contaminants

Chief Sponsors: Sens. Girod, Roblan, Winters, Dembrow; Rep. Witt

Committees: Senate Environment and Natural Resources, Joint Ways and Means

Background and Current Law: On April 6, 2016, Governor Brown directed the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority to develop an air toxics permitting program based on health risks. According to DEQ, the goal of this program, known as “Cleaner Air Oregon,” is to “evaluate potential health risks to people near commercial and industrial facilities that emit regulated air toxics, and ultimately reduce those risks below health-based standards.”

Bill Summary: Senate Bill 1541 authorizes the Environmental Quality Commission (EQC) to adopt a program and rules to reduce the public health risks of emissions of toxic air contaminants from individual industrial and commercial sources. The measure also directs EQC to develop a pilot program for assessing the potential cumulative impacts from multiple sources of industrial air toxic emissions and authorizes EQC to adopt fees to cover the costs of EQC and DEQ in developing and implementing the rules and program established by the measure.

Oregon Laws 2018: Chapter 102

Cap-and-Invest Program

Chief Sponsors: Rep. Helm; Sens. Dembrow, Beyer; Reps. Hernandez, Marsh, Williamson

Committees: House Energy and Environment, House Rules

Background and Current Law: A cap-and-trade program is a market-based system designed to reduce greenhouse gas emissions. Total allowed emissions are capped at a given level that decreases each year. Polluters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government.

Ten states currently have cap-and-trade systems. Nine are Northeastern states that joined together in 2009 to create a common carbon market through the Regional Greenhouse Gas Initiative. California runs a separate program that began in 2012 and is linked to the Canadian province of Quebec's cap-and-trade program through the Western Climate Initiative. Ontario began a cap-and-trade program in 2017.

Bill Summary: House Bill 4001 and Senate Bill 1507-A would have directed the Environmental Quality Commission to adopt a program to establish a cap on total anthropogenic greenhouse gas emissions (GHG) by covered entities and a market-based compliance mechanism. The measures would have declared that the program's purposes are to reduce GHG emissions consistent with statewide GHG emissions limits and to promote carbon sequestration and adaptation and resilience by the state's working lands, fish and wildlife resources, communities, and economy in the face of climate change and ocean acidification. Auction proceeds from the program were to be invested in projects, programs, and activities to further the purposes of the program. The measures would have also established a Program Advisory Committee and a Joint Legislative Committee on Climate.

[House Bill 4003-A](#)

Not Enacted

Diesel Engine Emissions

Chief Sponsors: Reps. Nosse, Greenlick, Salinas

Committees: House Health Care, House Rules

Background and Current Law: The U.S. Environmental Protection Agency (EPA) estimated 10.3 million older diesel engines remained in use as of 2016. Diesel engine exhaust contains a mixture of gases and very small diesel particles that may cause health effects when an individual is exposed to high concentrations or has prolonged exposure. Currently, there are specific EPA regulations for newer on-road and off-road vehicles (2007 model year or newer).

Bill Summary: House Bill 4003-A would have specified state requirements for the adoption of indirect source review program rules to address locations that attract mobile sources of air contaminants, registration requirements for nonroad diesel engines, and adoption of diesel engine emission standards for specific on-road vehicles and nonroad engines. The measure would have authorized additional grant awards from the Environmental Mitigation Trust Agreement to reduce emissions from diesel engines operated in environmental justice communities or communities of color. The measure would also have repealed state preemption of local regulation of idling by primary engines in commercial vehicles.

[House Bill 4004](#)

Not Enacted

Transport of Oil by Rail

Chief Sponsors: Rep. Smith Warner

Committees: House Veterans and Emergency Preparedness

Background and Current Law: In 2015, the Oregon Legislative Assembly enacted House Bill 3225, which required the Office of the State Fire Marshal to adopt a plan for coordinated response to a spill or release of oil or other hazardous material that could occur during rail transport.

On June 3, 2016, a train carrying crude oil derailed near the small city of Mosier in the Columbia River Gorge. Eleven cars from the 96-car train left the rails near Rock Creek, which feeds the Columbia River. Several cars caught fire and some oil was released.

Bill Summary: House Bill 4004 would have designated train routes transporting high volumes of oil near bodies of water as high hazard train routes. The designation would have required railroads transporting oil through high hazard train routes to develop emergency response contingency plans and to submit such plans to the Department of Environmental Quality for approval.

House Bill 4099-A

Not Enacted

Task Force on Motorboat Water Sports and Recreational Activities

Chief Sponsors: Reps. Vial, Power

Committees: House Transportation Policy, Joint Ways and Means

Background and Current Law: Wakeboarding is a water sport that involves standing on a small, rectangular wakeboard towed behind a motorboat that typically operates at speeds of 30 miles per hour or greater. The sport gets its name from the practice of using the boat's wake to leave the surface of the water to perform aerial tricks. Boats used for wakeboarding typically use equipment that raises the height of the tow cable and that increases water displacement to enlarge the boat's wake.

The growing popularity of wakeboarding on the Willamette River has led to concerns about the effects of powerful motorboats on river banks, river ecology, and other recreational river users.

Bill Summary: House Bill 4099-A would have created a Task Force on Motorboat Water Sports and Recreational Activities consisting of 10 members and staffed by the Oregon State Marine Board. The Task Force would have been directed to study conflicts between motorboat users, shoreline property owners, and those who use the river for recreational purposes.

House Bill 4126-A

Not Enacted

Household Hazardous Waste Product Stewardship Program

Chief Sponsors: Reps. McLain, Vial, Sollman, Keny-Guyer

Committees: House Energy and Environment, Joint Ways and Means

Background and Current Law: Product stewardship programs require manufacturers to share in the financial and physical responsibility for collecting and recycling products at the end of their useful lives. Oregon's two product stewardship programs address paint and electronic equipment. In 2007, House Bill 2626 established a statewide program for recycling computers, monitors, and TVs. In 2009, House Bill 3037 established a paint stewardship pilot program to reduce post-consumer paint and created a stewardship organization made up of paint manufacturers.

Bill Summary: House Bill 4126-A would have created Oregon's household waste stewardship program by prohibiting a manufacturer or retailer from selling or offering for sale any "covered product" unless the covered product was labeled with a brand and included in a Department of Environmental Quality (DEQ) approved plan. The Act would have required a stewardship organization to register annually with DEQ, and submit a list of all of the manufacturers and brands participating in the stewardship organization. The Act would have authorized DEQ to establish an annual minimum return share for each stewardship program and required stewardship organizations failing to meet targets to pay DEQ the amount not achieved.

[House Bill 4138](#)

Not Enacted

Motorboat Erosion Regulations

Chief Sponsors: Reps. Kennemer, Vial

Committees: House Transportation Policy, Senate Business and Transportation

Background and Current Law: The growing popularity of wakeboarding on the Willamette River has led some to raise concerns about the effects of powerful motorboats on river banks, river ecology, and other recreational river users. The Oregon State Marine Board is the state's regulatory agency for maintaining safe access to and use of Oregon's waterways, providing education and enforcement for the boating public, and helping to address environmental stewardship.

Bill Summary: House Bill 4138 would have authorized the State Marine Board to adopt rules, at the request of the Department of State Lands, on the operation of motorboats to minimize and prevent erosion.



GOVERNMENT



GOVERNMENT TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
SB 1544	Extends requirement that the Oregon Cannabis Commission report to the Legislative Assembly and make recommendations for legislation on various marijuana-related topics.	February 1, 2019
SB 1559	Requires the Bureau of Labor and Industries, Oregon Health Authority, Oregon Department of Transportation, Department of Human Services, and Department of Environmental Quality to compile whistleblower data for a written report to the Governor and the legislature.	January 1st, odd-numbered years
SB 1565	Requires DAS to make regular progress reports on implementation of procurement tools pilot programs to Governor and Joint Legislative Committee on Information Management and Technology, plus final evaluation and report.	December 31, 2019
HB 4023	The Oregon Broadband Advisory Committee must report on the proposed structure for a local broadband champion program to the interim committee on economic development. The State Chief Information Officer must present proposed rules to the Joint Committee on Information Management and Technology prior to adoption.	December 1, 2018; prior to rule adoption
HB 4052	Secretary of State is required to annually compile administrative rule review reports and submit a report to the Legislative Assembly.	February 1 (annually)
HB 4056	Requires the Higher Education Coordinating Commission report to interim Judiciary committees on scholarship program for children of public safety officers.	January 1, 2021

[Senate Bill 1501](#)

Effective Date: June 2, 2018

State Fair Council Membership

Chief Sponsors: Sen. Courtney

Committees: Senate General Government and Accountability, House Agriculture and Natural Resources

Background and Current Law: The Oregon State Fair Council operates and manages the Oregon State Fair and Exposition Center. The Council is currently composed of up to 15 members who may serve an unlimited number of four-year terms. Two members are state legislators. The remaining members are appointed by and serve at the pleasure of the Governor. One must be an elected city official, one must be an elected county official, and others must represent the interests of the private sector, the nonprofit sector, economic development, the finance industry, and events and facilities management.

Bill Summary: Senate Bill 1501 reduces the total number of Council members by two, terminates the service of local elected officials if they cease to hold public office, limits service on the Council to three full or partial consecutive four-year terms, and requires a staggered expiration of terms.

Oregon Laws 2018: Chapter 68

[Senate Bill 1514](#)

Not Enacted

Sunset Review of Boards and Commissions

At the request of: Senate Interim Committee on General Government and Accountability

Committees: Senate General Government and Accountability

Background and Current Law: There is currently no uniform process for legislative committees to undertake regular review of state government boards and commissions. During the 2016 interim, staff in the Legislative Policy and Research Office were directed to identify inactive or obsolete boards and commissions for potential repeal from statute. Data was developed identifying 252 government boards and commissions (excluding commodity commissions). Of the 252 boards and commissions, 46 showed no evidence of activity within the previous year. A handful of measures were introduced during the 2017 regular legislative session concerning the existence of inactive boards and commissions, including Senate Bill 188, which would have established a Task Force on Sunset Review, and Senate Bill 1022, which abolished a dozen boards and commissions.

Bill Summary: Senate Bill 1514 was modeled after the legislature's tax credit review process, to facilitate a similar, permissive, periodic sunset review of state government boards and commissions by legislative committees. The Legislative Policy and Research Office would have been tasked with establishing and maintaining a review schedule in consultation with the Governor's office, and providing information to the appropriate legislative committees.

Legislative Session Start Date

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Rules, House Rules

Background and Current Law: Current law provides for the start of all regular sessions of the Legislative Assembly on the first day of February, unless it is a Thursday, Friday, Saturday, or Sunday, in which case session begins the following Monday. The presumptive maximum length of legislative sessions is prescribed by the Oregon Constitution, which allows for five-day extensions upon a two-thirds vote. In odd-numbered years, the presumptive maximum length of session is 160 calendar days.

Bill Summary: Senate Bill 1542 changes the start date of regular legislative sessions in odd-numbered years from the first day of February to the Tuesday after the holiday celebrating Dr. Martin Luther King, Jr.'s birthday, while retaining the first day of February for even-numbered years. As a result, the 2019 regular session of the Legislative Assembly will begin on January 22, 2019, and have a presumptive end date of June 30, 2019.

Oregon Laws 2018: Chapter 78

Marijuana Regulation

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Rules, Joint Ways and Means

Background and Current Law: Oregon voters approved the production, sale, and use of medical marijuana in 1998 (Ballot Measure 67). Sixteen years later, Oregon voters approved recreational use of marijuana (Ballot Measure 91). The legislature has modified the regulations on both medical and recreational marijuana over the years.

Bill Summary: Senate Bill 1544 is an omnibus bill that effects both medical and recreational marijuana, specifically law enforcement, taxation, grow sites, location of retailers and dispensaries, and industrial hemp.

Senate Bill 1544 creates the Illegal Marijuana Market Enforcement Grant Program, funded by the Oregon Marijuana Account, to assist local governments with the costs incurred in detecting and prosecuting unlawful marijuana cultivation and distribution operations. The program and funding mechanism sunset in January 2024.

Senate Bill 1544 makes five changes to the Medical Marijuana Act. First, the bill increases the number of cardholders for whom a designated grower may grow marijuana, from four to eight. The bill also directs the Oregon Health Authority (OHA) to establish a maximum number of immature plants, under 24 inches in height, that may be possessed by a cardholder, and authorizes registered marijuana producers to provide cardholders with immature plants. The bill exempts cannabinoid products produced for a cardholder from otherwise applicable packaging and labeling requirements and exempts two-person medical grow sites from the tracking system.

Current law limits the ability of a marijuana retailer or dispensary to locate within 1,000 feet of a school, but provides an exception if the facility is at least 500 feet from a school and a physical barrier exists between the school and the facility. Senate Bill 1544 creates an additional exception for facilities located near a school, if the facility was established prior to August 1, 2017, pursuant to certain local ordinances.

Senate Bill 1544 regulates industrial hemp by requiring a marijuana retailer's license to sell hemp products containing more than .3 percent tetrahydrocannabinol (THC) to a consumer, prohibiting the export or import of products containing more than .3 percent THC, and requiring marijuana retailers that sell hemp products to affix a label identifying whether the product is derived from hemp or marijuana.

Senate Bill 1544 authorizes the disclosure of certain marijuana tax-related information, modifies how OHA determines the address of a medical marijuana grow site, clarifies the scope of permissible commercial marijuana operations, and extends the deadline to February 1, 2019, by which the Oregon Cannabis Commission must report to the Legislative Assembly and make recommendations for legislation on various marijuana-related topics.

Oregon Laws 2018: Chapter 103

[Senate Bill 1545](#)

Not Enacted

State Agency Payments for eCourt

At the request of: Chief Justice Balmer for Judicial Department

Committees: Senate General Government and Accountability, Joint Ways and Means

Background and Current Law: The Oregon Judicial Department (OJD) implemented eCourt technology court-by-court starting in 2012 until June 2016 when it became available statewide. The technology enables a wide range of integrated applications and functions, including electronic filing, case management, and public access. It transitioned OJD and participants in court systems from paper-intensive to electronic processes. Services accessible to the private sector are funded by filing fees and subscriptions; the public is not charged for services; and services provided to state agencies are currently funded with General Fund dollars. State agencies consume a high volume of services: about 80 percent of Oregon Court of Appeals and Supreme Court cases involve state agencies; about 64,000 filings are submitted into circuit courts and the tax court involving state agencies; and state agencies have more than 300 accounts with nearly 4,000 users accessing court records.

Bill Summary: Senate Bill 1545 would have funded eCourt services provided to state agencies by apportioning the cost between them based on each agency's number of full-time equivalent positions beginning July 1, 2019.

[Senate Bill 1556-A](#)

Not Enacted

Lawsuits on Trust Deed Interest Transfers

Chief Sponsors: Sen. Hansell (at the request of Community Banks of Oregon)

Committees: Senate Judiciary, Senate Rules, House Business and Labor

Background and Current Law: A trust deed is a legal instrument like a mortgage. It gives one party, the trustee, the right to secure performance of an obligation that the borrower owes to the lender. The trust deed is filed with the county after it is created, with trust deeds often transferred into the secondary mortgage market through an entity called the Mortgage Electronic Registration System (MERS). Once in the secondary market, subsequent transfers of the interest are not recorded with the county. In 2012, Multnomah County filed a lawsuit against several banks and MERS, alleging they failed to properly record transfers of trust deeds. The suit was settled in the county's favor. Currently, 11 other Oregon counties have filed on the same basis.

Bill Summary: Senate Bill 1556-A would have prohibited new lawsuits by counties based on the designation of the grantee or beneficiary, or upon lack of presenting the trust deed for recording in the county. The measure also would have prohibited the counties from charging a fee for instruments that transfer an interest in a trust deed but are not presented for recording.

[Senate Bill 1559](#)

Effective Date: January 1, 2019

Whistleblower Protection Manual

Chief Sponsors: Sen. Winters

Committees: Senate General Government and Accountability, Senate Rules, House Rules

Background and Current Law: “Whistleblowers” are employees, typically public employees, who report questionable conduct or activity by their employer and, in doing so, put themselves at risk of retaliation by the employer. Such retaliation may take the form of discharge, demotion, or other adverse decision with regard to compensation or employment conditions. Congress initially addressed whistleblower rights and protections for federal employees as part of the Civil Service Reform Act of 1978, and has since strengthened those protections over time. Every state has since enacted statutory whistleblower protections for public employees, including Oregon, and a handful of states have extended protections to private employees.

Bill Summary: Senate Bill 1559 requires the Bureau of Labor and Industries (BOLI) to prepare an online manual of uniform whistleblower standards and procedures. The measure also requires that four state agencies pilot a process for two years that allows whistleblowers to report anonymously: Oregon Health Authority, Oregon Department of Transportation, Department of Human Services, and Department of Environmental Quality. BOLI and the identified agencies are also directed to compile data for a written report to the Governor and the legislature by January 1 of each odd-numbered year.

Oregon Laws 2018: Chapter 83

[Senate Bill 1565](#)

Effective Date: June 2, 2018

Piloting State Procurement Tools

At the request of: Governor Brown

Committees: Senate General Government and Accountability, Joint Ways and Means

Background and Current Law: According to the Department of Administrative Services (DAS), procurement makes up nearly 10 percent of Oregon’s all funds budget and represents \$8 billion in biennial spending. The state has unified procurement rules but lacks a standardized processing and tracking system, so steps vary by agency, are manual, and can be labor-intensive. At the same time, the available data is limited, which impairs the state’s ability to evaluate, analyze, manage, and leverage spending. Oregon has been moving toward the use of an electronic procurement system since 2014, and 10 state agencies are currently poised to make the transition.

Bill Summary: Senate Bill 1565 directs DAS to pilot two procurement tools for evaluation for one year: an electronic “reverse auction method” and a requirement to weight contract prices at 30 percent or more of the total weight given to all factors in an agency’s final evaluation of proposals. DAS is required to evaluate the reverse auction pilot and submit a final report to the Governor and Joint Legislative Committee on Information Management and Technology by December 31, 2019.

Oregon Laws 2018: Chapter 85

[House Bill 4023](#)

Effective Date: April 3, 2018

Rural Broadband Access and Service

At the request of: House Interim Committee on Economic Development and Trade

Committees: House Economic Development and Trade, Joint Information Management and Technology, Joint Ways and Means

Background and Current Law: The Oregon Broadband Advisory Council reports every two years to the Legislative Assembly on the affordability, accessibility, and use of broadband in Oregon, as well as broadband's role in economic development. The federal Universal Service Administrative Company under the Federal Communications Commission provides funding to support broadband access for eligible K-12 schools and libraries, including up to an additional 10 percent if matched by state funds. The Office of the State Chief Information Officer may provide broadband services to state agencies and universities, but not to other public bodies.

Bill Summary: House Bill 4023 makes three changes related to broadband access. It directs the Oregon Broadband Advisory Council to propose ways to develop champions for local broadband infrastructure improvements. It creates the Connecting Oregon Schools Fund to match federal money received by school districts for eligible broadband projects with state dollars. Additionally, the measure allows the State Chief Information Officer to provide broadband services to additional public bodies and federally recognized Indian tribes in unserved or underserved areas under certain circumstances.

Oregon Laws 2018: Chapter 51

[House Bill 4052](#)

Effective Date: June 2, 2018

Small Business Rules Advisory Committee

Chief Sponsors: Rep. Gomberg

Committees: House Economic Development and Trade, Senate General Government and Accountability

Background and Current Law: Administrative Rules are agency directives, standards, regulations, or statements of general applicability that implement, interpret, or prescribe law or policy, or that describe the procedure or practice requirements of an agency. Rules are created by any state board, commission, department, or officer authorized to make rules or issue orders. State law requires agencies to involve the public in the drafting of administrative rules. An agency may appoint an advisory committee, or use other means, to obtain public input and determine a rule's fiscal or small business impact. Agencies are also required to review rules five years after adoption.

Bill Summary: House Bill 4052 establishes a Small Business Rules Advisory Committee to be supported by the State Archives Division. If requested, the committee may assist agencies in adopting new administrative rules or complete the review required five years after rule adoption.

Oregon Laws 2018: Chapter 20

[House Bill 4054](#)

Effective Date: January 1, 2019

Coordination of Portland Homeless Camp Cleanup

Chief Sponsors: Rep. Reardon; Sen. Monroe

Committees: House Transportation Policy, Senate Business and Transportation

Background and Current Law: The City of Portland prohibits unsanctioned camping within city limits (City Code 14A.50.020 and 14A.50.050). Under the code, campers are notified at least 24 hours in advance that an unlawful camping site will be cleared, though it typically takes between 24 and 72 hours before cleanup occurs. The cleanup process is designed to restore the land to public use, and can include removing debris, garbage, waste, and biohazards. The Oregon Department of Transportation, which manages several property sites within the City of Portland, utilizes different timelines and procedures for homeless camp cleanup.

Bill Summary: House Bill 4054 authorizes the Oregon Department of Transportation to enter into an intergovernmental agreement with the City of Portland to coordinate the removal of personal property from locations owned by the department as part of homeless camp cleanup operations. The measure specifies provisions that must be included in the intergovernmental agreement.

Oregon Laws 2018: Chapter 21

[House Bill 4056](#)

Effective Date: March 16, 2018

Scholarships for Children of Deceased or Disabled Public Safety Officers

Chief Sponsors: Reps. Olson, Witt; Sen. Bentz; Rep. Salinas; Sen. Prozanski

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In Oregon, property is subject to civil forfeiture when used in relation to prohibited conduct that involves criminal activities. Oregon law specifies disbursement of civil forfeiture proceeds, which fund a number of services and programs in the state. In 1999, the Public Safety Memorial Fund Board was created. It provides certain benefits to eligible officers and their family members, including educational scholarships. There is also a scholarship for children of public safety officers that is awarded by the Higher Education Coordinating Commission (HECC).

Bill Summary: House Bill 4056 distributes 10 percent of asset forfeitures into an account for scholarships awarded by the HECC, and changes the scholarship criteria, including specifying a qualifying death or disability for disbursement from the Public Safety Memorial Fund. The measure also allows disbursement of certain forfeiture proceeds for the support of all specialty courts.

Oregon Laws 2018: Chapter 23

[House Bill 4073](#)

Effective Date: March 16, 2018

Temporary Interment Permits

Chief Sponsors: Reps. Sprenger, Power, Reschke

Committees: House Rules, Senate General Government and Accountability

Background and Current Law: Some people purchase cemetery plots and funeral arrangements years, and occasionally decades, prior to their death. If a cemetery is not licensed, however, the Oregon Mortuary and Cemetery Board prohibits interment from occurring at that cemetery, potentially forcing a person with a valid and paid contract to find other funeral arrangements. To address this issue, the Legislative Assembly enacted House Bill 3242 (2015), allowing temporary interment permits between January 1, 2016 and January 1, 2018. During the two years the measure was in effect, the Oregon State Mortuary and Cemetery Board provided 145 temporary permits.

Bill Summary: House Bill 4073 allows the Oregon Mortuary and Cemetery Board to grant a temporary operating permit to a cemetery that lacks a valid license, if a death necessitating interment has occurred and there is an existing contract to which the cemetery is a party.

Oregon Laws 2018: Chapter 27

[House Bill 4086-A](#)

Not Enacted

Building Officials and Inspectors

At the request of: House Interim Committee on Business and Labor

Committees: House Business and Labor, House Rules, Senate Rules

Background and Current Law: The Building Codes Division (BCD) is responsible for adopting a statewide building code and rules establishing uniform permit and inspection requirements. The BCD may approve the administration and enforcement of the building program by a local municipality. Approximately 25 cities and counties contract with private entities and individuals to provide services to the building program. A Department of Justice memo and a Legislative Counsel opinion suggest that it is an unconstitutional delegation of legislative powers to have a person who is not a municipal employee serve as the building official.

Bill Summary: House Bill 4086-A would have required municipalities that administer building inspection programs to obtain the services of a municipal building official and a head building inspector, who could also be the building official. The measure specified that the municipal building official and head building inspector must be employed by the municipality, under an intergovernmental agreement, or by a council of governments by July 1, 2019. Upon passage, it would have allowed specialized building inspectors to be employed by an entity other than the municipality.

[House Bill 4111](#)

Effective Date: April 3, 2018

Real ID Compliant Driver License Fee

Chief Sponsors: Reps. Witt, Hernandez

Committees: House Transportation Policy, Senate Business and Transportation

Background and Current Law: The federal Real ID Act of 2005 prescribes minimum standards for state-issued driver licenses and identification cards to ensure they are acceptable proof of identity for federal purposes. Oregon began the compliance process with the Real ID Act with passage of Senate Bill 1080 (2008); Senate Bill 374 (2017) subsequently created a separate driver license, referred to as a “Real ID,” that fully satisfies the federal Real ID Act by requiring verification and electronic storage of identifying documents.

Bill Summary: House Bill 4111 clarifies fees required to obtain a driver license that complies with the Real ID Act for applicants seeking an original, replacement, or renewal of an existing license. The measure also prohibits the Oregon Department of Transportation from verifying documents used to obtain limited-term driver licenses, permits, or identification cards, and provides for the renewal of the same for specified persons in certain circumstances.

Oregon Laws 2018: Chapter 60

[House Bill 4127-A](#)

Not Enacted

Public Contracting Using Qualifications-Based Selection

Chief Sponsors: Reps. McLain, Bynum; Sen. Boquist; Rep. Vial; Sen. Steiner Hayward

Committees: House Business and Labor, Senate General Government and Accountability, Senate Rules

Background and Current Law: The process used by state and local government to procure architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services is referred to as Qualifications-Based Selection (QBS). Statute requires a contracting agency to select these consultants based on the consultant’s qualifications for the type of professional service required. QBS allows a contracting agency to ask for or use pricing policies and proposals or other pricing information to determine consultant compensation only after a candidate is selected. Direct appointment is allowed if the estimated cost of the services for the project do not exceed \$100,000.

Bill Summary: House Bill 4127-A would have allowed public contracting agencies to consider pricing policies, proposals, and other pricing information along with qualifications when procuring architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services. The measure would have allowed a contracting agency to select up to three firms that have responded to a request for qualifications and then request proposals, pricing policies, and other pricing information from those firms.

Plea and Release Agreements

Chief Sponsors: Rep. Williamson; Sens. Manning Jr., Winters

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In criminal cases, a plea agreement is an agreement between the defendant and the prosecutor whereby both parties avoid the uncertainty of trial for the certainty of a plea agreement. Sometimes these plea agreements can involve the defendant waiving certain rights. District attorneys are prohibited from conditioning a plea offer on a waiver of the right to exculpatory evidence or to the grand jury recording when the grand jury resulted in “a true bill.” Oregon law also governs agreements in criminal cases about the defendant’s release from custody pre-trial or post-conviction if the defendant has appealed the conviction.

Bill Summary: House Bill 4149 prohibits prosecuting attorneys from conditioning plea offers on a stipulation that an existing law is unconstitutional. The measure also prohibits courts from conditioning defendant’s release on defendant’s waiver of appearance at trial.

Oregon Laws 2018: Chapter 37



HEALTH CARE



HEALTH CARE TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
SB 1547	Requires Oregon Health and Science University to report to the interim health care committees on progress toward establishing an online concussion training by October 1, 2018, and to submit a report on the number of health care professionals from each profession identified within the measure who have completed the online concussion training program by December 1, 2021.	October 1, 2018; December 1, 2021
SB 1549	The Department of Business and Consumer Services is required to report by July 1, 2020 to the interim committees on health care regarding consumer billing complaints involving out-of-network providers' services at in-network facilities; the effect of the bill's reimbursement changes on the adequacy of provider networks and premiums; and recommendations for ensuring compliance with the bill's reimbursement changes.	July 1, 2020
HB 4005	Establishes Task Force on the Fair Pricing of Prescription Drugs to create transparency for drug prices across the supply chain. Requires the task force to submit a report to interim committees of the Legislative Assembly related to health. Requires the Department of Consumer and Business Services to report to the Legislative Assembly on the cost of prescription drugs.	November 1, 2018; December 15 of each year



HEALTH CARE TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4133	The measure specifies that the Maternal Mortality and Morbidity Review Committee shall perform studies and reviews of the incidence of maternal mortality no later than July 1, 2019. The measure requires the Committee to submit biennial reports to interim committees related to health care, with the first biennial report due by January 1, 2021.	January 1, 2021
HB 4135	The measure requires the Advance Directive Adoption Committee to submit the advance directive form to the Legislative Assembly on or before September 1 of an even-numbered year following the date the Committee adopts the form.	September 1 of an even-numbered year following the date the Committee adopts the form
HB 4137	The measure requires the Alcohol and Drug Policy Commission to report its recommendations for the scope and framework of the comprehensive addiction, prevention, treatment, and recovery plan to interim committees of Legislative Assembly related to health.	December 31, 2018
HB 4143	The measure requires DCBS to study barriers to effective treatment for and recovery from substance use disorders, including addictions to opioids and opiates, and to report and make recommendations to the Legislative Assembly by June 30, 2018. The measure also requires Oregon Health Authority to report on the pilot project to the Legislative Assembly by December 31 of each year.	June 30, 2018

[Senate Bill 1539](#)

Not Enacted

Expansion of the Oregon Psychiatric Access Line

Chief Sponsors: Sen. Monnes Anderson

Committees: Senate Health Care, Joint Ways and Means

Background and Current Law: The Oregon Psychiatric Access Line About Kids (OPAL-K) was established in 2013 with funding from the Oregon legislature to the Oregon Health Authority. OPAL-K is operated through Oregon Health and Science University (OHSU) in collaboration with the Oregon Council of Child and Adolescent Psychiatry and the Oregon Pediatric Society. It provides free, same-day child and adolescent psychiatric telephone consultations to primary care providers throughout the state. Over 1,500 telephone consultations have occurred since 2014, with 555 in 2017.

Bill Summary: Senate Bill 1539 would have codified and expanded the Oregon Psychiatric Access Line at OHSU to provide telephone or real-time electronic psychiatric consultations to primary care providers treating all patients with mental health disorders, both adolescent and adult. Although Senate Bill 1539 was not enacted, the Legislative Assembly passed [House Bill 5201](#) which includes a budget note appropriating \$900,000 from the General Fund to the Oregon Health Authority for expansion of the Oregon Psychiatric Access Line program to primary care providers caring for individuals age 19 or older.

[Senate Bill 1547](#)

Effective Date: April 13, 2018

Medical Release of Concussed Student Athletes

At the request of: Senate Interim Committee on Health Care

Committees: Senate Health Care, House Health Care, House Rules

Background and Current Law: Current Oregon law allows licensed physicians, physician assistants, nurse practitioners, or psychologists to medically release a student athlete with a concussion or suspected concussion to return to play.

Bill Summary: Senate Bill 1547 expands the list of qualified health professionals who can provide medical release of an athlete under age 18 suspected of having a concussion to include licensed chiropractic physicians, naturopathic physicians, psychologists, physical therapists, occupational therapists, physician assistants, and nurse practitioners. All qualified health professionals are required to obtain a sports-related concussion certificate after completion of an online program run by Oregon Health and Science University before medically releasing athletes under age 18 to play. Psychologists, nurse practitioners, and physician assistants may continue medically releasing athletes to play without a certification until July 1, 2021, at which point they will need to obtain the certification. Licensed physicians are not subject to the requirements.

Oregon Laws 2018: Chapter 121

[Senate Bill 1548](#)

Effective Date: March 16, 2018

Post-Traumatic Stress Injury Awareness

At the request of: Senate Interim Committee on Health Care

Committees: Senate Health Care, House Health Care

Background and Current Law: Post-traumatic stress disorder (PTSD) is a mental health condition that may occur after an individual experiences or witnesses a traumatic event. Symptoms of PTSD may include persistent, frightening thoughts and memories of the event(s), sleep problems, detached or numb feelings, or being easily startled. The National Institute of Mental Health estimates that 6.8 percent of U.S. adults and 5 percent of adolescents will experience PTSD at some point during their lives.

Bill Summary: Senate Bill 1548 establishes June as Oregon Post-Traumatic Stress Injury Awareness Month and June 27 as Oregon Post-Traumatic Stress Injury Awareness Day. The measure urges the Oregon Health Authority, Oregon Department of Veterans' Affairs, and Oregon Military Department to continue working on educating victims of trauma about the causes, symptoms, and treatment of post-traumatic stress injury.

Oregon Laws 2018: Chapter 42

[Senate Bill 1549](#)

Effective Date: March 16, 2018

Health Care Financing Omnibus

At the request of: Senate Interim Committee on Health Care

Committees: Senate Health Care, House Health Care

Background and Current Law: Institutions for mental diseases are prohibited under federal law from receiving Medicaid reimbursements for services provided to patients in these institutions. The Oregon State Hospital is the only institution for mental disease in Oregon to which the law applies. Health savings accounts (HSAs) are personal savings accounts funded with pre-tax dollars designed to help individuals with high-deductible health insurance plans pay for certain out-of-pocket medical costs. Balance or surprise billing describes situations in which a consumer is billed the difference between the medical provider's charge and the allowed amount the consumer's health insurer pays for the medical care.

Bill Summary: Senate Bill 1549 allows Oregon Health Authority or Department of Human Services to continue Medicaid coverage for a person admitted to the Oregon State Hospital. The measure grants the Department of Consumer and Business Services (DCBS) authority to approve filings for health benefit plan policies qualifying for an HSA distribution and subject to a specific prohibition in the Insurance Code. Additionally, the measure requires health insurers to reimburse out-of-network providers for covered services provided at in-network health care facilities in an amount to be established in rule by DCBS. The provisions regarding reimbursement of out-of-network providers are repealed January 2, 2022.

Oregon Laws 2018: Chapter 43

Diesel Engine Emissions

Chief Sponsors: Reps. Nosse, Greenlick, Salinas

Committees: House Health Care, House Rules

Background and Current Law: The U.S. Environmental Protection Agency (EPA) estimated 10.3 million older diesel engines remained in use as of 2016. Diesel engine exhaust contains a mixture of gases and very small diesel particles that may cause health effects when an individual is exposed to high concentrations or has prolonged exposure. Currently, there are specific EPA regulations for newer on-road and off-road vehicles (2007 model year or newer).

Bill Summary: House Bill 4003-A would have specified state requirements for the adoption of indirect source review program rules to address locations that attract mobile sources of air contaminants, registration requirements for nonroad diesel engines, and adoption of diesel engine emission standards for specific on-road vehicles and nonroad engines. The measure would have authorized additional grant awards from the Environmental Mitigation Trust Agreement to reduce emissions from diesel engines operated in environmental justice communities or communities of color. The measure would also have repealed state preemption of local regulation of idling by primary engines in commercial vehicles.

Prescription Drug Transparency

Chief Sponsors: Reps. Nosse, Noble; Sens. Beyer, Linthicum, Steiner Hayward

Committees: House Health Care, Joint Ways and Means

Background and Current Law: Increases in prescription drug spending and prices, coupled with rising out-of-pocket drug costs, contribute to rising health care costs in the United States. Between 1991 and 2014, prescription drug spending in Oregon increased by an average of 7.2 percent annually. In recent years, several states, including Oregon, have considered or passed legislation related to cost control and transparency of prescription drug costs.

Bill Summary: House Bill 4005 establishes a statewide prescription drug cost and price transparency program. The measure requires prescription drug manufacturers and health insurers to report information regarding qualifying prescription drugs to the Department of Consumer and Business Services (DCBS) and gives DCBS the authority to impose civil penalties for drug manufacturers that fail to report. DCBS must then report annually to the Legislative Assembly on the cost of prescription drugs.

The measure also establishes the 18-member Task Force on the Fair Pricing of Prescription Drugs to create transparency for drug prices across the supply chain, including pharmacy benefit managers, distributors, and wholesale and retail pharmacies in Oregon. The task force must submit a report to the interim committees of the Legislative Assembly related to health no later than November 1, 2018.

Oregon Laws 2018: Chapter 7

[House Bill 4018](#)

Effective Date: April 3, 2018

Coordinated Care Organizations

At the request of: House Interim Committee on Health Care

Committees: House Health Care, Senate Health Care, Senate Rules

Background and Current Law: Oregon's coordinated care organizations (CCOs) are governed by health care providers and community members. CCOs are responsible for the integration and coordination of physical, mental, behavioral, and dental care services for Medicaid beneficiaries. All 15 Oregon CCOs achieve performance goals, are held accountable for the Triple Aim (better health, better care, lower costs), and operate within a global budget, which grows at a fixed rate.

Bill Summary: House Bill 4018 makes changes to the CCO governing structure, budgets, and contract terms. First, it specifies that meetings of the governing body of a CCO are to be open to the public, include time for public testimony, be recorded, and made available on a CCO's website. Next, the measure requires CCOs to spend earnings above a certain threshold on services designed to address health disparities and social determinants of health. The measure defines key contracting provisions and specifies that a CCO's refusal to renew a contract results in termination of the existing contract at the end of the specified period. House Bill 4018 authorizes the Oregon Health Authority to enforce and amend an existing contract with a CCO, if enforcing or amending the contract is consistent with administration of the state's Medicaid program.

Oregon Laws 2018: Chapter 49

[House Bill 4019](#)

Effective Date: March 16, 2018

Organ Donations

At the request of: House Interim Committee on Health Care for Rep. Fahey and Jarod Doerner

Committees: House Health Care, Senate Health Care

Background and Current Law: In the United States in 2017, 116,000 individuals were on the national transplant waiting list with another person added to the list every 10 minutes. The number of individuals on the waiting list annually grows faster than the number of donors and transplants. As of 2015, 75 percent of Oregon adults age 18 and older (2,345,325 adults) were listed on the National Registry as organ, eye, and tissue donors.

Bill Summary: House Bill 4019 designates the second week in April as "Organ, Eye and Tissue Donor Appreciation Week" to increase awareness and the number of registered donors. The measure also establishes the Oregon Gifts of Life Award, which can be presented by the Governor's Office to families of organ donors nominated and selected by organ procurement organizations.

Oregon Laws 2018: Chapter 13

[House Bill 4020](#)

Effective Date: April 3, 2018

Extended Stay Centers

At the request of: House Interim Committee on Health Care

Committees: House Health Care, Joint Ways and Means

Background and Current Law: Ambulatory Surgery Centers (ASCs) are health care facilities that focus on providing same-day surgical care. In 2015, the House Committee on Health Care formed a work group to explore the possibility of allowing patients to recover from outpatient surgery in an extended stay facility or recovery center.

Bill Summary: House Bill 4020 creates a licensing program for extended stay centers (ESCs) in Oregon. The measure requires the Health Evidence Review Commission to develop evidence-based guidelines on patient characteristics and surgical procedures appropriate for ambulatory surgical centers and extended stay centers. The measure allows the Oregon Health Authority to establish fees for licensing ESCs and to collect data. It directs the agency to apply to the federal government for approval to receive Medicaid funding and to allow ESCs and ASCs to operate under a single license. Lastly, the measure requires hospitals to have financial assistance policies for patients.

Oregon Laws 2018: Chapter 50

[House Bill 4103](#)

Not Enacted

Pharmacy Benefit Managers

Chief Sponsors: Rep. Alonso Leon,; Sen. Hansell

Committees: House Health Care

Background and Current Law: Pharmacy benefit managers (PBMs) administer drug benefit programs according to contractual relationships between manufacturers, wholesalers, health insurers, or employers. Some PBM services include processing and analyzing prescription claims, contracting with a network of pharmacies, and developing and managing formularies and prior authorization programs. There are currently more than 40 entities registered as PBMs doing business in Oregon. Nationally, PBMs manage the drug benefits for an estimated 95 percent of all patients with drug coverage. Legislation enacted in 2017 (House Bill 2388) authorized the Department of Consumer and Business Services to deny, revoke, or suspend a PBM's registration under specific conditions.

Bill Summary: House Bill 4103 would have prohibited PBMs in Oregon from requiring that individuals fill or refill a prescription using their mail order pharmacy. The measure would have required PBMs to reimburse retail pharmacists the cost of a prescription drug at a rate equal to the reimbursement cost paid to a mail order pharmacy owned or managed by the PBM.

[House Bill 4104](#)

Effective Date: January 1, 2019

Hearing Loss Treatments

Chief Sponsors: Reps. Malstrom, Hayden; Sen. Gelser

Committees: House Health Care, Senate Health Care

Background and Current Law: The Centers for Disease Control and Prevention report two to three of every 1,000 children are born with a detectable level of hearing loss in one or both ears. As of 2012, approximately 38,000 cochlear implants have been implanted in children. In Oregon, hearing services and technology are limited in scope for families and children with hearing loss as commercial health plans may not all cover hearing services and technologies for children.

Bill Summary: House Bill 4104 requires health insurers to reimburse costs for bilateral cochlear implants, ear molds, and hearing assistive technology systems for individuals younger than 19, or 19 to 25 years of age and enrolled in secondary schools or accredited educational institutions. The measure also requires health insurers to ensure that their members have access to pediatric audiologists, provide notice of coverage limits, and offer educational materials.

Oregon Laws 2018: Chapter 9

[House Bill 4107](#)

Effective Date: June 2, 2018

Osteopathic Manipulative Treatment

Chief Sponsors: Reps. Heard, Malstrom

Committees: House Health Care, Senate Health Care

Background and Current Law: The goal of chiropractic or osteopathic manipulation is to correct alignment problems, alleviate pain, improve functioning, and support the body's natural ability to heal itself. Results from the 2012 National Health Interview Survey indicate that 8.4 percent of U.S. adults have used chiropractic or osteopathic manipulation, making it the fourth most common use of complementary health approaches by Americans. Currently, commercial health plans in Oregon are not required to reimburse osteopathic physicians for evaluation of a patient if manipulations are performed on the same day.

Bill Summary: House Bill 4107 requires commercial health plans to reimburse osteopathic physicians for osteopathic evaluation and manipulative treatment when services are provided on the same day and determined medically necessary by the osteopathic physician. The requirement is limited to health plans that already reimburse for the cost of an evaluation by an osteopathic physician.

Oregon Laws 2018: Chapter 31

[House Bill 4133](#)

Effective Date: April 3, 2018

Maternal Mortality and Morbidity

Chief Sponsors: Rep. Keny-Guyer; Sen. Steiner Hayward; Rep. Bynum; Sen. Frederick

Committees: House Health Care, Joint Ways and Means

Background and Current Law: Maternal deaths during or caused by pregnancy are a growing concern across the nation. According to the Centers for Disease Control and Prevention, the maternal mortality rate in the U.S. has increased by over 140 percent since 1987. In Oregon over the past 10 years, the number of maternal deaths per year has ranged from four to 12. Furthermore, for every maternal death, there are approximately 50 women who suffer maternal morbidity: severe complications of pregnancy, labor, and delivery.

Bill Summary: House Bill 4133 establishes the Maternal Mortality and Morbidity Review Committee in the Oregon Health Authority (OHA) to conduct studies and reviews of the incidence and severity of maternal death during or caused by pregnancy. The measure authorizes OHA to request information from health care organizations, state and local governments, and medical examiners. The Committee's activity is exempt from public meeting laws, and information created or maintained by the Committee is exempt from public disclosure.

Oregon Laws 2018: Chapter 63

[House Bill 4135](#)

Effective Date: June 2, 2018

Advance Directives

Chief Sponsors: Rep. Kotek; Sens. Prozanski, Steiner Hayward

Committees: House Health Care, Senate Judiciary

Background and Current Law: In 1993, Oregon adopted the first advance directive legislation in the nation. An advance directive is a legal document that appoints a representative to make health care decisions for another individual and/or allows a person to provide directions and preferences on receiving life-sustaining treatments if that individual becomes incapacitated. The advance directive does not apply when individuals can make their own health care decisions. The current advance directive form has not been modified since 1993.

Bill Summary: House Bill 4135 modifies Oregon's statutory advance directive form, changes the witnessing requirements for the form, allows notarization instead of witnessing, and establishes the Advance Directive Adoption Committee. The Committee is required to review the section of the form dealing with health care instructions every four years. If the Committee recommends modifications to that section of the form, the Oregon Legislative Assembly must enact the proposed changes before they can take effect.

Oregon Laws 2018: Chapter 36

[House Bill 4137](#)

Effective Date: March 27, 2018

Alcohol and Drug Policy Commission

Chief Sponsors: Rep. Sanchez

Committees: House Health Care, Joint Ways and Means

Background and Current Law: The Alcohol and Drug Policy Commission was created in 2009 and charged with producing a plan for the funding and effective delivery of alcohol and drug treatment and prevention services. In 2015, Senate Bill 951 altered the commission by simplifying its objectives and resolving quorum issues to improve its effectiveness and ability to establish policies for prevention and treatment services for alcohol and drug abuse. The commission has varied in size from 15 to 19 members, with 17 active commissioners as of 2018.

Bill Summary: House Bill 4137 requires the Alcohol and Drug Policy Commission to develop preliminary recommendations for the scope and framework of the comprehensive addiction, prevention, treatment, and recovery plan to be completed by July 1, 2020. The measure specifies that the commission must review and update the comprehensive plan every two years. The measure also directs the Governor to appoint a director of the commission and establishes the functions and powers of the director.

Oregon Laws 2018: Chapter 44

[House Bill 4143](#)

Effective Date: March 27, 2018

Oregon Opioid Epidemic

At the request of: Governor Brown

Committees: House Health Care, Joint Ways and Means

Background and Current Law: Oregon has one of the highest rates of prescription opioid misuse in the nation, with more drug poisoning deaths involving prescription opioids than any other type of drug. In 2017, Governor Brown created the Opioid Epidemic Task Force to “combat opioid abuse and dependency.” The Task Force consists of medical experts, drug treatment specialists, and government officials. Based on its work to date, the Task Force and Governor Brown introduced House Bill 4143 as part of a multi-pronged approach to address the epidemic of opioid use in Oregon.

Bill Summary: House Bill 4143 requires the Department of Consumer and Business Services (DCBS), in consultation with the Oregon Health Authority (OHA) and Department of Corrections, to study the barriers to medication-assisted treatment for substance use disorders. The measure appropriates \$2 million from the General Fund to OHA to establish a pilot project to assess the effectiveness of peer recovery support mentors and directs DCBS to report annually on the project to the Legislative Assembly. House Bill 4143 also requires health care professionals licensed to prescribe opioids and opiates to register with Oregon’s Prescription Drug Monitoring Program.

Oregon Laws 2018: Chapter 45

[House Bill 4156](#)

Not Enacted

Prescription Drug Coverage

Chief Sponsors: Reps. Doherty, Malstrom, Kennemer

Committees: House Health Care

Background and Current Law: A formulary is a list of medications available in a health plan that is used by health care insurers to manage the use of prescription drugs. Some states have enacted consumer-related laws to create transparency and notice requirements for prescription drug benefits, including changes to formularies. These regulations are designed to help individuals compare covered benefits among health plans and require insurers to notify affected members when changes are made to a prescription drug formulary in a specified period.

Bill Summary: House Bill 4156 would have prohibited health insurers from removing prescription drugs from a formulary during a plan year, and would have barred insurers from changing any out-of-pocket costs for consumers for their prescription drugs during a plan year unless a generic alternative was added to the formulary.

[House Joint Resolution 203-A](#)

Not Adopted

Access to Health Care

Chief Sponsors: Rep. Greenlick; Sens. Monnes Anderson, Beyer, Steiner Hayward

Committees: House Health Care, Senate Health Care

Background and Current Law: National efforts for universal health care coverage, such as creating a single national health insurance plan or ensuring a federal right to health care, have been unsuccessful. State constitutions, however, may provide constitutional rights that are more expansive than rights granted under the federal Constitution. In 2005, Oregon legislators, along with a community coalition, sponsored a ballot initiative called “Hope for Oregon Families.” In 2007, 2008, and 2015, House Joint Resolutions were introduced proposing amendments to the Oregon Constitution proclaiming access to health care for Oregonians is a fundamental right.

Bill Summary: House Joint Resolution 203-A would have referred to voters an amendment to the state Constitution to ensure access to affordable and cost-effective health care for Oregon residents.



HOUSING



HOUSING TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4006	The governing body of a city with a population over 10,000 is required to submit a report to the Department of Land Conservation and Development annually on the number of housing units permitted and produced during the preceding year.	Annually by February 1st
HB 4010	The Task Force on Addressing Racial Disparities in Home Ownership must report recommendations for legislation to an interim committee on housing.	September 15, 2019

[House Bill 4006](#)

Effective Date: April 3, 2018

Rent Burdened Community Survey

Chief Sponsors: Rep. Kotek

Committees: House Human Services and Housing, Joint Ways and Means

Background and Current Law: According to the U.S. Census Bureau, approximately 26.4 percent of Oregonians were severely rent burdened in 2015. The U.S. Department of Housing and Urban Development defines “severely rent burdened” as experiencing housing costs exceeding 50 percent of the household’s reported income.

Bill Summary: House Bill 4006 requires cities with populations greater than 10,000, with more than 25 percent of renter households experiencing severe rent burden, to complete a survey related to housing affordability and to hold at least one public meeting regarding severe rent burden. The Oregon Housing and Community Services Department is directed to develop a survey for these cities to provide information on housing affordability, including actions related to land use and any intended actions to reduce rent burdens for severely rent-burdened households. Additionally, cities with populations greater than 10,000 are required to report annually to the Department of Land Conservation and Development on the total number of housing units permitted and produced.

Oregon Laws 2018: Chapter 47

[House Bill 4007](#)

Effective Date: June 2, 2018

First-Time Home Buyer Savings Account and Document Recording Fee

At the request of: House Interim Committee on Human Services and Housing

Committees: House Human Services and Housing, House Revenue, Joint Ways and Means

Background and Current Law: Oregon has seen some of the fastest-growing rent increases in the country in recent years. Studies identify low vacancy rates, high demand, and increasing property prices as factors in rising rents. Oregon Housing and Community Services (OHCS) oversees several housing assistance programs assisting low- to moderate-income families. Other states also have first-time home buyer assistance programs such as savings account programs. Funds in these accounts are used for costs associated with first-time home purchases.

In Oregon, document recording is done by county clerks for certain real property records including mortgages and contracts affecting the title to real property. Currently, the document recording fee includes a \$20 affordable housing fee, and the funds are used for multiple housing programs. In 2017, OHCS received and distributed over \$15 million through these programs.

Bill Summary: House Bill 4007 allows individuals to establish first-time home buyer savings accounts and increases the document recording fee for affordable housing from \$20 to \$60 to fund housing-related programs in Oregon.

Oregon Laws 2018: Chapter 109

House Bill 4010

Effective Date: April 13, 2018

Racial Disparities in Home Ownership

Chief Sponsors: Reps. Meek, Bynum; Sen. Manning Jr.; Reps. Hernandez, Parrish, Power, Sanchez; Sen. Frederick

Committees: House Human Services and Housing, Joint Ways and Means

Background and Current Law: Oregon Housing and Community Services reports decreasing home ownership rates across the state from 2000 to 2015 for all Oregonians. According to the U.S. Census Bureau's American Community Survey, individuals identifying as Pacific Islander (23 percent) or African American (30 percent) accounted for the lowest home ownership rates in Oregon in 2014. Other racial and ethnic minorities also experienced low home ownership rates in 2014.

Bill Summary: House Bill 4010 establishes the 11-member Task Force on Addressing Racial Disparities in Home Ownership, charged with making recommendations for changes in lending practices to eliminate discrimination and remove barriers to home ownership for people of color in Oregon.

Oregon Laws 2018: Chapter 110

House Bill 4085

Not Enacted

Court Awards in Landlord-Tenant Law Disputes

Chief Sponsors: Rep. Power

Committees: House Human Services and Housing

Background and Current Law: When issues arise between landlords and tenants, they are generally required to notify the other party in writing within a certain time frame, and a reasonable amount of time is typically allowed for correction. If an issue is not resolved, either party may bring an action in court. Current law allows courts to award costs, necessary disbursements, and attorney's fees to prevailing parties in such actions regardless of rental agreements.

Bill Summary: House Bill 4085 would have directed courts to award costs, necessary disbursements, and attorney's fees as follows: to prevailing tenants without qualification; to prevailing landlords if the tenant had no reasonable basis to file; and in the court's discretion, to prevailing landlords generally.

[House Bill 4121-A](#)

Not Enacted

Home Weatherization, Retrofit, and Affordability Program

Chief Sponsors: Rep. Marsh

Committees: House Economic Development and Trade, Joint Ways and Means

Background and Current Law: Oregon Housing and Community Services (OHCS) has developed programs and services to support housing stability and promote energy improvement. Locally administered weatherization programs help lower income residents reduce heating costs while improving the efficiency and condition of their homes. Homeowners previously used Oregon's Residential Energy Tax Credits, which ended in 2017, to improve residential energy efficiency. The Small-Scale Energy Loan Program also previously provided long-term fixed rate loans for Oregon energy projects.

Bill Summary: House Bill 4121-A would have required Oregon Housing and Community Services to establish and administer a program to provide incentive payments, funding, and grants for certain energy improvement projects. Incentive payments would have been made directly to construction contractors for qualified projects. The bill would have required OHCS to reserve a portion of program funding for energy efficiency, weatherization, solar technology, and affordable housing activities.

[House Bill 4134](#)

Effective Date: March 16, 2018

Petitions to Remove Discriminatory Restrictions from Real Property Titles

Chief Sponsors: Reps. Keny-Guyer, Fahey, Vial, Meek; Sens. Frederick, Winters

Committees: House Human Services and Housing, Senate Human Services

Background and Current Law: The federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, or national origin. Similarly, state law prohibits a title of real property from restricting the use of the property by reason of race, color, religion, sex, sexual orientation, national origin, or disability. Because of these state and federal prohibitions, any discriminatory language existing in a real property title is unenforceable, but the language sometimes remains in the title itself.

Bill Summary: House Bill 4134 provides a legal procedure for petitioning a court for removal of discriminatory restrictions in a title of real property.

Oregon Laws 2018: Chapter 35

Local Bonds for Affordable Housing Projects

At the request of: House Interim Committee on Human Services and Housing

Committees: House Human Services and Housing, Senate Human Services, Senate Rules

Background and Current Law: Bonds are debt instruments issued by an entity with a promise to repay the original amount of the bond plus interest over a designated time. The state's authority to authorize bonds comes from constitutional and statutory provisions. Issuance of bonds is used to finance public investments. Article XI, section 9 of the Oregon Constitution prohibits a county or city from assisting corporations by becoming a stockholder in, raising money for, or loaning the state's credit to any joint company, corporation, or association.

Bill Summary: House Joint Resolution 201 refers to the voters, for their approval or rejection at the next general election, an amendment to the Oregon Constitution that exempts affordable housing-related bonds from the prohibitions in Article XI, section 9, if certain conditions are met.



HUMAN SERVICES



HUMAN SERVICES TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving Human Services enacted through legislation during the 2018 session.

[Senate Bill 1526](#)

Effective Date: April 3, 2018

Rights of Parents with Disabilities

At the request of: Senate Interim Committee on Human Services

Committees: Senate Human Services, House Human Services and Housing

Background and Current Law: Parental rights may be terminated if the court finds that a parent is unfit to care for the safety and wellbeing of their children. The Center for Advanced Studies in Child Welfare found that a parent with a disability is over three times as likely to have parental rights terminated than a parent without a disability. According to the National Council on Disability, one in 10 children have at least one parent with a disability, and in Oregon 15.5 percent of foster children were removed from their homes due to a parent's mental illness.

Bill Summary: Senate Bill 1526 allows parents with an emotional or mental illness, intellectual or developmental disability, or other disability to retain parental rights if the court does not find any additional conduct or conditions seriously detrimental to the children. The measure prohibits the court from considering a parent's disability unless the parent's disability-related conduct renders the parent incapable of providing care for an extended period.

Oregon Laws 2018: Chapter 74

[Senate Bill 1531](#)

Not Enacted

Mental Health Sessions for Law Enforcement Officers

Chief Sponsors: Sens. Frederick, Manning Jr.; Rep. Piluso

Committees: Senate Judiciary

Background and Current Law: Current law requires police officers involved in the use of deadly physical force to complete at least one session with a mental health professional within six months. Law enforcement agencies are responsible for the cost of up to two sessions. No other mental health-related requirements are imposed on law enforcement officers, except fitness and background examinations that occur in the normal course of seeking certification and employment.

Bill Summary: Senate Bill 1531 would have added a requirement for law enforcement officers to participate in at least one session with a mental health professional every two years, paid for by law enforcement agencies.

[Senate Bill 1540](#)

Effective Date: April 3, 2018

Abuse of Vulnerable Populations

Chief Sponsor: Sen. Gelser

Committees: Senate Human Services, House Human Services and Housing, House Rules

Background and Current Law: In 2017, Senate Bill 101 made changes to how child abuse investigations are conducted by the Department of Human Services (DHS) and law enforcement agencies on school premises. The bill's provisions created confusion among school district staff about the authority of these agencies. Furthermore, adults receiving treatment for severe and persistent mental health illnesses or substance use disorders are not explicitly included in mandatory reporting abuse statutes in Oregon.

Bill Summary: Senate Bill 1540 clarifies the authority of DHS and law enforcement agencies to conduct child abuse investigations on school premises and requires school personnel to cooperate with investigations. The measure prohibits school personnel from notifying anyone other than DHS or law enforcement of the investigation. The measure additionally allows notice to be provided to other school employees as necessary for the investigation and prohibits the notice as well as any other information obtained during an investigation from inclusion in the school records of the child.

Senate Bill 1540 adds adults with persistent and severe mental illnesses or receiving treatment for substance use disorders to the definition of "adult" for purposes of mandatory abuse reporting and investigations. The measure also clarifies that sexual contact between an adult receiving treatment and the provider is included in the definition of "sexual abuse."

Oregon Laws 2018: Chapter 77

[Senate Bill 1555](#)

Effective Date: April 3, 2018

Oregon Marijuana Account

Chief Sponsors: Sen. Steiner Hayward; Rep. Rayfield (at the request of Oregon Health Authority)

Committees: Senate Human Services, House Revenue

Background and Current Law: Twenty percent of the retail marijuana tax revenues is allocated to the Oregon Health Authority for use in alcohol and drug abuse prevention, early intervention, and treatment. House Bill 5026 (2017) specified that \$16 million of these tax revenues be spent on community mental health services. Current statute directs marijuana tax revenues into the Mental Health Alcoholism and Drug Services Account, which can be used for drug abuse prevention, early intervention, and treatment services, and may not be used for community mental health services.

Bill Summary: Senate Bill 1555 modifies the purposes for which a certain percentage of moneys in the Oregon Marijuana Account may be used, permitting the Oregon Health Authority to distribute a portion of the tax revenues to community mental health services.

Oregon Laws 2018: Chapter 81

[House Bill 4054](#)

Effective Date: January 1, 2019

Coordination of Portland Homeless Camp Cleanup

Chief Sponsors: Rep. Reardon; Sen. Monroe

Committees: House Transportation Policy, Senate Business and Transportation

Background and Current Law: The City of Portland prohibits unsanctioned camping within city limits (City Code 14A.50.020 and 14A.50.050). Under the code, campers are notified at least 24 hours in advance that an unlawful camping site will be cleared, though it typically takes between 24 and 72 hours before cleanup occurs. The cleanup process is designed to restore the land to public use, and can include removing debris, garbage, waste, and biohazards. The Oregon Department of Transportation, which manages several property sites within the City of Portland, utilizes different timelines and procedures for homeless camp cleanup.

Bill Summary: House Bill 4054 authorizes the Oregon Department of Transportation to enter into an intergovernmental agreement with the City of Portland to coordinate the removal of personal property from locations owned by the department as part of homeless camp cleanup operations. The measure specifies provisions that must be included in the intergovernmental agreement.

Oregon Laws 2018: Chapter 21

[House Bill 4079](#)

Effective Date: January 1, 2019

Retirement Funds in Calculation of TANF Eligibility

Chief Sponsors: Rep. Nathanson; Sen. Beyer (at the request of State Treasurer)

Committees: House Early Childhood and Family Supports, Joint Ways and Means

Background and Current Law: The Temporary Assistance for Needy Families (TANF) program provides cash assistance and client services to families with incomes below the federal poverty level. Eligibility criteria and the amount of monthly benefit for the TANF program depends on the size of the family and the financial resources available to the family.

Bill Summary: House Bill 4079 requires the Oregon Department of Human Services to disregard as resources any moneys held in specified pension and retirement accounts when determining a person's eligibility for TANF.

Oregon Laws 2018: Chapter 56

[House Bill 4081-A](#)

Not Enacted

Use of Savings in TANF Program

Chief Sponsors: Reps. Piluso, Stark

Committees: House Early Childhood and Family Supports, Joint Ways and Means

Background and Current Law: The federal Temporary Assistance for Needy Families (TANF) program, administered by the Department of Human Services (DHS), provides cash assistance and client services to families with incomes below the federal poverty level. Eligibility criteria and the amount of monthly benefit depend on the size of the participating family and the family's financial resources. The maximum monthly payment for a family of three increased from \$503 in 1996 to \$506 in 2013.

Bill Summary: House Bill 4081-A would have required DHS to use savings from TANF policy changes, improvements in the state economy, or other factors to increase TANF cash assistance or make additional investments in the Job Opportunity and Basic Skills program. The bill would also have capped the amount of assistance at its 1996 level, as adjusted for inflation.

[House Bill 4129](#)

Effective Date: April 3, 2018

Residential Care Facility Administrator License

Chief Sponsors: Reps. McKeown, Esquivel; Sen. Roblan; Rep. Keny-Guyer; Sen. Gelser

Committees: House Human Services and Housing, Joint Ways and Means

Background and Current Law: Residential Care Facilities (RCFs) provide shared or individual living units in a homelike environment where six or more seniors and adult individuals with disabilities reside. Administrators of RCFs must currently complete 40 hours of training initially then 20 hours of continuing education each year. The 2017 Legislative Assembly passed House Bill 3359 which established the Residential Care Quality Measurement Program and outlined several policy changes affecting residential and memory care facilities. After passage of the bill, the Speaker of the House called for a work group on administrator licensing to make further recommendations.

Bill Summary: House Bill 4129 creates a license for Residential Care Facility administrators within the Health Licensing Office. The measure also changes the "Nursing Home Administrators Board" to the "Long Term Care Administrators Board."

Oregon Laws 2018: Chapter 61



JUDICIARY



JUDICIARY TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4049	The Department of State Police must report on the status of the statewide SAFE kit tracking system to the Task Force on the Testing of the Sexual Assault Forensic Evidence Kits, the Governor, and the Attorney General. The measure extends the lifetime of the Task Force until June 30, 2021.	January 1, 2019
HB 4056	Requires the Higher Education Coordinating Commission report to interim Judiciary committees on scholarship program for children of public safety officers.	January 1, 2021
HB 4135	Requires the Advance Directive Adoption Committee to submit any advance directive form it adopts under this Act to an interim committee of the Legislative Assembly related to the Judiciary.	On or before September 1 of an even-numbered year following the date the Committee adopts the form

[Senate Bill 1531](#)

Not Enacted

Mental Health Sessions for Law Enforcement Officers

Chief Sponsors: Sens. Frederick, Manning Jr.; Rep. Piluso

Committees: Senate Judiciary

Background and Current Law: Current law requires police officers involved in the use of deadly physical force to complete at least one session with a mental health professional within six months. Law enforcement agencies are responsible for the cost of up to two sessions. No other mental health-related requirements are imposed on law enforcement officers, except fitness and background examinations that occur in the normal course of seeking certification and employment.

Bill Summary: Senate Bill 1531 would have added a requirement for law enforcement officers to participate in at least one session with a mental health professional every two years, paid for by law enforcement agencies.

[Senate Bill 1538](#)

Effective Date: January 1, 2019

Driver License Suspension Reform

At the request of: Senate Interim Committee on Business and Transportation

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Joint Interim Task Force on Reentry, Employment and Housing, created by Senate Bill 969 (2015), studied ways to improve successful reentry for persons with criminal histories. The task force met formally for more than a year and continued on its own initiative through the 2017 interim. It found that a driver license is critical to secure and maintain employment, but could be suspended for a number of reasons unrelated to driving.

Bill Summary: Senate Bill 1538 makes several changes to provisions involving driver licenses. First, it treats National Oceanic and Atmospheric Administration personnel the same as members of the military for certain driver license exceptions. It also eliminates probationary permits for persons whose licenses are revoked as habitual offenders; standardizes hardship permits (issued to drivers for a variety of reasons after a license suspension); and eliminates several types of suspensions for reasons unrelated to driving, as recommended by the Joint Interim Task Force on Reentry, Employment and Housing.

Oregon Laws 2018: Chapter 76

Senate Bill 1543

Effective Date: April 13, 2018

Public Safety Catchall

At the request of: Senate Interim Committee on Judiciary

Committees: Senate Judiciary, House Judiciary

Background and Current Law: Senate Bill 1543 addresses a number of public safety matters ranging from criminal offenses to appellate review of certain litigation.

Bill Summary: Among other things, Senate Bill 1543:

- adds qualification requirements for certain members of the Batterers' Intervention Program Advisory Committee and specifies requirements for program standards;
- makes a conforming amendment to 2016's Melissa's Law, which required retention of sexual assault forensic evidence kits for 60 years, and directs the Department of Justice to create informational materials describing services payable from the Sexual Assault Victims' Emergency Medical Response Fund;
- requires a state hospital, community mental health program, and other health care service providers to provide the Psychiatric Security Review Board with records pertaining to a person under the board's jurisdiction;
- modifies the procedures for return to the state hospital or another facility of someone on conditional release after having been found guilty except for insanity;
- modifies the elements of and exceptions to the offense of unlawful operation of an unmanned aircraft system;
- extends the court's authority to vacate a prostitution conviction of a victim of sex trafficking, to include convictions of municipal prostitution ordinances;
- prohibits garnishment and similar actions for money the Department of Corrections collects from inmates for an inmate transitional fund;
- mandates a 30-day sentence of incarceration under the existing crime of initiating a false report to law enforcement, if a SWAT team deployment results in death or serious physical injury;
- makes it a general condition of probation to follow reasonable recommendations from the risk and needs assessments that existing law requires probationers to undergo;
- adds Class B felonies for possession of a controlled substance to the list of felonies that a person may seek to have reduced to a Class A misdemeanor;
- allows credit for time served in jail for persons revoked from an optional probation sentence, similar to certain existing credits;
- gives the Oregon Supreme Court jurisdiction over certain appeals addressing the constitutionality of House Bill 3078 (2017), which addressed several topics including the reduction of presumptive sentences for certain repeat property offenders; and
- makes a technical amendment to the reporting requirements in HB 4145 (2018) for a law enforcement agency or prosecuting attorney's office regarding their actions after receiving a report that a person purchased a firearm despite a prohibition against possessing firearms.

Oregon Laws 2018: Chapter 120

[Senate Bill 1545](#)

Not Enacted

State Agency Payments for eCourt

At the request of: Chief Justice Balmer for Judicial Department

Committees: Senate General Government and Accountability, Joint Ways and Means

Background and Current Law: The Oregon Judicial Department (OJD) implemented eCourt technology court-by-court starting in 2012 until June 2016 when it became available statewide. The technology enables a wide range of integrated applications and functions, including electronic filing, case management, and public access. It transitioned OJD and participants in court systems from paper-intensive to electronic processes. Services accessible to the private sector are funded by filing fees and subscriptions; the public is not charged for services; and services provided to state agencies are currently funded with General Fund dollars. State agencies consume a high volume of services: about 80 percent of Oregon Court of Appeals and Supreme Court cases involve state agencies; about 64,000 filings are submitted into circuit courts and the tax court involving state agencies; and state agencies have more than 300 accounts with nearly 4,000 users accessing court records.

Bill Summary: Senate Bill 1545 would have funded eCourt services provided to state agencies by apportioning the cost between them based on each agency's number of full-time equivalent positions beginning July 1, 2019.

Senate Bill 1551

Effective Date: June 2, 2018

Data Breach Notification

Chief Sponsors: Sen. Prozanski; Rep. Holvey

Committees: Senate Judiciary, House Business and Labor

Background and Current Law: Oregon's Consumer Identity Theft Protection Act was enacted in 2007. Under the law, consumers must be given notice when a breach of their personal information occurs. The law prescribes the method for providing notice to consumers and the Attorney General as well as safeguards and protections of personal information. The law also allows for credit freezes on consumers' accounts to prevent fraudulent lines of credit from being established on consumers' accounts. There are three major credit reporting agencies who can place a freeze on a consumer's account, and a \$10 fee can be charged for each freeze, removal, or thaw at each of the agencies.

Bill Summary: Senate Bill 1551 provides free-of-charge placement, removal, and temporary lifts of credit account freezes. If an entity suffers a data breach, the notice of that breach must be given to the consumer in the most expeditious manner, but within 45 days. Additionally, if the entity that suffers a breach provides free credit monitoring or mitigation services to consumers, the entity may not condition acceptance of the free offer on the consumer providing a credit or debit card number. If the entity wishes to offer other services, they must be offered separately and distinctly from the free service. The measure also strengthens the safeguards to protect the security, confidentiality, and integrity of personal information.

Oregon Laws 2018: Chapter 10

[Senate Bill 1556-A](#)

Not Enacted

Lawsuits on Trust Deed Interest Transfers

Chief Sponsors: Sen. Hansell (at request of Community Banks of Oregon)

Committees: Senate Judiciary, Senate Rules, House Business and Labor

Background and Current Law: A trust deed is a legal instrument like a mortgage. It gives one party, the trustee, the right to secure performance of an obligation that the borrower owes to the lender. The trust deed is filed with the county after it is created, with trust deeds often transferred into the secondary mortgage market through an entity called the Mortgage Electronic Registration System (MERS). Once in the secondary market, subsequent transfers of the interest are not recorded with the county. In 2012, Multnomah County filed a lawsuit against several banks and MERS, alleging they failed to properly record transfers of trust deeds. The suit was settled in the county's favor. Currently, 11 other Oregon counties have filed on the same basis.

Bill Summary: Senate Bill 1556-A prohibits new lawsuits by counties based on the designation of the grantee or beneficiary, or upon lack of presenting the trust deed for recording in the county. The measure also prohibits the counties from charging a fee for instruments that transfer an interest in a trust deed but are not presented for recording.

[Senate Bill 1562](#)

Effective Date: January 1, 2019

Strangulation

Chief Sponsors: Sen. Taylor; Reps. Stark, Salinas; Sens. Hansell, Prozanski; Rep. Piluso

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The crime of strangulation occurs when a person knowingly impedes the normal breathing or blood circulation of another person by applying pressure on the throat or neck, or blocking the nose or mouth. Strangulation is a Class A misdemeanor, but is elevated to a Class C felony when the offense is committed in the immediate presence of, or witnessed by the person's or victim's minor child, stepchild, or a minor residing in the household; victim is under age 10; person used, attempted to use, or threatened to use a dangerous or deadly weapon; the person has a prior conviction of strangulation, any degree of assault, or menacing against the same victim or three prior convictions of these crimes against any victim; or person knows that the victim is pregnant.

Bill Summary: Senate Bill 1562 adds applying pressure to the chest of another person as a means of committing strangulation. The measure also elevates strangulation to a Class C felony when the victim is a family or household member.

Oregon Laws 2018: Chapter 84

[House Bill 4008](#)

Effective Date: January 1, 2019

Racial and Ethnic Data in Civil Damage Award Calculations

Chief Sponsors: Reps Power, Stark; Sen. Prozanski; Rep. Sanchez

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In a civil lawsuit, the court may award the plaintiff monetary damages in an effort to make the plaintiff whole or to return the plaintiff to a position as if the injury had not occurred. In many personal injury cases, a plaintiff's future earning potential must be analyzed to determine an appropriate level of award to compensate for the injury and its impact on the plaintiff's future. Courts may utilize tools and studies, such as U.S. Department of Labor lifetime earnings studies, U.S. Census Bureau statistics, and actuarial tables with mortality and work-life expectancy statistics, to assist with determining future impairment of earning capacity. Many of these tools allow data to be sorted by race, ethnicity, and gender.

Bill Summary: House Bill 4008 makes any calculations of projected future earnings that take race or ethnicity into account inadmissible in civil actions. It also provides that juries should be instructed that they may not take race or ethnicity into account when determining damages.

Oregon Laws 2018: Chapter 11

[House Bill 4009](#)

Effective Date: April 10, 2018

Parental Rights Restoration

Chief Sponsors: Rep. Sanchez

Committees: House Judiciary, Senate Human Services

Background and Current Law: Under Oregon law, a person's parental rights may be terminated under certain circumstances. An individual who has had their parental rights terminated may appeal the decision, but if the decision to terminate is upheld by the court or the parent decides not to appeal, the parent loses all legal rights. Currently, there is no process for the reinstatement of parental rights once they have been terminated.

Bill Summary: House Bill 4009 provides a process to reinstate parental rights. To obtain reinstatement, several conditions must be met, including that the child has not been adopted, no adoption is pending, and all relevant parties have received notice of the motion to reinstate parental rights. Furthermore, the fitness of the parent must be shown by clear and convincing evidence, the child must consent to the reinstatement, and reinstatement must be in the child's best interest. After reinstatement, the court retains jurisdiction of the child for six months and the Department of Human Services provides reunification services to the family.

Oregon Laws 2018: Chapter 89

[House Bill 4030](#)

Effective Date: January 1, 2019

Wildlife Restitution

At the request of: House Interim Committee on Agriculture and Natural Resources for Rep. Helm

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: In 2016, the Legislative Assembly enacted House Bill 4046, which increased penalties for unlawful taking of wildlife and allowed the Oregon Fish and Wildlife Commission to file suit for the recovery of civil damages for the taking of any listed wildlife. In 2017, a judge in Gilliam County found two men guilty of unlawfully possessing bighorn sheep remains, but ultimately denied the state's request for a restitution award, finding that the civil damages for unlawfully taking wildlife do not constitute "economic damages" necessary for purposes of restitution in criminal cases. This verdict was supported by a subsequent Court of Appeals case (*State v. Shockey*).

Bill Summary: House Bill 4030 allows courts to impose certain fines payable to the Oregon Fish and Wildlife Commission for criminal felony, misdemeanor, and violation offenses that involve the taking of wildlife.

Oregon Laws 2018: Chapter 14

[House Bill 4049](#)

Effective Date: April 3, 2018

Sexual Assault Forensic Evidence Kit Tracking System

Chief Sponsors: Rep. Barker

Committees: House Judiciary, Joint Ways and Means

Background and Current Law: Sexual assault forensic evidence kits (SAFE kits) are a series of tests and evidence collected from victims of sexual assault. The evidence gathered includes DNA, which may be tested to discover or verify the identity of an assailant. In 2016, Oregon began testing the backlog of approximately 5,600 untested kits. While efforts have been made to reduce the backlog, other factors have increased the number of kits being tested. The Task Force on the Testing of Sexual Assault Forensic Evidence Kits was established in 2016 to examine, review, and provide suggestions for improvement to the process of investigating sexual assaults and testing SAFE kits.

Bill Summary: House Bill 4049 directs the Oregon State Police (OSP) to form a committee to develop a SAFE kit tracking system. The OSP director must report the status of the tracking system to the Task Force, Governor, and Attorney General by January 1, 2019. Additionally, the measure extends the lifetime of the Task Force until June 30, 2021.

Oregon Laws 2018: Chapter 55

[House Bill 4055](#)

Effective Date: January 1, 2019

Failure to Perform the Duties of a Driver

Chief Sponsors: Reps. Olson, Barker

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Three statutes require a driver in an accident involving damage to property, injury to or the death of another person, or injury to or the death of a domestic animal, to perform certain duties before leaving the scene of the accident. In *State v. Garcia-Cisneros*, the court held a driver is not obligated under the statute to return to the scene of the accident if the driver does not learn of the accident until after the driver has left the scene.

Bill Summary: House Bill 4055 modifies the duties a driver must perform when the driver knows or has reason to believe that the driver was in a collision involving property damage, injury to or the death of a person, or injury to or the death of a domestic animal. A driver who discovers, after leaving the scene, that the driver may have been involved in a collision must make a good faith effort to comply with these duties, and contact 9-1-1 if the collision resulted in injury or death.

Oregon Laws 2018: Chapter 22

[House Bill 4056](#)

Effective Date: March 16, 2018

Scholarships for Children of Deceased or Disabled Public Safety Officers

Chief Sponsors: Reps. Olson, Witt; Sen. Bentz; Rep. Salinas; Sen. Prozanski

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In Oregon, property is subject to civil forfeiture when used in relation to prohibited conduct that involves criminal activities. Oregon law specifies disbursement of civil forfeiture proceeds, which fund a number of services and programs in the state. In 1999, the Public Safety Memorial Fund Board was created. It provides certain benefits to eligible officers and their family members, including educational scholarships. There is also a scholarship for children of public safety officers that is awarded by the Higher Education Coordinating Commission (HECC).

Bill Summary: House Bill 4056 distributes 10 percent of asset forfeitures into an account for scholarships awarded by the HECC, and changes the scholarship criteria, including specifying a qualifying death or disability for disbursement from the Public Safety Memorial Fund. The measure also allows disbursement of certain forfeiture proceeds for the support of all specialty courts.

Oregon Laws 2018: Chapter 23

[House Bill 4094](#)

Effective Date: January 1, 2019

Protective Proceedings

At the request of: House Interim Committee on Judiciary

Committees: House Judiciary, Senate Judiciary

Background and Current Law: When a personal injury case is settled on behalf of a minor or incapacitated person, the probate court determines if the settlement is reasonable. The parties submit affidavits in support of the settlement, which may contain sensitive and personal information. The affidavits are not confidential and the parties must redact sensitive information from the affidavit. Additionally, there is no requirement that a person who has been removed as a fiduciary in a protective proceeding report that removal to the court.

Bill Summary: House Bill 4094 makes confidential the affidavits in support of a petition for approval of a settlement involving a minor, incapacitated person, or decedent. The measure also requires immediate disclosure to the court when a person who is nominated to serve as a fiduciary in a protective proceeding has been removed or surcharged in a different proceeding. Disclosure must also be made in any future petitions for appointment as a fiduciary for a proposed protected person.

Oregon Laws 2018: Chapter 59

[House Bill 4095](#)

Effective Date: January 1, 2019

Confidential Communications with Lawyer Referral Services

At the request of: House Interim Committee on Judiciary

Committees: House Judiciary, Senate Judiciary

Background and Current Law: “Attorney-client privilege” refers to the legal right of clients to maintain the confidentiality of certain communications with their lawyers. It applies primarily to legal advice provided in the context of an attorney-client relationship, but it also applies to consultations with attorneys when a person is seeking representation. Clients hold and exercise the privilege to prevent disclosures, and only clients may waive protection.

Bill Summary: House Bill 4095 extends attorney-client privilege to individuals in need of legal advice who use lawyer referral services to connect with attorneys.

Oregon Laws 2018: Chapter 2

[House Bill 4097](#)

Effective Date: January 1, 2019

Court Facilitation Programs

At the request of: Chief Justice Balmer for Judicial Department

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Oregon Judicial Department data shows that in 2016, nearly 80 percent of family law cases had at least one self-represented litigant and in landlord-tenant actions, over 90 percent of parties were self-represented. In light of the high number of self-represented litigants and changing legal needs, courts are seeking options for better assisting self-represented litigants.

Bill Summary: House Bill 4097 allows courts to establish a court facilitation program under the supervision of the presiding judge of the court. The presiding judge must jointly plan the program with the county law library, the State Court Administrator, the local bar association, and local recipients of the Legal Services Program. Additionally, the measure allows counties with a population of over 700,000 to enter into governmental agreements with the Oregon Judicial Department to provide law library services or to contract with associations for services, and allows law library services to include family law facilitation or court facilitation programs.

Oregon Laws 2018: Chapter 29

[House Bill 4116](#)

Effective Date: March 16, 2018

Distracted Driving

Chief Sponsors: Rep. Noble; Sen. Prozanski

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In 2007, legislation was enacted making it a traffic violation for a minor to operate a motor vehicle while using a mobile communication device. The law was expanded in 2009 to apply to any person. In 2015, the Oregon Court of Appeals interpreted the law as prohibiting only talking and texting. The legislature clarified and expanded the offense in 2017 and increased penalties to a Class B traffic violation for a first offense; a Class A traffic violation for a subsequent offense within 10 years or for a first offense that contributes to an accident; and a Class B misdemeanor for a third offense within 10 years.

Bill Summary: House Bill 4116 modifies the exceptions and affirmative defenses to the offense of operating a motor vehicle while using a mobile communication device. It also specifies that enhanced classifications that depend on prior offenses only include prior convictions occurring on or after July 1, 2018.

Oregon Laws 2018: Chapter 32

[House Bill 4135](#)

Effective Date: June 2, 2018

Advance Directives

Chief Sponsors: Rep. Koteck; Sens. Prozanski, Steiner Hayward

Committees: House Health Care, Senate Judiciary

Background and Current Law: In 1993, Oregon adopted the first advance directive legislation in the nation. An advance directive is a legal document that appoints a representative to make health care decisions for another individual and/or allows a person to provide directions and preferences on receiving life-sustaining treatments if that individual becomes incapacitated. The advance directive does not apply when individuals can make their own health care decisions. The current advance directive form has not been modified since 1993.

Bill Summary: House Bill 4135 modifies Oregon's statutory advance directive form, changes the witnessing requirements for the form, allows notarization instead of witnessing, and establishes the Advance Directive Adoption Committee. The Committee is required to review the section of the form dealing with health care instructions every four years. If the Committee recommends modifications to that section of the form, the Oregon Legislative Assembly must enact the proposed changes before they can take effect.

Oregon Laws 2018: Chapter 36

[House Bill 4145](#)

Effective Date: January 1, 2019

Possession of Firearm Restrictions and Reporting Requirements

At the request of: Governor Brown

Committees: House Judiciary, Senate Judiciary

Background and Current Law: Current Oregon law prohibits certain individuals from knowingly possessing firearms or ammunition. Among those prohibited are those subject to restraining orders and persons convicted of qualifying misdemeanors against intimate partners. “Intimate partner” means the person’s spouse, parent of the person’s child, or persons who have been or are cohabitating, which does not include individuals who are or were in a sexual relationship but do not live together.

Bill Summary: House Bill 4145 expands the prohibition on possessing firearms to include those who are under court orders or who have qualifying convictions relating to family or household members, which includes persons who have been involved in sexually intimate relationships but who may not reside together. It also includes those who have been convicted of stalking in the prohibition of possessing a firearm or ammunition.

Additionally, the measure requires the Oregon State Police to enter qualifying convictions and terms of the judgments in the appropriate state and national databases and to send reports of attempted firearm purchases by prohibited individuals to the appropriate law enforcement entities. The Department must annually report on the number of attempted purchases by prohibited individuals and the outcomes of those attempts, including any investigations, charges, and resolutions.

Oregon Laws 2018: Chapter 5

[House Bill 4149](#)

Effective Date: January 1, 2019

Plea and Release Agreements

Chief Sponsors: Rep. Williamson; Sens. Manning Jr., Winters

Committees: House Judiciary, Senate Judiciary

Background and Current Law: In criminal cases, a plea agreement is an agreement between the defendant and the prosecutor whereby both parties avoid the uncertainty of trial for the certainty of a plea agreement. Sometimes these plea agreements can involve the defendant waiving certain rights. District attorneys are prohibited from conditioning a plea offer on a waiver of the right to exculpatory evidence or to the grand jury recording when the grand jury resulted in “a true bill.” Oregon law also governs agreements in criminal cases about the defendant’s release from custody pre-trial or post-conviction if the defendant has appealed the conviction.

Bill Summary: House Bill 4149 prohibits prosecuting attorneys from conditioning plea offers on a stipulation that an existing law is unconstitutional. The measure also prohibits courts from conditioning defendant’s release on defendant’s waiver of appearance at trial.

Oregon Laws 2018: Chapter 37

[House Bill 4150](#)

Effective Date: July 1, 2018

School Sexual Harassment Policies

Chief Sponsors: Rep. Salinas; Sens. Gelser, Thatcher

Committees: House Judiciary, Senate Education

Background and Current Law: School districts must adopt a policy on sexual harassment of students by staff or other students. At a minimum, the policy must apply to all students and staff and require investigations in a manner that does not adversely affect the educational assignments or study environment of the student. Upon conclusion of the investigation, the student who initiated the complaint and the student's parents are notified that the investigation has concluded.

Bill Summary: House Bill 4150 requires the notice to the student and student's parents to include whether a violation occurred, subject to applicable state and federal confidentiality laws. The measure extends the school district's sexual harassment policy by applying it to all persons who are on school property, at a school event, using school transportation, or at a school bus stop. Finally, the measure requires school districts to provide individuals receiving a sexual harassment violation notice with a clear, easy-to-read handout on their rights, legal and disciplinary options, and available resources.

Oregon Laws 2018: Chapter 38

[House Bill 4162](#)

Effective Date: June 2, 2018

Unauthorized Use of a Vehicle Changes

At the request of: Rep. Williamson

Committees: House Rules, Senate Finance and Revenue

Background and Current Law: "In prosecutions for the unlawful use of a vehicle, the prosecutor must prove beyond a reasonable doubt that the defendant knows the vehicle is being operated without the owner's consent. While a judge or jury may base a conviction on reasonable inferences drawn from circumstantial evidence, the Oregon Court of Appeals in *State v. Korth* (2015) concluded that certain fact patterns "require [] the stacking of inferences to the point of speculation." Because it is difficult to prove what a person's mental state is in court, some counties are experiencing an increase in the number of acquittals in these cases and are, as a result, prosecuting fewer stolen car cases.

Bill Summary: House Bill 4161 reduces the required mental state and allows a conviction for the unlawful use of a vehicle if a person takes, operates, exercises control over, or otherwise uses a vehicle, boat, or aircraft without the consent of owner.

Oregon Laws 2018: Chapter 66



LABOR AND EMPLOYMENT



LABOR AND EMPLOYMENT TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
SB 1559	Requires the Bureau of Labor and Industries, Oregon Health Authority, Oregon Department of Transportation, Department of Human Services, and Department of Environmental Quality to compile whistleblower data for a written report to the Governor and the legislature.	January 1, odd-numbered years
SB 1565	Requires DAS to make regular progress reports on implementation of procurement tools pilot programs to Governor and Joint Legislative Committee on Information Management and Technology, plus final evaluation and report.	December 31, 2019
SB 1566	Requires Public Employees Retirement System to report to the Oregon Department of Administrative Services and to the Legislative Fiscal Officer an estimate of how moneys in the School Districts Unfunded Liability Fund account will be distributed in the following biennium.	February 1 of odd-numbered years
SB 1566	Requires PERS to report to the Joint Committee on Ways and Means on the status of the Employer Incentive Fund, SDULF, and the Unfunded Accrued Liability Resolution program.	Each regular session until January 2, 2027
SB 1566	Requires the State Treasurer to report to the Legislative Assembly on the feasibility and prudence of borrowing moneys from the Oregon Short Term Fund for investments that allow supplemental deposits to PERS to reduce the Unfunded Actuarial Liability.	September 30, 2019

[Senate Bill 1531](#)

Not Enacted

Mental Health Sessions for Law Enforcement Officers

Chief Sponsors: Sens. Frederick, Manning Jr.; Rep. Piluso

Committees: Senate Judiciary

Background and Current Law: Current law requires police officers involved in the use of deadly physical force to complete at least one session with a mental health professional within six months. Law enforcement agencies are responsible for the cost of up to two sessions. No other mental health-related requirements are imposed on law enforcement officers, except fitness and background examinations that occur in the normal course of seeking certification and employment.

Bill Summary: Senate Bill 1531 would have added a requirement for law enforcement officers to participate in at least one session with a mental health professional every two years, paid for by law enforcement agencies.

[Senate Bill 1534](#)

Effective Date: January 1, 2019

Home Care Worker and Personal Support Worker Training

At the request of: Senate Interim Committee on Workforce

Committees: Senate Workforce, House Business and Labor

Background and Current Law: Home care workers (HCW) provide services for seniors or adults with physical disabilities. Personal support workers (PSW) provide services to individuals with intellectual or developmental disabilities or individuals experiencing mental illness. There are no licensing or training requirements for HCWs or PSWs. The Oregon Home Care Commission offers an orientation program and free training opportunities to HCWs and PSWs, but is not statutorily mandated to do so. Most training materials are available in English only, and the frequency and geographic location of the classes are limited.

Bill Summary: Senate Bill 1534 directs the Department of Human Services (DHS) to collaborate with the Home Care Commission to establish mandatory minimum training standards for home care workers and personal support workers. It requires DHS to provide training that is accessible statewide, is culturally appropriate, is offered in multiple languages, and considers the needs of each worker type. Additionally, the measure directs the agencies to maximize federal funds to pay for training.

Oregon Laws 2018: Chapter 75

[Senate Bill 1546](#)

Effective Date: June 2, 2018

Use of Service Credits as a Judge to Vest in OPSRP

At the request of: Chief Justice Balmer for Judicial Department

Committees: Senate Workforce, House Business and Labor

Background and Current Law: Judges are automatically enrolled in the Public Employees Retirement System (PERS) on the date they assume office. The retirement plan for judges is distinct from other PERS plans such as Tier One, Tier Two, and the Oregon Public Service Retirement Plan (OPSRP). A judge who was previously Tier One or Tier Two may apply service credits as a judge towards the hours of service required to vest in those pension plans. However, judges who were previously enrolled in OPSRP may not apply service credits as a judge towards the hours of service required to vest in OPSRP.

Bill Summary: Senate Bill 1546 allows judges previously enrolled in OPSRP, but not yet vested, to apply service credit as a judge toward the hours of service required to vest in OPSRP.

Oregon Laws 2018: Chapter 41

[Senate Bill 1559](#)

Effective Date: January 1, 2019

Whistleblower Protection Manual

Chief Sponsors: Sen. Winters

Committees: Senate General Government and Accountability, Senate Rules, House Rules

Background and Current Law: “Whistleblowers” are employees, typically public employees, who report questionable conduct or activity by their employer and, in doing so, put themselves at risk of retaliation by the employer. Such retaliation may take the form of discharge, demotion, or other adverse decision with regard to compensation or employment conditions. Congress initially addressed whistleblower rights and protections for federal employees as part of the Civil Service Reform Act of 1978, and has since strengthened those protections over time. Every state has since enacted statutory whistleblower protections for public employees, including Oregon, and a handful of states have extended protections to private employees.

Bill Summary: Senate Bill 1559 requires the Bureau of Labor and Industries (BOLI) to prepare an online manual of uniform whistleblower standards and procedures. The measure also requires that four state agencies pilot a process for two years that allows whistleblowers to report anonymously: Oregon Health Authority, Oregon Department of Transportation, Department of Human Services, and Department of Environmental Quality. BOLI and the identified agencies are also directed to compile data for a written report to the Governor and the legislature by January 1 of each odd-numbered year.

Oregon Laws 2018: Chapter 83

[Senate Bill 1565](#)

Effective Date: June 2, 2018

Statewide eProcurement

At the request of: Governor Brown

Committees: Senate General Government and Accountability, Joint Ways and Means

Background and Current Law: According to the Department of Administrative Services, procurement accounts for nearly 10 percent of Oregon's all funds budget and represents \$8 billion in biennial spending. The state has unified procurement rules but lacks a standardized processing and tracking system, so steps vary by agency, are manual, and can be labor intensive. At the same time, the available data is limited, impairing the state's ability to evaluate, analyze, manage, and leverage spending. Oregon has been moving toward an electronic procurement system since 2014, and 10 state agencies are currently poised to make the transition.

Bill Summary: Senate Bill 1565 directs the development of electronic procurement system rules and requires use by state agencies. Use is permissive for other contracting entities. The measure also pilots two procurement tools for evaluation for one year: a "reverse auction method," and a requirement to weight contract prices at 30 percent or more of the total weight given to all factors in an agency's final evaluation of proposals.

Oregon Laws 2018: Chapter 85

Senate Bill 1566

Effective Date: June 2, 2018

Public Employees Retirement System Funding

At the request of: Governor Brown

Committees: Senate Workforce, Joint Ways and Means

Background and Current Law: The retirement benefits paid to members of the Public Employees Retirement System (PERS) are funded by a combination of participating employer contributions and earnings on invested funds. The PERS Board adjusts contribution rates every two years so that, over time, those contributions will be sufficient to fund the projected benefits earned. However, when revenues are insufficient to pay for benefits already accrued, that shortfall is called the Unfunded Actuarial Liability (UAL). At the end of 2016, the UAL was \$19.9 billion. Some employers make a voluntary lump sum payment into a separate side account, attributable solely to that employer making the payment, to prepay for all or part of their projected costs of pension benefits. Not including the \$5.4 billion in employer side accounts at the end of 2016, the PERS liability was estimated to be 75 percent funded at that time (79 percent funded with side accounts).

In 2017, Governor Kate Brown appointed a task force to identify additional funding to reduce the PERS UAL by up to \$5 billion over the next five years. The task force report outlined a series of options and considerations for the Governor's review. Following review, the Governor proposed Senate Bill 1566.

Bill Summary: Senate Bill 1566 relates to employer contribution rates to PERS. It addresses the PERS UAL by establishing the Employer Incentive Fund (EIF), the School Districts Unfunded Liability Fund (SDULF), and the Unfunded Accrued Liability Resolution (UALR) Program.

Senate Bill 1566 appropriates moneys in the EIF to the Public Employees Retirement Board (PERB) to incentivize public employers to make lump sum prepayments of employer contributions. The EIF is capitalized by Senate Bill 1529 (2018) with one-time funding from a portion of corporate tax revenue received by the Department of Revenue, estimated to be \$25 million.

Senate Bill 1566 appropriates moneys in the SDULF to the PERB to apply against the liabilities of public employers that are school districts. The SDULF is capitalized by Senate Bill 1529 (2018) with one-time funding from a portion of corporate tax revenue received by the Department of Revenue, estimated to be \$115 million, and by additional revenue that may become available from excess proceeds from debt collection, capital gains taxes, estate taxes, and interest on unclaimed property.

Senate Bill 1566 creates the UALR Program to assist employers in the development of plans to improve their funded status and to manage changes in employer contribution rates.

Senate Bill 1566 directs the State Treasurer to report to the Legislative Assembly by September 30, 2019, on the feasibility and prudence of borrowing moneys from the Oregon Short Term Fund for investments that allow supplemental deposits to PERS to reduce the UAL. Lastly, the measure provides for an expedited review process by the Oregon Supreme Court to determine whether any provision is unconstitutional.

Oregon Laws 2018: Chapter 105

[House Bill 4012](#)

Effective Date: June 2, 2018

Employment of PERS Retirees as CTE Teachers

At the request of: House Interim Committee on Education

Committees: House Business and Labor, Senate Workforce

Background and Current Law: If a retiree receiving Public Employees Retirement System (PERS) benefits wishes to return to work, their benefit could be affected based on the plan they retired under, who their employer is, and how many hours they work: Tier One and Tier Two retirees may work for a PERS-participating employer up to 1,040 hours in a calendar year without a loss of benefits. To address a labor shortage, the Legislative Assembly passed House Bill 3058 in 2015, to allow Tier One and Tier Two retirees to work an unlimited number of hours as career and technical education teachers (CTE) without any loss of retirement benefits. The exemption expires June 30, 2018.

Bill Summary: House Bill 4012 extends the sunset to June 30, 2023, allowing Tier One and Tier Two PERS retirees to work as CTE teachers without a loss of retirement benefits.

Oregon Laws 2018: Chapter 48

[House Bill 4046](#)

Effective Date: April 3, 2018

PERS and Outside Compensation to Higher Education Employees

Chief Sponsors: Reps. Whisnant, Reardon, Gomberg, Buehler; Sens. Hansell, Roblan

Committees: House Business and Labor, Senate Workforce

Background and Current Law: Oregon law allows public university and community college employees to earn income from other private or public sources, including compensation from consulting, appearances, speeches, and intellectual property. State law specifies when compensation is considered official compensation in accordance with state ethics laws.

Bill Summary: House Bill 4046 provides that outside compensation received by an employee of a public university, Oregon Health and Science University, or a community college is not included in the employee's salary for purposes of the Public Employees Retirement System (PERS) unless it is paid to the employee by the employing institution. The measure applies to compensation paid on or after the bill's effective date.

Oregon Laws 2018: Chapter 54

[House Bill 4093-A](#)

Not Enacted

Amateur Athletes

At the request of: House Interim Committee on Judiciary

Committees: House Business and Labor, Senate Workforce

Background and Current Law: Current Oregon statute provides an exemption from workers' compensation insurance requirements for individuals who have been declared amateur athletes under the rules of the U.S. or Canadian Olympic Committees, provided they receive no remuneration other than room, board, rent, housing, lodging, or other reasonable incidental subsistence allowance. No other class of amateur athletes is exempt under Oregon law. Class action lawsuits commenced in Alberta and Ontario, Canada, allege that players in the Canadian Hockey League, including those who play for the Portland Winterhawks, are employees and subject to employment laws.

Bill Summary: House Bill 4093-A would have exempted amateur athletes from workers' compensation insurance coverage, unemployment insurance, minimum wage, and other employment-related provisions when actively training or conditioning for or participating in amateur sports activities, events, or competitions. It would have required each amateur sports organization to annually report to the Department of Consumer and Business Services the contact information for the regional, national, and international authority that has certified the organization as an amateur sports organization, as well as a roster listing each team, league, club, and association that is affiliated with the organization and that participates in amateur sports activities in Oregon.

[House Bill 4113](#)

Not Enacted

Collective Bargaining on Class Size

Chief Sponsors: Reps. Clem, Doherty

Committees: House Business and Labor, Senate Education

Background and Current Law: Under the Public Employee Collective Bargaining Act, both the public employer and the labor organization are required to collectively bargain in good faith with respect to "employment relations," which are defined as including matters such as direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures, and other conditions of employment. Subjects included within "employment relations" are also called mandatory subjects of bargaining, meaning that the bargaining representative and the employer must negotiate on those subjects. Other subjects may be bargained if there is mutual agreement to discuss these permissive subjects of bargaining.

Since passage of Senate Bill 750 (1995), class size has been a permissive subject of bargaining. From 1989 until Senate Bill 750 went into effect, class size was a mandatory subject of bargaining. Prior to 1989, class size was a permissive subject of bargaining.

Bill Summary: House Bill 4113 would have included class size as a mandatory subject of school district collective bargaining.

[House Bill 4154-B](#)

Not Enacted

Contractor's Liability for Wages Not Paid by Subcontractor

Chief Sponsors: Rep. Fahey

Committees Assigned: House Business and Labor, House Rules, Senate Rules

Background and Current Law: In 2017, the Bureau of Labor and Industries received approximately 1,200 employee wage claims, of which a disproportionately large share involved the construction industry. Contractors licensed by the Construction Contractors Board must maintain a bond which can be accessed by employees with a claim of unpaid wages. In addition, a construction contract with a government agency must require the contractor to maintain a payment bond, and a contract subject to prevailing wage rate laws requires the contractor and subcontractors to also maintain a \$30,000 bond.

Bill Summary: House Bill 4154-B would have required general contractors to cover unpaid wages, benefit payments, and other contributions due to employees of subcontractors if the general contractor had not paid the subcontractor in full and there was a valid wage claim. The measure would have required contractors to pay the Bureau of Labor and Industries the amount due to the subcontractor's employees under a final order; the general contractor would then withhold payment to the subcontractor.

[House Bill 4159](#)

Effective Date: April 13, 2018

PERS Individual Account Program

At the request of: Rep. Williamson

Committees: House Business and Labor, Joint Ways and Means

Background and Current Law: The Public Employees Retirement System (PERS) provides each member with an individual account program (IAP) benefit as well as a traditional pension benefit. Six percent of a member's salary is placed in their IAP; some employees make the contribution while others have their employer pick up the contribution. Until 2018, all moneys in the IAP were pooled and invested in the Oregon Public Employees Retirement Fund. The Oregon Investment Council decided in 2017 to reduce the risk exposure of members as they aged by investing each member's IAP in a target-date fund based on the member's year of birth. The investment changes began January 1, 2018.

Bill Summary: House Bill 4159 directs the Public Employees Retirement Board to adopt rules that allow members to choose how their IAP is invested among available options. A member may make an investment change once per calendar year, and the change becomes effective at the start of the next calendar year.

Oregon Laws 2018: Chapter 118



LAND USE



LAND USE TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving land use enacted through legislation during the 2018 session.

Equine Therapy Facilities

At the request of: Senate Interim Committee on Workforce

Committees: Senate Environment and Natural Resources; House Agriculture and Natural Resources

Background and Current Law: The exclusive farm use zone designation, along with the farm tax assessment program, was established by the legislature in 1961. Farm use is encouraged and protected within the zone while also allowing a variety of non-farm uses that have increased in type and number over the years. Minimum lot standards and dwelling approval standards limit the conversion of farmland to other uses. About 15.5 million acres of private land (56 percent) in Oregon are currently zoned for exclusive farm use.

Equine therapy includes a range of treatments that use a horse as a therapeutic tool. Hippotherapy is physical, occupational, or speech and language therapy that uses the movement of a horse to accomplish therapeutic goals.

Bill Summary: Senate Bill 1533 allows equine and equine-affiliated therapeutic and counseling activities that meet certain requirements in exclusive farm use zones.

Oregon Laws 2018: Chapter 119

Land Use Omnibus

At the request of: House Interim Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: House Bill 4031 impacts several land use issues.

In 1997, the Oregon legislature authorized guest ranches to allow ranchers a means of generating supplemental income from providing ranching experiences to the public, but sunset their operation. The most recent sunset expired on January 2, 2018.

Oregon law prohibits the siting of destination resorts and restricts new development in the Metolius River Basin, and allows for Transfer Development Opportunities (TDOs) that provide for the establishment of small-scale recreational communities in other locations in lieu of resort development. In 2017, a Metolius resort site owner began exploring Bradwood Landing in Clatsop County as a potential TDO site.

Senate Bill 1051 (2017) requires cities and counties to allow the development of at least one accessory dwelling unit (ADU) in areas zoned for detached single-family dwellings.

Bill Summary: House Bill 4031 reauthorizes guest ranches in areas of eastern Oregon zoned for exclusive farm use, subject to state and county approval or siting standards, until April 15, 2020.

The measure also allows a small-scale recreational community to be established as a TDO on land that is both planned and zoned for forest and rural use, subject to statewide land use planning goals relating to agricultural or forest lands; prohibits siting in natural or conservation estuaries; requires applicants to demonstrate adequacy of streets, utilities, and services; and deems certain county approvals of small scale recreational communities an exception to statewide land use planning goals. The measure modifies requirements for the selection of an economic development pilot program site by the Land Conservation and Development Commission.

Finally, House Bill 4031 clarifies that certain local governments must allow ADUs in areas zoned for detached single-family dwellings within urban growth boundaries.

Oregon Laws 2018: Chapter 15

[House Bill 4075](#)

Not Enacted

Designation of Reserves in Washington County

Chief Sponsors: Rep. Sollman; Sen. Johnson

Committees: House Agriculture and Natural Resources

Background and Current Law: Under Oregon's land use planning system, lands outside the Portland metropolitan area urban growth boundary may be designated as "urban or rural reserves" by Metro and Clackamas, Multnomah, and Washington Counties. Reserve designations were enacted by the 2007 legislature in Senate Bill 1011 to provide greater clarity around long-term land use expectations, including which areas might be urbanized, and which areas might remain zoned as farm or forest land. In 2014, the legislature passed the "Grand Bargain" land use bill, House Bill 4078, confirming Washington County's urban and rural reserve designations with some exceptions.

Bill Summary: House Bill 4075 would have redesignated certain real property in Washington County from rural to urban reserves, and authorized other real property in Washington County to be zoned for residential use in addition to existing uses.

[House Bill 4092-A](#)

Not Enacted

Aurora Airport Expansion

Chief Sponsors: Reps. Lewis, Vial; Sen. Girod

Committees: House Transportation Policy, House Rules

Background and Current Law: Oregon's airport network consists of 97 public-use airports. Local jurisdictions (cities, counties, and port districts) own Oregon's six commercial service airports (Eugene, Medford, North Bend, Pendleton, Portland, Redmond) and most general aviation airports. Twenty-eight airports are owned and maintained by the State of Oregon. The Aurora State Airport, constructed in 1943, is the largest of the state airports. It is located in Marion County, just south of the Marion-Clackamas county line, just east of Interstate 5. It has a single runway, 5,004 feet in length. The Aurora Airport's master plan calls for a 1,000-foot extension of its runway; however, while the airport has the land necessary for the runway, additional land must be acquired for supporting facilities.

Bill Summary: House Bill 4092-A would have established standards for expansion of the Aurora State Airport on land zoned for exclusive farm use. Local planning bodies would have been directed to approve the expansion unless the project would cause significant impacts on the community. Local governments would have been directed to amend their comprehensive plans as appropriate to conform to provisions of the measure.

House Bill 4092-A would also have directed the Oregon Homeland Security Council to consider the Aurora State Airport as a critical emergency preparedness, response, recovery, and resiliency platform and to prioritize state airports for resiliency investments.

Land Use Board of Appeals Remand Process

Chief Sponsors: Reps. Witt, Smith DB; Sen. Johnson; Rep. Heard; Sen. Roblan

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: The Land Use Board of Appeals (LUBA) was created to simplify the land use appeals process, speed resolution of land use disputes, and provide consistent interpretation of state and local land use laws. LUBA reviews final land use decisions and limited land use decisions, and issues a final opinion and order to affirm, reverse, or remand a challenged decision. Currently, upon remand of a LUBA decision, county governing bodies conduct hearings and make a decision for lands designated under a statewide planning goal addressing agricultural lands or forestlands.

Bill Summary: House Bill 4124 allows a county governing body to have the planning commission or a hearings officer conduct hearings and make decisions on cases involving designated agricultural lands or forestlands following a Land Use Board of Appeals remand decision, and retains county governing body authority to review and issue final decisions.

Oregon Laws 2018: Chapter 117



TRANSPORTATION



TRANSPORTATION TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Requirement	Deadline
HB 4063	The Task Force on Autonomous Vehicles is directed to report to interim committees on transportation on or before regarding deployment of autonomous vehicles on highways.	September 15, 2018
HB 4063	The Task Force is directed to report on the long-term effects of autonomous vehicle deployment to interim committees on transportation.	September 15, 2019

[Senate Bill 1506](#)

Effective Date: April 3, 2018

Oregon Wounded Warrior Parking Program

Chief Sponsors: Sens. Manning Jr., Olsen; Rep. Sanchez

Committees: Senate Business and Transportation, Joint Ways and Means

Background and Current Law: Current law provides parking privileges for disabled persons in the form of a placard. A disabled user placard allows parking in spaces reserved for the disabled, while a wheelchair user placard allows parking in spaces designated for disabled or wheelchair users, free parking in metered spaces, and unlimited parking in time-limited spaces. Local jurisdictions have the discretion to authorize additional privileges to individuals with disabled person parking placards.

Bill Summary: Senate Bill 1506 creates the “Oregon Wounded Warrior” parking designation for individuals with a service-connected total disability rating of at least 50 percent and who received a discharge or release under other than dishonorable conditions. The measure specifies that the designation allows parking in public, time-limited, and metered spaces without penalty or payment.

Oregon Laws 2018: Chapter 69

[Senate Bill 1532](#)

Effective Date: January 1, 2019

Motor Assisted Scooter Definition

Chief Sponsors: Sen. Johnson

Committees: Senate Business and Transportation, House Transportation Policy

Background and Current Law: Current statute defines a motor assisted scooter as a vehicle designed to operate on the ground with not more than three wheels and having handlebars for the operator’s use. Four-wheeled motor assisted scooters may alleviate a user’s concern of operating a motor assisted scooter on steep inclines and curb cut-outs by offering a more stable platform.

Bill Summary: Senate Bill 1532 modifies the definition of “motor assisted scooter” by including vehicles with four wheels and removing the reference to handlebars.

Oregon Laws 2018: Chapter 3

[Senate Bill 1536](#)

Effective Date: January 1, 2019

Mass Transit District Structure

At the request of: Senate Interim Committee on Business and Transportation

Committees: Senate Business and Transportation, House Transportation Policy

Background and Current Law: Oregon law allows two methods for the formation of a mass transit district. One method (ORS 267.085-ORS 267.090) allows the mass transit district to include all territory within the counties comprising the metropolitan statistical area and requires the Governor to appoint one director from each of seven subdistricts. The other method (ORS 267.107) limits the size of a district to a city's urban growth boundary and calls for the voters in each of seven subdistricts to select a director. For mass transit districts formed under the latter method, the district must seek voter approval for certain financing methods.

Bill Summary: Senate Bill 1536 requires mass transit district board members to be appointed by the Governor. The Governor must first seek recommendations for the positions from local business and civic groups if the mass transit district is formed under ORS 267.107. Effective January 1, 2026, the measure repeals the restriction on certain financing methods for mass transit districts that are formed under ORS 267.107.

Oregon Laws 2018: Chapter 4

[Senate Bill 1538](#)

Effective Date: January 1, 2019

Driver License Suspension Reform

At the request of: Senate Interim Committee on Business and Transportation

Committees: Senate Judiciary, House Judiciary

Background and Current Law: The Joint Interim Task Force on Reentry, Employment and Housing, created by Senate Bill 969 (2015), studied ways to improve successful reentry for persons with criminal histories. The task force met formally for more than a year and continued on its own initiative through the 2017 interim. It found that a driver license is critical to secure and maintain employment, but could be suspended for a number of reasons unrelated to driving.

Bill Summary: Senate Bill 1538 makes several changes to provisions involving driver licenses. First, it treats National Oceanic and Atmospheric Administration personnel the same as members of the military for certain driver license exceptions. It also eliminates probationary permits for persons whose licenses are revoked as habitual offenders; standardizes hardship permits (issued to drivers for a variety of reasons after a license suspension); and eliminates several types of suspensions for reasons unrelated to driving, as recommended by the Joint Interim Task Force on Reentry, Employment and Housing.

Oregon Laws 2018: Chapter 76

[House Bill 4003-A](#)

Not Enacted

Diesel Engine Emissions

Chief Sponsors: Reps. Nosse, Greenlick, Salinas

Committees: House Health Care, House Rules

Background and Current Law: The U.S. Environmental Protection Agency (EPA) estimated 10.3 million older diesel engines remained in use as of 2016. Diesel engine exhaust contains a mixture of gases and very small diesel particles that may cause health effects when an individual is exposed to high concentrations or has prolonged exposure. Currently, there are specific EPA regulations for newer on-road and off-road vehicles (2007 model year or newer).

Bill Summary: House Bill 4003-A would have specified state requirements for the adoption of indirect source review program rules to address locations that attract mobile sources of air contaminants, registration requirements for nonroad diesel engines, and adoption of diesel engine emission standards for specific on-road vehicles and nonroad engines. The measure would have authorized additional grant awards from the Environmental Mitigation Trust Agreement to reduce emissions from diesel engines operated in environmental justice communities or communities of color. The measure would also have repealed state preemption of local regulation of idling by primary engines in commercial vehicles.

[House Bill 4004](#)

Not Enacted

Transport of Oil by Rail

Chief Sponsors: Rep. Smith Warner

Committees: House Veterans and Emergency Preparedness

Background and Current Law: In 2015, the Oregon Legislative Assembly enacted House Bill 3225, which required the Office of the State Fire Marshal to adopt a plan for coordinated response to a spill or release of oil or other hazardous material that could occur during rail transport.

On June 3, 2016, a train carrying crude oil derailed near the small city of Mosier in the Columbia River Gorge. Eleven cars from the 96-car train left the rails near Rock Creek, which feeds the Columbia River. Several cars caught fire and some oil was released.

Bill Summary: House Bill 4004 would have designated train routes transporting high volumes of oil near bodies of water as high hazard train routes. The designation would have required railroads transporting oil through high hazard train routes to develop emergency response contingency plans and to submit such plans to the Department of Environmental Quality for approval.

[House Bill 4054](#)

Effective Date: January 1, 2019

Coordination of Portland Homeless Camp Cleanup

Chief Sponsors: Rep. Reardon; Sen. Monroe

Committees: House Transportation Policy, Senate Business and Transportation

Background and Current Law: The City of Portland prohibits unsanctioned camping within city limits (City Code 14A.50.020 and 14A.50.050). Under the code, campers are notified at least 24 hours in advance that an unlawful camping site will be cleared, though it typically takes between 24 and 72 hours before cleanup occurs. The cleanup process is designed to restore the land to public use, and can include removing debris, garbage, waste, and biohazards. The Oregon Department of Transportation, which manages several property sites within the City of Portland, utilizes different timelines and procedures for homeless camp cleanup.

Bill Summary: House Bill 4054 authorizes the Oregon Department of Transportation to enter into an intergovernmental agreement with the City of Portland to coordinate the removal of personal property from locations owned by the department as part of homeless camp cleanup operations. The measure specifies provisions that must be included in the intergovernmental agreement.

Oregon Laws 2018: Chapter 21

[House Bill 4059](#)

Effective Date: June 2, 2018

Transportation Package Policy Options

At the request of: Joint Committee on Transportation

Committees: Joint Transportation

Background and Current Law: In 2017, the Legislative Assembly enacted a comprehensive transportation funding and policy measure (House Bill 2017) that provided new and increased funding for several transportation modes. Roads and highways received additional funding from increased fuel taxes and vehicle fees; in addition, new revenue streams were created in the form of a statewide employee payroll tax for public transportation, a bicycle excise tax for off-road bicycle and pedestrian trails, and a vehicle dealer privilege tax for multimodal freight infrastructure and electric vehicle rebates. The measure also made significant changes to the governance structure of the Oregon Department of Transportation and created a statutory Joint Committee on Transportation.

Bill Summary: House Bill 4059 includes a suite of technical fixes and policy clarifications related to House Bill 2017 (2017), some being necessary to make the programs created by the latter measure work as intended, and others providing clarification of legislative intent. The measure also modifies several provisions of existing law, including adjusting traffic laws to accommodate connected vehicles, eliminating the cap on the allowed number of Pacific Wonderland vehicle registration plates, and compensation to owners of outdoor advertising signs affected by road construction.

Oregon Laws 2018: Chapter 93

[House Bill 4062](#)

Effective Date: June 2, 2018

Oregon Department of Transportation Fees

At the request of: House Interim Committee on Transportation Policy

Committees: House Transportation Policy, Joint Transportation

Background and Current Law: Oregon Department of Transportation's Driver and Motor Vehicle (DMV) Services Division service fees are set in statute. The fees are intended to cover the cost of service, with title and registration fees producing additional revenue for the State Highway Fund. As the cost of providing these services has increased, revenue that would otherwise be deposited into the State Highway Fund is used to cover the difference between the statutory fee and the actual cost of providing the service.

Under current law, DMV allows license plates to be transferred to a new vehicle for a \$6 fee. The statute does not allow DMV to require proof that the plates were legally acquired, nor does DMV have a method to determine whether the plates in question have been stolen.

Bill Summary: House Bill 4062 modifies several Oregon Department of Transportation fees to better cover the cost of service, and reorganizes statutes related to motor vehicle titling and registration, driving privileges, and vehicle business certificates. The measure also specifies that license plates that are transferred from one vehicle to another do not carry any remaining registration period with the plates, except when both vehicles are owned by the same person.

Oregon Laws 2018: Chapter 114

[House Bill 4063](#)

Effective Date: April 10, 2018

Autonomous Vehicle Task Force

At the request of: House Interim Committee on Transportation Policy

Committees Assigned: House Transportation Policy, Joint Ways and Means

Background and Current Law: The terms "automated motor vehicle" and "autonomous motor vehicle" refer to motor vehicles that use sensors, computers, and self-control systems to sense the surrounding road environment and other vehicles on the road and navigate with limited or no human input. Several vehicle manufacturers are developing and testing automated motor vehicles, and several jurisdictions allow for their operation on public roads. In addition, ride share companies such as Uber and Lyft are in the process of developing fleets of self-driving autonomous vehicles that would be available for use by ride share customers.

Bill Summary: House Bill 4063 designates the Oregon Department of Transportation as the state's lead agency responsible for coordinating autonomous vehicle (AV) programs and policies. The measure also establishes the Task Force on Autonomous Vehicles consisting of 26 members and supported by the Oregon Department of Transportation. The Task Force is directed to study and make recommendations regarding safe operation of AVs on public roads; the long-term effects of AVs on land use, transportation, public transit, and the workforce; and AV-related cybersecurity.

Oregon Laws 2018: Chapter 94

[House Bill 4087](#)

Effective Date: January 1, 2019

Auto Repair Shops

At the request of: House Interim Committee on Business and Labor

Committees: House Business and Labor, Senate Judiciary

Background and Current Law: A lien is a charge against property to secure payment of a debt, performance of an obligation, or discharge of a debt, tax, or duty owed. One type of lien is a “mechanic’s lien,” which allows an auto repair shop to assert a lien against the repaired vehicle until the owner settles payment for the services provided. A work group met during the 2017-2018 interim to develop consensus on changes to Oregon’s mechanic’s lien law.

Bill Summary: House Bill 4087 requires an auto repair shop to carry a \$20,000 bond to properly attach a mechanic’s lien on a repaired vehicle. The measure provides an avenue for recovery against those who improperly assert a lien on a repaired vehicle.

Oregon Laws 2018: Chapter 58

[House Bill 4092-A](#)

Not Enacted

Aurora Airport Expansion

Chief Sponsors: Reps. Lewis, Vial; Sen. Girod

Committees: House Transportation Policy, House Rules

Background and Current Law: Oregon’s airport network consists of 97 public-use airports. Local jurisdictions (cities, counties, and port districts) own Oregon’s six commercial service airports (Eugene, Medford, North Bend, Pendleton, Portland, Redmond) and most general aviation airports. Twenty-eight airports are owned and maintained by the State of Oregon. The Aurora State Airport, constructed in 1943, is the largest of the state airports. It is located in Marion County, just south of the Marion-Clackamas county line, just east of Interstate 5. It has a single runway, 5,004 feet in length. The Aurora Airport’s master plan calls for a 1,000-foot extension of its runway; however, while the airport has the land necessary for the runway, additional land must be acquired for supporting facilities.

Bill Summary: House Bill 4092-A would have established standards for expansion of the Aurora State Airport on land zoned for exclusive farm use. Local planning bodies would have been directed to approve the expansion unless the project would cause significant impacts on existing farm practices or to public health, public safety, or the welfare of individuals residing in the area. Local governments would have been directed to amend their comprehensive plans as appropriate to conform to provisions of the measure.

House Bill 4092-A would also have directed the Oregon Homeland Security Council to consider the Aurora State Airport as a critical emergency preparedness, response, recovery, and resiliency platform and to prioritize state airports for resiliency investments.

[House Bill 4099-A](#)

Not Enacted

Task Force on Motorboat Water Sports and Recreational Activities

Chief Sponsors: Reps. Vial, Power

Committees: House Transportation Policy, Joint Ways and Means

Background and Current Law: Wakeboarding is a water sport that involves standing on a small, rectangular wakeboard towed behind a motorboat that typically operates at speeds of 30 miles per hour or greater. The sport gets its name from the practice of using the boat's wake to leave the surface of the water to perform aerial tricks. Boats used for wakeboarding typically use equipment that raises the height of the tow cable and that increases water displacement to enlarge the boat's wake.

The growing popularity of wakeboarding on the Willamette River has led to concerns about the effects of powerful motorboats on river banks, river ecology, and other recreational river users.

Bill Summary: House Bill 4099-A would have created a Task Force on Motorboat Water Sports and Recreational Activities consisting of 10 members and staffed by the Oregon State Marine Board. The Task Force would have been directed to study conflicts between motorboat users, shoreline property owners, and those who use the river for recreational purposes.

[House Bill 4111](#)

Effective Date: April 3, 2018

Real ID Compliant Driver License Fee

Chief Sponsors: Reps. Witt, Hernandez

Committees Assigned: House Transportation Policy, Senate Business and Transportation

Background and Current Law: The federal Real ID Act of 2005 prescribes minimum standards for state-issued driver licenses and identification cards to ensure they are acceptable proof of identity for federal purposes. Oregon began the compliance process with the Real ID Act with passage of Senate Bill 1080 (2008); Senate Bill 374 (2017) subsequently created a separate driver license, referred to as a "Real ID," that fully satisfies the federal Real ID Act by requiring verification and electronic storage of identifying documents.

Bill Summary: House Bill 4111 clarifies fees required to obtain a driver license that complies with the Real ID Act for applicants seeking an original, replacement, or renewal of an existing license. The measure also prohibits the Oregon Department of Transportation from verifying documents used to obtain limited-term driver licenses, permits, or identification cards, and provides for the renewal of the same for specified persons in certain circumstances.

Oregon Laws 2018: Chapter 60

[House Bill 4130](#)

Effective Date: July 1, 2018

Student Transportation Grants

Chief Sponsors: Reps. McKeown, Lively; Sen. Roblan; Rep. Piluso

Committees: House Transportation Policy, Joint Ways and Means

Background and Current Law: Most Oregon school districts provide student transportation to and from public schools through the bus service funded by the State School Fund. Districts receive funding based on the number of students; districts with especially high per-student transportation costs receive a higher per-student rate. Buses funded by the State School Fund may transport students to and from school only; students participating in after-school programs or activities are often unable to utilize the school bus service.

Bill Summary: House Bill 4130 establishes a grant program under which the Oregon Department of Education awards, as grants to school districts, a percentage of student transportation costs for which the school district does not receive any funds from the State School Fund. The measure allocates \$250,000 for the current 2017-2019 biennium for the grant program. A related measure, House Bill 4059, specifies that up to one percent of revenues from the Statewide Transportation Improvement Fund may also be utilized for the grant program.

Oregon Laws 2018: Chapter 62

[House Bill 4138](#)

Not Enacted

Motorboat Erosion Regulations

Chief Sponsors: Reps. Kennemer, Vial

Committees Assigned: House Transportation Policy, Senate Business and Transportation

Background and Current Law: The growing popularity of wakeboarding on the Willamette River has led some to raise concerns about the effects of powerful motorboats on river banks, river ecology, and other recreational river users. The Oregon State Marine Board is the state's regulatory agency for maintaining safe access to and use of Oregon's waterways, providing education and enforcement for the boating public, and helping to address environmental stewardship.

Bill Summary: House Bill 4138 would have authorized the State Marine Board to adopt rules, at the request of the Department of State Lands, on the operation of motorboats to minimize and prevent erosion.



VETERANS



VETERANS TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving veterans enacted through legislation during the 2018 session.

[Senate Bill 1506](#)

Effective Date: April 3, 2018

Oregon Wounded Warrior Parking Program

Chief Sponsors: Sens. Manning Jr., Olsen; Rep. Sanchez

Committees: Senate Business and Transportation, Joint Ways and Means

Background and Current Law: Current law provides parking privileges for disabled persons in the form of a placard. A disabled user placard allows parking in spaces reserved for the disabled, while a wheelchair user placard allows parking in spaces designated for disabled or wheelchair users, free parking in metered spaces, and unlimited parking in time-limited spaces. Local jurisdictions have the discretion to authorize additional privileges to individuals with disabled person parking placards.

Bill Summary: Senate Bill 1506 creates the “Oregon Wounded Warrior” parking designation for individuals with a service-connected total disability rating of at least 50 percent and who received a discharge or release under other than dishonorable conditions. The measure specifies that the designation allows parking in public, time-limited, and metered spaces without penalty or payment.

Oregon Laws 2018: Chapter 69

[Senate Bill 1517](#)

Effective Date: January 1, 2019

Free Hunting Tags for Veterans

At the request of: Senate Interim Committee on Veterans and Emergency Preparedness

Committees: Senate Veterans and Emergency Preparedness, House Veterans and Emergency Preparedness

Background and Current Law: The Department of Fish and Wildlife currently operates a program to provide terminally ill children with hunting and fishing opportunities, at no charge, by issuing a certain number of tags to nonprofit entities that organize and sponsor such adventures. The number of tags is determined by rule and is currently 35 per year across all species. No more than a dozen tags have ever been issued in a single year since the program’s inception.

Bill Summary: Senate Bill 1517 incorporates disabled veterans and Purple Heart recipients into the existing program for free hunting tags for terminally ill children by allowing them to access unused tags. The measure caps the total number of tags made available to terminally ill children at 15 and allows the remaining 20 to be made available to eligible nonprofit entities that organize hunting excursions for disabled and combat wounded veterans. The measure also specifies the total number of tags that may be provided to each nonprofit for each species in a given season and limits eligible veterans to one tag per year. Each of the two programs may access the other’s unused tags if any are still available 30 days prior to the relevant season.

Oregon Laws 2018: Chapter 100

Post-Traumatic Stress Injury Awareness

At the request of: Senate Interim Committee on Health Care

Committees: Senate Health Care, House Health Care

Background and Current Law: Post-traumatic stress disorder (PTSD) is a mental health condition that may occur after an individual experiences or witnesses a traumatic event. Symptoms of PTSD may include persistent, frightening thoughts and memories of the event(s), sleep problems, detached or numb feelings, or being easily startled. The National Institute of Mental Health estimates that 6.8 percent of U.S. adults and 5 percent of adolescents will experience PTSD at some point during their lives.

Bill Summary: Senate Bill 1548 establishes June as Oregon Post-Traumatic Stress Injury Awareness Month and June 27 as Oregon Post-Traumatic Stress Injury Awareness Day. The measure urges the Oregon Health Authority, Oregon Department of Veterans' Affairs, and Oregon Military Department to continue working on educating victims of trauma about the causes, symptoms, and treatment of post-traumatic stress injury.

Oregon Laws 2018: Chapter 42

[House Bill 4038](#)

Effective Date: April 10, 2018

Veterans Omnibus Bill

At the request of: House Committee on Veterans and Emergency Preparedness

Committees: House Veterans and Emergency Preparedness, Joint Ways and Means

Background and Current Law: House Bill 4038 addresses a number of issues of concern to veterans: the siting of the Roseburg Veterans' Home, cemeteries for veterans, incarcerated veterans, the disposition of unclaimed military medals, and veterans' preference for public employment.

Bill Summary: There are two established Veterans' Homes in Oregon, in The Dalles and Lebanon, and a third pending development in Roseburg, for which the state has appropriated \$10 million. House Bill 4038 directs the Oregon Department of Veterans' Affairs (ODVA) to study the siting of the next Veterans' Home in Roseburg.

Oregon has been identified by the U.S. Department of Veterans' Affairs as having elevated priority for the development of a State Veterans' Cemetery. House Bill 4038 directs ODVA to study the siting of state veterans' cemeteries and tribal veterans' cemeteries.

In 2015, a task force convened pursuant to House Bill 2838 to study the needs of incarcerated veterans and make recommendations to the legislature. Consistent with those recommendations, House Bill 4038 requires ODVA to provide reentry services that include assistance with reinstatement of veterans' benefits and the appointment of veterans' service officers.

Unclaimed property in Oregon can be sold or destroyed by the Department of State Lands upon proper notice. House Bill 4038 excludes military medals and decorations from this process and provides for alternative disposition.

Veterans are given certain preferences in hiring with the State of Oregon. House Bill 4038 expands the definition of "disabled veteran" for the purpose of receiving public employment preference to include persons who are receiving service-connected compensation from the United States Department of Veterans Affairs.

Oregon Laws 2018: Chapter 91

Apprenticeship Informational Materials and Training

Chief Sponsors: Reps. Meek, Evans; Sen. Boquist; Reps. Heard, McKeown

Committees: House Veterans and Emergency Preparedness, Senate Veterans and Emergency Preparedness

Background and Current Law: Apprenticeship programs provide on-the-job training for careers in industrial, manufacturing, and construction trades. The Bureau of Labor and Industries currently administers apprenticeship programs in 23 subject areas through its Apprenticeship and Training Division, in partnership with private businesses and local communities.

Bill Summary: House Bill 4098 requires the Oregon Department of Veterans' Affairs to provide veterans' organizations and county veterans service officers with information and training on apprenticeship opportunities for veterans.

Oregon Laws 2018: Chapter 30

