



# SUMMARY OF LEGISLATION — 2019 —

LEGISLATIVE POLICY AND RESEARCH OFFICE  
80<sup>TH</sup> LEGISLATIVE ASSEMBLY



# 2019 SUMMARY OF LEGISLATION

## 80<sup>TH</sup> OREGON LEGISLATIVE ASSEMBLY

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### A PUBLICATION OF THE LEGISLATIVE POLICY AND RESEARCH OFFICE



The Oregon Legislative and Policy Research Office (LPRO) provides centralized, professional and nonpartisan research, issue analysis, and committee management services for the Legislative Assembly.

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# ABOUT THE SUMMARY OF LEGISLATION

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The 2019 Summary of Legislation summarizes selected measures that were considered by the 80th 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 on the chief sponsors, committees, background and current law, description of the measure, and date 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, amendments, public testimony, a complete measure history, and final vote tallies.

Users may search for individual measures in the 2019 Summary of Legislation by keyword or measure number and may consult the conversion table for the Oregon Laws 2019 chapter numbers.

The 2019 Summary of Legislation focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on the state budget 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 2019 when that information becomes available.

# TABLE OF CONTENTS

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Agriculture and Natural Resources .....	1
Alcohol and Marijuana Regulations.....	69
Business and Consumer Protection.....	91
Capitol Culture .....	132
Education .....	139
Elections .....	224
Emergency Preparedness .....	241
Energy .....	258
Environment.....	272
Government .....	295
Health Care.....	329
Housing .....	407
Human Services .....	437
Judiciary .....	493
Labor and Employment .....	589
Land Use .....	618
Public Employees Retirement System (PERS) .....	641
Transportation.....	652
Veterans .....	683

## 2019 SUMMARY OF LEGISLATION

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# AGRICULTURE AND NATURAL RESOURCES

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# AGRICULTURE AND NATURAL RESOURCES MEASURES

<b>Agriculture and Food</b>	Enacted	SB 287, SB 390, SB 402, SB 885, SB 1019, SB 1051, HB 2057, HB 2059, HB 2060, HB 2061, HB 2437, HB 2451, HB 2579, HB 3365, HB 3401, HB 3433
	Not Enacted	SB 241, SB 536, SB 853, SB 876, HB 2086, HB 2137, HB 2729, HB 2740, HB 2816, HB 2980, HB 3058, HB 3085, HB 3090, HB 3091, HB 3372
<b>Animals and Wildlife</b>	Enacted	SB 301, SB 580, SB 593, SB 883, HB 2070, HB 2829, HB 2834, HB 2841, HB 3035
	Not Enacted	SB 268, SB 302, SB 303, SB 398, SB 723, HB 2072, HB 2293, HB 2361, HB 2364, HB 2381, HB 2746, HB 2495, HB 3087, HB 3118, HB 3132
<b>Fish and Shellfish</b>	Enacted	SB 42, SB 1025, HB 2574, HCR 35
	Not Enacted	HB 2364, HB 2378, HB 2379, HB 2381, HB 2553, HB 3016
<b>Forests</b>	Enacted	SB 1051, HB 2222, HB 2953, HCR 14
	Not Enacted	SB 337, SB 694, SB 772, SB 893, SB 926, SB 931, HB 2656, HB 2659, HB 3025, HB 3044, HB 3433
<b>General</b>	Enacted	SB 50, SB 695, SB 753, HB 3309
	Not Enacted	SB 48, SB 259, SB 261, SB 339, SB 695, HB 2747, HB 2958, HB 3084, HB 3327
<b>Invasive Species</b>	Enacted	SB 445, HB 2076
	Not Enacted	HB 2365, HB 2816
<b>Mining</b>	Enacted	-none-
	Not Enacted	SB 45, SB 46

<b>Recreation</b>	Enacted	SB 47, HB 2078, HB 2079, HB 2351, HB 2352, HB 2652, HB 2835, HB 3168
	Not Enacted	SB 488
<b>Water</b>	Enacted	SB 431, HB 2084, HB 2085, HB 2377, HB 2436
	Not Enacted	SB 51, SB 254, SB 408, SB 432, SB 791, SB 946, HB 2331, HB 2438, HB 2796, HB 2819, HB 2851, HB 2853, HB 2854, HB 2856, HB 2979, HB 3081, HCR 33

Picture: Philomath Barn, Benton County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 445	Directs the Oregon Invasive Species Council to submit a report to the Legislative Assembly.	Biennially
SB 1025	Directs the Oregon Department of Fish and Wildlife to report on the recommendations of the Tillamook Bay Clam Advisory Committee to an interim legislative committee related to natural resources.	December 31, 2022
HB 2222	Directs the Oregon Department of Forestry to report on the implementation and enforcement status of the Oregon Forestland-Urban Interface Fire Protection Act to the Legislative Assembly.	September 15, 2019 and then again by June 15 each even-numbered year
HB 2437	Directs Oregon State University to study and report on the impacts of dry agricultural channel maintenance activities to the interim legislative committees related to agriculture, and to the Oregon Departments of State Lands, Agriculture, and Fish and Wildlife.	January 1, 2025
	----- Directs the Oregon Departments of State Lands, Agriculture, and Fish and Wildlife to report on dry agricultural channel maintenance program implementation and outcomes to the interim legislative committees related to agriculture.	----- December 15 of each odd-numbered year through 2029
HB 2835	Directs state agencies to report annually on any public use waterway sites' restrictions, closings, openings, or reopenings during the previous calendar year to the Legislative Assembly.	Annually by January 1



## AGRICULTURE AND NATURAL RESOURCES

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HB 2953	Directs Oregon Department of Forestry to report outcomes from all Good Neighbor Authority projects to an interim legislative committee related to economic development.	December 31, 2020 and then again, each even-numbered year
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### [Senate Bill 42](#)

**Effective Date: September 29, 2019**

#### **Restoration and Enhancement Program**

**At the request of:** Governor Kate Brown for State Department of Fish and Wildlife

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

**Background and Current Law:** The Legislative Assembly established the Restoration and Enhancement (R&E) Program in 1989 to improve recreational fishing opportunities and commercial salmon fisheries by restoring state-owned fish hatcheries, expanding hatchery production, enhancing natural fish production, and providing additional public access to fishing waters. Funding for the program comes from angling license fees for recreational and commercial permits and licenses. Under ORS 496.289, the R&E Board is currently required to meet every 120 days. Funding for the R&E Program is set to sunset on December 31, 2019.

**Bill Summary:** Senate Bill 42 removes the sunset on the funding for the R&E Program and changes the R&E Board meeting requirement from every 120 days to at least four times each biennium.

**Oregon Laws 2019:** Chapter 458

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### [Senate Bill 45-A](#)

**Not Enacted**

#### **Mining Fees**

**At the request of:** Governor Kate Brown for Department of Geology and Mineral Industries

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

**Background and Current Law:** Mineral exploration and production in Oregon are regulated by the Oregon Department of Geology and Mineral Industries (DOGAMI), in cooperation with other state, federal, and local agencies, to ensure the protection of adjacent natural resources and future beneficial use of mined lands. A five-member Governing Board of citizens, appointed by the Governor and confirmed by the Oregon Senate, oversees the Department.

**Bill Summary:** Senate Bill 45-A would have changed permit fees charged by DOGAMI.

### [Senate Bill 46-A](#)

**Not Enacted**

[\(see House Bill 3309\)](#)

#### **Surface Mining Definition**

**At the request of:** Governor Kate Brown for State Department of Geology and Mineral Industries

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

**Background and Current Law:** The Department of Geology and Mineral Industries' (DOGAMI) Mined Land Reclamation Program is the lead program for upland and underground mining regulation in Oregon. State law requires a valid operating permit issued by DOGAMI for any surface mining that exceeds one acre of disturbance in any 12-month period, 5,000 cubic yards of excavation in any 12-month period, or when total disturbance exceeds five acres unless the activity is exempt under ORS 517.770. In 2015, the Legislative Assembly established an exclusion certificate program for small-scale mining operations. Operators must pay a one-time application fee, an annual renewal fee, and submit an annual report. Current law requires an exclusion certificate for any mining activity that removes less than 5,000 cubic yards of material and affects less than one acre of land within a 12-month period.

**Bill Summary:** Senate Bill 46-A would have required an exclusion certificate for a surface mining operation that, within a 12-month period, results in the extraction of between 500 and 5,000 cubic yards of mineral. Senate Bill 46-A would also have excluded certain excavation and grading operations from the definition of surface mining and therefore from the requirement to obtain an operating permit.

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### [Senate Bill 47](#)

**Effective Date: September 29, 2019**

#### **Waterway Access Permits**

**At the request of:** Governor Kate Brown for State Marine Board

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

**Background and Current Law:** The Marine Board is charged with regulating boating activities while promoting the multiple use and enjoyment of waters of the state. While Oregon is currently experiencing a significant increase in non-motorized boating, more than three-quarters of the Board's revenue is based on registered, motorized boats and sailboats. As a result, the agency's fee structure does not support improving access for non-motorized boaters.

**Bill Summary:** Senate Bill 47 establishes the Waterway Access Fund to improve waterway access and promote boating safety education for the non-motorized boating community. It also requires a person operating a non-motorized boat that is more than 10 feet long to obtain a waterway access permit, sets permit fees, and eliminates the requirement to purchase an Aquatic Invasive Species permit for the same non-motorized boat.

**Oregon Laws 2019:** Chapter 507

### [Senate Bill 48](#)

**Not Enacted**

#### **Historic Property Tax Special Assessment**

**At the request of:** Governor Kate Brown for State Parks and Recreation Department

**Committees:** Senate Environment and Natural Resources, Senate Finance and Revenue, Joint Tax Expenditures

**Background and Current Law:** Established in 1975, Oregon's Special Assessment of Historic Property Program was the nation's first state-level historic preservation tax incentive. The program maintains a property's assessed value for 10 years equal to its assessed value at the time of application. To qualify, a property must either be listed in the National Register of Historic Places (individually or as a contributing property in a historic district) or be considered historic by the State Historic Preservation Officer and listed within two years of being certified for the program. Individuals must commit to spending 10 percent of the property value on repairs and rehabilitation to qualify for the special assessment. The special assessment program is scheduled to expire on July 1, 2020.

**Bill Summary:** Senate Bill 48 would have extended the sunset on the historic property special assessment program from July 1, 2020 to July 1, 2023. Please see House Bill 2164. This measure was enacted and extends the special assessment program until July 1, 2022.

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### [Senate Bill 50](#)

**Effective Date: September 29, 2019**

#### **State Park Timber, Sales and Forest Product**

**At the request of:** Governor Kate Brown for State Parks and Recreation Department

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

**Background and Current Law:** The Public Contracting Code (PCC) applies to state and local government agencies and public educational institutions when they are procuring goods and services or contracting for construction, engineering, and related services. Contracts for the sale of timber from lands owned or managed by the state Board of Forestry and Department of Forestry are exempt from the PCC.

ORS 390.121 requires the Oregon Parks and Recreation Department (OPRD) to appraise forest products before offering the products for sale. If the appraisal exceeds \$15,000, OPRD is required to use a competitive bid process.

**Bill Summary:** Senate Bill 50 exempts timber sale contracts on lands owned or managed by OPRD from the PCC and increases the value of forest product sales by OPRD that require a competitive bid process from \$15,000 to \$25,000.

**Oregon Laws 2019:** Chapter 90

### [Senate Bill 51](#)

**Not Enacted**

#### **Transfer of Stored Water Rights**

**At the request of:** Governor Kate Brown for Water Resources Department

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** Under ORS 537.120, all waters within the state of Oregon may be appropriated for beneficial use and any person intending to acquire the right to beneficial use must apply for a permit with the Water Resources Department (WRD). If a water right holder wishes to transfer the point of appropriation, type of use, or place of use, they must submit a transfer application to WRD. To approve a transfer application, WRD must determine that the proposed change will not enlarge the water right and will not injure other water rights. In 2018, the Oregon Department of Justice issued a memo concluding that, with some exceptions, state law does not authorize WRD to allow changes to a right to store water.

**Bill Summary:** Senate Bill 51 would have established a process to change the type of use for a storage right and ratify and declare valid any change in type of use for a storage right that was approved by the Water Resources Department prior to the effective date of the Act.

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### [Senate Bill 241](#)

**Not Enacted**

#### **Crop Donation Tax Credit**

**Chief Sponsors:** Sens. Thomsen, Burdick, Hansell

**Committees:** Senate Environment and Natural Resources, Senate Finance and Revenue, Joint Tax Expenditures

**Background and Current Law:** The crop donations tax credit provides a credit against personal or corporate income taxes available to crop growers who make a qualified donation of the crop to a food bank or other charitable organization including, but not limited to, gleaning cooperatives. To be a qualified donation, donated crops must go to food banks, gleaning cooperatives, and other charitable organizations engaged in the distribution of food without charge. The credit is scheduled to expire on January 1, 2020.

**Bill Summary:** Senate Bill 241 would have extended the sunset on the tax credit for crop donation from January 1, 2020 to January 1, 2026 and increased the percentage of wholesale price allowed as a credit from 15 to 30 percent. Please see House Bill 2164. This measure was enacted and extends the tax credit until January 1, 2026.



### [Senate Bill 254-A](#)

**Not Enacted**

#### **Levee Project Grants**

**Chief Sponsors:** Sens. Roblan, Frederick; Rep. DB Smith

**At the request of:** former Rep. Deborah Boone

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

**Background and Current Law:** A levee is a man-made structure, usually an earthen embankment, designed and constructed to contain, control, and divert the flow of water to reduce risks from temporary flooding. According to the Federal Emergency Management Agency, when new flood maps are being issued for a community with a levee system and a levee is found to no longer meet federal standards for reducing the risks associated with a major flood, the flood risk around the levee is mapped as high-risk. Property owners in high-risk areas are subject to federal flood insurance requirements once the new maps take effect and must purchase flood insurance policies if they have mortgages from a federally regulated or insured lender. In 2015, Senate Bill 306 authorized the Infrastructure Finance Authority within Business Oregon to provide financial assistance to levee projects in the form of loans or grants from the Special Public Works Fund (SPWF), a revolving loan fund that provides loans and grants to local governments to support public infrastructure projects.

**Bill Summary:** Senate Bill 254-A would have extended to all public bodies the eligibility to apply for levee project grant funds.

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### [Senate Bill 259](#)

**Not Enacted**

[\(see House Bill 2181-A\)](#)

#### **Task Force on Maritime Sector Workforce Development**

**Chief Sponsors:** Sen. Roblan; Reps. DB Smith, Gomberg

**At the request of:** former Rep. Deborah Boone, Oregon Coastal Zone Management Association

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

**Background and Current Law:** According to the Oregon Employment Department, Oregon's maritime sector workforce totaled nearly 19,000 in 2017. Maritime sector jobs are in 33 of Oregon's 36 counties. The State Workforce and Talent Development Board exists to identify key industries and workforce skills needed; needs for education, training, work experience, and job preparation; and opportunities for partnerships with key industry sectors to ensure access to and employment advancement for all Oregonians (Chapter 245, Oregon Laws 2005). The Board must develop and update a unified state Workforce and Talent Development Plan every biennium and submit a report about the Plan to the Governor and the Legislative Assembly every year.

**Bill Summary:** Senate Bill 259 would have established the Task Force on Maritime Sector Workforce Development to study the maritime sector workforce in Oregon and develop recommendations for the State Workforce and Talent Development Board to address the maritime sector in a unified statewide workforce development plan.

### [Senate Bill 261](#)

**Not Enacted**

#### **Oregon Coast Aquarium Funding**

**Chief Sponsors:** Sen. Roblan; Reps. Gomberg, McKeown

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

**Background and Current Law:** The Oregon Coast Aquarium is a 501(c)(3) nonprofit organization located in Newport, Oregon. The Aquarium's mission is to create unique and engaging experiences that connect visitors to the Oregon coast and to inspire ocean conservation.

**Bill Summary:** Senate Bill 261 would have appropriated \$10 million to the Oregon Coast Aquarium for projects that have been identified as priorities for the aquarium's current capital campaign. Please note: House Bill 5050 was enacted and appropriated \$5,106,587 to the Oregon Coast Aquarium.

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### [Senate Bill 268](#)

**Not Enacted**

#### **Income Tax Subtraction for Pet Adoption**

**Chief Sponsors:** Sen. Olsen

**Committees:** Senate Environment and Natural Resources, Senate Finance and Revenue

**Background and Current Law:** According to the American Veterinary Medical Association, the total number of companion dogs and cats in U.S. households numbered more than 143 million in 2012, with more than 36 percent of households owning dogs and more than 30 percent owning cats. Oregon ranked fourth on the list of pet-owning states, with 64 percent of households owning a pet. As of 2014, approximately 3.2 million dogs and cats were adopted each year in the U.S. from animal shelters (American Society for the Prevention of Cruelty to Animals).

**Bill Summary:** Senate Bill 268 would have created a personal income tax subtraction for the adoption of a dog or cat from an animal rescue entity.

### [Senate Bill 287](#)

**Effective Date:** January 1, 2020

#### **Farm Breweries**

**Chief Sponsors:** Sens. Roblan, Olsen; Rep. Gomberg

**Committees:** Senate Environment and Natural Resources, House Agriculture and Land Use

**Background and Current Law:** House Bill 3280 (2011) established the activities and events that a winery may hold when established as a permitted use on lands zoned for exclusive farm use (EFU); the provisions allowing for private events at wineries that met acreage and production requirements were scheduled to sunset on January 1, 2014. Senate Bill 841 (2013) allowed wineries meeting one of three production and acreage thresholds to be established as a permitted use on both EFU and mixed farm and forest land and clarified allowable activities at such wineries. Senate Bill 677 (2017) was modeled on the winery statutes and established a cider business as a permitted use on EFU and mixed farm and forest use lands.

**Bill Summary:** Senate Bill 287 sets standards for the establishment of farm breweries on lands zoned for exclusive farm use or mixed farm and forest use.

**Oregon Laws 2019:** Chapter 244

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### [Senate Bill 301](#)

**Effective Date:** January 1, 2020

#### **Elk Damage Program**

**Chief Sponsors:** Sen. Hansell; Rep. Barreto

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

**Background and Current Law:** Property damage commonly attributed to elk includes agricultural crop and pasture reduction due to grazing; tree damage due to bark gnawing or seedling pulling; and destruction of fences, gardens, and yards. The Southwest Oregon Landowner Preference Pilot Program was created by the Legislative Assembly in 2003 to address damage caused by elk on private lands in Jackson, Josephine, Coos, Curry, and Douglas Counties by implementing less restrictive landowner preference rules for qualifying landowners in the pilot study area. While the pilot program was set to sunset in 2014, legislation enacted in 2013 expanded the program statewide by creating the Oregon Landowner Damage Program. Currently, the program is required to limit the use of damage tags to taking antlerless elk and can only be used on property owned, leased, or rented by the landowner or by a business entity that includes the landowner as a principal partner or shareholder. The statewide program is scheduled to sunset on January 2, 2020.

**Bill Summary:** Senate Bill 301 requires the Oregon Department of Fish and Wildlife to consider elk overpopulation when implementing the Oregon Landowner Damage Program and removes the sunset on the program.

**Oregon Laws 2019:** Chapter 324

### [Senate Bill 302](#)

**Not Enacted**

#### **Game Meat Disposition**

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) is responsible for monitoring the numbers and health of wildlife species, setting population conservation and management objectives, overseeing wildlife habitat restoration and maintenance, and regulating harvest of game animals. ODFW also establishes the allowable disposition of game meat.

**Bill Summary:** Senate Bill 302 would have allowed a person taking an antelope, bighorn sheep, deer, elk, moose, or mountain goat to retain game meat after offering the meat to a set number of charitable organizations that refuse the donation or to make any disposition of the meat authorized by ODFW.

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### [Senate Bill 303](#)

**Not Enacted**

#### **Use of Landowner Damage Tag on Adjacent Property**

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** Property damage commonly attributed to elk includes agricultural crop and pasture reduction due to grazing; tree damage due to bark gnawing or seedling pulling; and destruction of fences, gardens, and yards. The Southwest Oregon Landowner Preference Pilot Program was created by the Legislative Assembly in 2003 to address damage caused by elk on private lands in Jackson, Josephine, Coos, Curry, and Douglas Counties by implementing less restrictive landowner preference rules for qualifying landowners in the pilot study area. While the pilot program was set to sunset in 2014, legislation enacted in 2013 expanded the program statewide by creating the Oregon Landowner Damage Program. Currently, the program is required to limit the use of damage tags to taking antlerless elk and can only be used on property owned, leased, or rented by the landowner or by a business entity that includes the landowner as a principal partner or shareholder. The statewide program is scheduled to sunset on January 2, 2020.

**Bill Summary:** Senate Bill 303 would have authorized the use of landowner damage tags on adjacent property with written authorization from the landowner and would have repealed the sunset on the Oregon Landowner Damage Program.

### [Senate Bill 337](#)

**Not Enacted**

#### **Fire Season Interagency Staffing Agreements**

**Chief Sponsors:** Sen. Baertschiger Jr

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

**Background and Current Law:** The Oregon Department of Forestry (ODF) provides fire protection on approximately 16 million acres, consisting primarily of privately owned forestlands, but also state-owned and other public land, including west-side forests owned by the U.S. Bureau of Land Management. Under ORS 477.505, the State Forester may designate the beginning of fire season when conditions of fire hazard exist in a forest protection district or any part of a district.

**Bill Summary:** Senate Bill 337 would have directed the ODF, Oregon Department of Fish and Wildlife (ODFW), and Oregon Department of Transportation (ODOT) to enter into interagency agreements to allow the use of ODFW and ODOT personnel to provide staffing assistance to ODF as needed during any period when the State Forester has declared fire season.

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### [Senate Bill 339](#)

**Not Enacted**

#### **Rangeland Protection Associations**

**Chief Sponsors:** Sen. Baertschiger Jr

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

**Background and Current Law:** ORS 477.317 authorizes the State Forester to enter into cooperative agreements with a rangeland protection association (RPA) to assist with organization, training, and acquisition of firefighting equipment. The earliest RPA was established in Oregon in 1964, but most began in the 1990s and 2000s. As of 2017, there were 22 RPAs established in eastern Oregon, covering 14 million acres of land. (Rangeland Fire Protection Associations: An Alternative Model for Wildfire Response, Ecosystem Workforce Program Working Paper Number 80, University of Oregon).

**Bill Summary:** Senate Bill 339 would have included land used primarily for cultivating crops in the definition of "rangeland" for purposes of organizing rangeland protection associations and providing fire protection for rangelands.



### [Senate Bill 390](#)

**Effective Date: September 29, 2019**

#### **Farm Direct Olive Oil**

**At the request of:** David and Carmen Lawrence

**Chief Sponsors:** Sen. Boquist

**Committees:** Senate Business and General Government, House Agriculture and Land Use

**Background and Current Law:** Current statute requires the Oregon Department of Agriculture (ODA) to adopt and enforce sanitation requirements for food and food establishments, including construction and maintenance of the structure and equipment, water supply, and health and cleanliness of the personnel and premises. Specified products are exempt from ODA's standards for food and food establishments when marketed or sold by a farm directly to consumers.

**Bill Summary:** Senate Bill 390 adds olive oil to the list of agricultural products exempt from ODA's standards for food and food establishments when marketed or sold by a farm directly to consumers.

**Oregon Laws 2019:** Chapter 249

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### [Senate Bill 398](#)

**Not Enacted**

#### **Elk Depredation Hunting Tags**

**Chief Sponsors:** Sen. Bentz

**At the request of:** Kenny Holiday and Jim Bentz

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** Property damage commonly attributed to elk includes agricultural crop and pasture reduction due to grazing; tree damage due to bark gnawing or seedling pulling; and destruction of fences, gardens, and yards.

**Bill Summary:** Senate Bill 398 would have authorized the State Fish and Wildlife Commission to issue elk depredation hunting tags to a person who demonstrated that, on each of 30 or more days in one calendar year, 50 or more elk were on the person's property. The measure would have required the Commission to issue one tag for every 50 elk demonstrated to be on a person's property.

### [Senate Bill 408](#)

**Effective Date:** January 1, 2020

#### **Utility Facilities on Exclusive Farm Use Lands**

**Chief Sponsors:** Sens. Hansell, Manning Jr; Rep. G Smith

**Committees:** Senate Environment and Natural Resources, House Agriculture and Land Use

**Background and Current Law:** Oregon law establishes that agricultural use is an efficient means of conserving natural resources; that the preservation of land for agricultural use is a state priority; and that expansion of urban development into rural lands is a concern because of conflicts between farm and urban activities, such as noise, dust or odor, and loss of open spaces from such expansion (ORS 215.243). Certain nonfarm uses may be allowed on exclusive farm use (EFU) lands.

**Bill Summary:** Senate Bill 408 allows a county to approve a proposed division of land in an EFU zone for utility facilities necessary for public service if it finds the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

**Oregon Laws 2019:** Chapter 262

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### [Senate Bill 431](#)

**Effective Date:** September 29, 2019

#### **Urban Flood Safety and Water Quality District**

**Chief Sponsors:** Sen. Frederick; Rep. Gorsek

**Committees:** Senate Environment and Natural Resources, Senate Finance and Revenue, House Revenue

**Background and Current Law:** A 27-mile levee system that runs from North Portland through Gresham, Fairview, and Troutdale protects the area from flooding along the Columbia River. Four individual drainage districts currently manage sections of the system; these districts were formed, and their revenue structure was established, when the area was still primarily farmland. The districts have been able to fund basic operations and maintenance, but there have been limited capital improvements. Following Hurricane Katrina, the federal government overhauled federal safety standards for levees, and this local system is no longer in compliance.

**Bill Summary:** Senate Bill 431 establishes an urban flood safety and water quality district within the urban growth boundary of Multnomah County to acquire, purchase, construct, improve, operate, and maintain works that are specified by the measure.

**Oregon Laws 2019:** Chapter 621

### [Senate Bill 432](#)

**Not Enacted**

#### **Urban Flood Safety and Water Quality District**

**Chief Sponsors:** Sens. Frederick, Roblan; Rep. Gorsek

**At the request of:** former Rep. Deborah Boone

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

**Background and Current Law:** A levee is a man-made structure, usually an earthen embankment, designed and constructed to contain, control, and divert the flow of water to reduce risk from temporary flooding. According to the Federal Emergency Management Agency, when new flood maps are being issued for a community with a levee system and the levee is found to no longer meet federal standards for reducing the risks associated with a major flood, the flood risk around the levee is mapped as a high-risk area. Property owners in high-risk areas are subject to federal flood insurance requirements once the new maps take effect and must purchase a flood insurance policy if they have mortgages from a federally regulated or insured lender.

**Bill Summary:** Senate Bill 432 would have authorized the State Treasurer to issue lottery bonds in an amount that produces \$10 million in net proceeds and interest earnings for purposes for which funds in the Levee Project Subaccount of the Special Public Works Fund may be used.

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### [Senate Bill 445](#)

**Effective Date: September 29, 2019**

#### **Invasive Species Council Membership and Report**

**Chief Sponsors:** Sen. Roblan

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

**Background and Current Law:** ORS 570.755 defines "invasive species" to mean "nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. 'Invasive species' does not include humans, domestic livestock or nonharmful exotic organisms." In 2001, the Legislative Assembly established the Oregon Invasive Species Council to conduct a comprehensive and coordinated effort to prevent, detect, control, and eliminate invasive species harming the region's economy, health, and natural resources. The responsibilities of the Council include maintaining an invasive species reporting hotline, educating the public about invasive species, developing a statewide plan for invasive species, and providing a grant or loan program for the eradication of invasive species.

**Bill Summary:** Senate Bill 445 requires the Council to submit a biennial report to the Legislative Assembly and revises the Council membership. House Bill 5050 (2019), appropriates \$300,000 to the Council.

**Oregon Laws 2019:** Chapter 622

### [Senate Bill 448-A](#)

**Not Enacted**

#### **Outdoor Recreation Pass**

**Chief Sponsors:** Sens. Thomsen, Dembrow, Roblan; Reps. Marsh, Helm, Bonham, Helt, Lewis, Williams

**At the request of:** Oregon Outdoors, Oregon State Sheriffs' Association, Mt. Hood Meadows, Oregon Restaurant and Lodging Association

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

**Background and Current Law:** The Oregon Office of Emergency Management (OEM) operates the State Search and Rescue (SAR) Program to address the need to find people who become lost or injured while recreating in the variety of outdoor activities for which Oregon is so well known. The purpose of the SAR program is to promote and assist in SAR activities throughout the state. To do so, SAR liaises with the Oregon County Sheriff's Association Search and Rescue Advisory Council, whose members represent the 36 county SAR coordinators.

**Bill Summary:** Senate Bill 448-A would have directed the OEM to establish and administer an outdoor recreation search and rescue card program.

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### [Senate Bill 536](#)

**Not Enacted**

#### **Milk Products**

**Chief Sponsors:** Sen. Hansell

**At the request of:** Oregon Dairy Association

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

**Background and Current Law:** The Oregon State University Food Innovation Center (FIC) Agricultural Experiment Station is located in Portland, Oregon. The FIC website describes the center as "a resource for client-based product and process development, packaging engineering and shelf life studies, food safety, and consumer sensory testing." The FIC also conducts research into the development of processing, packaging and traceability technologies, and addresses food safety issues. The Agricultural Development and Marketing Division of the Oregon Department of Agriculture is located at the FIC.

**Bill Summary:** Senate Bill 536 would have appropriated \$250,000 to the FIC to support milk product development.

### [Senate Bill 580](#)

**Effective Date:** January 1, 2020

#### **Cyanide Devices to Control Wildlife**

**Chief Sponsors:** Sen. Prozanski; Rep. Gomburg

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

**Background and Current Law:** Sodium cyanide ejectors have been used in various forms to manage predator damage since the 1930s. The M44 is a spring-powered device that is staked into the ground, baited, and designed to prompt a "bite and pull" response from the animal. When activated, sodium cyanide powder is ejected upward into the mouth of the animal, resulting in the animal's death. These devices are used to control populations of coyotes, foxes, and wild dogs that may carry communicable disease and are suspected or preying on livestock.

**Bill Summary:** Senate Bill 580 prohibits the use of a cyanide device designed to propel a dose of sodium cyanide into an animal for the purpose of taking the animal.

**Oregon Laws 2019:** Chapter 81

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### [Senate Bill 593](#)

**Effective Date:** January 1, 2020

#### **Additional Points for Veterans for Controlled Hunts**

**Chief Sponsors:** Sens. Prozanski, Manning, Jr.; Rep. Hayden

**At the request of:** Ron Hjort

**Committees:** Senate Veterans and Emergency Preparedness, House Natural Resources

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) issues tags for general hunting seasons as well as for limited-entry, controlled hunts. Most big game hunting in Oregon is limited-entry. Controlled hunts are organized by location and species, and hunters must apply in advance for an opportunity to participate in a random drawing to receive tags. The system is designed to increase unsuccessful applicants' chances of receiving a deer or elk tag over time, by giving preference points every year they do not receive a tag. ODFW may award additional preference points to individuals issued a resident annual pioneer combination hunting and angling license (persons at least 65 years old who have lived in Oregon at least 50 years). ODFW does not currently award additional preference points to individuals issued a resident disabled veteran hunting license (eligible veterans with a disability rating of at least 25 percent, as determined by the U.S. Department of Veterans Affairs).

**Bill Summary:** Senate Bill 593 allows individuals issued a resident disabled veteran hunting license to be eligible to receive additional preference points for controlled hunts, the same as individuals issued a resident annual pioneer combination hunting and angling license.

**Oregon Laws 2019:** Chapter 82



### [Senate Bill 694](#)

**Not Enacted**

#### **Task Force on Rural Fire Protection District Community Development**

**Chief Sponsors:** Sen. Roblan

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

**Background and Current Law:** Under state law, rural fire protection districts (RFPDs) may levy property taxes within the district boundary to provide fire protection and other public safety services. RFPDs may contract for water services and facilities, emergency medical service equipment and services, law enforcement services, fire protection, road lighting facilities and services, mutual communication systems, and regional oil and hazardous materials emergency response teams. The districts are governed by boards that report to the State Fire Marshal, and the State Fire Marshal cooperates in their formation and administration.

**Bill Summary:** Senate Bill 694 would have established the Task Force on Rural Fire Protection District Community Development.

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### [Senate Bill 695](#)

**Effective Date: January 1, 2020**

#### **Promissory Notes Issued by Ports**

**Chief Sponsors:** Sen. Roblan; Reps. McKeown, Gomberg

**Committees:** Senate Environment and Natural Resources, Senate Finance and Revenue, House Revenue

**Background and Current Law:** Oregon's 23 ports provide recreational, commercial, and economic services to residents and businesses in Oregon and serve as state, national, and international transportation gateways. According to Business Oregon, one in six Oregon jobs, excluding construction jobs, is directly or indirectly dependent on ports. (Ports 2010, A New Strategic Business Plan for Oregon's Ports) A "promissory note" is "an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds." (Oregon Uniform Commercial Code, ORS 79.0102 UCC 9-102).

**Bill Summary:** Senate Bill 695 places a \$10 million cap on the amount of debt that a port may incur by promissory note and sets a maximum 10-year term limit on the note.

**Oregon Laws 2019:** Chapter 627

### [Senate Bill 723-B](#)

**Not Enacted**

#### **Coyote Hunting Contests**

**Chief Sponsors:** Sens. Dembrow, Golden

**Committees:** Senate Judiciary, Senate Rules, House Rules

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) estimates that there are approximately 300,000 coyotes in Oregon. Coyotes are not a protected species, and the hunting of coyotes is not regulated by ODFW. Coyotes can be killed on an owner's land without a hunting permit and on public land with a permit. There is currently no limit on the number of coyotes that can be killed by a single individual or during a single hunting contest or other event.

**Bill Summary:** Senate Bill 723-B would have prohibited individuals or groups from conducting or participating in coyote hunting contests or events for prizes. It would make a violation of the prohibition a Class A violation and require that the remains of coyotes killed during such contests to be turned over to ODFW.

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### [Senate Bill 753](#)

**Effective Date:** May 7, 2019

#### **Oregon Ocean Science Trust Fundraising**

**Chief Sponsors:** Sen. Roblan

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

**Background and Current Law:** The Legislative Assembly enacted Senate Bill 737, establishing the Oregon Ocean Science Trust in 2013 to promote peer-reviewed ocean and coastal resource research and monitoring. The Trust is comprised of five voting members appointed by the State Land Board, and two nonvoting legislative members, one Senator and one Representative. The Trust is funded by the Oregon Ocean Science Fund which consists of donations, legislatively appropriated moneys, interest, and moneys received from the federal government under the Outer Continental Shelf Lands Act.

**Bill Summary:** Senate Bill 753 authorizes the Executive Director of the Oregon Ocean Science Trust to enter into an agreement with a private, nonprofit organization, under which the organization solicits gifts, grants, and donations to support Trust activities.

**Oregon Laws 2019:** Chapter 94

### [Senate Bill 772-A](#)

**Not Enacted**

#### **Task Force on Forest Health Enhancement**

**Chief Sponsors:** Sens. Golden, Prozanski, Dembrow; Rep. Marsh

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

**Background and Current Law:** The reduction of forest fuel loads is one strategy that forest land owners use to make forests more resilient to fire, drought, and insect damage.

**Bill Summary:** Senate Bill 772-A would have created the Task Force on Forest Health Enhancement to make recommendations on achieving forest health enhancement through a statewide program similar to the federal 21st Century Conservation Service Corps. The measure directed that the program be designed to promote, facilitate, and encourage collaboration with organizations to reduce forest fuel levels and reduce barriers and provide incentives for public-private partnerships to reduce wildfire risk in forests.

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### [Senate Bill 791](#)

**Not Enacted**

#### **Ground Water Interference with Surface Water Right with an Earlier Priority Date**

**Chief Sponsors:** Sen. Linthicum

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** By law, all surface and groundwater in Oregon belong to the public and are to be used for a beneficial purpose without waste. Any user, with some exceptions, must obtain a water right to use water from any source including rivers, streams, lakes, and groundwater. Oregon's water laws are based on the principle of "prior appropriation." This principle means that the first person to obtain a water right to a water source is the last to be shut off in times of low water availability. The date of application for a water use permit is typically the priority date for the water right.

**Bill Summary:** Senate Bill 791 would have established criteria for determining whether a new groundwater use impairs or interferes with a surface water right that has an earlier priority date.

### [Senate Bill 853](#)

**Not Enacted**

#### **Chlorpyrifos Ban**

**Chief Sponsors:** Sens. Dembrow, Manning Jr, Fagan, Golden, Prozanski; Reps. Hernandez, Keny-Guyer, Neron

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** According to the U.S. Environmental Protection Agency, chlorpyrifos is used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used in the U.S. since 1965 in both agricultural and nonagricultural settings, including on corn, soybeans, fruit and nut trees, golf courses, and nonstructural wood treatments such as utility poles and fence posts. Neonicotinoids are a type of insecticide that can be applied to either a plant or soil. The Oregon Department of Agriculture (ODA) is authorized to establish, maintain, and amend a list of restricted-use pesticides and can restrict their application and use by rule.

**Bill Summary:** Senate Bill 853 would have prohibited the sale, purchase, or use of any pesticide containing chlorpyrifos and would have required the ODA to list pesticide products containing a neonicotinoid as a restricted-use pesticide. The measure would also have changed or reduced certain fees related to pesticides.

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### [Senate Bill 876](#)

**Not Enacted**

#### **Large Concentrated Animal Feeding Operation**

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

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Legislative Assembly first established a regulatory program for confined/concentrated animal feeding operations (CAFOs) in 1989. The legislation required the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and directed the Oregon Department of Agriculture (ODA) to inspect CAFO facilities. In 1993, the CAFO statutes were amended to direct the Environmental Quality Commission (EQC) and ODA to enter into a formal memorandum of understanding (MOU). The MOU authorizes ODA to perform the CAFO-related functions of DEQ and the EQC. Most CAFO permits are for dairy operations, but other types of operations with concentrated, confined holding or feeding of animals also require a permit. By administrative rule, “large” CAFOs include dairies with 700 or more mature dairy cows and farms or ranches with 1,000 or more cattle, 10,000 or more sheep or lambs, or 500 or more horses. At the end of 2018, there were 519 permitted CAFO facilities in Oregon.

**Bill Summary:** Senate Bill 876 would have made several changes to permitting requirements for large CAFOs, including requiring that an applicant receive a preliminary approval prior to construction and a final approval prior to operation, and would have addressed coordination with other regulating entities. The measure would have also addressed the authority of DEQ and ODA when a CAFO has been abandoned or vacated.

### [Senate Bill 883](#)

**Effective Date:** January 1, 2020

#### **Regulation of Animal Rescue Entities**

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

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

**Background and Current Law:** State law defines "animal rescue entity" as an "individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses and maintains in its legal custody 10 or more animals, whether physically located at a facility operated by the entity or kept, housed or maintained elsewhere, and that solicits or accepts donations in any form." (ORS 609.415) Currently, the agency directed to enforce laws regulating animal rescue entities is the local agency that operates a city or county dog licensing and control program, or any other local agency designated by a city or county.

**Bill Summary:** Senate Bill 883 changes the designated enforcement agency for regulation of animal rescue entities from a city or county agency to the State Veterinarian.

**Oregon Laws 2019:** Chapter 557

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### [Senate Bill 885](#)

**Effective Date:** July 15, 2019

#### **Willamette Valley Canola Production**

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

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

**Background and Current Law:** In 2013, the College of Agricultural Sciences at Oregon State University was directed by House Bill 2427 to study canola and report the results to an interim legislative committee by November 1, 2017. The measure also prohibited the growing of canola in the Willamette Valley except for 500 acres necessary to conduct the study. In 2015, the Oregon Department of Agriculture (ODA) was authorized in House Bill 3382 to allow up to 500 acres for the commercial production of canola in the Willamette Valley Protected District with certain restrictions. This measure also extended the sunset on the prohibition on growing canola in the District to January 2, 2020.

**Bill Summary:** Senate Bill 885 extends ODA authority to allow up to 500 acres of commercial canola production in the Willamette Valley Protected District until June 30, 2023.

**Oregon Laws 2019:** Chapter 559

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### [Senate Bill 893](#)

**Not Enacted**

#### **Transfer of State Lands**

**Chief Sponsors:** Sen. Roblan

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Admissions Act (1859) granted sections of every township to the state for the use of schools. According to the Oregon Department of State Lands, this land grant equaled approximately six percent of the state's land area, or 3.4 million acres. Today, approximately 740,000 acres remain in state ownership. The Oregon Constitution and legislative action dedicate these lands and their resources and income to the Common School Fund (CSF). The State Land Board, made up of the Governor, State Treasurer, and Secretary of State, is the CSF trustee. The Board distributes a portion of the funds, twice each year, to the Oregon Department of Education, which in turn distributes the funds to school districts. In 2017, the Legislative Assembly authorized the Board to identify and submit back a list of state trust lands with limited performance potential as assets of the CSF for transfer to another state or federal agency or tribe. (Senate Bill 847, 2017)

**Bill Summary:** Senate Bill 893 would have authorized the Oregon Board of Forestry to identify certain lands that have limited revenue-generation potential or that provide high-value recreational or conservation benefits and submit a proposal to the Legislative Assembly for the transfer of lands to another state or federal agency, local government, or tribe.

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### [Senate Bill 926](#)

**Not Enacted**

#### **Aerial Pesticide Application to State Forest Lands**

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

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** Under current Oregon law, a person may apply pesticides from an aircraft if they hold a pesticide applicator's license and a license to operate the aircraft from which the pesticide is being applied.

**Bill Summary:** Senate Bill 926 would have prohibited the aerial application of pesticide to state forestland.

### [Senate Bill 931](#)

**Not Enacted**

#### **Aerial Pesticide Spraying Notification**

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

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** Under Oregon law, a person may apply pesticides from an aircraft if they hold a pesticide applicator's license and a license to operate the aircraft from which the pesticide is being applied. The application of chemicals on forestland is also identified by administrative rule as a forest practice that requires written notice to the State Forester. The Department of Forestry maintains the Forest Activity Electronic Reporting and Notification System (known as "FERNS") to allow people to notify the Department prior to conducting an operation or forest practice and for subscribers to receive notification of such submittals.

**Bill Summary:** Senate Bill 931 would have required a person proposing to conduct an aerial application of pesticide to forestland to notify the Department of Forestry at least 12 months prior to the application, and again immediately before application, via the agency's electronic reporting and notification system, FERNS.

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### [Senate Bill 946-A](#)

**Not Enacted**

[\(see Senate Bill 51\)](#)

#### **Transfers of Stored Water Rights**

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

**Committees:** Senate Environment and Natural Resources, Senate Rules

**Background and Current Law:** A water right is connected to the land where it is used. The water right specifies the quantity of water, point of diversion, place of use, type of use, season of use, and priority date. A water right may be transferred from one place to another, the point of diversion may be changed, and the type of use allowed under the right may be changed by applying to the Oregon Water Resources Department (OWRD). A transfer application will be approved if OWRD determines that the change can be made without injury to other water rights or enlargement of the original right. In 2018, the Oregon Department of Justice issued a memo concluding that, with some exceptions, state law does not authorize OWRD to allow changes to a right to store water.

**Bill Summary:** Senate Bill 946-A would have allowed the holder of a water right for storing water in a pond or reservoir to apply to the OWRD to transfer the type of use of the water right.

### [Senate Bill 1019](#)

**Effective Date:** January 1, 2020

#### **Egg-laying Hens**

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

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

**Background and Current Law:** In 2011, the Legislative Assembly prohibited the confinement of egg-laying hens in an enclosure that does not comply with rules adopted by the Oregon Department of Agriculture (ODA). (Senate Bill 805) Hen enclosures constructed or acquired on or after January 1, 2012 were required to meet, or be converted into, enclosures meeting standards for certification of enriched colony facility systems established in American Humane Association's farm animal welfare certification program. Effective January 1, 2017, the measure prohibited the confinement of egg-laying hens in enclosures that provided less than 116.3 square inches of individually usable floor space per hen. The measure also established housing system conversion goals for both January 1, 2020 and January 1, 2023.

**Bill Summary:** Senate Bill 1019 directs ODA to adopt rules requiring that egg-laying hens be housed in a cage-free housing system effective January 1, 2024. The measure creates some exceptions to this requirement and prohibits buying, selling, or transporting eggs or egg products that are not produced in compliance with this requirement.

**Oregon Laws 2019:** Chapter 686

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### [Senate Bill 1025](#)

**Effective Date:** January 1, 2020

#### **Clams**

**Chief Sponsors:** Sens. Johnson, Roblan; Reps. DB Smith, Witt

**Committees:** Senate Environment and Natural Resources, Senate Rules, House Rules

**Background and Current Law:** Molluscan shellfish, including oysters and clams, have played an important role in the history and culture of the Oregon coast. They also represent a critical component of Oregon's marine ecosystem and provide important commercial, recreational, and ecological benefits and services to Oregonians. Commercial clambers generate about \$507,500 annually from the harvest of bay clams and razor clams from Oregon waters.

**Bill Summary:** Senate Bill 1025 requires the Oregon Department of Fish and Wildlife (ODFW) to produce a survey of bay clam populations in priority areas within Tillamook Bay by December 31, 2021. The measure directs ODFW to establish the Tillamook Bay Clam Advisory Committee, comprised of a balance of persons who take bay clams for commercial or noncommercial purposes, are members of a group that advocates conservation, or otherwise have an interest in bay clams. The Advisory Committee is required to make recommendations to ODFW, including recommendations ensuring the sustainability of the clam population and balancing commercial and noncommercial taking of clams, and ODFW is directed to report to Interim Legislative Committees on or before December 31, 2022 on the Advisory Committee recommendations.

**Oregon Laws 2019:** Chapter 564

### [Senate Bill 1051](#)

Effective Date: September 29, 2019

#### **Oregon Climate Action Program Fuel Credits**

**Chief Sponsors:** Sens. Beyer, Dembrow; Rep. Power

**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** The 2019 Legislative Assembly considered the enactment of House Bill 2020, which would have established a statewide cap-and-trade program designed to reduce greenhouse gas emissions.

**Bill Summary:** If House Bill 2020 had been enacted, Senate Bill 1051 would have required the creation of a credit for people meeting certain income requirements to mitigate a carbon price indirectly paid to purchase motor vehicle fuel and a refund to certain people to mitigate a carbon price indirectly paid to purchase fuel for certain farming and forestry activities.

**Oregon Laws 2019:** Chapter 687

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### [House Bill 2057](#)

Effective Date: January 1, 2020

#### **Commercial Weighing and Measuring Devices Fee Increase**

**At the request of:** Governor Kate Brown for State Department of Agriculture

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Agriculture operates a Weights and Measures program to ensure equity and standardization in commercial transactions for approximately 13,000 Oregon businesses statewide. The program provides testing services for weighing and measuring devices and investigates and responds to complaints of discrepancies in weighing and measuring devices. Common weighing and measuring devices include gas pumps, fuel meters, and scales for retail grocery stores, commercial vehicles, livestock, and industrial purposes. The program is funded solely from license fees for commercial weighing and measuring equipment. ORS 618.141 outlines maximum license fees for these instruments and devices. The current fee caps were established by the Legislative Assembly in 2007 and have not been modified since that time.

**Bill Summary:** House Bill 2057 increases maximum license fees for commercial weighing or measuring devices and limits the rate of fee increase to three percent per year during licensing periods beginning before July 1, 2026.

**Oregon Laws 2019:** Chapter 385

### [House Bill 2059](#)

**Effective Date:** June 17, 2019

#### **Food Establishment License Fee Increase**

**At the request of:** Governor Kate Brown for State Department of Agriculture

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Agriculture (ODA) is responsible for regulating production, processing, and distribution of food products. ODA provides licenses for the following types of food establishments: retail, bakery, meat, eggs, shellfish, dairy, nonalcoholic beverages, pet food, food processing and warehousing, home kitchen processing and baking, and refrigerated lockers. The ODA Food Safety Program is supported by food establishment license fees as well as General Fund.

**Bill Summary:** House Bill 2059 extends the sunset on ODA authority to annually impose limited fee increases of three percent per year for certain food production licenses.

**Oregon Laws 2019:** Chapter 386

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### [House Bill 2060](#)

**Effective Date:** January 1, 2020

#### **Food Establishment Closure Authority**

**At the request of:** Governor Kate Brown for State Department of Agriculture

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Department of Agriculture (ODA) is responsible for the inspection, regulation, and licensure of food establishments to ensure sanitary, healthy conditions. For licensed food establishments, ODA currently provides several notices to remind businesses to renew their licenses and pay the license renewal fee. At 90 days following failure to renew, the food establishment is considered to be operating without a license and, under ORS 561.300, ODA may initiate collections and civil penalty procedures. For food establishments that have never obtained a license, ODA administrative rule states that a food establishment is considered unlicensed 14 days following the initial ODA inspection of the establishment, and ODA may initiate collections and civil penalty procedures at that time. If a food establishment does not renew its license or pay the penalty fees, ODA does not currently have the explicit authority to close the business, and those food establishments continue to operate unlicensed.

**Bill Summary:** House Bill 2060 authorizes ODA, following specified notice requirements, to order closure of certain food establishments, and establishes a civil penalty for an order violation.

**Oregon Laws 2019:** Chapter 387

### [House Bill 2061](#)

**Effective Date: September 29, 2019**

#### **Confined Animal Feeding Operations Fee Increase**

**At the request of:** Governor Kate Brown for Oregon Department of Agriculture

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** A confined or concentrated animal feeding operation (CAFO) is an operation in which a certain number of animals are confined for over 45 days per year. The Oregon Department of Agriculture (ODA) issues CAFO permits to facilities that meet the state or federal CAFO definition and pay an annual permit fee to provide testing and oversight to ensure ground and surface water pollution from manure is minimized. ORS 561.255 directs ODA to charge small, medium, and large CAFOs \$100, \$200, and \$300 respectively, and to define size category tiers by rule. CAFO owners are currently charged a \$50 permit application fee.

**Bill Summary:** House Bill 2061 requires ODA to establish annual permit fees for CAFOs by rule not to exceed \$125, \$250, and \$900 for small, medium, and large operations. The measure also requires ODA to charge a permit application fee for new CAFOs not to exceed \$100, \$150, and \$300 for small, medium, and large operations, and to charge a fee not to exceed \$200 for a permit transfer.

**Oregon Laws 2019:** Chapter 388

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### [House Bill 2070](#)

**Effective Date: January 1, 2020**

#### **Agency Payment by Credit Card**

**At the request of:** Governor Kate Brown for Oregon Department of Fish and Wildlife

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

**Background and Current Law:** In 2001, the Oregon Legislative Assembly enacted House Bill 3099 directing the Oregon Fish and Wildlife Commission to adopt a system for renewing licenses through both the mail and the internet. Previously, the Oregon Department of Fish and Wildlife (ODFW) could not pass on to consumers the credit card fees associated with the transaction. Other agencies, such as the Oregon Departments of Transportation, Justice, and Revenue, have been able to add a surcharge to offset the credit card fees.

**Bill Summary:** House Bill 2070 authorizes ODFW to accept payment by credit card and establish a fee to offset costs of credit card transactions. The measure also allows contracted agents to retain a portion of fees for provided services. The measure allows ODFW to use either mail or the internet for the license renewal system.

**Oregon Laws 2019:** Chapter 102

### [House Bill 2072](#)

**Not Enacted**

#### **Wildlife Inspection Stations**

**At the request of:** Governor Kate Brown for Oregon Department of Fish and Wildlife

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

**Background and Current Law:** Oregon law allows the Oregon Department of Fish and Wildlife (ODFW) to inspect licenses, tags, permits, and wildlife (ORS 497.036). According to ODFW, wildlife check stations are currently deployed at times to help ODFW assess the conditions of wildlife, obtain harvest rate data, and to collect biological samples. There is no legal obligation for an individual transporting wildlife to stop at an inspection station.

**Bill Summary:** House Bill 2072 would have authorized ODFW to operate wildlife inspection stations, required an operator of a vehicle transporting taken wildlife or parts of taken wildlife to stop at wildlife inspection stations, and punished failure to stop at a wildlife inspection station as a Class A violation.

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### [House Bill 2076](#)

**Effective Date: January 1, 2020**

#### **Boat Drain**

**At the request of:** Governor Kate Brown for Oregon State Marine Board

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

**Background and Current Law:** In 2009, the legislature enacted House Bill 2583, the "Clean Launch Law," prohibiting a person from launching a boat into the waters of this state if the boat has visible aquatic invasive species on its exterior or interior locations. The legislature also enacted House Bill 2220 in 2009 establishing the Aquatic Invasive Species Prevention Fund to support the State Marine Board's administration of the aquatic invasive species prevention permit program.

**Bill Summary:** House Bill 2076 requires boat operators to drain water from a boat before transporting it within the state, authorizes peace officers to require someone who is transporting a boat to stop at an aquatic invasive species check station, and allows for additional sources of funding for the Aquatic Invasive Species Prevention Fund.

**Oregon Laws 2019:** Chapter 154



### [House Bill 2078](#)

**Effective Date:** January 1, 2020

#### **Boat Safety Education**

**At the request of:** Governor Kate Brown for State Marine Board

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

**Background and Current Law:** In 1999, the Oregon legislature enacted House Bill 2977 establishing a boat safety education program. The law requires that a person pass an examination that tests an understanding of boating safety, establishes a fee for the boat safety education certificate, and allows new boat owners to operate their boat for 60 days under a temporary permit before obtaining their boating safety education card.

**Bill Summary:** House Bill 2078 deletes the exemption from requirement to hold boating safety education card for new boat owners and for nonresidents operating boats with no more than 10 horsepower for fewer than 60 consecutive days.

**Oregon Laws 2019:** Chapter 156

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### [House Bill 2079](#)

**Effective Date:** January 1, 2020

#### **Boating Law**

**At the request of:** Governor Kate Brown for State Marine Board

**Committees:** House Natural Resources, Senate Judiciary

**Background and Current Law:** Under current Oregon law, a person commits the crime of reckless operation of a boat if the person operates a boat carelessly and heedlessly in willful or wanton disregard of the rights, safety, or property of others. Additionally, failure to carry personal flotation devices for each person on board that are easily accessible is a Class B violation. Meanwhile, a person convicted of boating under the influence of intoxicates (BUII) is not eligible to title, register, or number a new boat and shall have all current titles, registrations, or numberings canceled for at least one year and substantially longer for refusing to take a breath or urine test after being arrested under suspicion of BUII.

**Bill Summary:** House Bill 2079 redefines reckless boating as a manner that endangers the safety of a person or property, reduces the violation for failure to carry flotation devices, amends the punishment for a person convicted of a BUII, and creates a process for law enforcement to request a person's consent for breath or urine testing.

**Oregon Laws 2019:** Chapter 431

### [House Bill 2080](#)

**Effective Date:** January 1, 2020

#### **State Marine Board Fees**

**At the request of:** Governor Kate Brown for State Marine Board

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

**Background and Current Law:** The Oregon State Marine Board is the regulatory agency for recreational boating. The Board provides education, enforcement, access, and environmental stewardship to help make boating a safe and enjoyable experience. In 2015, the legislature passed House Bill 2459 to increase the biennial fee for boat registration from \$3 to \$4.50 per foot and increase the original boat title or title transfer application fee from \$30 to \$50. According to the Board, registration revenue has decreased by 10 percent since 2015.

**Bill Summary:** House Bill 2080 increases the fees for boating safety certificates from \$10 to \$20, registration, or identification number certificates for sailboats over 12 feet and motorboats from \$4.50 to \$5 plus \$5.95 per foot, boat title or title transfers from \$50 to \$75, and specifies that \$5 of each registration or identification number certificate be deposited in the Aquatic Invasive Species Prevention Fund.

**Oregon Laws 2019:** Chapter 389

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### [House Bill 2084](#)

**Effective Date:** June 25, 2019

#### **Place-based Integrated Water Resources Planning**

**At the request of:** Governor Kate Brown for Water Resources Department

**Committees:** House Energy and Environment, Senate Environment and Natural Resources, Joint Ways and Means

**Background and Current Law:** Senate Bill 266 (2015) provided statutory authority and funding for the Oregon Water Resources Department to issue grants and provide technical assistance to facilitate place-based integrated water resources planning efforts through July 1, 2019. Place-based planning is voluntary, locally led, and tailored to the specific water challenges and stakeholder needs of the place where the planning effort is occurring. Current grant recipients include: Gilliam Soil and Water Conservation District in the Lower John Day Sub-Basin, Union County in the Upper Grande Ronde Sub-Basin, the Harney County Watershed Council in the Malheur Lake Basin, and the City of Newport in the Mid-Coast Basin.

**Bill Summary:** House Bill 2084 extends the sunset date for the place-based integrated water resources planning grant program from July 1, 2019 to July 1, 2023. The measure declares an emergency and is effective on passage.

**Oregon Laws 2019:** Chapter 482

### [House Bill 2085](#)

Effective Date: September 29, 2019

#### Dam Safety

**At the request of:** Governor Kate Brown for Water Resources Department

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

**Background and Current Law:** The Oregon Water Resources Department (OWRD) oversees the safety of more than 960 dams across the state. These dams store water for agriculture, cities, industry, recreation, fisheries, and other purposes. Many of Oregon's dam safety statutes have not been updated since 1929. According to OWRD, the following are statutorily unclear: dam owner responsibilities; the OWRD's role during emergencies; and the process for approval of constructing, removing, and maintaining dams.

**Bill Summary:** House Bill 2085 regulates construction, modification, and removal of dams; provides for OWRD inspection of dams; requires dam owners to supply information to OWRD and to prepare an emergency plan; requires OWRD to notify dam owner if dam has a significant or high hazard rating and is in need of maintenance action; establishes dam enforcement authority for Water Resources Commission and OWRD; and authorizes the Commission to impose civil penalties for certain violations.

**Oregon Laws 2019:** Chapter 390

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### [House Bill 2086-A](#)

Not Enacted

#### Oregon Agricultural Heritage Program Modifications

**At the request of:** Governor Kate Brown for Oregon Watershed Enhancement Board

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Agricultural Heritage Program and Commission were established by the Legislative Assembly in 2017 to provide voluntary incentives to farmers and ranchers to support practices that maintain or enhance both agriculture and natural resources on agricultural lands. In 2018, the Commission engaged in rulemaking related to program administration, technical assistance, farm and ranch succession planning, working land covenants and easements, and conservation management planning. Rulemaking was completed and approved by the Oregon Watershed Enhancement Board in January of 2019.

**Bill Summary:** House Bill 2086-A would have revised Oregon Agricultural Heritage Program statutes to clarify program purpose, administration, and eligibility criteria.

### [House Bill 2137-A](#)

**Not Enacted**

#### **Agricultural Workforce Housing Tax Credit**

**At the request of:** House Interim Committee on Revenue

**Committees:** House Agriculture and Land Use, House Revenue

**Background and Current Law:** The agriculture workforce housing tax credit is designed to give a state income tax credit to investors who incur costs to construct, install, acquire, or rehabilitate agricultural workforce housing. The tax credit may be taken on 50 percent of the eligible costs paid to complete an agricultural workforce housing project. The total estimated eligible costs for all approved projects for each calendar year are \$7.25 million. The program is set to expire on January 1, 2020.

**Bill Summary:** House Bill 2137-A would have extended the sunset on tax credits for agriculture workforce housing owners and operators from January 1, 2020 to January 1, 2026 and would have created a new state income tax credit for operational and maintenance costs of agriculture workforce housing.

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### [House Bill 2222](#)

**Effective Date:** May 22, 2019

#### **Forestland-Urban Interface Fire Protection Report**

**Chief Sponsors:** Reps. Bonham, Zika, Helt; Sen. Johnson

**At the request of:** former Rep. Gene Whisnant

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

**Background and Current Law:** In 1997, the Legislative Assembly passed the Oregon Forestland-Urban Interface Fire Protection Act. The Act declares that the State Board of Forestry and State Forester are to lead the statewide coordination of a forestland-urban interface fire protection system to provide fire protection, encourage property owners to minimize and mitigate fire hazard, and promote and encourage interaction at all levels of government and the private sector (ORS 477.023). The Act directs the State Board of Forestry to establish criteria for identifying and classifying forestland (ORS 477.027). The Act allows counties to establish a five-person classification committee (ORS 477.029) and requires forestland property owners to reduce excess vegetation, which may fuel a fire around homes and other structures.

**Bill Summary:** House Bill 2222 requires the Department of Forestry to annually report to the Legislative Assembly regarding the implementation and enforcement status of the Oregon Forestland-Urban Interface Fire Protection Act.

**Oregon Laws 2019:** Chapter 136

### [House Bill 2293-A](#)

**Not Enacted**

#### License, Tag, and Permit Residency

**Chief Sponsors:** Rep. Witt

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

**Background and Current Law:** The Oregon Department of Fish and Wildlife offers hunting and fishing licenses, tags, and permits to both Oregon residents and nonresidents. The price of resident hunting licenses, tags, and permits is typically less than the equivalent licenses, tags, and permits for a nonresident. For example, in 2019, a resident annual hunting license costs \$33.50, while a nonresident annual hunting license costs \$167. Currently, “residency” requires that a person reside in the state for at least six consecutive months prior to the date of application and allows for a person to be temporarily absent from the state for six months.

**Bill Summary:** House Bill 2293-A would have changed the definition of “resident” to a person who has physically resided in the state for at least six months for purposes of making application for wildlife hunting and fishing licenses, tags, and permits. House Bill 2293-A would change the definition of “resident” for purposes of making application for wildlife hunting licenses, tags, and permits.

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### [House Bill 2294](#)

**Effective Date:** January 1, 2020

#### Cervid Urine

**Chief Sponsors:** Reps. Witt, DB Smith

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

**Background and Current Law:** Chronic wasting disease (CWD) is a fatal and contagious neurological disease that infects cervids (deer, elk, and moose). CWD has been detected in 26 states and four Canadian provinces. Scientists believe that CWD proteins likely spread between animals through bodily fluids such as saliva, blood, and urine. According to the Oregon Department of Fish and Wildlife, CWD has not yet been detected in Oregon cervids, but the introduction of the disease would cause a major impact to Oregon’s economy. Cervid urine products are used by hunters as an attractant. There is no validated test for determining the presence of CWD in cervid urine. The following states and provinces have implemented bans on cervid urine products: Alaska, Arkansas, Arizona, New Mexico, Vermont, Manitoba, Nova Scotia, Ontario, and Yukon Territory.

**Bill Summary:** House Bill 2294 prohibits the possession or use of commercial cervid attractants.

**Oregon Laws 2019:** Chapter 396

### [House Bill 2331-A](#)

**Not Enacted**

#### **Well Construction**

**Chief Sponsors:** Reps. Stark, Witt; Sen. Hansell

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

**Background and Current Law:** The Water Resources Commission is responsible for adopting and enforcing general rules and standards relating to the construction and maintenance of wells. A well log includes information about the well, a history of pump installation and general maintenance, and ground water level and quality. Well contractors file logs with the state upon completion of a new well and when maintenance or alterations have occurred.

**Bill Summary:** House Bill 2331-A would have established that the Water Resources Commission has a specific amount of time to enforce general or special standards related to well construction activities and would have established the Task Force on Oregon Well Construction Enforcement Activities.

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### [House Bill 2351](#)

**Effective Date: January 1, 2020**

#### **Willamette River Greenway**

**Chief Sponsors:** Reps. Power, Helm

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

**Background and Current Law:** In 1967, Oregon Governor Tom McCall proposed the idea of a greenway to enhance the scenic, recreational, historic, natural, and agricultural qualities along the Willamette River. The boundaries of the Willamette River Greenway were identified and adopted in the 1980s. Statewide Land Use Goal 15 specifically pertains to the Willamette River Greenway and requires that adjacent cities and counties adopt local plans and development criteria. The Oregon State Marine Board (OSMB) is currently authorized to make special regulations, including designation of boat speed and prohibition of motorboats, for the protection of game and game fish at the request of the Oregon State Fish and Wildlife Commission, or for carrying out other natural resources laws.

**Bill Summary:** House Bill 2351 authorizes OSMB to adopt special regulations to manage boat wake energy within the Willamette River Greenway.

**Oregon Laws 2019:** Chapter 192

### [House Bill 2352](#)

Effective Date: January 1, 2020

#### Towed Watersports Program

**Chief Sponsors:** Reps. Power, Helm, Reardon

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

**Background and Current Law:** In 1993, the Oregon Legislative Assembly established regulations on water skiing, surfboarding, and similar activities (ORS 830.365). These regulations include the prohibition of wake sports before sunrise or after sunset, the requirement that a person in the boat, in addition to the operator, observe the person being towed, and the prohibition of participating in wave sports while under the influence of an intoxicant or controlled substance. The Oregon State Marine Board (OSMB) implemented a program to provide mandatory boating safety education (ORS 830.082). This program sets a minimum standard of boating safety education competency, creates an exam to test for the minimum standard of safety, and includes a fee for issuance of a boating safety certificate.

**Bill Summary:** House Bill 2352 creates a towed watersports program within OSMB, requires motorboat operators to hold a towed watersports endorsement and motorboat owners to hold a certificate decal if engaged in towed watersports in specified congested waters, punishes failure to hold endorsement or certificate, and requires OSMB to establish and collect fees.

**Oregon Laws 2019:** Chapter 651

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### [House Bill 2361-A](#)

Not Enacted

#### Multiyear Hunting License

**Chief Sponsors:** Rep. DB Smith

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

**Background and Current Law:** ORS 496.146 allows the Oregon Fish and Wildlife Commission to establish and prescribe fees for multiyear hunting tags. In 2018, the Oregon Department of Fish and Wildlife launched an online permit, tag, and licensing system. According to the Department, this online system provides the flexibility to offer multiyear hunting tags, while their previous tag distribution systems had not.

**Bill Summary:** House Bill 2361-A would have required the Commission to establish and prescribe fees for multiyear resident and nonresident hunting licenses, and to set the agent fee for issuance of each multiyear license at \$5.



### [House Bill 2364](#)

**Not Enacted**

#### **Sonar Fish Counting**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Natural Resources

**Background and Current Law:** The Oregon Department of Fish and Wildlife partners with organizations to use a variety of methods to count fish, including trapping or impounding fish at counting stations and other visual surveys to estimate the total number of fish passing through the waters of Oregon. Dual-frequency identification sonar (DIDSON) is a technology that uses high-frequency sound waves to produce near video-quality images of underwater objects. It can be used to determine directional movement and estimate fish size in rivers, including in turbid and low-light conditions. DIDSON devices are typically installed underwater near one bank with the sound beam aimed toward the opposite bank to detect fish passing through the channel.

**Bill Summary:** House Bill 2364 would have required the Department to use DIDSON for counting fish and allocate funds from the Natural Resources subaccount of the Parks and Natural Resources Fund to purchase the DIDSON devices.

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### [House Bill 2365](#)

**Not Enacted**

#### **Sudden Oak Death**

**Chief Sponsors:** Reps. DB Smith, McKeown; Sen. Roblan

**At the request of:** former Rep. Deborah Boone

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

**Background and Current Law:** Sudden Oak Death (SOD) has been detected in California coastal forests and in Curry County, Oregon. SOD can lead to the rapid death of many plant species including tanoaks, coast live oaks, and black oaks. According to a 2018 study by the American Phytopathological Society, there are four lineages of SOD. Until recently, only one lineage was reported in the western U.S., but in 2015, a second lineage known as EU1 was identified in Douglas fir saplings growing near infected tanoak trees in Curry County. The EU1 lineage is considered more aggressive and has the potential to spread across multiple species.

**Bill Summary:** House Bill 2365 would have appropriated \$1.7 million to the Oregon Department of Forestry (ODF) to carry out an integrated pest management program to combat SOD and require ODF to expend \$50,000 as a block grant to the Association of Oregon Counties to establish and operate a task force to encourage and coordinate county integrated pest management programs to combat SOD.

### [House Bill 2377](#)

Effective Date: August 9, 2019

#### **Sediment Study and Surface Water Program**

**Chief Sponsors:** Reps. DB Smith, McKeown; Sen. Roblan

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

**Background and Current Law:** The Rogue River is in southwestern Oregon and flows 215 miles. The U.S. Geological Survey and the Oregon Department of Environmental Quality collect sediment and water quality data in Oregon. The Umatilla River Basin is located in north central Oregon. Over time, demand for ground water in the Basin has exceeded the supply. In December 2018, a group of stakeholders delivered recommendations to the Governor, including a five-year pilot project allowing water right holders to use surface water in lieu of ground water.

**Bill Summary:** House Bill 2377 appropriates \$452,930 from the General Fund to the Oregon Department of Administrative Services (DAS) to contract for implementation of the first phase of a sediment study on the lower Rogue River and appropriates \$1 million to DAS for distribution to Umatilla County to reimburse water right holders for increased pumping cost of surface water used in lieu of ground water.

**Oregon Laws 2019:** Chapter 643

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### [House Bill 2378-A](#)

**Not Enacted**

#### **Salmon Incubation Boxes**

**Chief Sponsors:** Rep. DB Smith

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

**Background and Current Law:** Incubation devices are generally placed along streams where newly hatched unfed fry can be released to augment fish populations. According to the Oregon Department of Fish and Wildlife (ODFW), production from incubation boxes has decreased since its peak in the late 1980s. A moratorium on all incubation device programs was put in place during the mid to late 2000s, which resulted in elimination or reduction of unfed fry releases. Incubation devices are often used for public education.

**Bill Summary:** House Bill 2378-A would have directed ODFW to establish and operate a fish incubation box pilot program for ten years in historically salmon-bearing waterways in Coos, Curry, Douglas, Jackson, and Josephine counties and report to the Legislative Assembly.

### [House Bill 2379-A](#)

**Not Enacted**

#### County Action

**Chief Sponsors:** Rep. DB Smith

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

**Background and Current Law:** Since 1951, the U.S. Army Corps of Engineers has contracted with the Oregon Department of Fish and Wildlife (ODFW) to operate seven mitigation hatcheries and fish production services in the Columbia, Willamette, and Rogue Basins. The Corps began funding the Cole M. Rivers Hatchery in 1973 to mitigate for lost salmon, steelhead, and trout production and habitat due to the construction of Lost Creek, Applegate, and Elk Creek Dams. In total, the Corps is responsible for providing 749,800 pounds of hatchery fish annually.

**Bill Summary:** House Bill 2379-A would have authorized, until January 1, 2030, Curry, Josephine, and Jackson Counties to take action against the Corps and seek damages for economic loss incurred by the county due to the Corps' failure to conform with fish return goals set in mitigation requirements agreed to in the hatchery Final Environmental Impact Statement.

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### [House Bill 2381](#)

**Not Enacted**

#### Salmon Prey Management

**Chief Sponsors:** Rep. DB Smith; Sen. Heard

**Committees:** House Natural Resources

**Background and Current Law:** The federal Marine Mammal Protection Act (MMPA) of 1972 defines the actions that states can take to manage California sea lions. Predation by a growing sea lion population can jeopardize salmon and steelhead stocks. In 2008, the Oregon Department of Fish and Wildlife (ODFW) received federal authorization under the MMPA to remove California sea lions preying on salmon and steelhead. According to the ODFW, the federal government has authorized hazing of Common Cormorant, which also prey on salmon species. The ODFW manages non-native fish that prey on salmon species through harvest and liberal bag limits in angling regulations.

**Bill Summary:** House Bill 2381 would have required ODFW to operate a program in southwest Oregon to control populations of species that prey on salmon.

### [House Bill 2436](#)

**Effective Date: August 8, 2019**

### **Proposal for Partial State Assumption of the Federal 404 Permit Program**

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

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Section 404 of the Federal Water Pollution Control Act, commonly known as the Clean Water Act, establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. The U.S. Army Corps of Engineers administers the federal 404 permit program, and the U.S. Environmental Protection Agency (EPA) enforces the program. The Clean Water Act contains a provision enabling states to "assume" administration of the 404 program, provided that the state has a waterways and wetlands regulatory program equivalent to the federal program.

The State of Oregon has had a regulatory program for removal and fill activities within waters of the state since 1967. It is statutorily established as Oregon's removal-fill law (ORS 196.600 to 196.905) and is administered by the Department of State Lands (DSL). The Oregon Department of Justice has determined that the state and federal programs are sufficiently equivalent for the purposes of assumption, though there are some significant differences in exceptions to, and administration of, the programs, and further analysis is needed to ensure statutory and session laws comply with federal standards. Following EPA approval of a state application, additional legislative approval would be needed for state assumption of the 404 program to take effect.

**Bill Summary:** House Bill 2436 directs DSL to develop a proposal, including recommendations for legislation to be introduced during the 2020 legislative session, for DSL partial assumption of the authority to administer Federal Water Pollution Control Act section 404 permits.

**Oregon Laws 2019:** Chapter 652

### [House Bill 2437](#)

Effective Date: August 8, 2019

#### **Dry Agricultural Channel Maintenance**

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

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon farmers routinely remove silt build-up from waterways on their agricultural lands to ensure that drainage of subsurface water properly occurs. Typically, the volume of material they are legally allowed to remove under the state removal-fill law is limited to 50 cubic yards without a permit for most channels and 100 cubic yards with a streamlined general permit. The removal of larger quantities of material may be permissible with an individual permit. The Department of State Lands (DSL) is the regulatory agency that administers the removal-fill law and issues permits for activities that occur within waters of the state.

**Bill Summary:** House Bill 2437 establishes a notice-based program for agricultural maintenance activities in dry, traditionally maintained channels. The measure also directs DSL to establish a streamlined general permit for maintenance in wet channels. House Bill 2437 appropriates \$453,476 from the General Fund to the Department of Agriculture and Department of Fish and Wildlife for program implementation, and \$239,583 to Oregon State University for a scientific study on the impacts of the maintenance activities.

**Oregon Laws 2019:** Chapter 699

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### [House Bill 2438-A](#)

**Not Enacted**

#### **Funding for Public Mitigation Bank Pilot Program and Wetland Notice Responses**

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

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon's mitigation banking system is largely privately owned. Many local jurisdictions have cited inadequate mitigation bank distribution and the high and variable cost of mitigation credits as barriers to economic and housing development, particularly in small, rural communities.

In 2018, the Oregon Department of State Lands (DSL) updated the Statewide Wetlands Inventory (SWI) to integrate national hydrography and soil data sets, which will allow the SWI to show areas that have a high probability of containing wetlands. The increased map coverage is expected to result in local jurisdictions submitting a significantly increased number of Wetland Land Use Notices to DSL.

**Bill Summary:** House Bill 2438-A would have appropriated moneys to the Oregon Cascades West Council of Governments to develop a strategic plan for the development of a regional public wetland mitigation bank, and to DSL for responding to wetland land use notices received from local governments.

### [House Bill 2451](#)

**Effective Date:** January 1, 2020

## **Elimination of Mandatory State Onion Inspections**

**Chief Sponsors:** Rep. Findley

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Oregon's onion inspection statutes were enacted in 1955 to establish grades and standards for Oregon onions to ensure a strong reputation in regional and national markets. The statutes require grade certification, labeling standards, and mandatory inspections at shipping. Malheur County onion growers and shippers are additionally subject to mandatory federal inspections by the United States Department of Agriculture (USDA). The USDA has regulated eastern Oregon onions via marketing order since 1957 under 7 C.F.R. §958. In general, marketing orders are initiated by industry, tailored to an individual industry's needs, and are binding for the entire industry within a specified geographic area. Their purpose is to help provide a stable market by maintaining high produce quality, standardizing packaging and containers, and regulating product flow to market. The "958 Idaho and Oregon Onions" Federal Marketing Order authorizes grade, size, maturity, quality, marking, packing, and container regulations for onions grown in designated areas of eastern Oregon and western Idaho.

**Bill Summary:** House Bill 2451 eliminates mandatory state onion inspections.

**Oregon Laws 2019:** Chapter 108

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### [House Bill 2553](#)

**Not Enacted**

## **Fish Return**

**Chief Sponsors:** Rep. Evans

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

**Background and Current Law:** Nutrient enhancement is a recognized benefit to fish stocks; a lack of nutrients can be a limiting factor in the recovery of salmon populations. In 2013, the Legislative Assembly enacted House Bill 2697 to allow the return of fish carcasses to the stream from which a fish was caught. Prior to House Bill 2697, it was unlawful for a person to discard any dead animal carcass into a body of water, irrigation ditch, or cistern.

**Bill Summary:** House Bill 2553 would have required the Oregon Department of Fish and Wildlife to adopt rules concerning the carcasses of returning hatchery fish, and to analyze return rates and report results to the Legislative Assembly.

### [HB 2574](#)

**Effective Date:** August 9, 2019

#### **Shellfish Mariculture**

**Chief Sponsors:** Reps. McKeown, Witt

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

**Background and Current Law:** In 2015, the Oregon Legislative Assembly enacted House Bill 2209 to establish a Task Force on Shellfish. This Task Force produced the Oregon Shellfish Initiative outlining priorities and strategies to enhance shellfish production. In 2017, the Legislative Assembly enacted House Bill 2784 to establish the Oregon Department of Agriculture (ODA) as the lead agency responsible for administration of oyster, clam, and mussel production. In 2017, House Bill 3234 was introduced to provide funding for a variety of activities designed to support the goals of the Oregon Shellfish Initiative (the measure was not enacted).

**Bill Summary:** House Bill 2574 appropriates \$200,000 to the Department of Land Conservation and Development, \$200,000 to the ODA, and \$160,000 to the Oregon Department of Fish and Wildlife for the purposes of establishing a shellfish information system, an enforcement program, and an educational program.

**Oregon Laws 2019:** Chapter 654

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### [House Bill 2579](#)

**Effective Date:** July 23, 2019

#### **Farm-to-School Grant Program**

**Chief Sponsors:** Reps. Clem, Post, Reardon, DB Smith

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** The Farm-to-School Grant Program, administered by the Oregon Department of Education (ODE), awards grants to school districts and partner organizations to purchase Oregon food products and to provide food-based, agriculture-based, or garden-based educational activities. The program was established in 2011, and has been modified in 2013, 2015, and 2017 to specify which grants are competitive, to tether noncompetitive grant awards to the quantity of school lunches served by school districts, and to expand the list of entities eligible to receive competitive grant funds.

**Bill Summary:** House Bill 2579 expands the types of entities that may receive Farm-to-School grants; establishes a new competitive grant to encourage the purchase or promotion of food produced or processed in-state; directs ODE and specified partners to evaluate program outcomes and provide technical assistance, training, and resources; and appropriates \$10.35 million to the program from the General Fund.

**Oregon Laws 2019:** Chapter 590



### [House Bill 2652](#)

Effective Date: January 1, 2020

#### Boat Helmets

**Chief Sponsors:** Reps. Gorsek, McKeown; Sen. Monnes Anderson

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

**Background and Current Law:** Oregon law requires boat outfitters and guides to carry equipment such as first-aid, life jackets, light and smoke flares, and running lights. "Outfitters and guides," as defined in ORS 704.010, include any person compensated for providing or offering outfitting and guiding services in this state or any person who holds federal special use permits for commercial outfitting and guiding. Outfitters and guides and their passengers must wear life jackets when on water rated as class III or higher.

**Bill Summary:** House Bill 2652 requires outfitters and guides operating on class III or higher waters to rent, sell, or otherwise make available helmets to all passengers.

**Oregon Laws 2019:** Chapter 163

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### [House Bill 2656](#)

Not Enacted

#### Forest Operations

**Chief Sponsors:** Reps. Salinas, Power

**Committees:** House Energy and Environment

**Background and Current Law:** Forests cover about 30.47 million acres in Oregon, almost half of the state's land base, and provide clean water, wildlife habitat, timber products, jobs, revenue for public services, recreational and tourism opportunities, biomass for energy generation, carbon storage, and more. Oregon's forests are owned by the federal government (60 percent), private citizens (35 percent), the state government (3 percent), tribal governments (1 percent), and other public entities (1 percent). Statewide forest cover is dominated by conifers such as Douglas fir, true firs, western hemlock, and ponderosa pine. The most abundant hardwoods are big leaf maple, red alder, Oregon wide oak, and cottonwoods.

**Bill Summary:** House Bill 2656 would have prohibited certain activities on forest land that supplies drinking water to a public water system, including forest harvesting that requires reforestation and requires wildlife to leave trees; construction of a new logging road; and application of a pesticide or a fertilizer. The Act would have specified criteria for exemptions, as well as noticing requirements and penalties for violations.

### [House Bill 2659](#)

**Not Enacted**

#### **Forestlands Tax**

**Chief Sponsors:** Rep. Salinas; Sen. Taylor

**Committees:** House Natural Resources

**Background and Current Law:** In 1999, the Oregon legislature established the forestland special assessment program which values and taxes timberland in an effort to offset increasing property tax rates. Under this program the landowner is required to actively grow or plan to grow a marketable species of trees on the property. Landowners may apply for the special assessment program through the county assessor who determines if the land qualifies. The area of land must be at least two contiguous acres under the same ownership.

**Bill Summary:** House Bill 2659 would have repealed tax exemptions for forestland covered by timber plantations and nonforested land, established that forestland that is natural or seminatural receive property tax exemptions, and required counties to allocate moneys as a result of these changes to climate adaptation and climate smart forest practices.

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### [House Bill 2729](#)

**Not Enacted**

#### **Oregon Agricultural Heritage Program Funding**

**Chief Sponsors:** Reps. Witt, Helm; Sen. Hansell

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** In 2017, the Legislative Assembly authorized the Oregon Watershed Enhancement Board (OWEB) to establish the Oregon Agricultural Heritage Program (OAHP) to help Oregon farmers and ranchers plan for succession in ownership and to maintain agricultural land for future generations. Since passage, the 12-member Oregon Agricultural Heritage Commission has been established, addressed initial implementation logistics, and completed program rulemaking. ORS 541.977-541.989 directs OWEB to provide grants for conservation management plans, working land conservation covenants and easements, technical assistance, and succession planning. However, the 2017 legislation provided no funding for program implementation.

**Bill Summary:** House Bill 2729 would have appropriated \$9,988,652 from the General Fund to OWEB to hire Oregon Agricultural Heritage Program personnel, contract for services, and provide grants to farmers and ranchers.

### [House Bill 2740-A](#)

**Not Enacted**

#### Hemp Commission

**Chief Sponsors:** Rep. Wilson, DB Smith

**Committees:** House Agriculture and Land Use, 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. The legislature has passed a series of laws related to industrial hemp over the past decade. In 2009, the Legislative Assembly enacted Senate Bill 676, which authorized the production, possession, and commerce of industrial hemp commodities in Oregon. Oregon's first industrial hemp grower was licensed by ODA in early 2015. In 2016, Senate 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. In 2017, House Bill 1015 provided for processing and sales of industrial hemp concentrates and extracts. In 2018, House Bill 4089 established the Oregon Industrial Hemp Agricultural Pilot Program, an agricultural hemp seed certificate program, the Industrial Hemp Fund, and further modified industrial hemp statutes related to testing, regulation, personal possession, and tetrahydrocannabinol concentration limits.

**Bill Summary:** House Bill 2740-A would have created a framework for the Oregon Hemp Commission, expanded the existing pilot program to a full commercial Oregon Hemp Program, required a state hemp plan, redefined 'hemp,' clarified ODA's authority over the program including changing registration to licensure, and brought the program and testing into compliance with federal and state requirements.

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### [House Bill 2746](#)

**Not Enacted**

#### Wolf Population Report

**Chief Sponsors:** Rep. Barreto; Sen. Hansell

**Committees:** House Natural Resources

**Background and Current Law:** Since 2011, the Oregon Department of Fish and Wildlife (ODFW) has produced an annual population report on gray wolves. In 2011, the Legislative Assembly enacted House Bill 2350 to direct the Oregon Department of Agriculture to establish and implement a wolf depredation compensation and financial assistance grant program. Funds from this grant program are awarded to counties to pay persons who suffer loss or injury to livestock or working dogs due to wolf depredation, persons who implement livestock management techniques or nonlethal wolf deterrence techniques, and to pay for the implementation and administrative costs of county wolf depredation compensation programs.

**Bill Summary:** House Bill 2746 would have required ODFW to prepare a publicly available biennial report that estimates net change in Oregon wolf populations, required the Legislative Assembly to identify the amount of state funding needed, and established an appropriation greater than the amount needed.

### [House Bill 2747-A](#)

**Not Enacted**

#### **Fish and Wildlife Commission**

**Chief Sponsors:** Rep. Barreto; Sen. Hansell

**Committees:** House Natural Resources

**Background and Current Law:** The Oregon Fish and Wildlife Commission was established in 1975. The Commission develops state programs and policies concerning management and conservation of fish and wildlife resources and establishes hunting seasons and bag limits. Under current law, the Commission consists of seven members, one from each of the state congressional districts.

**Bill Summary:** House Bill 2747-A would have revised the requirements for membership on the Commission. Three members would have been appointed from west of the Cascade Mountains, three from east of the Cascades, and one member appointed at large. At least one member would have been an owner or manager of an active agricultural operation, and at least one member would have held an Oregon hunting or fishing license.

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### [House Bill 2795](#)

**Not Enacted**

#### **Cougar Agents**

**At the request of:** Reps. Brian Clem, Bill Post

**Chief Sponsors:** House Committee on Agriculture and Land Use

**Committees:** House Natural Resources

**Background and Current Law:** In 1994, Ballot Measure 18 passed to ban the use of bait to hunt black bear and the use of dogs to hunt black bear or cougar. Currently, the Oregon Department of Fish and Wildlife can appoint agents to use one or more dogs to hunt cougar to carry out management plans. The use of dogs for hunting cougar is also permitted when cougar cause damage, pose a public health risk, or create a public nuisance (ORS 498.012).

**Bill Summary:** House Bill 2795 would have directed the Department to create a pilot program that allows persons to use dogs for hunting or nonlethal pursuit of cougars within specified counties, required the Oregon Fish and Wildlife Commission to issue and limit cougar tags, required the Department to submit a report on the efficacy of the pilot program in 2024. The pilot would have sunset on January 2, 2026.

### [House Bill 2796-A](#)

Not Enacted

#### Removal-Fill of Degraded Wetlands for Needed Housing

**At the request of:** Rep. Bill Post

**Chief Sponsors:** House Committee on Agriculture and Land Use

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon's Removal-Fill Law requires individuals who plan to remove or fill material in wetlands or waterways to obtain a removal-fill permit from the Department of State Lands (DSL), and to replace lost aquatic resource functions and values through compensatory mitigation. OAR 141-085-0690 establishes the following minimum ratios for compensatory mitigation: one acre of restored wetland for one acre of impacted wetland (1:1), 1.5 acres of created wetland for one acre of impacted wetland (1.5:1), three acres of enhanced wetland for one acre of impacted wetland (3:1), and two acres of enhanced cropped wetland for one acre of impacted wetland (2:1). DSL determines the ratio of preserved wetland to impacted wetland on a case-by-case basis.

**Bill Summary:** House Bill 2796-A would have directed DSL to develop rules by January 1, 2021 to allow removal and fill of degraded wetlands for needed housing projects by general permit or authorization, and to establish a 1:4 compensatory mitigation ratio for such approvals.

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### [House Bill 2816-A](#)

Not Enacted

#### Integrated Pest Management

**Chief Sponsors:** Reps. Keny-Guyer, Neron

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Integrated pest management (IPM) refers to a coordinated, strategic decision-making process that identifies and uses the most appropriate pest control methods to manage crop damage with the least possible hazard to people, property, and the environment.

In 2013, the Legislative Assembly enacted House Bill 3364, which established the state IPM Coordinating Committee. The Committee includes a state IPM coordinator, an IPM coordinator from each of ten specified state agencies, an IPM coordinator from each of the seven state public universities, and a representative appointed by the Higher Education Coordinating Commission. The Committee meets periodically to share IPM information and strategies and produces a biennial report for the Legislative Assembly.

**Bill Summary:** House Bill 2816-A would have required that the Committee track IPM implementation progress and increase public access to meeting materials and feedback opportunities. The measure also would have established an IPM Fund in the State Treasury to appropriate moneys to the Higher Education Coordinating Commission for the work of the Committee.

### [House Bill 2819](#)

**Not Enacted**

#### **Groundwater Conservation**

**Chief Sponsors:** Rep. Bonham

**Committee:** House Energy and Environment

**Background and Current Law:** The Umatilla River Basin (Basin) is located in north central Oregon and includes parts of Morrow County and Umatilla County, the cities of Hermiston and Pendleton, and the Umatilla Indian Reservation. Over time, demand for groundwater in the Basin has exceeded supply, and the Oregon Water Resources Department (OWRD) has designated four critical groundwater areas and one classified area due to declines in groundwater levels. Because of limits enforced on the use of groundwater in certain critical groundwater areas, many water-rights holders have not received an allocation since the designations were put into place. In December 2018, a work group of stakeholders delivered recommendations to the Governor, which included implementation of a five-year pilot project relating to Columbia River water.

**Bill Summary:** House Bill 2819 would have directed OWRD to establish a pilot program to determine the feasibility of making Columbia River water available in critical groundwater areas of the Umatilla River Basin to reduce depletion of groundwater and allow recovery of underground aquifers.

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### [House Bill 2829](#)

**Effective Date:** July 1, 2019

#### **Conservation and Recreation Fund**

**Chief Sponsors:** Reps. Helm, Helt, Witt; Sens. Roblan, Frederick, Dembrow

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

**Background and Current Law:** In 2015, the Legislative Assembly passed House Bill 2402 to establish a Task Force on Funding for Fish, Wildlife, and Related Outdoor Recreation and Education. This Task Force developed recommendations to strengthen the Oregon Department of Fish and Wildlife's (ODFW) ability to conserve natural resources, improve hunting and fishing opportunities, and connect Oregonians to nature through outdoor recreation and education opportunities. According to the Task Force's report, an Oregon Conservation and Recreation Fund would provide resources to improve hunting and fishing, expand opportunities for participation in outdoor recreation, and increase education and outreach.

**Bill Summary:** House Bill 2829 establishes the Oregon Conservation and Recreation Fund and advisory committee; appropriates moneys in the Fund to the Emergency Board for allocation to ODFW contingent on deposit into fund of equal amount of money from sources other than federal or state government; abolishes the fund and transfers available funds to the General Fund July 1, 2021; and sunsets the advisory committee January 2, 2022.

**Oregon Laws 2019:** Chapter 531

### [House Bill 2834](#)

**Effective Date:** January 1, 2020

#### **Wildlife Corridors**

**Chief Sponsors:** Reps. Helm, Marsh, Helt; Sens. Prozanski, Dembrow

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

**Background and Current Law:** A wildlife corridor is a path that animals and plants use to travel between habitats. According to the Oregon Department of Transportation (ODOT), there were 2,212 vehicle collisions with deer and elk during the months of October and November 2018. ODOT maintains a database which illustrates where these collisions are concentrated. In 2012, ODOT constructed a wildlife crossing under Highway 97. In 2014, the Oregon Department of Fish and Wildlife (ODFW) reported an 80 percent decrease in deer mortality along the affected stretch of highway. States such as California, New Hampshire, and New Mexico have passed bills requiring or encouraging state agencies to mitigate for vehicle-wildlife collisions and conserve wildlife corridors.

**Bill Summary:** HB 2834 requires that ODFW, in consultation with ODOT, collect data regarding the connectivity of wildlife habitat areas and develop a Wildlife Corridor Action Plan.

**Oregon Laws 2019:** Chapter 272

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### [House Bill 2835](#)

**Effective Date:** September 29, 2019

#### **Access to Public Use Waterways**

**Chief Sponsors:** Reps. Helm, Marsh, Power, Williams

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

**Background and Current Law:** The public has the right to use an Oregon waterway for recreation if the waterway is navigable for title purposes or if the waterway is floatable for purposes of the Public Use Doctrine. If a waterway is navigable for title purposes, a person may generally use the beds and banks up to the line of ordinary high water. Any activity allowed on other public lands is permissible up to the line of ordinary high water. A person may go above the ordinary high-water line only if absolutely necessary. The Department of State Lands is responsible for the management of state waterways.

**Bill Summary:** House Bill 2835 requires a state agency to post notice on its agency website before restricting or closing a public access site to a floatable natural waterway. The measure would also require agencies to report annually to the Legislative Assembly on any public access sites restricted, closed, opened, or reopened during the previous calendar year.

**Oregon Laws 2019:** Chapter 409



### [House Bill 2841](#)

**Effective Date:** July 15, 2019

#### **Wildlife Data**

**Chief Sponsors:** Reps. Gomberg, Lively, DB Smith, Gorsek, Helm, Witt

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

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) may currently refuse to disclose information regarding the habitat, location, or population of any threatened or endangered species unless the public interest requires disclosure in the particular instance (ORS 192.345 (13)). Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to determine if the public record may be withheld from public inspection (ORS 192.411). ODFW maintains a list of sensitive species, which are subject to a decline in number such that they may become eligible for listing on the state Threatened and Endangered Species List (OAR 635-100-0040); this information is subject to disclosure.

**Bill Summary:** House Bill 2841, with some exceptions, authorizes ODFW to refuse to disclose information regarding the habitat, location, or population of fish and wildlife species listed as threatened or endangered, under consideration for such listing, or identified as a sensitive species under ODFW rules. The measure will sunset on January 2, 2024.

**Oregon Laws 2019:** Chapter 532

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### [House Bill 2851](#)

**Not Enacted**

#### **Water Use Measurement and Reporting**

**At the request of:** Rep. Ken Helm

**Chief Sponsors:** House Committee on Energy and Environment

**Committee:** House Energy and Environment

**Background and Current Law:** Under current law, all surface and groundwater in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Water users, with certain exceptions, must obtain a water right to use water from any source, including rivers, streams, lakes, and groundwater. When water is scarce, water users are allocated water based on the date of their water rights, with holders of the oldest water rights allocated water first, and holders of newer water rights receiving their allocation according to the availability of water. Many water rights include conditions that require the water user to submit data to the Oregon Water Resources Department (OWRD), including water use reports, pump tests, and in the case of groundwater, static water level data.

**Bill Summary:** House Bill 2851 would have established that water users who are required by OWRD to measure water use under a water right may also be required to report the measured data to OWRD.

### [House Bill 2853](#)

**Not Enacted**

#### **Historic-Use Reservoirs**

**At the request of:** Rep. Mike McLane

**Chief Sponsors:** House Committee on Energy and Environment

**Committee:** House Energy and Environment

**Background and Current Law:** A water right is required to store water in a reservoir, construct a reservoir, or to use water stored in an existing reservoir. Additional permits and approvals from state agencies may be necessary prior to the construction of a water storage facility. An application for a water right may not legally be considered for a reservoir located or proposed in areas of the state that the legislature has set aside as “withdrawn.” Waters located in withdrawn areas are reserved for specific purposes or otherwise restricted from water right permitting.

**Bill Summary:** House Bill 2853 would have established a temporary process to allow the owner of an historic-use reservoir to register with the Water Resources Department. The measure would have exempted historic-use reservoirs from the requirement to have a water right.

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### [House Bill 2854](#)

**Not Enacted**

#### **Water Use Measurement and Reporting Task Force**

**At the request of:** Rep. Ken Helm

**Chief Sponsors:** House Committee on Energy and Environment

**Committee:** House Energy and Environment

**Background and Current Law:** By law, all surface and groundwater in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Water users, with certain exceptions, must obtain a water right to use water from any source, including rivers, streams, lakes, and groundwater. Many water rights include conditions that require the water user to submit data to the Oregon Water Resources Department (OWRD), including water use reports, pump tests, and in the case of groundwater, static water level data.

**Bill Summary:** House Bill 2854 would have established a Task Force on Measurement and Reporting of Appropriated Water to study the measurement and reporting of appropriated water use in Oregon and to report back to the legislature by September 15, 2020.

### [House Bill 2856](#)

**Not Enacted**

#### **Groundwater Study Funding**

**At the request of:** Rep. Ken Helm

**Chief Sponsor:** House Committee on Energy and Environment

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Oregon recognizes 19 river basins and nine major geologic areas. In each river basin, surface water and groundwater interact with one another differently, and the recharge patterns of aquifers differ depending on the geology of the location. Differences also include precipitation patterns and geographic features. Currently, state agencies monitor groundwater-level trends and groundwater quality in certain areas using tools like observation wells and basin investigations or assessments.

**Bill Summary:** House Bill 2856 would have appropriated \$9 million for the Oregon Water Resources Department (OWRD) to conduct groundwater studies in priority basins and would have required OWRD to develop a 10-year groundwater study plan and report back to the legislature on how the appropriation was spent.

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### [House Bill 2953](#)

**Effective Date:** January 1, 2020

#### **Good Neighbor Authority Report**

**Chief Sponsors:** Reps. Bonham, DB Smith; Sen. Heard

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

**Background and Current Law:** The Good Neighbor Authority (GNA) allows the U.S. Forest Service (USFS) to enter into cooperative agreements with states so that states can manage forests and watershed restoration on National Forest System lands. A GNA Master Agreement between the USFS and Oregon was signed in March of 2016 that allows federal funds to be used by state agency personnel or contractors for work on federal public land and provides formal authorization for local projects across land ownership boundaries. In 2018, the Legislative Assembly adopted House Bill 4118 to require the Oregon Department of Forestry (ODF) and Oregon Department of Fish and Wildlife to work with federal land management agencies to prioritize certain projects under the GNA Master Agreement; \$500,000 was appropriated for these projects.

**Bill Summary:** HB 2953 requires ODF to submit a biennial report on outcomes of GNA projects to the Legislative Assembly.

**Oregon Laws 2019:** Chapter 273

### [House Bill 2958](#)

**Not Enacted**

#### **Zone Director Requirements for Soil and Water Conservation Districts**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Agriculture and Land Use

**Background and Current Law:** Oregon has 45 Soil and Water Conservation Districts (SWCDs) charged with carrying out the state policy of conserving, protecting, and developing soil, water, and other natural resources. ORS 568.560 currently requires that each SWCD be governed by an elected or appointed board of five to seven directors. To qualify to become a SWCD zone director, two options are currently available: (1) the individual must own or manage 10 or more acres of land in the district, be involved in the active management of the property, be a registered voter, and either reside within the zone being represented and own or manage 10 or more acres within the district, or, reside within the district and own or manage 10 acres within the zone being represented, or (2) the individual must reside within the zone being represented, have served at least one year as a director or associate director of a district, have a conservation plan approved by the district, and be a registered voter.

**Bill Summary:** House Bill 2958 would have made the requirement that a zone director own or manage 10 acres or more within the district applicable only if the majority of the district lies within a county that has a population of less than 50,000 residents.

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### [House Bill 2979-A](#)

**Not Enacted**

#### **Tide Gates**

**Chief Sponsors:** Reps. McKeown, Gomberg, DB Smith; Sen. Roblan

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

**Background and Current Law:** Tide gates serve to drain tidelands for agricultural or other uses. During low tide, water flows from the drained area to a bay or estuary through the tide gate. At high tide, the level of water holds the door closed, stopping water from flowing back into the drained area.

**Bill Summary:** House Bill 2979-A would have appropriated \$250,000 for distribution to the Association of Oregon Counties for contracting with an independent third-party organization to provide technical assistance and information regarding tide gates.

### [House Bill 2980](#)

**Not Enacted**

#### **Pesticide Use Reporting System Sunset Extension**

**Chief Sponsors:** Reps. Witt, DB Smith

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** In 1999, the Legislative Assembly directed the Oregon Department of Agriculture (ODA) to develop a pesticide use reporting system (PURS) to collect, organize, and report information on all categories of pesticide use in Oregon. PURS included two components: an online reporting system for nonhousehold pesticide applicators, and a household pesticide use survey. The online system was implemented for the first time in 2002, but funding was withdrawn the same year. The system lapsed until 2005, when the Legislative Assembly approved funding and required reports for 2006, 2007, and 2008. In 2009, the Legislative Assembly withdrew funding for PURS again, but extended the system sunset date to June 30, 2019. PURS has not been operational since 2009.

**Bill Summary:** House Bill 2980 would have extended the sunset date for the pesticide use reporting system from June 30, 2019 to June 30, 2029.

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### [House Bill 3016](#)

**Not Enacted**

#### **Steelhead Hatchery Production**

**Chief Sponsors:** Rep. Sprenger; Sen. Girod

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

**Background and Current Law:** The Santiam River is a tributary of the Willamette River, in western Oregon. The Oregon Department of Fish and Wildlife (ODFW) operates and manages the hatchery on the Santiam River for the U.S. Army Corps of Engineers as part of the Corps' dam mitigation program.

**Bill Summary:** House Bill 3016 would have appropriated moneys to ODFW for activities related to summer steelhead hatchery production for the Santiam River.

### [House Bill 3025](#)

**Not Enacted**

#### Carbon Sink

**Chief Sponsors:** Rep. Evans

**Committees:** House Natural Resources

**Background and Current Law:** A carbon sink can be a natural or artificial reservoir that collects and stores carbon dioxide (CO<sub>2</sub>) for an indefinite period and has been considered a method to address global warming. The process by which carbon sinks remove CO<sub>2</sub> from the Earth's atmosphere is called carbon sequestration. The most common natural carbon sinks are plants, the ocean, and soil. Plants act as carbon sinks through the process of photosynthesis, where they absorb CO<sub>2</sub> and reintroduce oxygen back into the atmosphere.

**Bill Summary:** House Bill 3025 would have required the Oregon Department of Forestry (ODF) to establish the Western Oregon Regional Carbon Sink as a geographical area and plant one billion shrubs and trees on or before January 1, 2031, established the Task Force on Western Oregon Regional Carbon Sink with a sunset date of December 31, 2020, and established the Western Oregon Regional Carbon Sink Advisory Board.

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### [House Bill 3035](#)

**Effective Date:** January 1, 2020

#### Anti-Poaching Law

**Chief Sponsors:** Reps. Witt, Helm

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

**Background and Current Law:** The Oregon State Police Fish and Wildlife Division is charged with enforcing fish, wildlife, environmental, and other criminal laws and protecting people, property, and natural resources. The Division's "Turn-in-Poachers" or "TIP" program offers preference points or cash rewards for information leading to an arrest or issuance of a citation for the illegal killing or taking of wildlife, illegally obtaining Oregon hunting or angling licenses or tags, or for information about the illegal taking, netting, snagging, dynamiting of game fish. According to the Oregon Department of Fish and Wildlife, poachers killed more mule deer than legal hunters during a six-year study of radio-collared deer in south-central Oregon.

**Bill Summary:** House Bill 3035 increases the maximum penalty for certain wildlife law offenses committed without a culpable mental state to a Class A violation (\$2,000 fine) and increase the maximum penalty for certain wildlife law offenses committed intentionally, knowingly, or recklessly to a Class C felony (up to five years' imprisonment, \$125,000 maximum fine, or both).

**Oregon Laws 2019:** Chapter 274

### [House Bill 3044](#)

**Not Enacted**

#### **Aerial Pesticide Reporting**

**Chief Sponsors:** Rep. Wilde

**Committees:** House Natural Resources

**Background and Current Law:** Oregon law requires pesticide operators to prepare and maintain records on forms approved by the Oregon Department of Agriculture (ODA) related to the application of pesticides (ORS 634.146). These records must be kept for at least three years from the date of pesticide application and must be available for review and inspection by ODA. Upon receiving a request from any owner of field crops on which pesticides were applied, the pesticide operator must provide a written statement to the owner setting forth the required information within 40 days after the application of pesticides.

**Bill Summary:** House Bill 3044 would have required a business or individual applying a soil treatment or pesticide by aircraft to record information regarding the application conditions and submit the information to the Department of Environmental Quality for posting and notification.

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### [House Bill 3058-A](#)

**Not Enacted**

#### **Chlorpyrifos Pesticide Safety Review**

**Chief Sponsors:** Reps. Sanchez, Keny-Guyer, Hernandez, Neron

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Chlorpyrifos is an organophosphate pesticide that has been used since 1965 in both agricultural and nonagricultural settings. It has primarily been used to control foliage and soil-borne insect pests on a variety of food and feed crops such as corn, soybeans, broccoli, cauliflower, brussels sprouts, other row crops, and fruit and nut trees. Nonagricultural uses include maintenance of golf courses, turf, greenhouses, and nonstructural wood treatments for utility poles and fence posts.

**Bill Summary:** House Bill 3058-A would have directed the Oregon Department of Agriculture to review the most current scientific data regarding the safety of pesticide products that contain chlorpyrifos, to report findings and recommendations to the Legislative Assembly by January 1, 2020, and to implement warranted restrictions.



### [House Bill 3081-A](#)

**Not Enacted**

#### Stream Gauges

**Chief Sponsors:** Reps. Reschke, McLane; Sen. Linthicum

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

**Background and Current Law:** Stream gauges measure the height of water surface in a stream or river, obtain periodic measurements of water discharge, and define the difference between the river's height and discharge. The U.S. Geological Survey currently collects data from 13 stream gauges in Klamath County. The Oregon Water Resources Department (OWRD) manages and collects data from stream gauges around the state.

Stream gauges measure the height of water surface in a stream or river, obtain periodic measurements of water discharge, and define the difference between the river's height and discharge. The U.S. Geological Survey currently collects data from 13 stream gauges in Klamath County. OWRD manages and collects data from stream gauges around the state.

**Bill Summary:** House Bill 3081-A would have appropriated money from the General Fund to the Oregon Department of Administrative Services to be distributed to Klamath County to acquire and install stream gauges in the Klamath Basin.

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### [House Bill 3084](#)

**Not Enacted**

#### Alternative Daily Cover

**Chief Sponsors:** Rep. Clem

**Committees:** House Natural Resources, House Revenue

**Background and Current Law:** The Environmental Protection Agency (EPA) requires landfill operators to place a six-inch layer of cover on top of a landfill every night. A landfill may be covered by either top soil from the surrounding area, or alternative daily cover (ADC), which is typically composed of used construction materials that have been ground by a recycler into powder. The materials used to create ADC would otherwise be disposed of in the landfill. The Department of Environmental Quality (DEQ) approves ADC designs or procedures. In 1995, the Legislative Assembly added language to statute prohibiting fees for use of ADC.

**Bill Summary:** House Bill 3084 would have prohibited a tax on the use of suitable material other than virgin material for daily cover at a disposal site.

### [House Bill 3085-A](#)

**Not Enacted**

#### **Family Farmer Loan Program**

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** More than 96 percent of Oregon's farms and ranches are family-owned and -operated. State agencies, universities, and stakeholder groups have documented increasing trends toward conversion of farmland to nonfarm uses, development, or fragmentation as farmers age and farmland prices rise. Factors that contribute to these trends include lack of succession planning for generational land transfer and barriers next-generation farmers and ranchers face in land and skill acquisition. In 2013, the Legislative Assembly established the Beginning and Expanding Farmer Loan ("Aggie Bond") Program to facilitate loans for farmers and ranchers to finance acquisition of approved agricultural projects.

**Bill Summary:** House Bill 3085-A would have created a Family Farmer Loan Program to make loans directly to family farmers, including beginning family farmers, for the purchase or refinancing of agricultural land, farming equipment, or livestock; making permanent agricultural improvements to land; or restructuring operating debt carryover.

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### [House Bill 3087-A](#)

**Not Enacted**

#### **Wildlife Poaching Program**

**Chief Sponsors:** Rep. Witt

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

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) is responsible for sustainably managing fish and wildlife in Oregon. The Oregon State Police, Fish and Wildlife Division, plays a key role in achieving ODFW's mission through enforcement of fish and wildlife regulations. The Division is comprised of 120 sworn officers assigned statewide with specific duties and responsibilities to ensure compliance with natural resource laws. Division staff attends various meetings, gives presentations to sporting enthusiast groups, educates students of all ages, assists with hunter education classes and field days, and shows support at angling derbies and other outdoor-related events.

**Bill Summary:** House Bill 3087-A would have required ODFW to establish an anti-poaching awareness program and change specific wildlife violations.

### [House Bill 3090-A](#)

**Not Enacted**

#### **Beginning Farmer and Rancher Incentive Program**

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** State agencies, universities, and stakeholder groups have documented increasing trends toward conversion of farmland to nonfarm uses, development, or fragmentation as farmers age and farmland prices rise. There is concern that the pipeline of next-generation farmers and ranchers is too small to replace an aging workforce. New farmers and ranchers face numerous barriers, including limited access to farmland and capital, high start-up costs, rising land prices, limited opportunities to gain farming experience, and systemic barriers for women and people of color. In 2013, the Legislative Assembly attempted to address some barriers by establishing the Beginning and Expanding Farmer Loan (“Aggie Bond”) Program to facilitate low-interest loans for new farmers and small farmers to finance capital purchases.

**Bill Summary:** House Bill 3090-A would have established a beginning farmer and rancher incentive program and fund for the purpose of assisting beginning farmers and ranchers with related higher education costs through loan repayment subsidies, stipends, and scholarships.

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### [House Bill 3091](#)

**Not Enacted**

#### **Beginning and Expanding Farmer Loan Fee Requirements**

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use

**Background and Current Law:** In 2013, the Legislative Assembly established the Beginning and Expanding Farmer Loan (“Aggie Bond”) Program to help new farmers and ranchers secure low-interest loans for agricultural land acquisition and other eligible agricultural projects. Administered by the Oregon Business Development Department, the program aims to address barriers for beginning and small farmers by increasing the availability of affordable credit.

**Bill Summary:** House Bill 3091 would have modified fee requirements for the Beginning and Expanding Farmer Loan Program as follows: establishing a \$100 maximum loan application fee; specifying that all fees combined may not exceed one percent of the face value of the bond or be less than \$500; requiring that the total amount of all fees paid by a beginning farmer or bond purchaser be paid by the beginning farmer at the loan closing; and permitting the loan fee to be financed with bond proceeds or to be included in the purchase price agreed to in the sales contract.

### [House Bill 3118](#)

**Not Enacted**

#### **Cougar Management**

**Chief Sponsors:** Rep. Sprenger

**Committees:** House Natural Resources, House Rules

**Background and Current Law:** In 1994, Ballot Measure 18 passed to ban the use of dogs to hunt black bear or cougar. Currently, the Oregon Department of Fish and Wildlife (ODFW) can appoint agents to use one or more dogs to hunt cougar in order to carry out management plans, and such use of dogs is reported biennially to the Legislative Assembly (ORS 498.164). ODFW currently operates under the 2017 Cougar Management Plan. This plan does not set optimal population targets but does specify a minimum cougar population target. The primary objective of the Management Plan is to keep Oregon cougar population well above what is required for long-term sustainability.

**Bill Summary:** House Bill 3118 would have authorized ODFW to appoint persons to act as agents of ODFW for the purpose of managing cougar population in accordance with a cougar management plan administered by ODFW.

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### [House Bill 3132-A](#)

**Not Enacted**

#### **Environmental Restoration Weirs**

**Chief Sponsors:** Reps. Helm, DB Smith; Sen. Dembrow

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

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

**Bill Summary:** House Bill 3132-A requires the Oregon Department of Fish and Wildlife to administer a program to authorize voluntary stream restoration and habitat improvement projects by participating landowners, through construction of small dams known as environmental restoration weirs.

### [House Bill 3168](#)

**Effective Date:** September 29, 2019

#### **Electric Boats**

**Chief Sponsors:** Rep. Nathanson

**At the request of:** Clint Brumitt

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

**Background and Current Law:** The Oregon State Marine Board (OSMB) is authorized to regulate, through administrative rules, boating in specified locations or on specified waterways. OSMB may make special regulations relating to operation of boats in any waters of this state (ORS 830.175). With some exceptions, ORS 830.180 prohibits the use of a motor for propelling a boat for any purpose on specified water bodies in Oregon, which the Board cannot change through rulemaking.

**Bill Summary:** House Bill 3168 authorizes the use of a motor to propel a boat on the water bodies listed in ORS 830.180 only if the boat is propelled by an electric motor at a maximum of slow-no wake speed as defined by the Board and the Board adopts a rule authorizing such use on the water body.

**Oregon Laws 2019:** Chapter 214

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### [House Bill 3309](#)

**Effective Date:** January 1, 2020

#### **Tsunami Inundation Zone**

**Chief Sponsors:** Reps. McKeown, DB Smith, Gomberg

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

**Background and Current Law:** The Oregon Department of Geology and Mineral Industries (DOGAMI) works to increase understanding of Oregon's geologic resources and hazards through science and stewardship. DOGAMI operates a Geological Survey and Services program to develop maps, reports, and data to help Oregon manage natural resources and prepare for natural hazards. DOGAMI also operates a Mineral Land Regulation and Reclamation program to oversee mineral production in Oregon. DOGAMI also determines a tsunami inundation zone on the Oregon coast where essential facilities may not be constructed.

**Bill Summary:** House Bill 3309 amends the definition of surface mining and removes DOGAMI's authority to prohibit certain construction within tsunami inundation zones.

**Oregon Laws 2019:** Chapter 502

### House Bill 3327

**Not Enacted**

#### Science Review Board

**At the request of:** Rep. Paul Holvey

**Chief Sponsors:** House Committee on Energy and Environment

**Committees:** House Natural Resources

**Background and Current Law:** In 2015, the Oregon Legislative Assembly enacted Senate Bill 202 to establish the Task Force on Independent Scientific Review for Natural Resources. The Task Force evaluated and assessed the need for independent science review in Oregon and made recommendations to the Governor and appropriate legislative committees. The Task Force's final report was submitted to the legislature in September 2016 and can be found here:

[http://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/sb202\\_final\\_report.pdf](http://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/sb202_final_report.pdf).

In 2017, Senate Bill 198 was introduced to create the Oregon Independent Science Review Board; the measure was not enacted.

**Bill Summary:** House Bill 3327 would have created the Independent Science Review Board, established the Independent Scientific Review Secretariat within the Institute for Natural Resources at Oregon State University, and would have established the Independent Scientific Review Fund.

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### House Bill 3365

**Effective Date: January 1, 2020**

#### Livestock Districts

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Livestock districts are areas where it is not lawful for livestock to run at large. The livestock district statutes (ORS 607.008-607.055), originally created in 1957, designate all incorporated cities in Oregon as livestock districts, and establish the process for forming, changing, or dissolving a district. There are currently 10 county-wide livestock districts; most remaining counties consist of both smaller livestock districts and open range areas.

**Bill Summary:** House Bill 3365 repeals certain livestock district statutes, and establishes a county application process for forming, modifying, or dissolving a livestock district, including minimum size and public notice requirements.

**Oregon Laws 2019:** Chapter 450

### [House Bill 3372](#)

**Not Enacted**

#### **Beef and Lamb Processing**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** The Federal Meat Inspection Act (FMIA) was enacted by Congress in 1906 to prohibit the sale of contaminated or misbranded meat and meat products and to ensure that livestock are slaughtered and processed in sanitary conditions. FMIA directs the U.S. Department of Agriculture (USDA) to inspect all livestock intended for human consumption before and after slaughtering and processing. The number of in-state USDA-inspected slaughter and processing facilities has decreased from more than 300 facilities to 13 over the last 35 years, which has created an access issue, particularly in remote parts of the state. FMIA was amended in 1967 to allow for state inspection programs but required that state programs be “at least equal to” the federal inspection program.

**Bill Summary:** House Bill 3372 would have required the Oregon Department of Agriculture to adopt rules for the processing and sale of beef and lamb for in-state commerce; the measure would have allowed the adopted rules to deviate from FMIA requirements, in some cases.

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### [House Bill 3401](#)

**Effective Date: June 7, 2019**

#### **Abolishment of the Orchardgrass Seed Producers Commission**

**Chief Sponsors:** Rep. Boshart Davis

**Committees:** House Agriculture and Land Use, Senate Business and General Government

**Background and Current Law:** The nine-member Oregon Orchardgrass Seed Producers Commission is one of 21 commodity commissions in Oregon, established to support commodity industries vital to the state economy. Orchardgrass is a tall-growing, cool-season, perennial bunchgrass that is used for forage, such as pasture, hay, greenchop, and silage. Producers of the crop have declined in Oregon in recent years.

**Bill Summary:** House Bill 3401 abolishes the Oregon Orchardgrass Seed Producers Commission and provides for the Oregon Tall Fescue Commission to close out its remaining affairs.

**Oregon Laws 2019:** Chapter 275



### [House Bill 3433](#)

**Not Enacted**

#### **Greenhouse Gas Sequestration and Emissions Reduction**

**Chief Sponsors:** Reps. DB Smith, Boshart Davis, Bonham, Helt, G Smith, Witt; Sens. Girod, Hansell, Heard, Linthicum, Roblan, Thomsen

**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** Carbon sequestration is the process of capturing and storing atmospheric carbon dioxide. It is one method of reducing the amount of carbon dioxide in the atmosphere with the goal of reducing global climate change. Over the past decade, Oregon has adopted various programs to reduce greenhouse gas emissions and sequester carbon.

**Bill Summary:** House Bill 3433 would have: required the Oregon Department of Forestry and the Department of State Lands to pursue shared stewardship agreements to reduce greenhouse gas (GHG) emissions related to wildfire; required certain state agencies and colleges at Oregon State University to conduct studies on opportunities for GHG emissions reductions in specified industries and sectors with a sunset date of December 31, 2020; increased the number of reviews conducted by the Oregon Department of Environmental Quality on the Clean Fuels Program from one to two no later than September 15, 2020 and February 1, 2022; and required the Oregon Department of Energy to complete a second study evaluating the impact of the Oregon Renewable Portfolio Standard on jobs in the state no later than September 15, 2020.

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### [House Concurrent Resolution 33](#)

**Not Enacted**

#### **Comprehensive State Water Vision**

**Chief Sponsors:** Rep. Reardon; Sens. Roblan, Hansell

**Committees:** House Rules

**Background and Current Law:** Under Oregon law, all water belongs to the public. Cities, irrigators, businesses, and other water users must obtain a permit from the Oregon Water Resources Department to use water from any source.

**Bill Summary:** House Concurrent Resolution 33 would have encouraged the Governor and officers, agencies, and employees of the State of Oregon, whose responsibilities impact water resources, to work cooperatively with legislators, tribal governments, water stakeholders, and other interested parties to develop a comprehensive state water vision.

[House Concurrent Resolution 35](#)

Filed with Secretary of State

**International Year of the Salmon**

**Chief Sponsors:** Reps. Helm, Helt, DB Smith; Sens. Dembrow, Golden, Prozanski

**Committees:** House Rules, Senate Environment and Natural Resources

**Background and Current Law:** Salmon have been an economic and ecological staple of the Northwest since before the arrival of European settlers. By the late 19th century, changes to the regional ecology threatened salmon runs and the federal government began to develop hatcheries and regulate harvests. In spite of ongoing efforts, wild salmon populations continue to languish. The International Year of the Salmon establishes a period to celebrate and educate about the contributions of wild salmon to the health and economy of the State of Oregon, the United States, Canada, and other nations around the world, and to explore ways to rebuild salmon stocks.

**Bill Summary:** House Concurrent Resolution 35 recognizes 2019 as the International Year of the Salmon and expresses support for the associated global initiative affirming the importance of wild salmon.

## 2019 SUMMARY OF LEGISLATION

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# ALCOHOL AND MARIJUANA

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# ALCOHOL AND MARIJUANA MEASURES

<b>Alcohol Policy and Regulation</b>	Enacted	SB 248, SB 590, SB 829, HB 2334, HB 3113, HB 3239, HJM 8
	Not Enacted	SB 108-A, SB 635, SB 827, SB 830-A, SB 831-A, HB 3386
<b>Marijuana Policy and Regulation</b>	Enacted	SB 218, SB 365, SB 582, SB 1012, HB 2098, HB 3200
	Not Enacted	SB 382, SB 585-A, SB 639, HB 2233, HB 2382, HB 2672, HB 2723, HB 2909, HB 3096, HB 3169, HB 3211, HB 3362, HB 3395
<b>Other</b>	Enacted	-none-
	Not Enacted	SB 1046-A
<b>Redemption of Beverage Containers</b>	Enacted	SB 590
	Not Enacted	-none-

Picture: Timothy Lake, Clackamas County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 218	Directs Oregon Liquor Control Commission to report on the effects to the marijuana industry of marijuana production license application restrictions based on the supply of and demand for marijuana.	Annually by December 31
SB 829	Directs the Oregon Liquor Control Commission to report on recommendations made by the advisory committee on wine labeling requirements.	September 15, 2020

### [Senate Bill 108-A](#)

**Not Enacted**

#### **Distillery Retail Outlet Compensation**

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

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The Oregon Liquor Control Commission (OLCC) sells distilled spirits through 279 approved retail liquor store agents. Agents are compensated using a formula that includes both a fixed rate determined by the type of store and annual sales volume and a variable rate based on sales. Licensed distilleries can sell bottles of their own products at their tasting rooms if they have a distillery retail outlet agent agreement with the OLCC. Distillers selling their own products are compensated as a retail liquor agent.

**Bill Summary:** Senate Bill 108-A would have required OLCC to develop separate compensation schedules and expenditure limits for distillery retail outlet agents and retail liquor agents. The measure also would have allowed retail liquor agents to set retail prices that exceed OLCC wholesale prices and retain the difference.

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### [Senate Bill 218](#)

**Effective Date: June 17, 2019**

#### **Marijuana Production License Refusal**

**At the request of:** Governor Kate Brown

**Committees:** Senate Business and General Government, Senate Rules, House Economic Development

**Background and Current Law:** According to the Oregon Liquor Control Commission (OLCC), supply in Oregon's recreational marijuana market is currently twice the level of demand. In response to excess production, a continuing increase in production license applications, and competing demands on staff, the OLCC announced in May 2018, that it would temporarily pause the processing of marijuana license applications. This policy runs counter to the current statutory requirement that OLCC issue a production license to any applicant that meets the license requirements.

**Bill Summary:** Senate Bill 218 gives OLCC the ability through January 2, 2022 to refuse to issue new marijuana production licenses based on the supply and demand for marijuana. The measure also clarifies that the agency must process applications received on or before June 15, 2018 which include a land use compatibility statement (LUCS) within 21 days of the effective date of the measure.

**Oregon Laws 2019:** Chapter 419

### [Senate Bill 248](#)

**Effective Date:** July 1, 2019

#### **Alcohol Licensing Fees**

**At the request of:** Governor Kate Brown for Oregon Liquor Control Commission

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The Oregon Liquor Control Commission is responsible for regulating the sale and service of alcoholic beverages in Oregon by administering the Oregon Liquor Control Act. Businesses that sell, manufacture, import, or distribute alcohol in Oregon must obtain a license, and employees who serve alcohol must obtain a service permit. Current statute establishes fees that must be paid when seeking to obtain or renew a license, permit, or certificate administered by the agency.

**Bill Summary:** Senate Bill 248 doubles 15 existing license, permit, and certification fees, and establishes a \$10 per day fee for the temporary use of an annual license.

**Oregon Laws 2019:** Chapter 420

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### [Senate Bill 365](#)

**Effective Date:** June 7, 2019

#### **System Development Charges for Marijuana**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Business and General Government, House Economic Development

**Background and Current Law:** Marijuana is classified as a crop permitted to be the primary product grown on land zoned exclusively for farm use. Local governments are authorized to adopt and assess system development charges (SDCs), which are fees designed to cover the expense of capital improvements. SDCs cannot be assessed on farm use in exclusive farm use zones. Under its authority to adopt reasonable conditions for the production of marijuana, Deschutes County has enacted SDCs to offset the increased use of roads by marijuana producers.

**Bill Summary:** Senate Bill 365 prohibits local government from imposing SDCs for increased use of roads that result from marijuana production in exclusive farm use zones.

**Oregon Laws 2019:** Chapter 292



### Senate Bill 382

**Not Enacted**

#### **Marijuana Transfer Limits**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Business and General Government

**Background and Current Law:** Current statute allows a registered medical marijuana grow site to transfer up to 20 pounds of marijuana per year to a licensed recreational marijuana processor or wholesaler. The marijuana must be transferred to the medical grower from the patient; the transfer to the recreational market must be tracked under the Oregon Liquor Control Commission (OLCC) recreational marijuana tracking system; and the marijuana transferred must meet the testing standards for recreational marijuana. The OLCC can, if it determines that supply exceeds consumer demand, issue an order temporarily reducing the amount of marijuana that may be transferred from the medical marijuana market to the recreational marijuana market.

**Bill Summary:** Senate Bill 382 would have removed the 20-pound per year limit, allowing a registered medical marijuana grower to transfer an unlimited amount of marijuana to the recreational market.

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### Senate Bill 582

**Effective Date: January 1, 2020**

#### **Marijuana Exportation Agreements**

**Chief Sponsors:** Sen. Prozanski; Rep. Helm

**Committees:** Senate Judiciary, House Rules

**Background and Current Law:** Importing or exporting marijuana to or from Oregon is prohibited. Depending on the severity and amount of marijuana transferred, a violation is a Class B violation, a Class A misdemeanor, or a Class C felony.

**Bill Summary:** Senate Bill 582 authorizes the Governor to make agreements with other states regarding the coordination and enforcement of licensed marijuana-related businesses. It allows for the transportation and delivery of marijuana across state lines by marijuana producers, wholesalers, and researchers as authorized by the relevant agreements. The agreements must include enforceable public health, safety, and labeling standards; systems to regulate and track marijuana items; and that items delivered to Oregon must be tested, packaged, and labeled in compliance with current law. The measure does not become operative until federal law is amended to allow for the interstate transfer of marijuana or the United States Department of Justice issues an opinion or memorandum stating that the Department will allow or tolerate the interstate transfer of marijuana. If such an event occurs, the Oregon Liquor Control Commission must notify the Judiciary Committees and Legislative Counsel.

**Oregon Laws 2019:** Chapter 464

[Senate Bill 585-A](#)

Not Enacted

**Responsible Cannabis Retailer Program**

**Chief Sponsors:** Sen. Prozanski

**At the request of:** Andy Shelley

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** According to the Oregon Liquor Control Commission (OLCC), there are currently over 500 licensed recreational marijuana retailers in the state. The OLCC administers a Responsible Vendor Program (RVP) for alcohol retailers which makes participants eligible for reduced sanctions if their employees sell alcohol to a minor or fail to properly check identification. The RVP requires retailers to provide ongoing training to employees, accept only certain forms of ID, adopt specified policies, post specified signs on the premises, and keep records verifying compliance with the program requirements. A 2007 independent research study found that sales to minors "were significantly less likely at RVP outlets (25%) than non-RVP outlets (39%)."

**Bill Summary:** Senate Bill 585-A would have required the OLCC to establish a Cannabis Responsible Retailer Program similar to the RVP.

[Senate Bill 590](#)

Effective Date: June 13, 2019

**Beverage Redemption, Breweries and Brew-Pubs, and Storage**

**Chief Sponsors:** Sen. Prozanski; Rep. Holvey

**Committees:** Senate Environment and Natural Resources, House Economic Development

**Background and Current Law:** Under the Oregon Bottle Bill, a beverage dealer occupying a space of less than 5,000 square feet in a single area may refuse to accept for bottle deposit redemption any containers of the kind, size, and brand that the dealer does not sell. Current law does not differentiate types of space for purposes of this calculation.

The Oregon Liquor Control Commission (OLCC) manages and distributes distilled spirit and licenses and regulates businesses that sell and serve alcohol. Under an OLCC license, a brewery and brewery-public house may produce malt beverages at a first location and may sell malt beverages, wine, and cider to individuals at up to three locations in Oregon. A brewery licensee may also obtain a winery license to produce wine or cider.

The OLCC licenses for airlines, allowing them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Under current law, the OLCC does not have the authority to approve the delivery to and storage of alcoholic beverages other than the licensed premises.

**Bill Summary:** Senate Bill 590 identifies when the space occupied by a dealer equals the retail space for purposes of bottle bill deposit redemption requirements. The measure also allows the OLCC to issue more than one brewery-public house license at a single premises address under certain conditions and allows brewery and brewery-public house licensees to produce malt beverages for a brewery-public house licensee under a custom order agreement, as defined by OLCC rules. Finally, the measure allows an airline to have designated storage facilities other than the licensed premises with written OLCC approval.

**Oregon Laws 2019:** Chapter 373

### [Senate Bill 635](#)

**Not Enacted**

#### **Local Government Alcohol Licensing Fees**

**Chief Sponsors:** Sen. Bentz

**At the request of:** City of Ontario

**Committees:** Senate Business and General Government

**Background and Current Law:** Current statute allows the Oregon Liquor Control Commission to require that every potential licensee obtain a written recommendation from a local government prior to receiving a license. In obtaining the required recommendation, an applicant must also pay the local government an application fee of up to \$25. A local government may, in lieu of the application fee, adopt a processing fee up to \$100 for an original application, \$75 for specified changes, and \$35 for a renewal or temporary application.

**Bill Summary:** Senate Bill 635 would have increased the limits on the local application fee to \$100 and the local processing fee up to \$150 for an original application, \$125 for specified changes, and \$85 for a renewal or temporary application.

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### [Senate Bill 639](#)

**Not Enacted**

#### **Marijuana Social Consumption**

**Chief Sponsors:** Sens. Frederick, Prozanski

**Committees:** Senate Business and General Government

**Background and Current Law:** Current statute prohibits the public consumption of marijuana.

**Bill Summary:** Senate Bill 639 would have permitted the consumption and sale of marijuana items at temporary events and cannabis lounges, subject to the regulation of the Oregon Liquor Control Commission. The measure would have also allowed licensed growers and processors to offer tours to adults and to partner with a retailer for on-site sales to tour patrons.

### [Senate Bill 827](#)

**Not Enacted**

#### **Mobile Malt Beverage Distribution**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Business and General Government

**Background and Current Law:** The Oregon Liquor Control Commission (OLCC) licenses the manufacture, distribution, and sale of malt beverages. The OLCC is prohibited from licensing a location without defined boundaries unless the location is a public passenger carrier like an airline, railroad, or tour boat. Licensed breweries and brewery-public houses are authorized to make, sell, and dispense malt beverages to the public. Breweries and brewery-public houses can obtain a special events license allowing them to sell and dispense beverages at a designated location for up to five days.

**Bill Summary:** Senate Bill 827 would have allowed licensed breweries and brewery-public houses to sell and dispense malt beverages from mobile sources within the boundaries of a licensed special event.

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### [Senate Bill 829](#)

**Effective Date: September 29, 2019**

#### **American Viticultural Area Identification Requirements**

**Chief Sponsors:** Sen. Hass; Reps. Noble, Williamson

**Committees:** Senate Business and General Government, House Economic Development

**Background and Current Law:** An American Viticultural Area (AVA) is a designated grape growing region approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB) that is defined by soil types, elevation, topography, and microclimate. Oregon currently contains 19 AVAs; five more AVAs in the Willamette Valley are pending federal approval. Wine containers must have a certificate of label approval or an exemption certificate from the TTB before being sold in the United States.

**Bill Summary:** Senate Bill 829 requires that wine labels for the Willamette Valley AVA, and other AVAs specified by rules adopted by the Oregon Liquor Control Commission (OLCC) after consultation with a rule advisory committee, identify both the AVA and any larger AVA in which it is wholly or partially located. The measure applies to wine bottled on or after January 1, 2023.

**Oregon Laws 2019:** Chapter 425

### [Senate Bill 830-A](#)

Not Enacted

#### Willamette Valley Pinot Noir Content Requirements

**Chief Sponsors:** Sen. Hass; Reps. Noble, Williamson

**Committees:** Senate Business and General Government, House Economic Development

**Background and Current Law:** An American Viticultural Area (AVA) is a designated grape growing region approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB) that is defined by soil types, elevation, topography, and microclimate. Oregon currently contains 19 AVAs; five more AVAs in the Willamette Valley are pending federal approval. Wine containers must have a certificate of label approval or an exemption certificate from the TTB before being sold in the United States. TTB standards require at least 75 percent of grapes used to make wine to be of the named variety.

**Bill Summary:** Senate Bill 830-A would have required wine for which the label identifies specified single varieties and AVAs to be made from 100 percent of the identified fruit sourced entirely from the identified AVA. The measure would have applied to the Willamette Valley AVA and pinot noir; the Oregon Liquor Control Commission would have been authorized to apply the provisions to other AVAs and varieties by rule after consultation with a rule advisory committee.

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### [Senate Bill 831-A](#)

Not Enacted

#### Willamette Valley Fruit in Willamette Valley Wine

**Chief Sponsors:** Sen. Hass; Reps. Noble, Williamson

**Committees:** Senate Business and General Government, House Economic Development

**Background and Current Law:** An American Viticultural Area (AVA) is a designated grape growing region approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB) that is defined by soil types, elevation, topography, and microclimate. Oregon currently contains 19 AVAs; five more AVAs in the Willamette Valley are pending federal approval. Wine containers must have a certificate of label approval or an exemption certificate from the TTB before being sold in the United States. Oregon regulations require wine labels that claim or imply "Oregon," an Oregon county, or an AVA wholly within Oregon contain only fruit cultivated within the state and 95 percent from the specified AVA.

**Bill Summary:** Senate Bill 831-A would have required wine labels that identify the Willamette Valley AVA, and other AVAs specified by the Oregon Liquor Control Commission in rule after consultation with a rule advisory committee, to contain only fruit cultivated in the identified AVA.

### [Senate Bill 1012](#)

Effective Date: June 4, 2019

#### **Marijuana Land Use Compatibility Exemption**

**At the request of:** Senate Committee on Judiciary for Randy Bisenz

**Committees:** Senate Business and General Government, House Agriculture and Land Use

**Background and Current Law:** Current statute allows local government to adopt reasonable time, place, and manner regulations for the operation of licensed recreational marijuana businesses. Applicants for a recreational marijuana grow site license must receive an approved land use compatibility statement from the municipal government where the grow site will be located. Applicants are exempt from the land use compatibility requirement if the site does not exceed a prescribed size, is located outside of city limits, and was registered as a medical grow site before January 1, 2015.

**Bill Summary:** Senate Bill 1012 clarifies that a recreational grow site applicant is not required to demonstrate continuous registration as a grow site since before January 1, 2015, to qualify for the exemption from the land use compatibility requirement. The measure applies to applications received before, on, or after the effective date.

**Oregon Laws 2019:** Chapter 254

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### [Senate Bill 1046-A](#)

**Not Enacted**

#### **Adults in Places of Public Accommodation**

**Chief Sponsors:** Sen. Prozanski

**Committees:** Senate Rules, House Rules

**Background and Current Law:** In 2015, amendments to public accommodation statutes related to marijuana facilities created uncertainty in the law surrounding age-based discrimination.

**Bill Summary:** Senate Bill 1046-A would have clarified the general rule that the public accommodation statutes apply to discrimination based on age, when an individual is 18 years of age or older.



### [House Bill 2098](#)

**Effective Date:** June 17, 2019

## **Medical and Recreational Marijuana Regulation**

**At the request of:** Governor Kate Brown for Oregon Liquor Control Commission

**Committees:** House Economic Development, Senate Business and General Government

**Background and Current Law:** Oregon voters approved Ballot Measure 67 in 1998 allowing the medical use of marijuana in Oregon within specified limits. Cardholders may grow plants for themselves, designate a grower and grow site on their behalf, or purchase marijuana items from medical marijuana dispensaries or licensed recreational retail establishments. In 2014 Oregon voters enacted Ballot Measure 91, allowing the recreational use of marijuana for persons 21 years or older in Oregon. The Oregon Liquor Control Commission (OLCC) administers and regulates the licensing for recreational marijuana producers, processors, wholesalers, and retailers. In 2015, the Legislative Assembly approved a 17 percent tax at the point of sale on recreational marijuana, which is collected by the Oregon Department of Revenue.

**Bill Summary:** House Bill 2098 makes several changes to Oregon's marijuana laws. First, the measure makes technical changes, including adding laboratory licensees to certain statutes, correcting citations, and clarifying how producers may handle kief, the resin crystals that can separate from marijuana flowers during processing. Second, the measure makes changes to enforcement by increasing the maximum civil penalty for recreational marijuana violations from \$5,000 to \$10,000 per violation, allowing the (OLCC) to take specified regulatory action when it finds a licensee is engaged in diversion or allowing unlicensed individuals to engage in licensed work, and by allowing OLCC to revoke a marijuana retailer license for failure to pay the retail tax or file a Department of Revenue return twice in any four consecutive quarters under certain circumstances. Third, the measure changes registry identification cardholder access through the recreational system, including giving the OLCC authority to establish limited-duration pilot programs to expand access to medical marijuana. Fourth, the measure establishes an advisory committee to advise the OLCC, Oregon Health Authority, and Oregon Department of Agriculture on standards for testing the potency of marijuana and marijuana items. Fifth, the measure clarifies that a recreational grow site applicant is not required to demonstrate continuous registration as a grow site to qualify for the exemption from the land use compatibility requirement. Finally, the measure allows pharmacists to dispense prescription drugs approved by the U.S. Food and Drug Administration that contain one or more cannabinoids.

**Oregon Laws 2019:** Chapter 391

### [House Bill 2233](#)

**Not Enacted**

#### **Marijuana Consumption at Temporary Events and Lounges**

**Chief Sponsors:** Reps. Helm, Nosse, Fahey

**Committees:** House Economic Development

**Background and Current Law:** In 2014 Oregon voters enacted Measure 91, allowing the recreational use of marijuana for persons 21 years or older. Current statute prohibits the public consumption of marijuana.

**Bill Summary:** House Bill 2233 would have allowed the consumption and sale of marijuana items at temporary events and cannabis lounges, subject to Oregon Liquor Control Commission regulation and local government authorization.

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### [House Bill 2334](#)

**Effective Date:** January 1, 2020

#### **Alcoholic Beverage Service Permit Violations**

**Chief Sponsors:** Reps. Stark, Williamson; Sen. Prozanski

**Committees:** House Economic Development, Senate Business and General Government

**Background and Current Law:** A service permit is a permit issued by the Oregon Liquor Control Commission (OLCC) to employees who serve alcohol in restaurants, taverns, nightclubs, bars, lounges, private clubs, and similar businesses. Current statute does not prescribe a punishment for violation of the server permit requirement; this allows OLCC to impose a civil penalty up to \$500, or to treat any violation for which no punishment is prescribed as a Class A misdemeanor, which is punishable by a fine up to \$6,250 and 364 days imprisonment.

**Bill Summary:** House Bill 2334 makes violations of the OLCC service permit requirements by a licensee or permittee a Class B violation, which has a maximum fine of \$1,000.

**Oregon Laws 2019:** Chapter 44

### [House Bill 2382](#)

**Not Enacted**

#### **County Tax on Marijuana Production**

**Chief Sponsors:** Rep. DB Smith; Sens. Roblan, Heard

**Committees:** House Economic Development

**Background and Current Law:** In 2014 Oregon voters enacted Measure 91, allowing the recreational use of marijuana for persons 21 years or older. Measure 91 included a tax on marijuana at the grower level, which was replaced in 2015 by the Legislative Assembly with a 17 percent tax at the point of sale. Twenty percent of the tax revenue is distributed to cities and counties by formula. A city or county may also tax the sale of recreational marijuana items sold in its jurisdiction at three percent.

**Bill Summary:** House Bill 2382 would have allowed certain counties to adopt an ordinance to impose a tax on recreational and medical marijuana production sites.

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### [House Bill 2672](#)

**Not Enacted**

#### **Reimbursement of State Agency Marijuana Expenses**

**Chief Sponsors:** Rep. Witt; Sen. Hansell

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

**Background and Current Law:** Taxes on cannabis and cannabis products received by the Department of Revenue are used to pay Department cannabis-related administrative and enforcement expenses before crediting the balance to the Oregon Marijuana Account. Moneys in the Oregon Marijuana Account are distributed to cities and counties (20 percent); the State School Fund (40 percent); mental health treatment or alcohol and drug abuse prevention, early intervention, and treatment (20 percent); State Police Account (15 percent); and alcohol and drug abuse prevention, early intervention, and treatment services (5 percent).

**Bill Summary:** House Bill 2672 would have authorized the Department of Revenue to reimburse the State Department of Agriculture, the State Department of Energy, and Water Resources Department for any expenses incurred in the administration and enforcement of activities related to cannabis.

### [House Bill 2723](#)

**Not Enacted**

#### **Medical Marijuana Ordering and Delivery**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Economic Development

**Background and Current Law:** Oregon voters approved Ballot Measure 67 in 1998, allowing the medical use of marijuana in Oregon. Registry identification cardholders may grow plants for themselves, designate a grower and grow site on their behalf, or purchase marijuana items from medical marijuana dispensaries or licensed recreational retail establishments. Current law allows licensed recreational marijuana producers, processors, and wholesalers to deliver marijuana items to a cardholder or designated primary caregiver. Licensed marijuana retailers may also deliver to customers pursuant to an order placed at the retailer prior to delivery, but retailers are restricted to delivering marijuana items to locations within the same jurisdiction.

**Bill Summary:** House Bill 2723 would have directed the Oregon Liquor Control Commission to create an Internet-based system, in consultation with the Oregon Health Authority, for registry identification cardholders to order marijuana for medical use and have it delivered, regardless of cardholder location.

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### [House Bill 2909](#)

**Not Enacted**

#### **Marijuana Delivery**

**Chief Sponsors:** Rep. Helm; Sen. Prozanski

**Committees:** House Economic Development

**Background and Current Law:** Current statute allows licensed marijuana retailers to deliver to customers pursuant to an order placed at the retailer prior to delivery. The Oregon Liquor Control Commission has established rules for the delivery of marijuana items by a licensed retailer, including limiting delivery times and locations and specifying delivery requirements.

**Bill Summary:** House Bill 2909 would have allowed a licensed marijuana retailer to deliver marijuana items to consumers, pursuant to bona fide orders received by the retailer in person or online, within the same city or unincorporated area of the county in which the retailer is located, or in an adjacent city or unincorporated area of a county if allowed by the adjacent city or county. The measure would also have established the conditions and requirements for delivery of marijuana items to consumers in statute.

### [House Bill 3096](#)

**Not Enacted**

#### Local Marijuana Taxation

**Chief Sponsors:** Rep. Findley

**Committees:** House Economic Development

**Background and Current Law:** In 2014 Oregon voters enacted Measure 91, allowing the recreational use of marijuana for persons 21 years or older. Measure 91 included a tax on marijuana at the grower level, which was replaced in 2015 by the Legislative Assembly with a 17 percent tax at the point of sale. Twenty percent of the retail tax revenue is distributed to cities and counties by formula. A city or county may also tax the sale of recreational marijuana items sold in its jurisdiction at three percent. The City of Ontario is located on the border with Idaho close to more than 700,000 people who do not have access to legal marijuana.

**Bill Summary:** House Bill 3096 would have authorized an exemption for certain cities to the three percent limit on the tax of recreational marijuana items sold in that jurisdiction and would have allowed the City of Ontario to impose a tax or fee of up to 18 percent on marijuana items produced, processed, or sold on or after January 1, 2020. The measure would have also required the transfer of two percent of the proceeds to the county for public safety purposes.

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### [House Bill 3113](#)

**Effective Date:** January 1, 2020

#### Winery License Premises

**At the request of:** Bill Cross

**Committees:** House Economic Development, Senate Business and General Government

**Background and Current Law:** The Oregon Liquor Control Commission (OLCC) licenses the manufacture, distribution, and sale of wine, cider, and malt beverages. A winery license allows the licensee to import wine or cider; bottle, produce, blend, store, transport, or export wines or cider; sell wines or cider to the OLCC or its licensees at wholesale; and sell wines, cider, or malt beverages at retail for consumption on or off the licensed premises. Licensees are currently limited to these activities at two or three premises.

**Bill Summary:** House Bill 3113 allows a winery licensee to import, process, store, and export wine or cider and sell malt beverages, wine, and cider at five or fewer premises.

**Oregon Laws 2019:** Chapter 167

### [House Bill 3169](#)

**Not Enacted**

#### **Cannabis Financial Institutions**

**Chief Sponsors:** Rep. Marsh

**Committees:** House Economic Development

**Background and Current Law:** All national or state-chartered banks are subject to federal law and violations may result in the loss of a bank's charter. State-chartered financial institutions must also address federal compliance requirements and criminal concerns to maintain federal depository insurance. Federal guidance in 2014 clarified expectations for institutions seeking to provide services to marijuana-related businesses, yet the cannabis industry still lacks access to banking and financial services.

**Bill Summary:** House Bill 3169 would have allowed persons applying to organize as a banking institution or credit union to apply to the Department of Consumer and Business Services Director to organize as a limited charter cannabis financial institution in compliance with federal and state law and federal guidance related to the cannabis industry. The measure would have restricted a limited charter cannabis financial institution to transacting business only with another limited charter cannabis financial institution; would have allowed a limited charter cannabis financial institution to issue special purpose checks to pay certain fees, taxes, or costs related to a cannabis business; and would have set limits on who may cash, deposit, or accept payment by special purpose checks.

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### [House Bill 3200](#)

**Effective Date: September 29, 2019**

#### **Property Owner Consent for Marijuana Production**

**Chief Sponsors:** Rep. Noble

**Committees:** House Economic Development, Senate Business and General Government

**Background and Current Law:** Oregon voters approved Ballot Measure 67 in 1998, allowing the medical use of marijuana in Oregon and mandating an Oregon Health Authority (OHA) registration system. In 2014, Oregon voters enacted Measure 91, allowing the recreational use of marijuana for persons 21 years or older in Oregon. The measure directed the Oregon Liquor Control Commission (OLCC) to administer and regulate the recreational system; it annually licenses recreational producers, processors, wholesalers, and retailers.

**Bill Summary:** House Bill 3200 requires an applicant for a marijuana production license or marijuana grow site registration that does not own the premises where marijuana will be produced or grown to submit the signed informed consent of the owner to Oregon Liquor Control Commission or Oregon Health Authority.

**Oregon Laws 2019:** Chapter 145

### [House Bill 3211](#)

**Not Enacted**

#### **Cannabis Business Certification Program**

**Chief Sponsors:** Rep. Helm; Sen. Prozanski

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

**Background and Current Law:** The Oregon Liquor Control Commission rules for marijuana producer licensees require proof of legal access to water, an estimate of electricity and water usage with the initial application, and actual electricity and water usage at license renewal. The Oregon Department of Agriculture administers many programs that affect agricultural producers and processors, including cannabis, and regulates the growing and processing of industrial hemp in Oregon.

**Bill Summary:** House Bill 3211 would have directed the Oregon Department of Agriculture to design and implement a cannabis business certification program to promote market-based approaches that create incentives for cannabis business operations to use energy and water efficiently.

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### [House Bill 3239](#)

**Effective Date: August 9, 2019**

#### **Distillery Licenses**

**Chief Sponsors:** Reps. Helt, DB Smith

**Committees:** House Economic Development, Senate Business and General Government, Senate Rules

**Background and Current Law:** The Oregon Liquor Control Commission (OLCC) manages and distributes distilled spirits, licenses and regulates businesses that sell and serve alcohol, and issues permits for alcohol servers. A distillery licensee may make and import distilled spirits with an alcohol content greater than 10 percent by volume into Oregon; export distilled spirits out of Oregon; sell distilled spirits to the OLCC; and sell distilled spirits in bulk to another Oregon distillery licensee. A full on-premises sales license holder may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Under current law, a distillery licensee may have one full on-premises sales license at the licensed premises of the distillery and one at another location.

**Bill Summary:** House Bill 3239 allows a distillery licensee to hold an unlimited number of full on-premises sales licenses, make and import distilled spirit beverages with an alcohol content of less than 10 percent by volume, and verify a person's age through proof of participation in the U.S. Customs and Border Protection Secure Electronic Network for Travelers Rapid Inspection and NEXUS programs.

**Oregon Laws 2019:** Chapter 658



### [House Bill 3362](#)

**Not Enacted**

#### **Title Insurance and Legal Cannabis Activities**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Economic Development

**Background and Current Law:** In 2014, Oregon voters enacted Measure 91, allowing the recreational use of marijuana for persons 21 years or older and directing the Oregon Liquor Control Commission (OLCC) to administer and regulate the recreational system and start giving licenses to marijuana producers (growers), processors, wholesalers, and retailers in January 2016. At the federal level, marijuana remains classified as a Schedule I substance under the Controlled Substances Act, which still prohibits the growing, processing, and selling of marijuana. Financial and insurance companies are caught in the conflict between federal and state cannabis laws, and companies have refused to issue title insurance where a property has been used for legal cannabis activities under state law.

**Bill Summary:** House Bill 3362 would have prohibited a person who transacts title insurance in Oregon from refusing to issue a title insurance policy or refusing to close or insure a real property transaction solely because the real property subject to the transaction had been used for the purpose of growing, producing, manufacturing, or selling cannabis, or conducting other cannabis activities in compliance with state medical and recreational marijuana laws.

### [House Bill 3386-A](#)

**Not Enacted**

## Regulation of Alcohol Delivery

**Chief Sponsors:** Rep. Doherty

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

**Background and Current Law:** The Oregon Liquor Control Commission (OLCC) sells distilled spirits through 279 approved retail liquor store agents; it also licenses and regulates businesses that sell and serve alcohol. Legislation enacted in 2008 first allowed OLCC off-premises sales license holders to deliver wine or cider to Oregon residents after obtaining a direct shipper permit; malt beverages were added in 2015. OLCC administrative rules allow the shipment of distilled spirits purchased in-person at a retail liquor store.

**Bill Summary:** House Bill 3386-A would have allowed distilled liquor to be ordered by Internet or telephone under certain conditions and to be delivered to a final consumer at a residential address by a liquor store agent, alcohol delivery service permit holder, or noncommercial provider. The measure also would have allowed malt beverages, wine, or cider to be delivered to a final consumer at a residential address by an eligible license type holder, alcohol delivery service permit holder, common carrier permit holder, direct shipper permit holder, or noncommercial provider. Finally, the measure would have created an alcohol delivery service carrier permit, set requirements for permit holders and permit fees, and established sanctions and penalties for violations by a holder of an alcohol delivery service permit or common carrier permit.

### [House Bill 3395](#)

**Not Enacted**

#### **Grower Transfers of Medical Marijuana**

**Chief Sponsors:** Reps. Wilson, Wallan

**Committees:** House Economic Development

**Background and Current Law:** Oregon voters approved Ballot Measure 67 in 1998, allowing the production, sale, and use of medical marijuana in Oregon. Registry identification cardholders may grow plants for themselves or designate a grower and grow site. A designated grower may grow marijuana for up to eight cardholders, but only must report into the Cannabis Tracking System if they grow for more than two cardholders. Medical growers have little access to the recreational marijuana market and excess inventory may be a source of diversion.

**Bill Summary:** House Bill 3395 would have allowed a person responsible for a medical marijuana grow site, who is designated to produce marijuana by more than three registry identification cardholders, to transfer usable marijuana to additional cardholders under a written agreement.

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### [House Joint Memorial 8](#)

**Filed with Secretary of State**

#### **Urging Federal Action on Wine Regulations**

**Chief Sponsors:** Reps. Gomberg, Holvey, DB Smith, Noble; Sens. Girod, Prozanski, Riley, Roblan, Winters

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

**Background and Current Law:** The Alcohol and Tobacco Tax and Trade Bureau (TTB), housed within the U.S. Department of the Treasury, is responsible for collecting federal excise taxes and assuring compliance with federal tobacco and alcohol permitting, labeling, and marketing requirements to protect consumers. The TTB enforces the provisions of the Federal Alcohol Administration Act, which ensures that labeling and advertising of alcoholic beverages provide adequate information to the consumer concerning the identity and quality of the product; requires that alcoholic beverage bottlers and importers must have a certificate of label approval or an exemption certificate before the product may be sold in the United States; and prevents misleading labeling or advertising that may result in potential consumer deception regarding the product. The TTB published Notice No. 176, entitled "Modernization of the Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages," on November 26, 2018, with comments due by March 26, 2019.

**Bill Summary:** House Joint Memorial 8 urges Congress and the federal Alcohol and Tobacco Tax and Trade Bureau to adopt and enforce stringent regulations related to accuracy in wine labeling, packaging, and advertising specific to geographic designations, appellations of origin, and varietal content, and urges states to enter into mutual agreements for the reciprocal enforcement of wine labeling, packaging, and advertising laws.

## 2019 SUMMARY OF LEGISLATION

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# BUSINESS AND CONSUMER PROTECTION

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# BUSINESS AND CONSUMER PROTECTION MEASURES

<b>Construction Policy and Licensing</b>	Enacted	SB 410, SB 935, HB 2415
	Not Enacted	SB 771, HB 3423
<b>Consumer Protection</b>	Enacted	SB 372, SB 484, SB 519, SB 586, SB 608, HB 2088, HB 2913
	Not Enacted	SB 419, SB 487, SB 716, SB 820-A, SB 939, HB 2885
<b>Economic Development</b>	Enacted	HB 2054, HB 2174
	Not Enacted	SB 34, SB 258-A, SB 418-A, HB 2132-A, HB 2641-A, HB 2733, HB 2890, HB 2990-A, HB 2934, HB 3251-A
<b>Finance, Insurance, and Real Estate Policy and Licensing</b>	Enacted	HB 2089, HB 2312, HB 2419, HB 2425, HB 2463, HB 3218
	Not Enacted	SB 487, SB 621, SB 939, HB 3029, HB 3131
<b>Gaming</b>	Enacted	SB 76, SB 77
	Not Enacted	SB 78, SB 483-A, HB 3389-B
<b>General Business Policy and Licensing</b>	Enacted	SB 71, SB 227, SB 298, SB 422, SB 688, SB 854, SB 855, SB 935, HB 2749, HB 2998, HB 3030, HB 3143
	Not Enacted	SB 716, HB 2454-A, HB 2517, HB 2804, HB 3001, HB 3023-B, HB 3194, HB 3379-A,
<b>Utilities</b>	Enacted	SB 69, HB 2173, HB 3205
	Not Enacted	SB 300, SB 417, HB 2179-A, HB 2184, HB 2455

Picture: Wallowa Lake, Wallowa County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 688	Directs the professional licensing board to report on certain criteria relating to veterans and spouses or domestic partners of veterans.	Annually by December 31
SB 855	Directs certain state entities to report on immigrants and refugees becoming licensed and how to develop methods to reduce barriers to licensure for immigrants and refugees.	November 30, 2019

### [Senate Bill 34](#)

**Not Enacted**

#### **Industrial Site Readiness**

**At the request of:** Governor Kate Brown for Oregon Business Development Department

**Committees:** Senate Business and General Government

**Background and Current Law:** Business Oregon administers the Oregon Industrial Site Readiness Program to offer income tax reimbursement for approved industrial site readiness activities. The program is designed to incentivize development of shovel-ready industrial building sites throughout the state. Current statute establishes minimum full-time employee and wage standards for eligible employers and does not explicitly allow private owners to participate in the program.

**Bill Summary:** Senate Bill 34 would have reduced wage requirements from 150 percent of the lesser of county or state average wage to 130 percent, changed the minimum full-time employee standard for eligible employers to a minimum full-time employee standard for the site, and explicitly allowed private owners to receive income tax reimbursements for eligible site preparation costs.

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### [Senate Bill 69](#)

**Effective Date:** January 1, 2020

#### **Broadband Assistance**

**At the request of:** Governor Kate Brown for Public Utility Commission

**Committees:** Senate Business and General Government, House Economic Development

**Background and Current Law:** The Public Utility Commission (PUC) administers the Oregon Telephone Assistance Program (OTAP), a joint state and federal program that provides reduced-cost phone and broadband Internet service for qualifying low-income households. Households can qualify for the subsidy by demonstrating their income or participation in government assistance programs like the Supplemental Nutrition Assistance Program. Current Oregon statute requires the PUC to provide low-income assistance only for phone service. Broadband subsidies in the OTAP are provided only through federal funds.

**Bill Summary:** Senate Bill 69 aligns the OTAP with federal regulations, allowing extension of subsidies to support broadband Internet access. This alignment will increase the monthly discount low-income households can receive on their broadband Internet service from \$9.25 to \$12.75 per month.

**Oregon Laws 2019:** Chapter 91



### [Senate Bill 71](#)

**Effective Date:** January 1, 2020

#### **Animal Euthanasia with Sedatives**

**At the request of:** Governor Kate Brown for Oregon State Veterinary Medical Examining Board

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** Current statute allows a humane society or animal control agency registered with the State Board of Pharmacy or an individual certified by the State Veterinary Medical Examining Board to euthanize animals using sodium pentobarbital. Current statute does not allow these entities to obtain and administer sedatives or analgesic medications, which are used to manage the pain and trauma associated with euthanasia.

**Bill Summary:** Senate Bill 71 allows a humane society or animal control agency to obtain and administer sedatives and analgesic medications when euthanizing animals.

**Oregon Laws 2019:** Chapter 126

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### [Senate Bill 76](#)

**Effective Date:** June 11, 2019

#### **Exchange Wagers**

**At the request of:** Governor Kate Brown for Oregon Racing Commission

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** “Pari-mutuel” wagers are bets made on the outcome of a race. The bets go into a pool managed by an operator who has no stake in the outcome. The operator deducts a set percentage from the pool and distributes the remainder to the winning patrons. The Oregon Racing Commission (ORC) regulates all aspects of the pari-mutuel industry in Oregon. Current statute does not allow for exchange wagering, a pari-mutuel wager in which two or more persons place identically opposing wagers in a given market.

**Bill Summary:** Senate Bill 76 allows parties licensed by the ORC to conduct exchange wagering. A person who holds an exchange wagering license from the ORC can receive wagers from account holders and post the wagers to a market to be matched with an identically opposing wager. Exchange wagers can be placed remotely, allowing adult participants to create accounts and place wagers from any state, district, or territory where exchange wagering is legal. Licensees receive revenues for hosting wagers as approved by the ORC and pay fees to the ORC based on their activity.

**Oregon Laws 2019:** Chapter 313

### [Senate Bill 77](#)

**Effective Date:** June 11, 2019

#### **Virtual Race Wagering**

**At the request of:** Governor Kate Brown for Oregon Racing Commission

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** Current statute allows race meet operators to conduct pari-mutuel wagering on previously held races using virtual wagering, an electronic system that withholds all identifying information until after the wager has been placed. The Oregon Racing Commission (ORC) currently licenses ten Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs, which are businesses that allow subscribers to make pari-mutuel wagers on simulcast races. Current statute does not allow these businesses to conduct pari-mutuel wagering on previously held races. One quarter of funds the ORC receives from multi-jurisdictional hubs are dedicated to the State General Fund.

**Bill Summary:** Senate Bill 77 allows the ORC to adopt rules authorizing Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs to conduct pari-mutuel wagering on previously held races.

**Oregon Laws 2019:** Chapter 314

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### [Senate Bill 78](#)

**Not Enacted**

#### **Simulcast Wager License**

**At the request of:** Governor Kate Brown for Oregon Racing Commission

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** Current statute allows race meet license holders to host client wager accounts, conduct handicapping contests, conduct off-race course mutual wagering, and host instant racing machines and video lottery game terminals.

**Bill Summary:** Senate Bill 78 would have required the Oregon Racing Commission to adopt standards for a new license, the nonrace meet simulcast license. Nonrace meet simulcast licensees would have been authorized to conduct off-race course simulcast wagering as well as the permissions afforded to race meet licensees.

### [Senate Bill 227](#)

Effective Date: June 4, 2019

#### Interment of Dislodged Remains

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

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** Natural disasters such as floods and landslides can expose and dislodge human remains. After recent landslides in or near cemeteries, it was determined that statutory clarity was needed to allow cemetery authorities to act without liability in an emergency.

**Bill Summary:** Senate Bill 227 allows a cemetery authority, after making a reasonable attempt to notify the appropriate parties, to temporarily store and inter human remains dislodged by a natural disaster. The measure also allows, in the event of a natural disaster or similar emergency, the person with the right to control the disposition of the human remains to personally undertake the temporary storage or interment.

**Oregon Laws 2019:** Chapter 241

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### [Senate Bill 258-A](#)

Not Enacted

#### Rural Entrepreneur Support Network

**Chief Sponsors:** Sens. Roblan, Linthicum, Hansell, Manning Jr

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The Oregon Regional Accelerator and Innovation Network (RAIN) is a coalition of government and entrepreneurial business leaders that promotes economic development through entrepreneurial ventures in rural Oregon.

**Bill Summary:** Senate Bill 258-A would have made legislative findings regarding entrepreneurship and appropriated \$2.2 million from the General Fund to the Oregon Business Development Department for distribution to Oregon RAIN and other specified entities to help build and develop entrepreneurial capacity and support in rural regions of the state.

### [Senate Bill 298](#)

Effective Date: January 1, 2020

#### Funeral Home Death Record Request

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** An employee or agent of a funeral home or a person acting as a funeral practitioner can request a record of death or fetal death within the two-year period following the date of death if they are named in the record. Family members and other parties can request a death record at any point following the date of death. Funeral homes assist clients by requesting death records of the deceased but are unable to provide that service outside of the two-year statutory window.

**Bill Summary:** Senate Bill 298 removes the two-year limit, allowing the employee or agent of a funeral home or person acting as a funeral practitioner named in a record of death or fetal death to request certified copies of the record at any time following the date of death.

**Oregon Laws 2019:** Chapter 259

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### [Senate Bill 300](#)

Not Enacted

#### Universal Service Fund Exemptions

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The Public Utility Commission of Oregon (PUC) is responsible for implementing a balanced program of regulation and competition aimed at encouraging innovation in the telecommunications industry and making high quality telecommunications services available to Oregon residents. In 1999, the Legislative Assembly directed the PUC to create and implement the Oregon Universal Service Fund to ensure basic telephone and broadband services are available at a reasonable rate throughout the state. The fund is supported by an 8.5 percent surcharge on retail telecommunications services. Specified radio and cellular communications services are currently exempt from the surcharge.

**Bill Summary:** Senate Bill 300 would have removed the exemption for specified radio and cellular communication services, imposing the 8.5 percent surcharge on those retail telecommunications services.

### [Senate Bill 372](#)

**Effective Date:** July 15, 2019

#### **Towing Notice Requirement**

**At the request of:** Senate Interim Committee on Judiciary for Oregon Financial Services Association

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** Current statute allows vehicles to be towed if they are left or parked without authorization on private property, parked illegally, or otherwise taken into custody. Towers are required to give notice to the owner and lienholder within 15 or 20 days of storing the vehicle, depending on the nature of the violation that triggered the tow. The tower may place a lien on a towed vehicle to recover just and reasonable charges associated with towing and storing the vehicle.

**Bill Summary:** Senate Bill 372 reduces the notice requirement from 15 or 20 days to within three calendar days and reduces the amount of the lien that a tower can claim when the tower fails to comply with the notice requirements.

**Oregon Laws 2019:** Chapter 547

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### [Senate Bill 410](#)

**Effective Date:** January 1, 2020

#### **Recreational Vehicle Construction Deregulation**

**Chief Sponsors:** Sen. Beyer

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** Current statute requires the Department of Consumer and Business Services (DCBS) to regulate the construction of manufactured structures, which are defined as recreational vehicles (RVs), manufactured dwellings, and recreational structures. Manufacturers obtain certification by registering with DCBS and providing an approved quality control manual. Certified manufacturers purchase insignias of compliance from DCBS which are affixed to RVs intended for rent, lease, or sale in this state. RVs registered and titled in another state are not subject to the requirement to bear an insignia of compliance. Oregon is one of three states that regulate the construction of RVs.

**Bill Summary:** Senate Bill 410 deregulates the construction of recreational vehicles and recreational structures. The measure creates a replacement definition of RV for the purposes of the Oregon Department of Transportation (ODOT), and keeps the current definition adopted by DCBS in effect until repealed or replaced by ODOT.

**Oregon Laws 2019:** Chapter 422

### [Senate Bill 417](#)

Not Enacted

#### Carrier of Last Resort

**Chief Sponsors:** Sen. Beyer; Rep. DB Smith

**At the request of:** CenturyLink

**Committees:** Senate Business and General Government

**Background and Current Law:** The carrier of last resort obligation is the requirement for local exchange telecommunications service providers certified by the Public Utility Commission (PUC) to provide adequate and nondiscriminatory services to customers within allocated territories. Current statute allows the PUC to exempt a local telecommunications provider from the carrier of last resort obligation for a property with four or more single-family dwellings if the owner or developer meets specified conditions. The Oregon Universal Service Fund uses a surcharge on all retail telecommunication sales to help offset some of the costs local telecommunications providers incur under the carrier of last resort obligation.

**Bill Summary:** Senate Bill 417 would have created exemptions from the carrier of last resort obligation for local telecommunications providers in areas where the PUC finds that other providers that meet specified conditions are currently providing service, or for any wire center for which the telecommunications provider does not receive support from the Universal Service Fund.

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### [Senate Bill 418-A](#)

Not Enacted

#### Regional Entrepreneur Support

**Chief Sponsors:** Sen. Beyer

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** Business Oregon facilitates regional collaboration among the University of Oregon, Oregon State University, and the Oregon Solutions Network to support technology-based start-ups that could commercialize university-based or university-assisted research and create local business growth and retention. Oregon's local accelerator networks have assisted in the creation of 300 jobs and over \$15 million in revenue.

**Bill Summary:** Senate Bill 418-A would have appropriated \$1 million to Business Oregon for distribution to local accelerator networks. The networks would have been required to raise matching funds and report to the Legislative Assembly on businesses supported, funding raised, jobs created, and industry sectors represented by the start-up businesses assisted by the appropriation.

### [Senate Bill 419](#)

Effective Date: **Not Enacted**

#### **Retroactive Long-Term Care Protection**

**Chief Sponsors:** Sen. Frederick; Rep. Helm

**Committees:** Senate Business and General Government, House Rules

**Background and Current Law:** All insurers licensed in the state to sell life, accident, and health insurance as well as individual annuities are required to support the Oregon Life and Health Insurance Guaranty Association (Guaranty Association), which provides protection to Oregon residents who are holders of policies or annuities when an insurer is found to be insolvent. In 2011, the Legislative Assembly increased the Guaranty Association's liability limits for long-term care (LTC) insurance from \$100,000 to \$300,000. Penn Treaty American Insurance Company was found insolvent by state regulators in 2009.

**Bill Summary:** Senate Bill 419 would have retroactively applied the \$300,000 LTC insurance protection to any member insurer first placed under an order of rehabilitation or liquidation on or after January 1, 2009. The measure would have allowed Oregon residents who purchased LTC insurance policies from Penn Treaty and who have not otherwise resolved those insolvent policies to receive \$300,000 in liability protection from the Guaranty Association.

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### [Senate Bill 422](#)

Effective Date: **September 29, 2019**

#### **Natural Hair Care Shampooing**

**Chief Sponsors:** Sen. Frederick; Rep. Bynum

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** Current statute defines "natural hair care" as braiding and other activities using hands or simple devices. Natural hair care practitioners must complete an education module and written exam to obtain certification from the Board of Cosmetology. Shampooing and conditioning are not explicitly included in the scope of work for a natural hair care practitioner. Shampooing and conditioning are explicitly included in the scope of work for a barber or hair designer, but certification for barbers and hair designers requires completion of an Oregon licensed career school program with over 1,000 hours of education and 250 hours of additional mandatory training.

**Bill Summary:** Senate Bill 422 expands the definition of "natural hair care" to include shampooing or conditioning the hair of an individual.

**Oregon Laws 2019:** Chapter 177



### [Senate Bill 483-A](#)

**Not Enacted**

#### **Unclaimed Winnings from Systemwide Lottery Event**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** A technical error on July 23, 2018, caused Oregon Lottery scanners to read 172 winning Keno tickets as losers. The Lottery confirmed the error after questions and a public records request from the media. The agency was able to identify the 99 sites where players received false negatives but could only identify and pay winnings to one player after that individual filed a complaint.

**Bill Summary:** Senate Bill 483-A would have required the Lottery to cease operation of faulty equipment or software when notified of a systemwide event that causes winnings to go unclaimed and make reasonable efforts to pay prizes to the affected players. The Lottery would have been required to make a biennial estimate of winnings that remain unclaimed due to systemwide events and appropriate funds equal to that amount to the Problem Gambling Treatment Fund.

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### [Senate Bill 484](#)

**Effective Date:** January 1, 2020

#### **Prohibiting Multiple Rental Application Fees**

**Chief Sponsors:** Sen. Gelser

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

**Background and Current Law:** It is common practice for landlords to ask potential renters to pay the cost of processing and screening their applications. For those who complete multiple applications, these fees add up quickly.

**Bill Summary:** Senate Bill 484 requires one fee per applicant, when applications are made to rent one of multiple units owned or managed by the same landlord, within a 60-day period.

**Oregon Laws 2019:** Chapter 251

### [Senate Bill 487](#)

**Not Enacted**

#### **Motor Vehicle Insurance Credit History**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Business and General Government

**Background and Current Law:** Current statute requires every person who operates a motor vehicle to be insured under a motor vehicle insurance policy that meets specified requirements. Premium rates for those policies are determined by several factors, including the consumer's driving record and demographics. Insurers may use a consumer's credit history and insurance score to decline coverage under limited circumstances but are not allowed to cancel or not renew coverage that has been in effect for at least 60 days based on credit history or insurance score.

**Bill Summary:** Senate Bill 487 would have prohibited insurers from using a consumer's credit history or insurance score to decline coverage of, rerate, or otherwise determine eligibility for motor vehicle insurance.

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### [Senate Bill 519](#)

**Effective Date: January 1, 2020**

#### **Garnishment**

**Chief Sponsors:** Senator Johnson

**Committees:** Senate Workforce, House Business and Labor

**Background and Current Law:** Garnishment requires a debtor's employer to withhold an employee's earnings to pay a creditor using a statutory formula. The formula guarantees a minimum amount per paycheck to the debtor employee, while the creditor is entitled to a percentage of the employee's earnings until the debt is paid. The maximum amount of wages subject to garnishment is generally 25 percent of the employee's post-tax earnings so long as the employee is left with a minimum amount of \$218 per week after the garnishment.

**Bill Summary:** Senate Bill 519 increases the minimum amount guaranteed to an employee whose earnings are garnished from \$218 per week to \$254 per week.

**Oregon Laws 2019:** Chapter 263

**[Senate Bill 586](#)**

**Effective Date: January 1, 2020**

**Omnibus Bill for Manufactured Housing Landlord/Tenant Coalition –  
Incorporating Marinas**

**Chief Sponsors:** Sen. Prozanski

**At the request of:** John VanLandringham

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

**Background and Current Law:** The Manufactured Housing Landlord/Tenant Coalition has existed since 1997. It meets almost monthly to discuss landlord/tenant concerns proactively, and it has produced negotiated legislation every long session since its inception, each addressing a variety of issues. Senate Bill 586 is the negotiated bill for 2019, and for the first time, incorporates floating home tenancies in marinas. Manufactured dwelling parks and marinas are defined and referred to as facilities.

**Bill Summary:** Senate Bill 586 regulates marinas like manufactured dwelling parks, establishes a mediation pilot program to assist low-income tenants in disputes with landlords, and establishes specific regulations for marinas.

**Oregon Laws 2019:** Chapter 625

### [Senate Bill 608](#)

**Effective Date:** February 28, 2019

## **Rent Control and Prohibiting No-Cause Evictions after One Year of Occupancy**

**Chief Sponsors:** Sens. Burdick, Monnes Anderson, Courtney, Fagan; Rep. Kotek

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

**Background and Current Law:** Landlords may evict tenants for a variety of reasons, including for nonpayment of rent and other violations of rental agreements. Both landlords and tenants are generally allowed to terminate month-to-month tenancies without cause, with 30 days' notice (although some localities, like Portland, have different notice requirements). Fixed-term tenancies can also be terminated without cause by either landlords or tenants at any time during the tenancy with 30 days' notice prior to the end of the term, or with 60 days' notice after the end of the term. Rent increases are prohibited in the first year of a month-to-month tenancy and 90 days' notice of same is required. There are currently no other restrictions on the number or amount of rent increases that may be imposed on a month-to-month tenancy.

**Bill Summary:** Senate Bill 608 prohibits evictions without cause after the first year of occupancy and adds the following circumstances to the existing list of reasons that a landlord may evict a tenant for cause: when the premises are sold to a buyer as a primary residence; when the premises will be occupied by the landlord or an immediate family member; or when the premises are being renovated, or demolished, or removed from residential use. If a landlord uses one of the new reasons to evict, they must provide 90 days' notice and one month's rent to assist the tenant with relocation (except two-unit or less, owner-occupied properties, and landlords with four or fewer dwelling units). Senate Bill 608 also provides for fixed-term tenancies to convert to month-to-month unless the parties agree to a new term or a tenant has received at least three written, contemporaneous warnings about violations in the preceding 12 months. Finally, Senate Bill 608 limits rent increases to no more than seven percent plus the average change in the consumer price index, no more than once in any 12-month period, unless: the premises are considered new construction, or the landlord is resetting rent for a new tenant after a compliant tenant vacated voluntarily, or the rent is subsidized.

**Oregon Laws 2019:** Chapter 1

### [Senate Bill 621](#)

**Not Enacted**

## Vacation Rental Regulation

**Chief Sponsors:** Sen. Girod

**Committees:** Senate Business and General Government

**Background and Current Law:** Current statute defines "vacation occupancy" as occupancy of a dwelling unit for up to 45 days for vacation purposes only, not as a principal residence. The state has seen a rise in the number of privately owned properties offered for use as vacation occupancies. Local governments have sought to regulate vacation rentals in various ways, including registration, taxation, and a cap on the total number of short-term vacation rentals available in a jurisdiction.

**Bill Summary:** Senate Bill 621 would have prohibited local governments from enforcing any ordinance prohibiting the use of a residential dwelling as a vacation occupancy. The measure would have preserved the ability of local governments to require registration and collect transient lodging taxes.

### [Senate Bill 688](#)

Effective Date: January 1, 2020

## Reporting on Military Spouses' Access to Employment

**Committees:** Senate Veterans and Emergency Preparedness, House Veterans and Emergency Preparedness, Conference Committee

**Background and Current Law:** In 2012, the legislature passed House Bill 4063, to require certain professional licensing entities to accept an applicant's substantially similar military training or experience in lieu of the education or experience required to be licensed. This measure was followed by House Bill 2037 in 2013, to similarly expedite the issuance of professional licensing or certification for service members' spouses and domestic partners. Then in 2014, House Bill 4057 was enacted to compel regulatory and licensing bodies, impacted by the previous two measures, to report information back to the legislature, one time only, by October 1, 2014.

During the current legislative session, House Bill 3030 was enacted, requiring licensing entities to issue credentials to spouses of military personnel stationed in Oregon, if they are currently licensed in good standing in another state and demonstrate competency. Such credentials expire after two years, or when the person's spouse is no longer stationed in Oregon, or when the person's out-of-state license expires, and may not be renewed. Senate Bill 688 is a companion to House Bill 3030, requiring licensing entities to report corresponding information to the legislature on an annual basis.

**Bill Summary:** Senate Bill 688 directs licensing boards to report to the legislature annually regarding the number of temporary credentials issued to spouses and domestic partners of active-duty personnel stationed in Oregon, as well as the number of denied applications, reasons for denial, and other related information. The measure also specifies that licensing boards must issue temporary credentials to spouses of active duty personnel.

**Oregon Laws 2019:** Chapter 626

### [Senate Bill 716](#)

**Not Enacted**

#### **Retailers Must Accept Cash**

**Chief Sponsors:** Sen. Beyer

**At the request of:** Casey Houlihan

**Committees:** Senate Business and General Government

**Background and Current Law:** A 2017 survey by the Federal Deposit Insurance Corporation (FDIC) found 6.5 percent or 8.4 million U.S. households did not have an account at an FDIC-insured institution in 2017. These households may not have access to credit or debit cards, and most likely rely on cash to purchase goods and services. Oregon's marijuana industry is also currently dependent on cash, as regulated institutions are reticent to accept deposits from the industry due to federal marijuana regulations.

**Bill Summary:** Senate Bill 716 would have required specified retailers to accept cash as payment for goods or services essential to a consumer's life, health, or welfare, including food, water, sanitation, shelter, and medical goods and services.

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### [Senate Bill 771](#)

**Not Enacted**

#### **Fire Sprinkler Work Endorsement**

**At the request of:** Senate Business and General Government

**Committees:** Senate Business and General Government

**Background and Current Law:** Current statewide building codes require the installation of an automatic fire sprinkler system in specified structures, including most commercial structures, multi-family residential structures, and one- or two-family dwellings containing a sleeping loft. Fire sprinkler systems must meet standards established by the National Fire Protection Association (NFPA). The NFPA, the National Institute for Certification in Engineering Technologies, and other organizations offer certifications for the design, inspection, testing, and maintenance of water-based fire protection systems.

**Bill Summary:** Senate Bill 771 would have required the Construction Contractors Board (CCB) to establish an endorsement program for contractors and employees engaging in work on water-based fire suppression systems. The endorsements would have been tailored to the type of structure, and the contractor or at least one full-time employee of the contractor would have had to hold the appropriate endorsement before engaging in work on a water-based fire suppression system. The measure would have allowed existing contractors who demonstrate competency to CCB to continue work for three years under a temporary endorsement.

### [Senate Bill 820-A](#)

**Not Enacted**

#### **Funding Foreclosure Counseling for At-Risk Homeowners**

**Chief Sponsors:** Senate Housing Committee

**Committees:** Senate Housing, Joint Ways and Means

**Background and Current Law:** The Oregon Foreclosure Avoidance Program was originally created by Senate Bill 628 in 2009 and has been modified over time. The program entitles most homeowners/borrowers, at risk of foreclosure, to meet and negotiate directly with their lender to attempt to reach an agreement that would avoid foreclosure. The program has been funded through fees paid by both lenders and homeowners. The counseling portion of the program has been funded through General Fund appropriations and administered by Oregon Housing and Community Services (OHCS) through its network of counselors. Over 70 percent of homeowners who access counseling in advance of mediation, succeed in negotiating an agreement with their lender to stay in their home.

**Bill Summary:** Senate Bill 820 A would have appropriated \$1,240,000 General Fund dollars to OHCS to maintain administration of the Foreclosure Avoidance Program during the 2019-21 biennium.

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### [Senate Bill 854](#)

**Effective Date: September 29, 2019**

#### **Federal Identification for Occupational Licensure**

**Chief Sponsors:** Sen. Dembrow; Rep. Hernandez

**Committees:** Senate Business and General Government, Senate Rules, House Rules

**Background and Current Law:** Current regulations require construction contractors, landscape contractors, athletic trainers, cosmetologists, nurse assistants, and many others to obtain an occupational license to engage in those professions. Social Security numbers are used to report a person's wages to the government and determine eligibility for Social Security benefits. Many organizations also use the Social Security number as a unique identifier for unrelated purposes. Social Security numbers are assigned at birth for citizens; noncitizens who provide specified documentation are also able to obtain a Social Security number. A noncitizen who is unable to obtain a Social Security number can obtain a federally issued identification number, including an individual taxpayer identification number.

**Bill Summary:** Senate Bill 854 requires a licensing board or agency, where allowed by federal and state law, to accept a federally issued identification number in lieu of the applicant's Social Security number.

**Oregon Laws 2019:** Chapter 468



### [Senate Bill 855](#)

Effective Date: June 20, 2019

## Occupational Licensing for Immigrants and Refugees

**Chief Sponsors:** Sen. Dembrow

**Committees:** Senate Business and General Government, Senate Rules, House Rules

**Background and Current Law:** Current regulations require construction contractors, landscape contractors, athletic trainers, cosmetologists, nurse assistants, and many others to obtain an occupational license to engage in those professions. According to the Migration Policy Institute, Oregon was home to 55,000 immigrants with at least a bachelor's degree from 2009 to 2013. Roughly a quarter of those individuals were unemployed or working in a low-skilled job, resulting in \$272.5 million in lost annual earnings and \$27.7 million in forgone annual state and local tax payments.

**Bill Summary:** Senate Bill 855 requires state entities that administer and enforce occupational licensing requirements to study how immigrants and refugees become licensed, develop and implement methods to reduce barriers to licensure for immigrants or refugees, and report to the Legislative Assembly on their progress by November 30, 2019.

**Oregon Laws 2019:** Chapter 469

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### [Senate Bill 935](#)

Effective Date: September 29, 2019

## Modified Landscape Construction Professional License

**Chief Sponsors:** Sen. Heard; Rep. Hernandez

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

**Background and Current Law:** The Landscape Contractors Board of Oregon (LCB) administers and enforces licensing standards for landscape contracting businesses and landscape construction professionals. Applicants for a landscape professional license must demonstrate specified experience and pass an examination to determine the fitness of the applicant.

**Bill Summary:** Senate Bill 935 prohibits LCB from issuing specified limited or specialty licenses to a person who holds endorsement as a residential or commercial general contractor.

**Oregon Laws 2019:** Chapter 682

### [Senate Bill 939](#)

**Not Enacted**

#### **Establishing Seller Disclosures for Manufactured Homes on Rented Spaces**

**Chief Sponsors:** Sen. Heard; Reps. Doherty, Leif

**Committees:** Senate Housing

**Background and Current Law:** Sellers of residential real property are generally required to disclose certain information about the condition of the property to potential buyers upon receipt of a written offer.

**Bill Summary:** Senate Bill 939 would have established the form and content of similar disclosures that sellers of manufactured dwellings on rented land would have been required to provide to potential buyers, with some exceptions.

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### [House Bill 2054](#)

**Effective Date: May 22, 2019**

#### **Oregon Innovation Council**

**At the request of:** Governor Kate Brown for Oregon Business Development Department

**Committees:** House Economic Development, Senate Business and General Government

**Background and Current Law:** The Oregon Innovation Council, housed within Business Oregon, is a public-private partnership established in 2005 to help create new jobs and new companies, diversify Oregon's economy, and bring federal research dollars back to the state.

**Bill Summary:** House Bill 2054 authorizes the Oregon Innovation Council to make equity investments from the Oregon Innovation Fund and to contract with one or more management companies to manage those equity investments. The measure also eliminates a duplicative fund, advisory council, and grant and loan program, and makes other program changes.

**Oregon Laws 2019:** Chapter 131

### [House Bill 2088](#)

**Effective Date:** March 27, 2019

#### **Endowment Care Cemeteries**

**At the request of:** Governor Kate Brown for Department of Consumer and Business Services

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** Owners of a cemetery may establish an irrevocable trust fund to care for, maintain, and enhance the cemetery. Such a cemetery is defined as an endowment care cemetery. A specified percentage of gross sales of products and services must be deposited by the endowment care cemetery with the trustee or custodian of its fund. There are currently 75 endowment care cemeteries in Oregon, with a combined total of approximately \$35 million held in trust. To protect consumers, each endowment care cemetery must file an annual report with the Department of Consumer Business and Services (DCBS).

**Bill Summary:** House Bill 2088 enhances the remedies available to DCBS to address endowment care cemeteries that violate statutory requirements.

**Oregon Laws 2019:** Chapter 8

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### [House Bill 2089](#)

**Effective Date:** September 29, 2019

#### **Payday and Title Loan Lending**

**At the request of:** Governor Kate Brown for Department of Consumer and Business Services

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

**Background and Current Law:** Entities who provide payday loans or title loans are licensed by the Department of Consumer and Business Services (DCBS). Currently, a payday loan must be for a period of at least 31 days but no more 60 days. A one-time origination fee of 10 percent, or up to \$30 total, may be assessed for new loans. Interest rates are limited to 36 percent annually. Payday lenders and title loan lenders are required to give consumers a written loan agreement with clear explanations of the fees, percentage rates, payment due dates, and consequences for late payments or default. Loans can be renewed two times and new loans cannot be made until seven days after a current loan expires.

**Bill Summary:** House Bill 2089 prohibits a payday lender or title loan lender from making a new loan to a consumer within seven days of a prior loan being paid in full, rather than seven days after a loan expires.

**Oregon Laws 2019:** Chapter 188

### [House Bill 2132-A](#)

**Not Enacted**

[\(see House Bill 2164\)](#)

## Cultural Trust Tax Credit Extension

**At the request of:** House Interim Committee on Revenue

**Committees:** House Economic Development, House Revenue, Joint Tax Expenditures

**Background and Current Law:** The Oregon Cultural Trust credit provides a credit against personal and corporate income taxes for amounts contributed during the tax year to the Trust for Cultural Development Account established under ORS 359.405. The credit is only allowed to the extent that the taxpayer has contributed an equal amount to an Oregon cultural organization during the tax year. The amount of the credit is equal to the amount of the donation to the Trust for Cultural Development but may not exceed the lesser of the tax liability of the taxpayer or \$500 for personal income taxpayers or \$2,500 for corporate income taxpayers.

**Bill Summary:** House Bill 2132-A would have extended the Oregon Cultural Trust tax credit to January 1, 2026 and clarified that the personal income tax credit limit is the lesser of the tax liability of the taxpayer, or \$1,000 for a taxpayer filing a joint return or \$500 for a taxpayer filing any other type of return. House Bill 2132-A was instead incorporated into House Bill 2164, which is the omnibus tax expenditure bill.

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### [House Bill 2173](#)

**Effective Date: August 9, 2019**

## Oregon Broadband Office & Advisory Council

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

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

**Background and Current Law:** The Legislative Assembly created the Oregon Broadband Advisory Council with the passage of House Bill 3158 (2009) to help ensure the implementation of statewide broadband strategies and to serve as a statewide forum for the discussion and exploration of broadband issues. The Council's sunset was extended to January 2, 2020 in 2015. In December 2018, Governor Kate Brown issued Executive Order 18-31, establishing the Oregon Broadband Office within the Oregon Business Development Department to develop broadband investment and deployment strategies for underserved areas, promote public-private partnerships, support local broadband planning, advocate for policies that remove barriers to broadband deployment, and help communities access federal and state funds.

**Bill Summary:** House Bill 2173 creates the Oregon Broadband Office within the Oregon Business Development Department, defines Office responsibilities, repeals the sunset on the Oregon Broadband Advisory Council, adds members to the Council, and expands the Council's duties.

**Oregon Laws 2019:** Chapter 648

### [House Bill 2174](#)

Effective Date: September 29, 2019

#### Urban Renewal Plans and Public Building Projects

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

**Committees:** House Economic Development, House Revenue, Senate Finance and Revenue

**Background and Current Law:** Oregon law gives each city and county the ability to activate an urban renewal agency with the power to propose and act on plans and projects to remove "blight." Following public notice and hearing, and after considering public testimony and planning commission recommendations, the city or county may approve the urban renewal plan by ordinance. Most urban renewal plans are funded through a tax increment financing mechanism where the assessed value of property within its boundaries is frozen at the amount calculated prior to the plan's approval. The agency then raises revenue in subsequent years from any value growth above the frozen amount.

**Bill Summary:** House Bill 2174 changes the requirements for notification, review, and input by each taxing district affected by an urban renewal plan prior to approval; requires concurrence for public building projects by three of the four taxing districts estimated to forgo the most property tax revenue when a plan, amendment, or certain scopes of work occur after the measure effective date; and makes other modifications to the urban renewal statutes.

**Oregon Laws 2019:** Chapter 580

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### [House Bill 2179-A](#)

**Not Enacted**

#### Blockchain Task Force

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

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

**Background and Current Law:** Blockchain is a distributed ledger database that records and shares every transaction that occurs in the network of users. Applications of blockchain include online voting, medical records, insurance policies, property and real estate records, copyrights and licenses, and supply chain tracking. Several states have begun drafting or adopting legislation to study, allow certain uses of, or promote the adoption of blockchain for economic development purposes.

**Bill Summary:** House Bill 2179-A would have created the Task Force on Blockchain Applications and Legislation to study and evaluate blockchain technology, investigate economic development and business uses, and make recommendations for legislation to promote the technology.

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### [House Bill 2184-C](#)

**Not Enacted**

## Oregon Broadband Fund and Universal Service Fund

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

**Committees:** House Economic Development, House Revenue, Joint Ways and Means

**Background and Current Law:** In 1999, the Legislative Assembly directed the Oregon Public Utility Commission to create and implement the Oregon Universal Service (OUS) Fund to support basic telephone service in high-cost rural areas and to pay for it with an 8.5 percent surcharge on wireline telephone customers. The Oregon Business Development Department (OBDD) houses the Broadband Advisory Council, and the Oregon Broadband Office.

**Bill Summary:** House Bill 2184-C would have broadened the telecommunications services subject to the universal service surcharge, defined how intrastate revenues subject to the surcharge are identified, and reduced the surcharge maximum to six percent. The measure would have established a Broadband Fund, set a cap of \$28 million per year to support basic telephone services from the Oregon Universal Service Fund, and transferred up to \$5 million per year to the Broadband Fund. The OBDD would have developed broadband program rules and established procedures for distributing grants or loans funds from the fund.

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### [House Bill 2312](#)

**Effective Date:** January 1, 2020

## Flood Insurance

**Chief Sponsors:** Rep. Reardon

**Committees:** House Business and Labor, Senate Business and General Government, Conference Committee

**Background and Current Law:** Oregon law requires a property seller to provide to each buyer who makes a written offer to purchase the property a property disclosure statement. The content of the disclosure statement is prescribed in statute and requires the seller to respond to statements on the status of the property including title, water source, insulation, systems, and structure. The seller must respond to each item on the disclosure. If the seller fails to provide the form, the buyer has the right to revoke their offer at any time prior to closing. When the disclosure form is provided, the buyer has five days to revoke their offer. The current form requires disclosure if the property is in a designated floodplain. Since 1973, federal law has required property owners to purchase flood insurance if the property is located within a Special Flood Hazard Area. Oregon's disclosure requirement does not explicitly inform the buyer whether flood insurance is required.

**Bill Summary:** House Bill 2312 requires seller's property disclosure form to include a note that indicates flood insurance may be required for homes in a floodplain.

**Oregon Laws 2019:** Chapter 584

### [House Bill 2333](#)

Effective Date: January 1, 2020

#### Recreational Vehicles

**Chief Sponsors:** Rep. Stark

**Committees:** House Business and Labor, Ways and Means

**Background and Current Law:** Small homes, tiny homes, and park model recreational vehicles (RVs) are some of the terms applied to structures that are permanently attached to a wheeled chassis. Until recently, park model RVs were treated by the Department of Consumer and Business Services (DCBS) as recreational vehicles. Certification from DCBS served as an ownership document and that allowed the Oregon Department of Transportation (ODOT) to issue registration (plates and tags) documents. DCBS recently adopted a rule that changed the definition of "recreational vehicle" to exclude RVs with wood siding, pitched roofs, or bay windows which are common features of a park model RV or tiny home. Manufacturers and owners of these vehicle are no longer able to receive certification from DCBS. After a brief lapse, ODOT has resumed issuing title and registration documents to those units that are no wider than 8.5 feet.

**Bill Summary:** House Bill 2333 removes RV construction from regulation by DCBS. The measure defines "park model RV" and allows a park model RV owner to obtain a title but not registration from ODOT. The measure specifies that a park model RV that has been converted to a structure will be subject to the state building code and requires the seller of a new RV to provide a buyer with warranty information.

**Oregon Laws 2019:** Chapter 585

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### [House Bill 2415](#)

Effective Date: January 1, 2020

#### Retainage in Interest-Bearing Escrow Accounts

**At the request of:** House Interim Committee on Business and Labor for Associated Wall and Ceiling Contractors

**Committees:** House Business and Labor, Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** Retainage is a portion of a contract deliberately withheld until work is substantially complete to ensure the contractor will satisfy its obligations. Current statute requires the contracting agency for a public improvement contract to make monthly progress payments and allows the contracting agency to withhold up to five percent of the progress payment as retainage. Any retainage held by the contracting agency must be paid to the contractor as part of the final payment with interest of one and a half percent per month. For private contracts, an owner, contractor, or subcontractor may withhold up to five percent of the contract price as retainage and paid to the contractor with the final payment with interest of one percent per month.

**Bill Summary:** House Bill 2415 requires retainage for contracts exceeding \$500,000 to be held in an interest-bearing escrow account.

**Oregon Laws 2019:** Chapter 486

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### [House Bill 2419](#)

**Effective Date: September 29, 2019**

#### **Financial Services Licensing System**

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

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** The Nationwide Multistate Licensing System (NMLS) is the system of record for nondepository financial services licensing and registration used by participating states. The system allows for improved coordination and information sharing among regulators, increased efficiency for the industry, and enhanced consumer protection. The Department of Consumer and Business Services (DCBS) currently has explicit statutory authority to use the NMLS when issuing and renewing licenses for debt management service providers and money transmitters.

**Bill Summary:** House Bill 2419 allows DCBS to use the NMLS for four additional licensing programs: collection agencies, consumer finance lenders, title loan lenders, and payday loan lenders. The measure also provides DCBS with the statutory authority needed to require fingerprints of license applicants for collection agencies, debt management service providers, and money transmitters.

**Oregon Laws 2019:** Chapter 106

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### [House Bill 2425](#)

**Effective Date: January 1, 2020**

#### **Electronic Real Property Documents**

**At the request of:** House Interim Committee on Business and Labor for NW Credit Union Association

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

**Background and Current Law:** Current Oregon law requires that instruments conveying an interest in real property contain the original signature of the persons executing the instrument and the officer before whom the acknowledgment of the instrument was made. County clerks may record a certified copy of the instrument if recording is authorized by law and the instrument contains the original certification of the certifying officer. County clerks can also record electronic images, but the statute is not clear on the use of electronic signatures.

**Bill Summary:** House Bill 2425 allows county clerks to accept electronic signatures or records bearing electronic signatures for recording. The measure also allows county clerks to collect a fee for providing electronic delivery of images of records requested by a private party.

**Oregon Laws 2019:** Chapter 402



### [House Bill 2454-A](#)

**Not Enacted**

#### **Provisional Occupational Licenses for Eastern Oregon Border Region**

**Chief Sponsors:** Rep. Findley

**Committees:** House Economic Development

**Background and Current Law:** House Bill 2012 (2017) established the seven-member Eastern Oregon Border Economic Development Board, appointed by the Governor, to formulate and implement plans and practices for strategic investment in workforce and economic development in the Eastern Oregon Border Economic Development Region. This is one of seven measures (Senate Bill 875 and House Bills 2453, 2454, 2455, 2456, 2457, and 2933) introduced this session to address priorities of the Board.

**Bill Summary:** House Bill 2454 would have allowed professional licensing boards to issue a provisional license or other provisional authorization to an out-of-state applicant if the applicant was licensed or authorized in another state for the same occupation or profession, intended to engage in the occupation or profession in the Eastern Oregon Border Economic Development Region, and certified they would be seeking full licensure or other authorization within two years to engage in the occupation or profession.

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### [House Bill 2455](#)

**Not Enacted**

#### **Broadband as Economic Development for Eastern Oregon Border Region**

**Chief Sponsors:** Rep. Findley

**Committees:** House Economic Development

**Background and Current Law:** House Bill 2012 (2017) established the seven-member Eastern Oregon Border Economic Development Board, appointed by the Governor, to formulate and implement plans and practices for strategic investment in workforce and economic development in the Eastern Oregon Border Economic Development Region. This is one of seven measures (Senate Bill 875 and House Bills 2453, 2454, 2455, 2456, 2457, and 2933) introduced this session to address priorities of the Board.

**Bill Summary:** House Bill 2455 would have defined the development or expansion of broadband Internet access service as an economic development purpose of the Eastern Oregon Border Economic Development Board and would have allowed the Board to award grants and loans for broadband Internet access service.

### [House Bill 2463](#)

Effective Date: September 29, 2019

#### **Pawnbrokers Off Premise Storage**

**At the request of:** House Interim Committee on Judiciary

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** Pawnbrokers lend money backed by personal property as collateral. According to the Oregon Pawnbrokers Association, the average pledge loan in Oregon is \$125, with a redemption rate of 85 percent; in 2016 more than \$57 million was loaned by pawnbrokers. Pawnbrokers must be licensed by the Department of Consumer and Business Services (DCBS) to lawfully transact business. Pawnbrokers are liable for any loss of the pledged item or injury to the item that results from a failure to exercise reasonable care. Current law allows pawnbrokers to hold pledged boats, snowmobiles, all-terrain vehicles, and specified smaller trailers in a gated, secured facility.

**Bill Summary:** House Bill 2463 explicitly authorizes pawnbrokers to store large items at one off-premises location if the pledgor agrees in writing. The off-premises location must meet security, bonding, and insurance standards adopted by DCBS.

**Oregon Laws 2019:** Chapter 10

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### [House Bill 2517](#)

**Not Enacted**

#### **Student Loan Debt**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Business and Labor

**Background and Current Law:** Statutes governing licensing by state agencies, boards, and commissions generally describe the reasons for which a license may be suspended or revoked. Some license applicants may be required to undergo a background check that could include a credit report.

**Bill Summary:** House Bill 2517 would have prohibited state agencies from suspending or revoking business, trade, occupation, or professional licenses because a licensee is delinquent in paying their student loan debt.

### [House Bill 2641](#)

**Not Enacted**

[\(see Senate Bill 418\)](#)

## Entrepreneurial Ecosystem Support

**Chief Sponsors:** Rep. Nathanson; Sen. Beyer

**Committees:** House Economic Development

**Background and Current Law:** The Regional Accelerator & Innovation Network (RAIN) is an Oregon consortium of government, higher education, and the business community created to advance the formation and growth of tech-based startups in the South Willamette Valley through two accelerators. RAIN Eugene connects the local innovation ecosystem around the University of Oregon, cities of Eugene and Springfield, and entrepreneurial community to create high impact, innovative, traded-sector companies that can grow and thrive. The Oregon State University Advantage Accelerator (OSU Advantage) helps take companies through all phases of the start-up process and assists faculty, staff, students, and the community to commercialize research and concepts.

**Bill Summary:** House Bill 2641 would have appropriated \$1,000,000 to OSU Advantage and RAIN Eugene and would have assisted start-up businesses that commercialize university or university-assisted research.

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### [House Bill 2733](#)

**Not Enacted**

## Tourism Districts

**Chief Sponsors:** Rep. Evans

**Committees:** House Economic Development

**Background and Current Law:** The Oregon Tourism Commission, doing business as Travel Oregon, is a semi-independent agency created in 2003 to enhance Oregonians' quality of life by strengthening economic impacts of the state's \$11.8 billion tourism industry. Travel Oregon develops and implements a biennial strategic plan, including through cooperation with local communities, industry associations, government agencies, and private businesses.

**Bill Summary:** House Bill 2733 would have directed the Oregon Tourism Commission to identify, designate, and monitor tourism districts under certain criteria. The measure would have allowed tourism districts to request Commission assistance in: (1) obtaining grants from the Oregon Business Development Department and Department of Transportation; (2) applying for and obtaining temporary waivers for certain land use and building code requirements to allow property use for priority tourism and recreation opportunities; and (3) identifying and designating live performances as a priority tourism and recreation activity not subject to the crime of unlawful recording of a live performance.

### [House Bill 2749](#)

Effective Date: January 1, 2020

#### Cosmetic Practitioners

**Chief Sponsors:** Rep. Marsh

**Background and Current Law:** The Oregon Health Licensing Office issues certificates to qualifying applicants who wish to provide cosmetology services to the public. These services include hair design, barbering, esthetics, nail technology, and natural hair care. Current regulations require the certificate to be posted in public view, and the certificate to include the practitioner's personal address. As a matter of safety and privacy, some practitioners are not comfortable having customers and the public know their personal address.

**Bill Summary:** House Bill 2749 eliminates the requirement that a certificate to practice cosmetology include the practitioner's address.

**Oregon Laws 2019:** Chapter 11

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### [House Bill 2804](#)

Not Enacted

#### Retail Pet Stores

**Chief Sponsors:** Reps. Gomberg, DB Smith, Sollman

**Committees:** House Business and Labor

**Background and Current Law:** Under current law, the only regulation specific to retail pet stores is the requirement that they provide an intended purchaser of a dog with specified information about the dog, including where the dog was born, breed, age, sex, known congenital disorder or hereditary diseases, size of breeding facility, and, if relevant, pedigree information.

**Bill Summary:** House Bill 2804 would have prohibited retail pet stores from selling dogs, cats, or rabbits unless they are acquired from an animal shelter or rescue organization and made prohibited sales a Class C violation subject to a \$500 fine.

### [House Bill 2885](#)

**Not Enacted**

#### **Remedies under “Lemon” Law**

**Chief Sponsors:** Rep. McLain

**At the request of:** Danielle Beauvais

**Committees:** House Business and Labor

**Background and Current Law:** Oregon's "lemon law" requires manufacturers and their authorized dealers to replace or refund a new motor vehicle if they are unable to conform the vehicle to the manufacturer's express warranty by repairing or correcting a defect or condition that substantially impairs the use, market value, or safety of the vehicle to the consumer after a reasonable number of attempts. Motor vehicles are covered for the two-year period following original delivery to the consumer or during the first 24,000 miles, whichever period ends first. The consumer must notify the manufacturer in writing and give the manufacturer an opportunity to correct the defect.

**Bill Summary:** House Bill 2885 would have required manufacturers to replace, refund, or return installed aftermarket items; revised the formula for determining refunds; and allowed, rather than compelled, consumers to participate in informal dispute resolution with the manufacturer.

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### [House Bill 2890](#)

**Not Enacted**

#### **Patentability of Inventions by Public High School Faculty, Staff, or Students**

**Chief Sponsors:** Rep. Evans

**Committees:** House Economic Development

**Background and Current Law:** The Oregon Business Development Department, more commonly known as Business Oregon, is the state's economic development agency. Business Oregon supports the retention and expansion of existing Oregon businesses within traded sectors, carries out strategies to create a dynamic startup and entrepreneurial environment, and recruits companies from outside the state to fill supply chain gaps and grow existing industry clusters. Federal statutes (Title 35 U.S.C. sect. 101) codify the patentability of inventions. “Reduce to practice” is the process of demonstrating that an invention works correctly for its desired purpose and occurs when an inventor constructs the product or process within the scope of the patent claim and demonstrates its ability to achieve the intended purpose.

**Bill Summary:** House Bill 2890 would have allowed the Oregon Business Development Department to hire an attorney with extensive experience in intellectual property law to write and file a patent application for any invention that faculty, staff, or students reduced to practice while employed by or enrolled in a public high school in Oregon. The bill would have permitted the Department to assume, assign, partake in, or disclaim ownership of any patent that results from an invention under the terms of a contract or other agreement it enters into with faculty, staff, student, or legal guardian of a student, and in accordance with Department rules and applicable law.

### [House Mill 2900-A](#)

**Not Enacted**

[\(see House Bill 2164\)](#)

## **Food Processing Equipment Property Tax Exemption**

**Chief Sponsors:** Rep. G Smith

**Committees:** House Economic Development, House Revenue

**Background and Current Law:** Current Oregon law provides an exemption from property tax for newly acquired machinery or equipment used by a food processing business. The tax exemption is for food processors engaged in the business of processing, repacking, freezing, canning, dehydrating, concentrating, or preserving raw or fresh fruit, vegetables, nuts, legumes, or seafood for human consumption before the point of the first sale by the processor. Qualified machinery and equipment are certified by the Oregon Department of Agriculture and are exempt for five years following certification. This exemption was first enacted by the Legislative Assembly in 2005 and was extended in 2011 and 2013.

**Bill Summary:** House Bill 2900-A would have extended the sunset for the property tax exemption on qualified real property machinery and equipment that is used in food processing to July 1, 2025 and allowed county governing bodies to decide whether to disallow or re-allow the exemption for the county and all other taxing districts within the county for periods of at least three consecutive property tax years. This property tax exemption and the ability for local government to either opt out or change the exemption percentage or number of property tax years was instead included in House Bill 2164, which is the omnibus tax expenditure bill.

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### [House Bill 2913](#)

**Effective Date: May 2, 2019**

## **Possessory Liens on Motor Vehicles**

**Chief Sponsors:** Rep. Evans

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

**Background and Current Law:** In 2018, the Legislative Assembly enacted House Bill 4087, which required vehicle repair shops to carry a bond of at least \$20,000 to assert valid liens on customer vehicles for nonpayment of work performed and other associated costs. This requirement does not apply to dealerships, towers, or abandoned vehicles. The bond is to cover any damages or costs incurred by a vehicle owner who sues the repair shop. The legislation took effect on January 1, 2019.

**Bill Summary:** House Bill 2913 suspends the surety bond requirement for repair businesses to impose vehicle liens until July 1, 2020.

**Oregon Laws 2019:** Chapter 56

### [House Bill 2934](#)

**Not Enacted**

#### **Innovation Quadrant Grants**

**Chief Sponsors:** Reps. Williamson, Nosse, Nathanson, Helt; Sen. Beyer

**Committees:** House Economic Development

**Background and Current Law:** Brookings defines an innovation district as a geographic area where leading-edge anchor institutions -- research universities and research-oriented medical hospitals -- and companies cluster and connect with start-ups, business incubators, and accelerators. Innovation districts combine economic, physical, and networking assets to create an innovation ecosystem, or a "synergistic relationship between people, firms and place." [Bruce Katz and Julie Wagner, Brookings, The Rise of Innovation Districts: A New Geography of Innovation in America (2014)].

**Bill Summary:** House Bill 2934 would have appropriated \$2,000,000 of General Fund moneys to the Oregon Business Development Department to make grants to nonprofit corporations for supporting innovation districts. Eligible districts must be located within five miles of and partnered with Oregon State University, the University of Oregon, or the Oregon Health and Science University; established by September 1, 2019; and have an opportunity zone within its boundaries.

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### [House Bill 2998](#)

**Effective Date: September 29, 2019**

#### **Language of Documents Submitted to Secretary of State for Filing**

**Chief Sponsors:** Rep. Alonso Leon

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Businesses file documents with the Secretary of State when starting a business and annually thereafter. They must also file to report certain changes, such as changes in location, registered agent, or ownership. Current law allows foreign business filings to be in a language other than English if the filing is accompanied by a reasonably associated English translation. Business filings are public records.

**Bill Summary:** House Bill 2998 requires the Secretary of State to make business filing forms available in Spanish, Chinese, Vietnamese, Russian, and Korean. The measure removes the statutory requirement that business filings be in the English language.

**Oregon Laws 2019:** Chapter 597

### [House Bill 3001](#)

**Not Enacted**

#### **Peer-to-Peer Car Rentals**

**Chief Sponsors:** Rep. Marsh

**Committees:** House Business and Labor

**Background and Current Law:** Peer-to-peer car rental programs are like the Airbnb model that exists for short-term rental of private residences. Unlike a car rental company that owns a fleet of vehicles for rent to the public, a peer-to-peer car rental program connects an individual who needs the short-term use of a vehicle with a person willing to rent out their personal vehicle.

**Bill Summary:** House Bill 3001 would have subjected peer-to-peer car rental programs to the same airport fees and state and local laws that apply to car rental companies.

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### [House Bill 3023-B](#)

**Not Enacted**

#### **Transportation Network Companies**

**Chief Sponsors:** Reps. McLain, Clem, Bynum

**Committees:** House Business and Labor, House Revenue, Joint Ways and Means,

**Background and Current Law:** Oregon's cities and counties have authority to regulate taxicabs, limousines, and other vehicles for hire including licensure, rates, and safety and insurance requirements. In response to the rise in transportation network companies (TNCs) such as Uber and Lyft, Oregon's larger cities have adopted licensing programs tailored to meet local needs.

**Bill Summary:** House Bill 3023-B would have established a statewide TNC licensing program administered by the Oregon Department of Transportation; local government would have been pre-empted from regulating the service. The measure would have adopted minimum license and operating standards for TNCs.



### [House Bill 3029](#)

**Not Enacted**

#### **Public Banks**

**Chief Sponsors:** Rep. Keny-Guyer; Sens. Dembrow, Golden

**Committees:** House Business and Labor

**Background and Current Law:** Founded in 1919, the Bank of North Dakota (BND) is a state-owned bank with the mission of promoting agriculture, commerce, and industry in North Dakota. BND's profits are appropriated to the North Dakota's legislature General Fund, mission-driven loan programs administered by BND's financial institution partners, and BND's capital. BND follows a conservative investment strategy, meaning BND's capital faces minimal risk. Unlike its partners, BND is not insured by the Federal Deposit Insurance Corporation (FDIC).

**Bill Summary:** House Bill 3029 would have allowed for the formation of municipal banks which are not FDIC-insured and may act as depository or custodian of public funds.

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### [House Bill 3030](#)

**Effective Date: September 29, 2019**

#### **Professional Authorizations**

**Chief Sponsors:** Reps. McLane, Reschke, Clem, Bynum; Sens. Linthicum, Olsen

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** The National Conference of State Legislatures reports that 66 percent of military spouses are in the workforce, and that 25 percent of military spouses have a bachelor's degree and 10 percent hold an advanced degree. Despite their level of education, nearly one-third of military spouses are underemployed. According to a 2015 report on occupational licensing issued by the White House, more than 25 percent of workers are doing work that requires a license, with most of those licenses being issued by a state agency.

**Bill Summary:** House Bill 3030 allows state licensing agencies to issue a temporary authorization to individuals who are married to member of the U.S. Armed Forces serving in Oregon if the individual holds a license from another state, is in good standing with that out-of-state licensing board, and demonstrates competency. Senate Bill 688 mandates such action by licensing agencies.

**Oregon Laws 2019:** Chapter 142

**[House Bill 3131](#)**

**Not Enacted**

**Vehicle Insurance Policy Coverage Exclusions**

**Chief Sponsors:** Rep. Noble

**At the request of:** American Property and Casualty Insurance Association

**Committees:** House Business and Labor

**Background and Current Law:** Current law allows a motor vehicle liability insurance policy to exclude by name any person other than the named insured based on the person's driving record or for any reason established by rule by the Department of Consumer and Business Services.

**Bill Summary:** House Bill 3131 would have allowed unnamed persons to be excluded from the policy for the following reasons: status as unlicensed driver, status as family member residing in the home or resident of the household but not disclosed to the insurer as a possible driver, or for any reason established by agency rule.

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**[House Bill 3143](#)**

**Effective Date: January 1, 2020**

**Practice of Engineering and Land Surveying**

**At the request of:** Department of Justice

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** In 2015, the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) determined that Mats Jarlstrom of Beaverton violated state law by claiming to be an engineer without holding the appropriate license from OSBEELS and assessed a civil penalty. In Jarlstrom's subsequent suit against OSBEELS, the U.S. District Court for the State of Oregon in 2018 ruled that the prohibition on using the title "engineer" was substantially overbroad and a violation of the First Amendment of the U.S. Constitution.

**Bill Summary:** House Bill 3143 clarifies that the practice of engineering means providing specified services for others and that someone is practicing engineering or land surveying when they bid to perform or perform commercial or professional services or work, or when they claim in advertising, signs, letterhead, or such, that they are a professional or registered practitioner.

**Oregon Laws 2019:** Chapter 75

### [House Bill 3194](#)

**Not Enacted**

#### **Self-Dispensing of Gasoline**

**Chief Sponsors:** Reps. Fahey, Bonham; Sen. Heard

**At the request of:** Jim Laden

**Committees:** Joint Transportation

**Background and Current Law:** Oregon law limits and prohibits self-service dispensing of gasoline to reduce fire hazards and injury risks associated with dispensing fuel and support the needs of senior citizens and persons with disabilities who may have more difficulty with self-service dispensing of fuels. Oregon and New Jersey are the only two states that restrict self-service gasoline dispensing. House Bill 3011(2015) permitted self-service gasoline dispensing in rural counties between 6:00 PM and 6:00 AM. House Bill 2482 (2017) authorized self-dispensing 24 hours per day in counties with fewer than 40,000 residents located in eastern Oregon, though an attendant is required to assist customers at dispensaries with a retail section.

**Bill Summary:** House Bill 3194 would have allowed fueling stations statewide to allow self-dispensing of gasoline at up to 25 percent of its fuel dispensing devices.

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### [House Bill 3205](#)

**Effective Date:** January 1, 2020

#### **Telecommunication Devices Access Program**

**Chief Sponsors:** Rep. Williamson; Sen. Thomsen

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** In recognition of the large number of people in the state who are not able to utilize telecommunication equipment due to the inability to hear or speak well enough or due to other disabilities, the Legislative Assembly established the Telecommunication Devices Access Program (TDAP) in 1987. The program, administered by the Public Utility Commission (PUC) with consultation of an advisory committee, purchases and distributes assistive communication equipment to persons who are deaf, deaf-blind, hard of hearing, or speech impaired, to be used in conjunction with the program's telecommunications relay service.

**Bill Summary:** House Bill 3205 requires the PUC to expand the TDAP to include providing communication facilitator services to persons who are deaf-blind.

**Oregon Laws 2019:** Chapter 113

### [House Bill 3218](#)

Effective Date: January 1, 2020

#### Real Estate Appraisals

**Chief Sponsors:** Rep. Holvey

**At the request of:** Greater Oregon Chapter of the Real Estate Appraisal Institute

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** Legislation was introduced in 2017 (House Bill 2189) that established a statute of repose for actions arising out of real estate appraisal activity to match the five-year federal recordkeeping rule under the Uniform Standards of Professional Appraisal Practice. The measure was amended before being enacted to match the six-year liability limit placed on real estate agents. An agreement was made between the realtors and appraisers to revisit the issue in a subsequent session to limit the liability for both groups to five years.

**Bill Summary:** House Bill 3218 lowers the statute of repose to five years for actions arising out of a real estate appraisal activity or appraisal review. The measure also clarifies that disciplinary actions by the Board cannot be commenced after the later of five years after the activity was completed or the expiration of the period for record retention.

**Oregon Laws 2019:** Chapter 114

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### [House Bill 3251-A](#)

Not Enacted

#### Outdoor Recreation Industry Grants

**Chief Sponsors:** Reps. Helm, Bonham, Gomberg, Helt, Smith DB, Witt; Sens. Knopp, Dembrow, Thomsen

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

**Background and Current Law:** The Oregon Business Development Department's mission is to invest in Oregon businesses, communities, and people to promote a globally competitive, diverse, and inclusive economy. Its current target industries include advanced materials, apparel and outdoor gear, business services, food and beverage, forestry and wood products, and high technology. According to the Outdoor Industry Association, the outdoor recreation economy generates 172,000 direct jobs, \$5.1 billion in wages and salaries, \$16.4 billion in consumer spending, and \$749 million in state and local tax revenue in Oregon.

**Bill Summary:** House Bill 3251-A would have authorized the Oregon Business Development Department to provide matching grants to business accelerators and nonprofit organizations of outdoor gear and apparel businesses to support capacity building and technical assistance to businesses that manufacture gear and apparel for use in outdoor recreation.

[House Bill 3379-A](#)

Not Enacted

**Requirements for Operating Vehicles for Hire**

**Chief Sponsors:** Rep. Holvey; Sen. Prozanski

**Committees:** House Business and Labor, House Revenue

**Background and Current Law:** Oregon's cities and counties have authority to regulate taxicabs, limousines, and other vehicles for hire including licensure, rates, and safety and insurance requirements. In response to the rise in transportation network companies (TNCs) such as Uber and Lyft, Oregon's larger cities have adopted licensing programs tailored to meet local needs.

**Bill Summary:** House Bill 3379-A would have allowed local governments or the Oregon Department of Transportation to license vehicle-for-hire services. The measure would have adopted minimum license and operating standards for TNCs.

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[House Bill 3389-B](#)

Not Enacted

**Oregon State Lottery**

**Chief Sponsors:** Rep. Barker

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** Current rule allows the Oregon State Lottery Commission (Lottery) to use the name, address, and likeness of a winner in any lottery promotional campaign, advertisement, or press release. In April of 2019, the Lottery approved a contract to offer services supporting sports betting in Oregon through the Internet and certain land-based retail sales channels.

**Bill Summary:** House Bill 3389-B would have prohibited the Lottery from publicly disclosing a winner's name and address without the winner's permission for specified multistate games. The measure would also have prohibited the Lottery operating a lottery game for which shares are purchased via the Internet or a personal electronic device.

### [House Bill 3432](#)

**Not Enacted**

### **Special Exterior Construction Inspections**

**Chief Sponsors:** Reps. Meek, Power, Helt, Smith DB; Sens. Manning Jr, Heard

**Committees:** House Rules

**Background and Current Law:** Current statute requires the Department of Consumer and Business Services to adopt and administer a statewide building code to govern the construction, reconstruction, and alteration of buildings and other structures. Installations must be verified by a certified building inspector to ensure compliance with the state building code. Current statute prohibits an owner of residential property from commencing action against a contractor or supplier for a construction defect unless the owner has given notice of the defect to the contractor or supplier.

**Bill Summary:** House Bill 3432 would have required special inspections of exterior waterproofing systems in specified structures of homeowners' associations, planned communities, and condominiums. The measure would have amended requirements for construction defect claims for those installations.

## 2019 SUMMARY OF LEGISLATION

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# CAPITOL CULTURE

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# CAPITOL CULTURE MEASURES

<b>Capitol Culture</b>	Enacted	HB 3377, HCR 20
	Not Enacted	HB 2859, HB 3127
<b>Other</b>	Enacted	SB 478
	Not Enacted	-none-

Picture: State Capitol Building, Marion County – [Gary Halvorsen, Oregon State Archives](#)



# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 3377	Directs the Legislative Equity Officer to prepare and present a report to the Joint Committee on Conduct and include: a description of the activities of the officer since the last report; a detailed description of the training curricula and subjects addressed in the required training; statistics regarding the number of confidential disclosures, nonconfidential reports and formal complaints; the results or a summary of the most recent culture and climate survey; and any other information required by the Joint Committee on Conduct.	Annually on February 1
HCR 20	Directs the Joint Committee on Conduct to report on whether investigation functions shall continue to be performed by one or more independent investigators, or by Legislative Branch personnel affiliated with the Legislative Equity Office to the President of the Senate and the Speaker of the House of Representatives.	January 1, 2021

### [Senate Bill 478](#)

Effective Date: June 20, 2019

## Campaign and Public Funds for Nondisclosure Agreements

**Chief Sponsors:** Sens. Gelser, Knopp; Rep. Power

**Committees:** Joint Capitol Culture, Senate Workforce, House Judiciary

**Background and Current Law:** Oregon's campaign finance regulation laws govern the uses of and prohibitions on campaign funds. Uses and prohibitions are provided for the campaign committees of candidates or holders of public office, political committees that are not principal campaign committees, and petition committees. Contributions to campaigns may be used to pay some campaign finance violations but may not be used to pay a money award in a civil or criminal action, or to pay a fine imposed by an agency or local government. Likewise, contributions to a political committee or petition committee may not be used to satisfy civil or criminal money awards, or to pay legal expenses arising out of the scope and duties of an individual serving on the committee, unless it relates to proceedings based on campaign finances.

**Bill Summary:** Senate Bill 478 prohibits the use of contributions to a campaign, political committee, or petition committee as payment in connection with a nondisclosure agreement related to workplace harassment. It also prohibits the use of any public moneys, or money received from a third party, to make payments in connection with a nondisclosure agreement related to workplace harassment. Violations are punishable by up to twice the amount that is specified in the nondisclosure agreement.

**Oregon Laws 2019:** Chapter 462

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### [House Bill 2859](#)

Not Enacted

## Confidential Communications and Records regarding Workplace Harassment

**At the request of:** Joint Committee on Capitol Culture

**Committees:** Joint Capitol Culture

**Background and Current Law:** In 2018, the Oregon Law Commission formed the Oregon State Capitol Workplace Harassment Work Group in response to a request from the President of the Senate and the Speaker of the House to advise the Legislative Assembly on how best to revise its laws and policies related to workplace harassment. After several months of public hearings and soliciting public input, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018. The final report included recommendations to establish a Legislative Equity Office, where individuals experiencing harassment can obtain information and discuss options for reporting or other support.

**Bill Summary:** House Bill 2859 would have created an evidentiary privilege for harassment-related communications between individuals and the Legislative Equity Office. The provisions were enacted as part of House Bill 3377.

### [House Bill 3127](#)

**Not Enacted**

## Remedial Action for Lobbyists

**Chief Sponsors:** Rep. Noble

**Committees:** Joint Capitol Culture

**Background and Current Law:** In 2018, the Oregon Law Commission formed the Oregon State Capitol Workplace Harassment Work Group in response to a request from the President of the Senate and the Speaker of the House to advise the Legislative Assembly on how best to revise its laws and policies related to workplace harassment. After several months of public hearings and soliciting public input, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018. The recommendations included specific elements for a strong workplace harassment policy and commensurate training, requiring the Oregon Government Ethics Commission to ensure lobbyists attend workplace harassment training, and empowering the Legislative Administrator to impose appropriate remedies for lobbyists and other third parties who violate the workplace harassment policy.

**Bill Summary:** House Bill 3127 would have directed the Oregon Government Ethics Commission to receive written findings of fact, prepared by an investigator directed by the Legislative Assembly or legislative rule, determining whether a lobbyist engaged in conduct prohibited under the personnel rules of the legislative branch. It would have required the Ethics Commission to conduct proceedings and deliberate on the written findings and, after providing the lobbyist with notice and an opportunity to be heard, to determine an appropriate remedy.

### [House Bill 3377](#)

Effective Date: July 23, 2019

[\(see House Concurrent Resolution 20\)](#)

## Oregon State Capitol Workplace Harassment

**At the request of:** Joint Committee on Capitol Culture

**Committees:** Joint Capitol Culture, Joint Ways and Means

**Background and Current Law:** In 2018, the President of the Senate and the Speaker of the House requested that the Oregon Law Commission assist with legislative efforts to make the State Capitol a workplace where employees, legislators, lobbyists, and visitors alike can participate in the democratic process without fear of harassment, discrimination, or retaliation. The Legislative Assembly requested that the Commission advise on how best to revise its laws and policies related to workplace harassment. The Commission appointed 14 members to the Oregon State Capitol Workplace Harassment Work Group, including employment lawyers representing employees and management, former legislators and legislative staff, registered lobbyists, a retired Oregon Supreme Court justice, an academic in the field of implicit bias, and several professionals with extensive experience preventing and responding to harassment in professional and educational settings. After several months of public hearings and soliciting public input, both with attribution and anonymously, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018 and made available to the public on the Oregon Law Commission website. House Bill 3377 contains recommendations of the Oregon Law Commission's Oregon State Capitol Workplace Harassment Work Group.

**Bill Summary:** House Bill 3377 forms a Joint Committee on Conduct (Joint Committee) as a standing legislative committee consisting of members from the House Committee on Conduct and the Senate Committee on Conduct. The measure directs the Joint Committee to adopt a respectful workplace policy for conduct that is not implicated by the Legislative Assembly's harassment, discrimination, and retaliation policy. The measure also establishes the Legislative Equity Office and requires the Joint Committee to provide policy direction and oversight to the office. It specifies the appointment of a Legislative Equity Officer and requires the officer to contract with an independent investigator to receive complaints violating the Legislative Assembly's harassment, discrimination, and retaliation policy; conduct investigations; and make interim safety recommendations. Additionally, the measure directs the officer to regularly conduct climate and culture surveys; establish a Capitol Leadership Team; provide, and to contract with offsite process counselor to provide, confidential process counseling; and conduct annual training on the harassment, retaliation, and discrimination policy and free speech. The measure requires legislators, legislative staff, and registered lobbyists to attend the training, and it directs the Oregon Government Ethics Commission to track the attendance of lobbyists and submit an annual report to the Legislative Assembly.

**Oregon Laws 2019:** Chapter 604

### [House Concurrent Resolution 20](#)

Filed with Secretary of State

[\(see House Bill 3377\)](#)

## Oregon State Capitol Harassment, Discrimination, and Retaliation Policy

**At the request of:** Joint Committee on Capitol Culture

**Committees:** Joint Capitol Culture

**Background and Current Law:** In 2018, the President of the Senate and the Speaker of the House requested that the Oregon Law Commission assist with legislative efforts to make the State Capitol a model workplace where employees, legislators, lobbyists, and visitors alike can feel safe and participate in the democratic process, without fear of harassment, discrimination, or retaliation. The Commission was requested to advise the Legislative Assembly on how best to revise its laws and policies related to workplace harassment. The Commission appointed 14 members to the Oregon State Capitol Workplace Harassment Work Group, including employment lawyers representing employees and management, former legislators and legislative staff, registered lobbyists, a retired Oregon Supreme Court justice, an academic in the field of implicit bias, and several professionals with extensive experience preventing and responding to harassment in professional and educational settings. After several months of public hearings and soliciting public input, both with attribution and anonymously, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018 and made available to the public on the Oregon Law Commission website. House Concurrent Resolution 20 contains recommendations of the Oregon Law Commission's Oregon State Capitol Workplace Harassment Work Group.

**Bill Summary:** House Concurrent Resolution 20 amends the Legislative Branch Rules to adopt a harassment, discrimination, and retaliation policy, and it authorizes any person who experiences or observes any specified prohibited behaviors to utilize the policy. The resolution applies the policy to legislators, legislative staff, lobbyists, and any other person present in State Capitol. It describes the behaviors and actions that constitute harassment, sexual harassment, retaliation, and conduct that contributes to a hostile work environment. It establishes three options for making such reports, requires follow-up from the Legislative Equity Officer (LEO) or the offsite process counselor, and specifies the criteria regarding communications and disclosures of information to or from the LEO or the counselor. Additionally, the resolution allows any person who experiences or observes any prohibited behavior to report such, and requires legislators, appointing authorities, and nonpartisan staff supervisors to make such reports upon observing or receiving information of such behavior. The resolution also specifies the process and requirements for submitting reports and complaints regarding prohibited behaviors and requires complaints to be submitted to the LEO as well as an independent investigator. Furthermore, the resolution specifies the process for investigations conducted by the independent investigator and includes criteria for confidentiality and transparency. House Concurrent Resolution 20 also authorizes the investigator, LEO, and the offsite process counselor to recommend interim safety measures after receiving a disclosure, report, or complaint. The resolution includes a variety of mechanisms for imposing remedial measures for individuals named in complaints. Finally, House Concurrent Resolution 20 establishes the Senate Committee on Conduct and the House Committee on Conduct, specifying that members of each committee together comprise the Joint Committee on Conduct. In addition, the resolution directs the Joint Committee to adopt a respectful workplace policy and make recommendations regarding the independent investigations.

## 2019 SUMMARY OF LEGISLATION

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# EDUCATION

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# EDUCATION

## MEASURES

<b>P-12 Education</b>	Enacted	SB 16, SB 52, SB 151, SB 154, SB 155, SB 216, SB 283, SB 664, SB 665, SB 690, SB 802, SB 905, SB 963, HB 2022, HB 2023, HB 2024, HB 2025, HB 2191, HB 2444, HB 2457, HB 2512, HB 2556, HB 2867, HB 2892, HB 2964, HB 3409, HB 3427, HJM 3, HJR 15
	Not Enacted	SB 12, SB 13, SB 14, SB 18, SB 156, SB 157, SB 180, SB 282, SB 289, SB 352, SB 428, SB 433, SB 456, SB 486, SB 489, SB 496, SB 535, SB 553, SB 573, SB 575, SB 584, SB 692, SB 719, SB 731, SB 739, SB 764, SB 786, SB 801, SB 828, SB 960, HB 2019, HB 2021, HB 2026, HB 2031, HB 2074, HB 2224, HB 2229, HB 2247, HB 2307, HB 2318, HB 2326, HB 2327, HB 2346, HB 2349, HB 2385, HB 2440, HB 2441, HB 2516, HB 2612, HB 2629, HB 2630, HB 2632, HB 2676, HB 2736, HB 2742, HB 2759, HB 2760, HB 2765, HB 2897, HB 2902, HB 2939, HB 2967, HB 3020, HB 3032, HB 3115, HB 3241, HB 3391, HB 3414
<b>Higher Education</b>	Enacted	SB 3, SB 160, SB 234, SB 312, SB 455, SB 689, SB 859, SCR 22, HB 2030, HB 2213, HB 2216, HB 2519, HB 2571
	Not Enacted	SB 4, SB 158, SB 159, SB 255, SB 257, SB 263, SB 293, SB 497, SB 624, SB 730, SB 777, SB 794, SB 811, SB 844, SB 852, SB 949, SB 958, HB 2140, HB 2207, HB 2214, HB 2389, HB 2517, HB 2520, HB 2594, HB 2809, HB 2817, HB 2941, HB 2942, HB 2976, HB 3015, HB 3212, HB 3280
<b>System-Wide</b>	Enacted	SB 485, HB 2018, HB 2262, HB 2263, HB 2871
	Not Enacted	SB 17, SB 739, SB 800, HB 2029, HB 2440, HB 2990, HB 3010

Picture: Soap Creek School, Benton County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 283	Directs the Oregon Health Authority to report on the health effects of exposure to microwave radiation, particularly exposure that results from the use of wireless network technologies in schools or similar environments.	January 2, 2021
SB 455	Expands reporting requirement under ORS 352.629 to include all institutions of higher education with ongoing qualified contracts.	Annually, on or before February 1
SB 859	Expands reporting requirements under ORS 352.287 to include graduate students who qualify for tuition equity.	Annually, on or before July 1
HB 2263	Directs the Oregon Department of Education to report on the issuance of grants administered in collaboration with the Higher Education Coordinating Commission.	Annually by December 1
	Directs the Higher Education Coordinating Commission, in collaboration with post-secondary institutions of education, to report on and recommend a range of graduate courses to meet dual credit program qualifications in Oregon.	September 15, 2020
	Directs the Teacher Standards and Practices Commission to study whether educator preparation program providers should provide accelerated learning specialization and submit a report to the interim committee on the study.	September 15, 2020
HB 2519	Directs each institution of higher education to report on the number of hazing incidents reported and investigated by the institution.	Annually by December 31



HB 2457	Directs specified evaluations be made by the Teacher Standards and Practices Commission, Oregon Department of Education, and Office of Child Care to increase the number of math, science, and career and technical program educators in the Eastern Oregon Economic Development Region for grades 9 through 12.	September 15, 2024
HB 3427	Requires the Oregon Department of Education to submit a report to the legislature on implementation of the Act by February 1, 2020, including recommendations for legislation.	February 1, 2020
	Requires the Oregon Department of Education, Educator Advancement Council, Teacher Standards and Practices Commission, school district representatives and education stakeholders to report to the 2020 Legislative Assembly on recommendations to increase educator diversity.	Annually, starting February 1, 2022
	Requires the Oregon Department of Education to report annually to the legislature on each school districts' progress toward meeting its performance goals beginning February 1, 2022.	January 1, 2021
	Requires the Oregon Department of Education to submit a report detailing the development of the American Indian and Alaska Native education plan and a report detailing the development of the Latino or Hispanic education plan to the legislature by January 1, 2021.	January 1, 2021
	Requires the Early Learning Division to submit a report to the legislature by September 15 of each odd-numbered year on the Early Childhood Equity Fund grants.	Odd-numbered years on September 15

### Senate Bill 3

Effective Date: January 1, 2020

#### Community College Applied Baccalaureate Degrees

**Chief Sponsors:** Sens. Courtney, Girod, Heard, Thomsen, Wagner

**Committees:** Senate Education, House Education

**Background and Current Law:** Oregon has 17 community colleges serving 272,254 individual students in four program areas: lower-division collegiate education, career and technical programs, developmental education, and adult continuing education. Community colleges are currently prohibited from offering four-year programs, including applied baccalaureate programs. An applied baccalaureate degree is a bachelor's degree designed to incorporate applied associate courses and degrees with additional coursework emphasizing higher-order thinking skills and advanced technical knowledge and skills. Common applied baccalaureate areas of study are information technology, applied management, health sciences, and early childhood/elementary education. At present, 25 states allow community colleges to award bachelor's degrees.

**Bill Summary:** Senate Bill 3 permits community colleges to offer applied baccalaureate degree programs if approved by the Higher Education Coordinating Commission (HECC). To receive approval, community colleges must submit: a description of the program; information about how it will be created, including any accreditation requirements; and documentation of local unmet workforce needs, student demand, program expertise, and adequate program resources. If the community college meets existing criteria for the approval of new programs, HECC is required to approve them.

**Oregon Laws 2019:** Chapter 255

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### Senate Bill 4

Not Enacted

#### Community College and Public University Consolidation

**Chief Sponsors:** Sens. Courtney, Thomsen

**Committees:** Senate Education

**Background and Current Law:** Oregon has 17 community colleges, governed by local community college districts and funded through local taxing authorities, state revenues, tuition, and other sources. Oregon has seven public universities, governed by boards and funded through tuition, state revenue, and other sources. The Higher Education Coordinating Commission coordinates state policy regarding community colleges and public universities, which do not currently have the authority to merge into one institution.

**Bill Summary:** Senate Bill 4 would have permitted voluntary mergers of a community college and a public university. The Higher Education Coordinating Commission would have been required to approve proposals to consolidate and report to the legislature at least 90 days prior to the effective date.

### [Senate Bill 12-A](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

#### **Inclusive Schools Pilot Program**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** The Oregon Department of Education (ODE) convened a Safe and Effective Schools for All Students Advisory Committee, to recommend legislation. Senate Bill 12 A resulted from its activity.

**Bill Summary:** Senate Bill 12-A would have established a pilot program to foster safe, effective, equitable, and conducive learning environments for all students. ODE would have been authorized to award grants to school districts to implement early warning systems to help students graduate, and to establish and oversee a network of regional student councils. Provisions relating to early warning systems were incorporated into the Student Success Act (House Bill 3427).

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### [Senate Bill 13](#)

**Effective Date:** January 1, 2020

#### **Disability Terminology for Special Education Statutes**

**At the request of:** Governor Kate Brown for Oregon Department of Education

**Committees:** Senate Education, House Education

**Background and Current Law:** The Oregon Department of Education (ODE) requested that terminology referencing certain disabilities be updated in provisions governing special education, consistent with modern usage, along with a technical correction to conform with federal requirements.

**Bill Summary:** Senate Bill 13 changes “hearing impaired” to “deaf or hard of hearing,” “autism” to “autism spectrum disorder,” “blindness or deafness or both” to “deafblind” and “emotional disturbance” to “emotional behavior disability.” It also makes “other health impairment” a separate category and modifies the definition of developmental delay to identify and include children based on age (three through nine years old), rather than by grade level.

**Oregon Laws 2019:** Chapter 310

### [Senate Bill 14](#)

**Not Enacted**

#### **American Indian or Alaska Native Student Success Plan**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** Senate Bill 14 is modeled on House Bill 2016 (2015), which established a statewide education plan for African American students. It builds on the Oregon Department of Education's (ODE's) existing American Indian/Alaska Native Education State Plan, a policy ODE adopted in the 1980s.

**Bill Summary:** Senate Bill 14 would have directed ODE to develop and implement a statewide education plan for American Indian or Alaska Native students and corresponding advisory body. Provisions of this measure were incorporated into the Student Success Act (House Bill 3427).

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### [Senate Bill 16](#)

**Effective Date: May 24, 2019**

#### **Practitioners for Special Education Evaluations**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** Senate Education, House Education

**Background and Current Law:** In the 2017-2018 school year, Oregon school districts provided 78,867 students with special education services, representing 13.6 percent of the total student population. To receive special education services, a student must undergo an evaluation, which may include a medical examination by a licensed physician or a health assessment by a licensed nurse. In practice, for purposes of the special education services evaluation, the medical assessment is the same regardless of the type of health practitioner. Current law does not expressly provide for audiology exams, out-of-state licensed naturopathic physicians, or reporting requirements.

**Bill Summary:** Senate Bill 16 expands the types of health practitioners that may conduct medical examinations for special education evaluations to include licensed naturopathic physicians, adds audiology assessments as a type of examination, and requires health practitioners to report results to school districts.

**Oregon Laws 2019:** Chapter 171

### Senate Bill 17

**Not Enacted**

#### **Electronic Transcripts in High School**

**At the request of:** Governor Kate Brown for Higher Education Coordinating Commission

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** Electronic transcripts allow high schools and higher education institutions to share students' academic information electronically. Currently, each Oregon school district uses its own application, causing difficulties for students transferring between districts and challenges for higher education institutions.

**Bill Summary:** Senate Bill 17 would have established a task force to study electronic transcripts and submit a report to the legislature by December 1, 2019.

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### Senate Bill 18

**Not Enacted**

#### **School Administrators – Investigations of Abuse or Sexual Conduct**

**At the request of:** Governor Kate Brown for the Teacher Standards and Practices Commission

**Committees:** Senate Education

**Background and Current Law:** The Teacher Standards and Practices Commission (TSPC) is responsible for regulating licensed educators. This includes issuing licenses and taking disciplinary action, such as suspending or revoking certifications for teachers, administrators, school counselors, school social workers, school psychiatrists, and school nurses. TSPC must investigate all reports of sexual conduct or abuse involving TSPC-licensed personnel. Disciplinary action may be based on a criminal conviction, gross neglect of duty, and gross unfitness.

**Bill Summary:** Senate Bill 18 would have permitted TSPC to take disciplinary action, including the suspension or revocation of a school administrator's license, for failure to meet reporting, investigation, and notification requirements concerning reports of suspected abuse or sexual conduct.

### [Senate Bill 52](#)

**Effective Date:** May 24, 2019

#### **School District Suicide Prevention Plans**

**Chief Sponsors:** Sens. Wagner, Roblan; Reps. Smith Warner, Doherty, Nosse, Power, Williamson

**Committees:** Senate Education, House Education

**Background and Current Law:** In 2015, Oregon's suicide rate was 33 percent higher than the national average and Oregon ranked 13th among all the states for incidence of suicide. The 2017 Oregon Healthy Teens Survey reported that 16 percent of eighth graders and 18 percent of eleventh graders seriously considered attempting suicide during the previous 12 months. The Oregon Health Authority reports that 98 people under the age of 25 died of suicide in 2016.

**Bill Summary:** Senate Bill 52 requires school districts to adopt comprehensive plans on suicide prevention. Plans must address reduction of suicide risks, suicide response, and high-risk groups. The measure is designated Adi's Act in honor of Adi Staub, who died from suicide in 2017.

**Oregon Laws 2019:** Chapter 172

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### [Senate Bill 151](#)

**Effective Date:** January 1, 2020

#### **Education Service Districts**

**At the request of:** Senate Interim Committee on Education

**Committees:** Senate Education, House Education

**Background and Current Law:** Oregon has 19 education service districts (ESDs) serving 36 counties. Each ESD provides regional educational services to school districts within its jurisdiction, including early intervention, low-incidence disability, special education, and college and career readiness programs. In 1991, the legislature passed the ESD Reorganization Act which required the consolidation of 29 ESDs into 21. Since that time, two more ESDs have merged: Yamhill and Willamette ESDs in 2003; and Union-Baker ESD with Umatilla-Morrow ESD to form the Intermountain ESD in 2011.

**Bill Summary:** Senate Bill 151 correspondingly updates the list of education service districts (ESDs) in statute.

**Oregon Laws 2019:** Chapter 258

### Senate Bill 154

**Not Enacted**

#### **11<sup>th</sup> Grade Statewide Assessment**

**At the request of:** Senate Interim Committee on Education

**Committees:** Senate Education

**Background and Current Law:** The Oregon Department of Education (ODE) is required to implement a valid and reliable statewide assessment system for all students. The federal Every Student Succeeds Act (ESSA) requires states to assess students in math and reading every year in grades three through eight and once in high school, and to assess science at least once in elementary, middle, and high school. Oregon's high school assessment is the Smarter Balanced Assessment Consortium (SBAC), completed in grade 11. The ESSA allows for use of a nationally recognized high school academic assessment instead of a statewide high school assessment, if the administering school district uses the same locally selected, nationally recognized assessment in all its high schools.

**Bill Summary:** Senate Bill 154 would have tasked ODE to study whether school districts should use the American College Testing tool (ACT), the Scholastic Aptitude Test (SAT), or another national standardized test for the grade 11 assessment, and to report to the legislature by September 15, 2020.

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### Senate Bill 155

**Effective Date: July 23, 2019**

#### **Sexual Misconduct in Schools**

**At the request of:** Senate Interim Committee on Education

**Committees:** Senate Education, Senate Rules, Joint Student Success, Joint Ways and Means

**Background and Current Law:** In 2015, Congress passed the Every Student Succeeds Act (ESSA), which contains provisions prohibiting school districts, state departments of education, school employees, contractors, or agents from assisting school employees, contractors, or agents investigated for sexual misconduct from obtaining new jobs unless certain reporting requirements are met. In 2018, Portland Public Schools (PPS) released a report detailing how several former teachers retained their positions despite multiple reports of sexual conduct. The Senate Education Committee drafted Senate Bill 155 to align Oregon law with federal law and to implement recommendations contained in the PPS report.

**Bill Summary:** Senate Bill 155 brings Oregon law into compliance with federal law; changes the definition of sexual conduct to remove requirements that it must unreasonably interfere with a student's educational performance and create an intimidating, hostile, or offensive environment; expands and clarifies responsibilities of the Department of Human Services (DHS), the Teacher Standards and Practices Commission (TSPC), and the Oregon Department of Education (ODE) to investigate allegations of abuse or sexual conduct in schools; places a 90-day timeline on investigations by TSPC and ODE; allows nonlicensed personnel to appeal; clarifies the responsibility of school districts to determine whether or not any employment policies were violated; requires districts to establish policies on appropriate electronic communications between students and staff; and prohibits any termination or resignation agreements that may impair or suppress an investigation.

**Oregon Laws 2019:** Chapter 618

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### [Senate Bill 156](#)

**Not Enacted**

#### **Investigations of Abuse and Sexual Conduct**

**At the request of:** Senate Interim Committee on Education for Portland Public Schools

**Committees:** Senate Education

**Background and Current Law:** School districts employ approximately 68,000 teachers, administrators, specialists, and support staff during a school year. The responsibility to report and investigate allegations of abuse and sexual conduct by school employees is shared by school districts, school employees, licensing boards, the Department of Human Services (DHS), and law enforcement. The Teacher Standards and Practices Commission (TSPC) is responsible for discipline and suspending or revoking certifications for teachers, administrators, school counselors, school social workers, school psychiatrists and school nurses.

**Bill Summary:** Senate Bill 156 would have revised the definitions of “school employee,” “sexual conduct,” and “student,” for purposes of reporting and investigating suspected abuse or sexual conduct by school employees. TSPC would have been required to complete investigations within 180 days of receiving a complaint of abuse, sexual conduct, or behavior considered dangerous to children.

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### [Senate Bill 157-A](#)

**Not Enacted**

#### **National Assessments**

**At the request of:** Senate Interim Committee on Education

**Committees:** Senate Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** Currently, Oregon students take the Smarter Balanced Assessment Consortium (SBAC) summative assessments in math and English language arts at the end of each school year from third through eighth grade and once in high school. The Scholastic Aptitude Test (SAT) and American College Testing (ACT) are examples of nationally recognized academic assessments that are used for entrance into post-secondary institutions.

**Bill Summary:** Senate Bill 157-A would have required the Oregon Department of Education (ODE) to contract with a nonprofit entity to allow school districts to administer a nationally recognized assessment to meet Oregon's high school assessment requirement.



### [Senate Bill 158-A](#)

**Not Enacted**

#### **Foster Youth Promise**

**At the request of:** Senate Interim Committee on Education

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Community colleges and public universities waive tuition for current and former foster youth. In 2018, 11,645 children in Oregon spent at least one day in the foster care system.

**Bill Summary:** Senate Bill 158-A would have established a pilot project to assist foster youth transitioning from community college to a public university.

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### [Senate Bill 159-A](#)

**Not Enacted**

#### **Foster Youth Success Centers**

**At the request of:** Senate Interim Committee on Education

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Community colleges and public universities waive tuition for current and former foster youth. In 2018, 11,645 children in Oregon spent at least one day in the foster care system.

**Bill Summary:** Senate Bill 159-A would have established student success centers for foster youth receiving tuition waivers. The student success centers would have provided peer support, outreach, mentoring, and other support for foster youth attending college.

### Senate Bill 160

Effective Date: January 1, 2020

#### College Credit for International Baccalaureate Exams

**At the request of:** Senate Interim Committee on Education

**Committees:** Senate Education, House Education

**Background and Current Law:** In 2017, 17 Oregon high schools offered an International Baccalaureate (IB) program, with 2,292 students completing 5,595 IB courses. The IB program requires high school students to complete an external, standardized exam for each IB course. Scores on these exams range from one (lowest) to seven (highest). Many universities and colleges offer college credit to students who receive a minimum score on an IB exam. Typically, Oregon public universities and community colleges award credit for IB exam scores of five or higher. Senate Bill 160 is modeled on Senate Bill 207 (2017) that required public higher education institutions to provide credit to students receiving a score of three or higher on an Advanced Placement (AP) exam.

**Bill Summary:** Senate Bill 160 requires public universities and community colleges to award academic credit for IB scores of four or higher, unless an institution is granted an exception.

**Oregon Laws 2019:** Chapter 235

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### Senate Bill 180

Not Enacted

#### Bullying Prevention Program

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** Oregon law requires school districts to adopt policies prohibiting harassment, intimidation, bullying, and cyberbullying and to provide prevention and response training. Oregon law also encourages school districts to develop anti-bullying task forces and programs that involve students, parents, school employees, law enforcement, and community representatives.

**Bill Summary:** Senate Bill 180 would have provided grants to school districts to implement anti-bullying programs and would have established a statewide youth-empowerment conference.

### [Senate Bill 216](#)

**Effective Date:** January 1, 2020

#### **Educator Licensure**

**At the request of:** Governor Kate Brown for Teacher Standards and Practices Commission

**Committees:** Senate Education, House Education

**Background and Current Law:** In 2017, the legislature passed Senate Bill 205, allowing teachers to teach for 90 days without a license if they have submitted the application and completed all required background checks, enabling them to become employed while their application is being processed. In 2018, Senate Bill 1520 was enacted, expanding this authorization to all employees that must obtain educator licensure to work. Under current law, the Teacher Standards and Practices Commission (TSPC) may not limit the number of times an educator is employed using the 90-day exception period, so it is possible for educators to re-apply for the same license multiple times to extend the 90-day unlicensed employment period.

**Bill Summary:** Senate Bill 216 limits educators with pending applications, to working unlicensed for 90 days once per year for each type of license.

**Oregon Laws 2019:** Chapter 150

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### [Senate Bill 234](#)

**Effective Date:** January 1, 2020

#### **Tuition Parity 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:** Several higher education benefits are available to qualifying active duty service members, veterans, and their dependents in Oregon, beginning with in-state tuition at public universities and community colleges for eligible veterans at both the graduate and undergraduate levels. The federal government provides tuition assistance through both the G.I. Bill and vocational rehabilitation benefits; however, a conflicting provision exists in current state law that specifically requires recipients of vocational rehabilitation benefits to pay nonresident tuition. This provision causes some institutions of higher education to differentiate between students based on the source of the assistance they receive: those that receive tuition assistance via the G.I. Bill pay in-state rates, and those who receive tuition assistance through vocational rehabilitation benefits pay nonresident rates.

**Bill Summary:** Senate Bill 234 allows nonresident recipients of federal vocational rehabilitation benefits to pay in-state tuition, the same as nonresident recipients of the G.I. Bill, beginning with 2020-2021 academic year.

**Oregon Laws 2019:** Chapter 283

### [Senate Bill 255](#)

**Not Enacted**

#### **Oregon Institute of Marine Biology – Research Vessel**

**Chief Sponsors:** Sen. Roblan; Reps. DB Smith, McKeown

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Since the 1920s, the University of Oregon (UO) has taught and conducted research in marine biology on the Southern Oregon coast. In 1929, the U.S. Army Corps of Engineers provided a portion of the Coos Head Military Reservation for the permanent home of UO's marine biology program. In 1966, UO began operating the Oregon Institute of Marine Biology (OIMB) as a year-round research and teaching facility. The OIMB helped establish the South Slough National Estuarine Research Reserve and continues to collaborate with it. OIMB offers the only undergraduate marine biology major in Oregon and provides ongoing educational opportunities to K-12 students, college students, and the public.

**Bill Summary:** Senate Bill 255 would have appropriated \$500,000 to OIMB to replace a research vessel.

## EDUCATION

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### Senate Bill 257

**Not Enacted**

#### **Oregon State University Statewide Programs**

**Chief Sponsors:** Sens. Roblan, Hansell; Reps. McKeown, Marsh, McLane, G Smith

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** The Oregon Agricultural Experiment Station (OAES) conducts research and demonstrations in the agricultural, biological, social, and environmental sciences at main campus of Oregon State University (OSU) in Corvallis and at branch stations throughout the state. The OSU Extension Service is a county-based statewide network that develops and delivers non-credit, educational programs based on locally identified needs. The Forest Research Laboratory conducts research on management and utilization of state forests. The research results are shared with educational programs, forestry and scientific publications, government, and the public.

**Bill Summary:** Senate Bill 257 would have appropriated \$30 million to Oregon State University's agricultural experiment stations, extension services, and forest research laboratory. Provisions of the bill were incorporated into HB 5050.

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### Senate Bill 263-A

**Not Enacted**

#### **Resident Tuition for Specified Students**

**Chief Sponsors:** Sens. Dembrow, Hansell, Monnes Anderson, Wagner; Reps. Piluso, Hernandez, Keny-Guyer

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Currently, most foreign students pay nonresident tuition at public universities. Foreign students may enter the United States in a variety of ways, the most typical being, with the use of a student visa upon acceptance at a post-secondary institution. A student's presence in the United States may also be authorized by a special immigrant visa, or they may be refugees, or they may be working in the United States pursuant to the Compact of Free Association (COFA). COFA is an international agreement that allows citizens of the Republic of Palau, the Republic of Marshall Islands, and the Federated States of Micronesia to work in the United States as nonimmigrants for an unlimited length of time. Refugees are granted that status by the U.S. Citizen and Immigration Services, and special immigrant visas are issued to persons from Iraq or Afghanistan by the U.S. Department of Homeland Security under the 2006 National Defense Authorization Act, the 2007 Refugee Crisis in Iraq Act, or the 2009 Afghan Allies Protection Act.

**Bill Summary:** Senate Bill 263-A would have allowed refugees, special immigrant visa holders, and COFA islanders to pay in-state tuition.

### [Senate Bill 282](#)

**Not Enacted**

#### **Appropriate Use of Technology in Schools**

**Chief Sponsors:** Sen. Monnes Anderson; Reps. Piluso, Sanchez

**Committees:** Senate Education

**Background and Current Law:** School districts are required to adopt policies for the use of personal electronic devices in schools so that students may be allowed to access them in support of academic activities and independent communications. Unless otherwise specifically prohibited by the policy, students may not be denied opportunities to use personal electronic devices that support academic activities and independent communications. If a school district implements a curriculum that uses technology, the district school board must adopt a policy that allows but does not require students to use their own personal devices. School districts may prohibit the use of technology during regular school hours or during school events if the communications are not related to academic activities, such as social media or entertainment.

**Bill Summary:** Senate Bill 282 would have required the Oregon Department of Education (ODE) to conduct a study, adopt guidelines, and develop materials related to the appropriate use of technology by students.

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### [Senate Bill 283](#)

**Effective Date: August 9, 2019**

#### **Health Effects of Microwave Radiation in Schools**

**Chief Sponsors:** Sens. Monnes Anderson, Boquist; Reps. Piluso, Keny-Guyer

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** School districts are required to provide opportunities for students to use technology and to develop and adopt a Healthy and Safe Schools Plan. The plan must address environmental conditions at facilities owned or leased by the district or school where students or staff are present on a regular basis.

**Bill Summary:** Senate Bill 283 requires the Oregon Health Authority (OHA) to review scientific studies on the health effects of exposure to microwave radiation, including in schools or similar environments and the Oregon Department of Education is directed to recommend practices and alternative technologies to reduce students' exposure.

**Oregon Laws 2019:** Chapter 677

### [Senate Bill 289](#)

**Not Enacted**

#### **Vision Screenings**

**Chief Sponsors:** Sens. Roblan, Hansell; Reps. Doherty, Reschke, McKeown, G Smith, Williamson

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Students age seven or younger are required to submit certification to school districts that they have received a vision screening, unless they meet certain criteria. Many districts and preschool programs offer free vision screenings during school hours to meet this requirement. School-based screenings must be conducted by a school nurse, qualified school staff, or an organization approved by the Oregon Department of Education (ODE), such as the Oregon Lions Sight and Hearing Foundation or the Elks Preschool Vision Screening Foundation. In 2017, the legislature passed Senate Bill 187 requiring ODE to reimburse education providers for expenses related to vision screenings, including any expenses related to contracting with outside providers. It appropriated \$1 million for this purpose, capping the rate of reimbursement at \$3.20 per student. Since the measure specified only education providers may be reimbursed, other providers, such as the Lions Foundation, must request reimbursement through a school district.

**Bill Summary:** Senate Bill 289 would have appropriated \$2 million for school children's vision screenings and would have authorized ODE to reimburse all approved screening providers directly.

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### [Senate Bill 293](#)

**Not Enacted**

#### **Indian Health Scholarship Program**

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** There are nine federally recognized tribes located within Oregon's borders. Indian tribes provide healthcare services to their members through tribal-operated clinics in their communities. Tribal health clinics are supported through tribal, federal, and state sources.

**Bill Summary:** Senate Bill 293 would have created the Indian Health Scholarship Program for members of federally recognized Indian tribes enrolled in degree programs for health professions at Oregon Health and Science University (OHSU). Scholarship recipients would have been required to work at tribal service sites upon completion and funds would have been appropriated to OHSU for program administration.

### [Senate Bill 312](#)

Effective Date: June 7, 2019

#### **Native American and Alaska Native Students – In-state Tuition**

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Education, House Education

**Background and Current Law:** In 2018, 888 American Indian or Alaska Native (AI/AN) students were enrolled in Oregon public universities, representing 0.9 percent of the total student population. In the same year, 3,025 AI/AN students were enrolled in Oregon community colleges. In 2018-19, the average undergraduate tuition and fees for public universities was \$10,111 (resident) and \$27,860 (nonresident). In 2017-18, the average tuition and fees for community colleges was \$5,172 (resident) and \$9,994 (nonresident, nonborder states).

**Bill Summary:** Senate Bill 312 allows nonresident Native Americans or Alaska Natives who graduated from a public or private high school in Oregon to pay in-state tuition at public colleges and universities.

**Oregon Laws 2019:** Chapter 287

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### [Senate Bill 352-A](#)

**Not Enacted**

#### **Tucker Maxon School**

**Chief Sponsors:** Sens. Monnes Anderson, Roblan; Rep. Nosse

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Tucker Maxon School is an educational institution in Portland that integrates children who are deaf, hearing, and hard of hearing. It is an independent, non-profit corporation governed by a 14-member board of directors. In 2016–2017, it enrolled 110 students, 39 of whom were deaf and 71 with typical hearing.

**Bill Summary:** Senate Bill 352-A would have appropriated \$500,000 to the Tucker Maxon School for a new heating system. Provisions of the bill were enacted in HB 5050.



### [Senate Bill 428-A](#)

**Not Enacted**

#### **Audit of Statewide Assessments**

**Chief Sponsors:** Sen. Frederick

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Education (ODE) is required to implement a statewide assessment system for all students. The federal Every Student Succeeds Act (ESSA) requires states to test students in reading and math annually from grades three through eight and once in high school, and to test science once in elementary school, middle school, and high school. To meet state and federal requirements, Oregon students complete the Smarter Balanced assessments in English and math in grades three through eight and grade 11, and the Oregon Assessment of Knowledge and Skills (OAKS) in science in grades five, eight, and 11. Additionally, school districts are required to administer a kindergarten readiness assessment, English-language proficiency assessment for English language learners, Oregon Extended Assessment for students with cognitive disabilities, and the Preliminary Scholastic Aptitude Test (PSAT) in grade 10.

**Bill Summary:** Senate Bill 428-A would have tasked ODE with conducting an audit related to the use of statewide assessments in Oregon public schools.

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### [Senate Bill 433](#)

**Not Enacted**

#### **Statewide Assessments – Opting Out/Notification**

**Chief Sponsors:** Sen. Frederick

**Committees:** Senate Education

**Background and Current Law:** In 2015, the legislature passed the Student Assessment Bill of Rights that allows a parent to excuse a child from taking annual statewide assessments, as identified by the Oregon Department of Education (ODE). Parents are not required to provide a reason for opting out of the test, but they must submit the required form. The Act also requires school districts to notify parents about statewide assessments and their opt-out rights. Currently, ODE permits parents to opt out of the English and math assessments. In 2017-2018, 2.8 percent of Oregon students opted out of the English assessment and 3.3 percent opted out of the math assessment. To comply with the federal Every Student Succeeds Act (ESSA), states must attain at least 95 percent participation on the statewide assessments in English, math, and science. ODE permits parents to excuse a child from the kindergarten, science and English language proficiency assessments for disability or religious reasons.

**Bill Summary:** Senate Bill 433 would have allowed parents to excuse a child from all statewide assessments for any reason. The measure would also have required ODE to ensure that forms and notices were accurate, nonpartisan, and free of conjecture or speculation, and directed ODE to consult with legislators and stakeholders when revising forms and notices.

### [Senate Bill 455](#)

Effective Date: January 1, 2020

#### Public Contracts and Apprenticeships

**Chief Sponsors:** Sen. Beyer

**Committees:** Senate Education, Senate Rules, House Rules

**Background and Current Law:** The University of Oregon is currently required to require contractors and subcontractors to employ apprentices to perform 15 percent of applicable work hours under qualified contracts and to establish and execute a plan for outreach, recruitment, and retention of women and minority individuals to perform work under contracts.

**Bill Summary:** Senate Bill 455 requires public universities and community colleges to support apprenticeship programs by awarding specified contracts to contractors who are registered with certain apprenticeship-related entities, and for contractors to likewise award specified subcontracts to subcontractors who are registered with certain apprenticeship-related entities. An exemption exists if compliance would cause unreasonable expense or delay or result in less than three bidders.

**Oregon Laws 2019:** Chapter 549

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### [Senate Bill 456](#)

Not Enacted

#### Essential Learning Skills Tests

**Chief Sponsors:** Sen. Hass

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** The State Board of Education established in Oregon Administrative Rule 581-022-2115 nine essential learning skills that students must demonstrate to receive a high school diploma.

**Bill Summary:** The measure would have prohibited testing as the only means for students to demonstrate proficiency in the nine essential learning skills required by the State Board of Education and would have required school districts to award diplomas to individuals who failed tests in the past.

### [Senate Bill 485](#)

Effective Date: January 1, 2020

#### **Suspected Suicides – Communication Plans**

**Chief Sponsors:** Sens. Gelser, Wagner

**Committees:** Senate Education, House Education

**Background and Current Law:** In 2016, the Oregon Health Authority (OHA) reported that 98 youths age 24 and younger died because of suicide. OHA may, but is not required to, collaborate with educational institutions on a communications plan to respond to suspected suicides and to serve as a resource as needed. Educational institutions are not currently required to inform OHA of efforts to provide support and reduce the risk of subsequent suicides.

**Bill Summary:** Senate Bill 485 requires OHA to collaborate with public and private schools, public and private universities and colleges, and runaway or homeless youth service providers on a communication plan to respond to suspected suicides of persons 24 years or younger. It also requires educational institutions, attended at the time of death by individuals who commit suicide, to inform OHA of actions taken to provide support and prevent the increased risk of subsequent suicides. Finally, it directs OHA to serve as a resource for affected educational institutions.

**Oregon Laws 2019:** Chapter 178

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### [Senate Bill 486](#)

**Not Enacted**

#### **Special Education – Assessment Timelines**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Education

**Background and Current Law:** In the 2017-2018 school year, Oregon school districts provided 78,867 students with special education services through the federal Individuals with Disabilities Education Act (IDEA), representing 13.6 percent of the total student population. School districts are required to evaluate and re-evaluate students to determine special education eligibility and needs.

**Bill Summary:** Senate Bill 486 would have required a special education evaluation and parent meeting within 75 calendar days of receiving consent from parents. The measure also would have required that evaluations occur within 89 days of parental consent in circumstances where students are absent on scheduled evaluation days.

### [Senate Bill 489](#)

**Not Enacted**

#### **Cyberbullying in Schools**

**Chief Sponsors:** Sen. Gelser; Rep. Noble

**Committees:** Senate Education, Senate Judiciary

**Background and Current Law:** Cyberbullying is defined as the use of any electronic communication device to harass, intimidate, or bully. School districts must adopt policies to prohibit and respond to cyberbullying and provide anti-cyberbullying training to students and staff. School districts are also encouraged to work with students, parents, law enforcement, and other partners to develop programs to address cyberbullying.

**Bill Summary:** Senate Bill 489 would have encouraged school districts to collaborate with social media providers to work on cyberbullying issues, including developing agreements with school districts on how to disclose online content related to incidences of cyberbullying.

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### [Senate Bill 496](#)

**Effective Date: July 1, 2019**

#### **Equal Access to School Facilities**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Education, House Education

**Background and Current Law:** In 2017-2018 school year, Oregon schools served 78,867 students in special education services, 13,300 students in alternative programs, and 54,408 English language learners.

**Bill Summary:** Senate Bill 496 requires school districts to provide special education students, alternative education students, and English language learners with the same access to specialized or common areas as traditional students. There are exceptions for behavioral issues or to comply with a court order or law enforcement agency.

**Oregon Laws 2019:** Chapter 334

### [Senate Bill 497-A](#)

**Not Enacted**

#### **Oregon Promise – Minimum Grade Point Average**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** In 2015, the legislature created the Oregon Promise program to provide grants to cover the cost of community college tuition. To qualify, students must be recent Oregon high school or GED graduates, earn a cumulative GPA of at least 2.5, and enroll at a community college within six months of graduation. In 2016-2017, 45 percent of 35,380 high school graduates applied for the Oregon Promise grant, 31 percent completed the application and met requirements, and 16 percent accepted an award.

**Bill Summary:** Senate Bill 497-A would have reduced the minimum cumulative grade-point average (GPA) required for an Oregon Promise grant from 2.5 to 2.0.

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### [Senate Bill 535](#)

**Not Enacted**

#### **Open Enrollment**

**Chief Sponsors:** Sen. Knopp

**Committees:** Senate Housing, Senate Education

**Background and Current Law:** Public schools are funded through federal, state, and local sources. Funds are distributed to school districts according to a formula that is based on their average daily membership (ADM) plus additional weights for certain students.

**Bill Summary:** Senate Bill 535 would have provided additional allocation for students in poverty, children in foster care, and children in state-recognized institutions for neglect or delinquency, by increasing the added weight assigned to them for purposes of the school funding distribution formula from 0.25 to 0.5 additional weight.

## EDUCATION

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### [Senate Bill 553](#)

**Not Enacted**

#### **Open Enrollment**

**Chief Sponsors:** Sen. Knopp

**Committees:** Senate Education

**Background and Current Law:** Open enrollment allows students who reside in one school district to attend school in a different district, under certain circumstances. In 2011, the legislature passed House Bill 3681 allowing students to attend schools in other districts with the written consent of the receiving district. The provision is scheduled to sunset on July 1, 2019.

**Bill Summary:** Senate Bill 553 would have lifted the sunset to continue open enrollment.

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### [Senate Bill 573](#)

**Not Enacted**

#### **Educator Misconduct**

**Chief Sponsors:** Sen. Knopp

**Committees:** Senate Education

**Background and Current Law:** The Teacher Standards and Practices Commission (TSPC) is the regulatory body that oversees school personnel. It is required to investigate reports of educator and administrator misconduct. It may discipline, suspend, or revoke licenses for teachers and administrators for conviction of crimes, gross neglect of duty, and any gross unfitness. School districts are required to place employees on administrative leave for reports of suspected abuse, and on administrative leave or in nonsupervisory positions for reports of suspected sexual conduct, until the Department of Human Services (DHS) or law enforcement has decided on the report.

**Bill Summary:** Senate Bill 573 would have required TSPC to immediately suspend licenses or registrations of any teachers or administrators who engage in abuse, sexual conduct, drug or alcohol abuse, using physical force against a student, sexual harassment, assault, or domestic violence, and school districts would have been required to place school employees suspected of sexual conduct on administrative leave until DHS or law enforcement completed an investigation.

### [Senate Bill 575](#)

**Not Enacted**

#### **Special Education Evaluation – Vision Exams**

**Chief Sponsors:** Sen. Knopp

**Committees:** Senate Education

**Background and Current Law:** In the 2017-2018 school year, Oregon school districts provided special education services to 78,867 students, representing 13.6 percent of total enrollment. School districts are required to ensure that an evaluation is conducted to determine if a child is eligible for special education services. The evaluation may include a vision examination by a licensed ophthalmologist or optometrist.

**Bill Summary:** Senate Bill 575 would have required special education evaluations to include a vision examination.

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### [Senate Bill 584](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

#### **School Safety**

**At the request of:** Oregon School Safety Task Force, Oregon Association of Education Service Districts, Association of Community Mental Health Providers, Lines for Life, Oregon Fire Chiefs Association, Oregon Association Chiefs of Police, Oregon State Sheriffs' Association, Oregon Education Association, Oregon School Employees Association, Confederation of Oregon School Administrators.

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** Oregon's School Safety Task Force convened in 2014 to make recommendations relating to the physical safety of schools and students.

**Bill Summary:** Senate Bill 584 includes a proposal from the School Safety Task Force that would have established a statewide school safety and prevention system focused on bullying prevention, student wellness and suicide prevention, threat and risk assessment, and promotion and implementation of a statewide tip line for students. The provisions of this measure were incorporated into House Bill 3427.

### [Senate Bill 624](#)

**Not Enacted**

#### **Public Universities – Common Application**

**Chief Sponsors:** Sen. Girod

**Committees:** Senate Education

**Background and Current Law:** Oregon has seven public universities, serving approximately 75,500 resident, undergraduate students. They are not required to use the same application for enrollment but two institutions, the University of Oregon and Oregon State University, currently participate in a nationwide common application system, which allows students to apply to over 800 colleges and universities with one application.

**Bill Summary:** Senate Bill 624 would have required Oregon public universities to establish a common application for undergraduate admission.

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### [Senate Bill 664](#)

**Effective Date:** January 1, 2020

#### **Holocaust and Genocide Instruction**

**Chief Sponsors:** Sens. Wagner, Manning Jr, Heard; Rep. Sollman

**Committees:** Senate Education, House Education

**Background and Current Law:** School districts are required to provide instructional programs that meet content standards adopted by the State Board of Education. In May 2018, the Board adopted new content standards for social studies that require high school students to study the oppression of ethnic and religious groups, including those that are traditionally marginalized, but the standards do not specifically refer to the Holocaust or genocide.

**Bill Summary:** Senate Bill 664 requires school districts to provide instruction about the Holocaust and genocide and directs the State Board of Education to adopt content standards for Holocaust and genocide studies.

**Oregon Laws 2019:** Chapter 253



### [Senate Bill 665](#)

**Effective Date:** January 1, 2020

#### **Naloxone Distribution – School Districts**

**Chief Sponsors:** Sen. Johnson

**Committees:** Senate Education, House Education, House Health Care

**Background and Current Law:** Naloxone is a medication that rapidly reverses opioid overdose. It binds to opioid receptors and can reverse and block the effects of other opioids. It can very quickly restore normal respiration to a person whose breathing has slowed or stopped because of overdosing with heroin or prescription opioid pain medications. In 2016, there were 312 opioid-related overdose deaths in Oregon, a rate of 7.6 deaths per 100,000 persons compared to the national rate of 13.3 deaths per 100,000.

**Bill Summary:** Senate Bill 665 permits school districts to adopt rules to allow trained school personnel to administer naloxone and similar medications if a student or other individual overdoses on opioids at school, on school property, or at a school-sponsored activity.

**Oregon Laws 2019:** Chapter 375

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### [Senate Bill 689](#)

**Effective Date:** January 1, 2020

#### **Maintaining Resident Status of Service Members' Dependents for Purposes of Post-Secondary Enrollment**

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

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

**Background and Current Law:** A number of higher education benefits are available to qualifying active duty service members, veterans, and their dependents in Oregon. The federal government provides tuition assistance through the G.I. Bill and vocational rehabilitation benefits. Educational assistance is also available for Oregon residents who served in the National Guard or Reserves in an active-duty capacity in a combat zone since September 11, 2001, through the Voyager Tuition Assistance Program. Priority enrollment is available at Oregon institutions of higher education for eligible service members, veterans, and their dependents. Oregon community colleges and universities also provide in-state tuition for eligible veterans at both the graduate and undergraduate levels. Finally, tuition waivers are available for eligible children and spouses to pursue a bachelor's or master's degree for only the cost of fees, pursuant to the Veterans Dependent Tuition Waiver Program. These waivers are available to the dependents of Purple Heart recipients awarded from 2001 going forward; or of veterans who died while on active duty or from a disability sustained while on active duty; or of veterans who are 100 percent disabled from military service.

**Bill Summary:** Senate Bill 689 allows dependents of service members who are considered residents at the time of their admission to a community college or public university, to remain so for as long as they are continuously enrolled.

**Oregon Laws 2019:** Chapter 264

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### [Senate Bill 690](#)

**Effective Date:** June 11, 2019

## **Maintaining Participation in Interstate Compact for Military Children**

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

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

**Background and Current Law:** In 2014, Senate Bill 1506 was enacted, enabling Oregon to participate in the Interstate Compact on Educational Opportunity for Military Children (Compact). The Compact is concerned with the smooth transfer of students from school to school, who are the children of military parents. An interstate compact functions like a contract among participating states: each state enacts substantially similar provisions and avoids making unilateral changes to material terms to provide relative consistency from state to state. Oregon's participation in the Compact is scheduled to sunset December 31, 2019.

**Bill Summary:** Senate Bill 690 maintains Oregon's participation in the Compact by lifting the sunset and modifies its provisions consistent with its current operation: adding the Deputy Superintendent of Public Instruction and members of State Board of Education to the Compact council; changing meetings from every three months, to annually; and replacing the Oregon Military Department with the Oregon Department of Education for staffing purposes.

**Oregon Laws 2019:** Chapter 339

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### [Senate Bill 692](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

## **Youth Reengagement System**

**Chief Sponsors:** Sens. Roblan, Knopp; Reps. Doherty, G. Smith

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** According to the Youth Development Division (YDD) of the Oregon Department of Education (ODE), there are currently 17,506 Oregon youths between the ages of 16 and 21 who do not have a high school diploma or GED® who are not enrolled in school.

**Bill Summary:** Senate Bill 692 would have directed YDD to establish a statewide youth reengagement system to mentor students who have dropped out of high school and allow them to earn credits toward graduation or career readiness. The measure would also have required ODE to adjust school accountability systems to remove disincentives for school districts offering reengagement programs. Provisions of the measure were incorporated into House Bill 3427.

### [Senate Bill 719-A](#)

**Not Enacted**

#### **Abbreviated School Day Programs for Students with Disabilities**

**Chief Sponsors:** Sens. Gelser, Knopp

**Committees:** Senate Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** An abbreviated school day program restricts a student's access to instructional hours or educational services more than ten school days per year. School districts must meet specific requirements prior to placing a student in an abbreviated school day program. On January 22, 2019, a lawsuit was filed against the Oregon Department of Education (ODE) related to children with disabilities and their opportunity to attend full days of school.

**Bill Summary:** Senate Bill 719-A would have required the ODE to establish an advisory committee and provide school districts with supports and technical assistance related to abbreviated school day programs.

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### [Senate Bill 730-A](#)

**Not Enacted**

#### **Student Transfer Bill of Rights and Responsibilities**

**Chief Sponsors:** Senate Committee on Education

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** The legislature has a long-standing interest in the efficient transfer of community college credits to public universities, acting to increase transferability in 1987, 2005, 2011, 2013, 2015, and 2017. In response, the higher education system developed common course initiatives, statewide transfer degrees, the Oregon Transfer Module, core transfer maps, and major transfer maps. At present, transfer students complete 11 more credit hours on average than nontransfer students to earn a bachelor's degree (211 quarter hours vs. 200). In addition, transfer students are less likely to graduate than nontransfer students, and those students who do graduate take longer to earn their four-year degrees.

**Bill Summary:** Senate Bill 730-A would have established an advisory committee of higher education representatives to provide recommendations to the Higher Education Coordinating Commission (HECC) on how to effectively implement the Student Transfer Bill of Rights and Responsibilities. Additionally, it would have required HECC to adopt standards to simplify transfer agreements and to require colleges and universities to provide information about requests for variances to statewide transfer paths.

### [Senate Bill 731](#)

Effective Date: September 29, 2019

#### Student Government – Political Statements

**Chief Sponsors:** Sens. Gelser, Dembrow

**Committees:** Senate Education, House Rules

**Background and Current Law:** Oregon has 17 community colleges and seven public universities, serving over 450,000 students each year. Each institution has an associated student government. Public employees are prohibited from engaging in political activities while on the job during work hours. In addition, public employees may not be compelled to engage in political activities. Some public institutions have interpreted these prohibitions to include a student government making a statement or issuing a resolution to support or oppose a ballot measure, initiative, or referendum.

**Bill Summary:** Senate Bill 731 permits a student government to make a statement or issue a resolution to support or oppose a measure, initiative, or referendum petition. Student governments may use student fees and institutional resources to facilitate making a statement or issuing a resolution, such as renting a room or printing materials. It prohibits the use of student fees or public funds for other political activities.

**Oregon Laws 2019:** Chapter 377

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### [Senate Bill 739](#)

Not Enacted

#### Oregon Research Schools Network

**Chief Sponsors:** Sen. Roblan

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** The Oregon Research Schools Network (ORSN) is a partnership between the University of Oregon (UO) College of Education and high schools. Under ORSN, UO faculty members work with teachers and administrators to develop data-driven, research-based practices to improve graduation rates and student performance, with a focus on professional development and dual-credit initiatives.

**Bill Summary:** Senate Bill 739 would have appropriated \$2.5 million to expand ORSN to additional high schools. Provisions of the bill were incorporated into House Bill 5050.

### [Senate Bill 764](#)

**Not Enacted**

#### **Mandatory Subjects of Collective Bargaining**

**Chief Sponsors:** Sens. Frederick, Fagan, Dembrow; Rep. Clem

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** Under the Public Employee Collective Bargaining Act of 1973 (PECBA), public employers and labor organizations are required to bargain collectively in good faith with respect to employment relations, including monetary benefits, hours, vacation time, sick leave, grievance procedures, and other conditions of employment. The Act does not specifically include class size as a condition of employment in the definition of employment relations for purposes of school district bargaining. Bargaining outside the defined scope of employment relations is allowed, but not required.

**Bill Summary:** Senate Bill 764 would have included class size and caseloads as mandatory subjects of collective bargaining for school districts and their employees.

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### [Senate Bill 777-A](#)

**Not Enacted**

[\(see Senate Bill 949\)](#)

#### **Prison Education – Task Force**

**Chief Sponsors:** Sens. Dembrow, Frederick, Winters; Rep. Sanchez

**Committees:** Senate Judiciary, Senate Education, Joint Ways and Means

**Background and Current Law:** In 2015, the legislature passed Senate Bill 969, creating the Joint Interim Task Force on Reentry, Employment and Housing. The task force was formed to identify barriers to the successful reentry of formerly incarcerated individuals and propose possible solutions. One barrier identified was the need for expanded educational opportunities during incarceration to help them build resumes, expand knowledge and skills, and access job opportunities upon reentry. In 2017, the legislature considered Senate Bill 689, which would have continued the work of the task force, but the bill was vetoed by the Governor.

**Bill Summary:** Senate Bill 777-A would have established a task force on prison education.

### [Senate Bill 786](#)

**Not Enacted**

#### **Sex Trafficking Prevention Instruction**

**Chief Sponsors:** Sens. Hansell, Taylor

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** Current law requires school districts to adopt a child sexual abuse prevention program for students in kindergarten through grade 12.

**Bill Summary:** Senate Bill 786 A would have required school districts to adopt a sex trafficking prevention program.

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### [Senate Bill 794-A](#)

**Not Enacted**

#### **Parent Demographic Information**

**Chief Sponsors:** Sen. Gelser; Reps. Evans, Nearman

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** There are 17 community colleges and seven public universities in Oregon serving over 450,000 students each year. Public universities are governed by institutional governing boards, and community colleges are governed by locally elected district boards. The Higher Education Coordinating Commission (HECC) coordinates state higher education policies, including collecting statewide data on student demographics such as gender, race, ethnicity, and first-generation status.

**Bill Summary:** Senate Bill 794-A would have required public universities and community colleges to collect data on students who identify as parents or guardians.

### [Senate Bill 800-A](#)

**Not Enacted**

#### **Transfer of Dual Credits**

**At the request of:** Sen. Wagner

**Committees:** Senate Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** Dual credit programs provide students with opportunities to earn college credit while in high school. The Higher Education Coordinating Commission (HECC) is responsible for developing standards for dual credit programs. Students face challenges transferring dual credits when enrolling in higher education institutions other than the institution that cooperated with their school district to sponsor the courses.

**Bill Summary:** Senate Bill 800-A would have directed HECC to convene teachers, administrators, and faculty to develop policies to facilitate the transfer of dual credits to community colleges and public universities.

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### [Senate Bill 801](#)

**Not Enacted**

#### **Firearm Safety Instruction**

**Chief Sponsors:** Sens. Beyer, Knopp; Rep. Sprenger

**Committees:** Senate Education

**Background and Current Law:** The Oregon Health Authority (OHA) reports that an average of one state resident dies from a firearm injury each day, including suicides, homicides, and accidents. Suicide and homicide are the leading reasons for firearm deaths.

**Bill Summary:** Senate Bill 801 would have permitted school districts to offer a gun safety and accident prevention class to first graders if the class met certain standards.

## EDUCATION

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### [Senate Bill 802](#)

Effective Date: January 1, 2020

#### **Military Child – School Residency**

**Chief Sponsors:** Senate Committee on Veterans and Emergency Preparedness

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

**Background and Current Law:** In 2014, the legislature adopted the Interstate Compact on Educational Opportunity for Military Children. The purpose of the compact is to reduce barriers and provide consistency for children of military personnel as they transfer schools between participating states. The compact addresses enrollment, placement, attendance, eligibility and graduation issues. It applies to children of active duty and recently retired, medically discharged, or deceased military personnel.

**Bill Summary:** Senate Bill 802 permits military orders to be used to enroll children in school prior to moving into a new district.

**Oregon Laws 2019:** Chapter 347

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### [Senate Bill 811](#)

**Not Enacted**

#### **Natural Child of Foster Parent -- Tuition Remission**

**Chief Sponsors:** Sen. Thatcher

**Committees:** Senate Education

**Background and Current Law:** In 2017, an average of 5,733 Oregon children were in family foster care daily, including 2,787 children placed with relatives. Foster children are eligible for free tuition and fees at community colleges and public universities.

**Bill Summary:** Senate Bill 811 would have extended tuition and fee waivers to the natural children of parents providing foster care. The amount of the waiver would have been based on the number of years the parent provided such care.



## EDUCATION

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### [Senate Bill 828](#)

**Not Enacted**

#### **Foster Youth – Study Abroad Programs**

**Chief Sponsors:** Sens. Thatcher, Roblan

**Committees:** Senate Education

**Background and Current Law:** In 2017, 11,645 Oregon children spent at least one day in foster care, including 3,143 children over the age of thirteen. The Oregon Department of Education (ODE) estimates that students in foster care represent approximately one percent of a statewide high school graduation cohort. The Department of Human Services (DHS) currently permits foster youth to participate in international study abroad programs if the foster care family receives approval in advance.

**Bill Summary:** Senate Bill 828 would have used state school funding to pay for study abroad programs for high school students in foster care.

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### [Senate Bill 844](#)

**Not Enacted**

#### **Plant Pest Solutions Website**

**Chief Sponsors:** Sen. Roblan; Rep. Marsh

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Oregon State University is a public research university with two campuses, 11 colleges, 14 experiment stations, 36 extension offices, and over 200 academic programs. OSU's Agricultural Sciences and Natural Resources Extension Program in particular, provides research-based knowledge in a wide variety of topics, including integrated pest-management strategies.

**Bill Summary:** Senate Bill 844 would have appropriated \$3 million to OSU to develop, implement, and operate a website to inform the public about chemical and nonchemical plant pest solutions.

### [Senate Bill 852-A](#)

**Not Enacted**

#### **Health Care Benefits – Part-Time Faculty**

**Chief Sponsors:** Sen. Dembrow; Rep. Reardon

**Committees:** Senate Workforce, Senate Education, Joint Ways and Means

**Background and Current Law:** Public universities and community colleges are required to offer the same health benefits to eligible part-time and full-time faculty members. Part-time faculty are required to pay for all health insurance premiums unless otherwise provided by institutional policies or collective bargaining agreements.

**Bill Summary:** Senate Bill 852-A would have required the state to pay 90 percent of health insurance premiums for part-time faculty, with the remaining 10 percent paid by the faculty member.

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### [Senate Bill 859](#)

**Effective Date: June 7, 2019**

#### **Tuition Equity – Graduate Students**

**Chief Sponsors:** Sen. Dembrow; Rep. Hernandez

**Committees:** Senate Education, House Education

**Background and Current Law:** House Bill 2787 (2013) allows eligible, undergraduate students who are not citizens or lawful permanent residents to pay in-state tuition and fees at Oregon public universities. This legislation is commonly referred to as “tuition equity.” To qualify for tuition equity, an undergraduate student must attend an Oregon school for three years immediately prior to graduating or leaving school without a diploma, attend a U.S. school for five years immediately prior to graduating or leaving school without a diploma, earn an Oregon high school diploma or equivalent, and demonstrate intent to become a U.S. citizen or lawful permanent resident. During the 2017-2018 school year, approximately 250 undergraduate students qualified.

**Bill Summary:** Senate 859 extends tuition equity to qualifying graduate students.

**Oregon Laws 2019:** Chapter 300

### [Senate Bill 905](#)

**Effective Date:** July 1, 2019

#### **Foster Children School District Assignment**

**At the request of:** Senate Committee on Education

**Committees:** Senate Education, Senate Rules, House Rules

**Background and Current Law:** In 2017, 7,831 Oregon children were in foster care on an average daily basis. A child may enter foster care through an involuntary or voluntary placement. Oregon law provides that a child with involuntary placement should attend their original school unless it is in the best interest of the child to enroll in another school district. In the case of a voluntary placement, Oregon law is silent on where the child should go to school.

**Bill Summary:** Senate Bill 905 creates a general rule that children who are voluntarily placed with a public or private agency by their parent or guardian are to attend school in the district in which they are placed. The bill provides an exception to allow children to attend school in the district where their parents or guardians reside when the placement is within 20 miles of the school, a plan exists for the child to return home, it is in the best interests of the child to attend the school, and the child would prefer to remain in the school district.

**Oregon Laws 2019:** Chapter 561

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### [Senate Bill 912-A](#)

**Not Enacted**

#### **School-Based Sexual Conduct**

**Chief Sponsors:** Sen. Prozanski

**At the request of:** Taylor Proden and Deborah & Shannon Hart

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Each school board in Oregon, including the governing board of a private school, is required to have policies that outline its response to sexual conduct by teachers. Policies must require all school employees who have reasonable cause to believe that another school employee has engaged in sexual conduct or abuse, or that a student has abused another student, to report the suspected abuse or sexual conduct to the Department of Human Services (DHS) or law enforcement.

**Bill Summary:** Senate Bill 912-A would have required internal reporting of student-to-student sexual conduct and allowed a private right of action against employees who failed to report, as required, in cases in which the Teachers Standards and Practices Commission does not have authority to discipline the employee.

### [Senate Bill 949](#)

**Not Enacted**

#### **Prison Education Programs**

**Chief Sponsors:** Sens. Dembrow, Hansell, Prozanski; Rep. Williamson

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** In 2015, the legislature passed Senate Bill 969, which created the Joint Interim Task Force on Reentry, Employment and Housing. The task force was formed to assess current barriers to the successful reintegration of individuals into mainstream society after incarceration and to propose possible solutions. One barrier the task force identified was the need for expanded educational opportunities to help individuals build a résumé, expand their knowledge and skills, and improve access to jobs upon reentry.

**Bill Summary:** Senate Bill 949 would have appropriated \$350,000 to the University of Oregon and \$150,000 to Blue Mountain Community College for prison education programs.

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### [Senate Bill 958-A](#)

**Not Enacted**

#### **Dreamers Access Program**

**Chief Sponsors:** Sen. Wagner

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Oregon students who are not U.S. citizens or lawful permanent residents are not eligible for federal student loan programs. House Bill 2787 (2013) allows eligible, undergraduate students who are not citizens or lawful permanent residents to pay in-state tuition and fees at Oregon public universities. This legislation is commonly referred to as “tuition equity.” In the 2017-2018 school year, tuition equity applied to approximately 250 undergraduate students.

**Bill Summary:** Senate Bill 958-A would have created an educational loan program for Oregon students who qualified for tuition equity.

### Senate Bill 960

**Not Enacted**

#### **Investigating Sexual Conduct**

**Chief Sponsors:** Sens. Gelser, Roblan, Wagner

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** School districts, school employees, licensing boards, the Department of Human Services (DHS), and law enforcement all share responsibilities to report and investigate allegations of abuse and sexual conduct by school employees.

**Bill Summary:** Senate Bill 960 would have modified certain investigatory procedures for reports of suspected sexual conduct by school employees.

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### Senate Bill 963

**Effective Date: July 1, 2019**

#### **Use of Restraints**

**Chief Sponsors:** Sen. Gelser; Reps. Clem, McLain, Helt, Salinas, G Smith

**Committees:** Senate Education, House Education, Joint Ways and Means

**Background and Current Law:** House Bill 2939 (2011) limits the use of physical restraint and sequestration of students in schools and youth services. Physical restraint is defined as one or more persons restricting a student's movement by holding them or applying pressure. Touching or holding a student without force to direct or assist in a task or activity is not considered physical restraint. Physical restraint is permitted when a student's behavior threatens serious bodily injury to the student or others, when no other, less restrictive interventions would be effective, and it may only be employed by individuals who have received appropriate training. Physical restraint may not be used for discipline, punishment, or convenience purposes. In addition, the use of mechanical, non-prescription chemical, and prone restraints are prohibited. Schools must report to parents, guardians, and the Oregon Department of Education when restraint is used.

**Bill Summary:** Senate Bill 963 clarifies what actions may be taken to direct, assist, or protect students. It permits safely escorting students, assisting willing students to complete a task, using minimal force to break up a fight, intervening to stop harmful behavior, and for self-protection. It prohibits supine restraints; using a door, wall or other object to impede a student's movement; impeding a student's breathing; placing pressure on a student's sensitive areas; retaliating against students; or taking any action designed to inflict pain.

**Oregon Laws 2019:** Chapter 267

### [Senate Bill 971-A](#)

**Not Enacted**

#### **American Indian Languages**

**Chief Sponsors:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Oregon is home to nine federally recognized tribes, each a sovereign entity with distinct and unique histories, cultural traditions, and languages.

**Bill Summary:** Senate Bill 971-A would have named the 16 separate heritage languages spoken by the nine federally recognized tribes and would have required the Department of Education to provide any needed assistance and support to each of the tribes to revitalize the languages. The measure would have appropriated \$900,000 from the General Fund to carry out the measure.

### [House Bill 2018](#)

Effective Date: July 23, 2019

#### Statewide Longitudinal Data System

**At the request of:** Joint Committee on Student Success

**Committees:** Joint Student Success, Joint Ways and Means

**Background and Current Law:** The Education Statewide Longitudinal Data System (SLDS) links data about students as they move through Oregon's education system and the workforce without revealing the identity of any students. Currently it houses data from early learning, K-12, post-secondary and the Employment Department and acts as a central hub where the data can be linked and analyzed. The purpose of the SLDS is to improve student learning by providing researchers and policymakers with the information they need to examine the effectiveness of specific programs or interventions. Longitudinal data allows policy makers to clearly identify outcomes of programs across student populations and geographic regions. This helps the state pinpoint and address areas of inequities, in order to better direct resources and funding to programs that are helping students succeed.

**Bill Summary:** House Bill 2018 transfers the Statewide Longitudinal Data System from the Chief Education Office to the Higher Education Coordinating Commission (HECC).

**Oregon Laws 2019:** Chapter 572

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### [House Bill 2019](#)

Not Enacted

[\(see House Bill 3427\)](#)

#### Education Funding

**At the request of:** Joint Committee on Student Success

**Committees:** Joint Student Success

**Background and Current Law:** The Joint Committee on Student Success was established by the legislature in January 2018 and tasked with creating a plan to improve outcomes for students throughout Oregon. The committee conducted nine tours around the state, where it met with students, teachers, administrators, school employees, school board members, parents, business leaders, and other stakeholders.

**Bill Summary:** Originally intended as the vehicle for the Student Success Act, House Bill 2019 would have required the Oregon Department of Education to study the public education system. Amendments to House Bill 2019 were incorporated into the Student Success Act, House Bill 3427.

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### [House Bill 2021](#)

**Not Enacted**

#### **Oregon Youth Challenge**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** House Education, Joint Student Success

**Background and Current Law:** The Oregon Youth Challenge (OYC) is an alternative education program in the Bend-LaPine school district operated by the Oregon Military Department (OMD) and funded via interagency agreement. Students attending OYC are included in the district's graduation rate.

**Bill Summary:** House Bill 2021 would have established a funding mechanism for OYC and a unique school identification number, to remove its students from being included in the Bend-LaPine school district's graduation rate, leaving the agreement between OMD and the school district intact.

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### [House Bill 2022](#)

**Effective Date:** January 1, 2020

#### **Oregon Virtual School District Name**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** House Education, Senate Education

**Background and Current Law:** In 2005, the Legislative Assembly passed Senate Bill 1071 creating the Oregon Virtual School District (ORVSD) within the Oregon Department of Education (ODE). The purpose of ORVSD is to provide online courses for K-12 public school students. Online courses must meet applicable standards and be taught by licensed or registered teachers.

**Bill Summary:** House Bill 2022 renames the Oregon Virtual School District (ORVSD) to the Oregon Digital Learning and expands the program to include professional development related to online learning for public school teachers. It also directs ODE to provide professional development to support school districts with online learning, including helping school districts to identify and support students who will benefit from online learning opportunities, and authorizes the Superintendent of Public Instruction to contract with public or private entities to offer professional development.

**Oregon Laws 2019:** Chapter 383



### [House Bill 2023](#)

**Effective Date:** January 1, 2020

#### **Reviewing K-12 Textbook Content**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** House Education, Senate Education

**Background and Current Law:** Other states, such as California, are reviewing whether K-12 textbooks accurately reflect the histories and contributions of minority groups. The California Department of Education adopted a new comprehensive framework for history and social science instruction in 2016 for grades K-12, called “2016 History-Social Science Framework.”

**Bill Summary:** House Bill 2023 directs district school boards, the State Board of Education, and committees or officers responsible for textbook adoption and other instructional materials, to ensure academic content standards for history, geography, economics, and civics include instruction on the histories, contributions, and perspectives of individuals who are of Native American, African, Asian, Pacific Islander, Chicano, Latino, or Middle Eastern descent; are women; or are disabled; immigrants or refugees; or are lesbian, gay, bisexual, or transgender, by September 30, 2026. It also requires the State Board of Education to review existing academic content standards no later than September 30, 2026 and requires the Oregon Department of Education to provide professional development for teachers and administrators.

**Oregon Laws 2019:** Chapter 202

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### [House Bill 2024](#)

**Effective Date:** January 1, 2020

#### **Early Childhood Care**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** House Human Services and Housing, House Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** A 2018 study by the Oregon Child Care Research Partnership (OCCRP) at Oregon State University found that only 12 percent of infants and toddlers in Oregon have access to licensed child care.

**Bill Summary:** House Bill 2024 directs the Early Learning Division to administer a program to improve access to high quality infant and toddler care for families with incomes at or below 200 percent of the federal poverty guidelines.

**Oregon Laws 2019:** Chapter 573

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### [House Bill 2025](#)

**Effective Date:** January 1, 2020

### **Early Learning**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** House Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** Oregon has two public preschool programs: the Oregon Prekindergarten Program (OPK) and Preschool Promise. OPK is available to children whose families earn 100 percent of the federal poverty level or less. Preschool Promise is available to children whose families earn 200 percent of the poverty level or less. The programs are offered through nine Early Learning Hubs (Hubs) around the state. Hubs develop and implement a strategic vision and work plan to achieve the following three goals: to create an aligned, coordinated, and family-centered system; ensure children entering school are ready to succeed; and support healthy, stable, attached families.

**Bill Summary:** House Bill 2025 expands OPK, modifies the role of Hubs, officially names the Preschool Promise Program and requires the Early Learning Division (ELD) to identify coordinating entities. Hubs are required to complete a community plan every two years to identify children and families to enroll and to assess the availability of preschool programs. A scholarship and grant program is established, jointly administered by the Higher Education Coordinating Commission (HECC) and the ELD, to ensure participation of high quality early childhood care and education professionals. Finally, current OPK reporting requirements are transferred from the Superintendent of Public Instruction to the ELD.

**Oregon Laws 2019:** Chapter 646

### [House Bill 2026-A](#)

**Not Enacted**

#### **Trauma-Informed Practices Pilot Sunset Extension**

**At the request of:** Governor Kate Brown for the Oregon Department of Education

**Committees:** House Education, Joint Student Success

**Background and Current Law:** House Bill 4002 (2016) and Senate Bill 182 (2017) established a three-year pilot program to study the use of trauma-informed practices to mitigate adverse childhood experiences. Pilot programs were implemented in Tigard-Tualatin and Central School Districts and are scheduled to sunset in July of 2019.

**Bill Summary:** House Bill 2026-A would have appropriated \$2,500,000 and extended the pilot program until June 30, 2022.

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### [House Bill 2029](#)

**Not Enacted**

#### **Accelerated College Credit Definition**

**At the request of:** Governor Kate Brown for Higher Education Coordinating Commission

**Committees:** House Education

**Background and Current Law:** Current accelerated college credit programs in Oregon include dual credit, two-plus-two, advanced placement (AP), and international baccalaureate (IB) programs. Dual credit programs award both high school and post-secondary credit for a course offered in a high school during regular school hours. Two-plus-two programs are a type of dual credit program for professional career and technical courses and are transferable between high schools and community colleges.

**Bill Summary:** House Bill 2029 would have expanded the definition of dual credit to include sponsored dual credit, assessment-based learning credit, advanced placement, international baccalaureate, and any other high school program providing college credit.

### [House Bill 2030](#)

**Effective Date: September 29, 2019**

#### **Higher Education Coordinating Commission Omnibus bill**

**At the request of:** Governor Kate Brown for Higher Education Coordinating Commission

**Committees:** House Education, Senate Education

**Background and Current Law:** Senate Bill 242 (2011) created the Higher Education Coordinating Commission (HECC) and it became operative in 2012. It is an agency as well as a governing commission comprised of 14 volunteers who are appointed by the Governor. It is responsible for statewide policies concerning higher education, authorizing degree programs, and evaluating higher education efforts, among other duties.

**Bill Summary:** House Bill 2030 is HECC's omnibus bill for 2019, making several clarifying adjustments and touching on a variety of topics. It clarifies HECC's authority to request workforce development system funding. It modifies obtaining fingerprints for criminal records check to include private career school agents. It changes the amount of Oregon Promise grants for eligible recipients equal to the average cost of tuition at a community college if the actual cost exceeds \$1,000. It also provides for grant amounts up to \$1,000 if the eligible recipient's cost of tuition is less than \$1,000. Finally, it clarifies that public universities are public buildings that may apply for seismic rehabilitation grants.

**Oregon Laws 2019:** Chapter 384

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### [House Bill 2031](#)

**Not Enacted**

#### **Educator License Fee Waiver for Public School Teachers**

**At the request of:** Governor Kate Brown for Teacher Standards and Practices Commission

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** House Bill 2763 (2017) and Senate Bill 1520 (2018) authorized the Teacher Standards and Practices Commission (TSPC) to reimburse teachers for their initial certification and their educator license fee, if the educator is licensed by the National Board for Professional Teaching Standards (NBPTS).

**Bill Summary:** House Bill 2031 would have required that educators certified by national professional organizations for teaching standards, be employed as teachers in public schools to qualify for the educator license fee waiver.

### [House Bill 2074-A](#)

**Not Enacted**

#### **Annual Education Forecasted Budget**

**Chief Sponsors:** Rep. Sollman

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** Executive Order 99-15 signed by Governor Kitzhaber required the Department of Administrative Services (DAS) to annually forecast a statewide allowable growth factor of general operating revenue per weighted Average Daily Membership (ADMw) that school districts could reasonably expect for the next three fiscal years. It also required DAS to form a School Revenue Forecast Committee to review these annual forecasts. Executive Orders are only in effect for the duration of office of the Governor who signs them.

**Bill Summary:** House Bill 2074-A would have required DAS to prepare a tentative budget for funding the State School Fund in each even-numbered year for the next biennium, like how Executive Order 99-15 operated. It would also have required DAS to form a committee to prepare the tentative budget and establish the committee membership to include representatives from the Oregon Department of Education, the Legislative Fiscal Office, the Legislative Revenue Office, the Governor's Office, school districts, school budget committees, school business officials, and education labor unions.

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### [House Bill 2140](#)

**Not Enacted**

#### **Employer Sponsored Tax Credit**

**At the request of:** House Interim Committee on Revenue

**Committees:** House Education, House Revenue

**Background and Current Law:** Current law allows qualifying employers who provide scholarships to receive a nonrefundable income tax credit equal to 50 percent of the amount of the scholarship paid to or on behalf of recipients during the relevant tax year. The tax credit is scheduled to be repealed at the end of the biennium.

**Bill Summary:** House Bill 2140 would have extended the sunset on the tax credit for employer's scholarship payments to employees and their dependents to January 1, 2026.

### [House Bill 2191](#)

**Effective Date:** July 1, 2019

#### **Mental Health as Excused Absence**

**At the request of:** House Interim Committee on Healthcare for Students for a Healthy Oregon

**Committees:** House Education, Senate Education

**Background and Current Law:** Currently, a student's absence from school may be excused by a principal or teacher if it is due to the student's illness, a family member's illness, or an emergency.

**Bill Summary:** House Bill 2191 expands the reasons a principal or teacher may excuse a student's absence to include the mental or behavioral health of the student. It also prohibits student grading policies that reduce grades or deny credit based on excused absences and takes effect for the 2019-2020 school year.

**Oregon Laws 2019:** Chapter 393

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### [House Bill 2207-A](#)

**Not Enacted**

#### **Oregon Campus Resilience**

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

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

**Background and Current Law:** On October 1, 2015, a student at Umpqua Community College in Roseburg fatally shot an assistant professor and eight students in a classroom and injured eight others. In 2016, Governor Brown convened the Oregon Campus Safety Work Group in response to the incident, tasking the work group to identify resource needs and potential state policies to create a coordinated strategy across the state's system of higher education, and to analyze practices and protocols in higher education institutions to maintain public safety and to prevent, prepare for, and effectively manage future response and recovery efforts for campus-wide crises or emergencies. The Oregon Campus Resilience Consortium is a multi-institution group that was created as part of the work group process.

**Bill Summary:** House Bill 2207-A would have appropriated \$1,526,167 from the General Fund to the Higher Education Coordinating Commission for distribution to the Oregon Campus Resilience Consortium.

### [House Bill 2213](#)

**Effective Date:** January 1, 2020

#### **Textbook Plans for Universities and Colleges**

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

**Committees:** House Education, Senate Education

**Background and Current Law:** The federal Higher Education Opportunity Act of 2008 required publishers to provide faculty members with price information and copyright dates of previous editions of textbooks. It also required educational institutions to publish information about all required texts used in classes as part of registration materials, including retail prices.

**Bill Summary:** House Bill 2213 requires each community college and public university to establish a textbook affordability plan, in cooperation with at least one student representative. The plan must create measurable goals for increasing textbook affordability by setting a target amount of student savings, or by requiring a certain number of courses to offer textbooks at a designated low-cost or at no cost.

**Oregon Laws 2019:** Chapter 189

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### [House Bill 2214](#)

**Not Enacted**

#### **Open Educational Resource Funding**

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

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** House Bill 2871 (2015) established the Open Educational Resources (OER) Program within the Higher Education Coordinating Commission (HECC). It requires each public university and community college designate courses whose materials exclusively consist of open or free textbooks, or no-cost materials. Such courses must be conspicuously identified online or provided during course registration. The measure also requires designated courses to appear on bookstore materials lists.

**Bill Summary:** House Bill 2214 would have appropriated money from the General Fund for Oregon's Open Educational Resources (OER) Program.

## EDUCATION

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### [House Bill 2216](#)

**Effective Date:** January 1, 2020

#### **Hiring Practices of Public Universities**

**Chief Sponsors:** Rep. Greenlick

**Committees:** House Business and Labor, Senate Education

**Background and Current Law:** In 2009, the legislature passed House Bill 3118 requiring public universities to interview at least one qualified minority candidate for a head coach or athletic director position. The law created an exception if the public university is not able to identify a minority applicant to interview for the position and established an affirmative defense to a claim of a violation if the public university acts in good faith. The Oregon law is based on the National Football League's "Rooney Rule" that requires league teams to interview minority candidates for head coaching and other senior football positions. House Bill 3118 (2009) included a sunset date of January 2, 2020.

**Bill Summary:** House Bill 2216 repeals the sunset date, making the interview requirement permanent.

**Oregon Laws 2019:** Chapter 190

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### [House Bill 2224-A](#)

**Not Enacted**

#### **Student Wellness**

**At the request of:** House Interim Committee on Education for Confederation of Oregon School Administrators

**Committees:** House Education, Joint Student Success

**Background and Current Law:** Social-emotional development refers to the ability of children to form relationships and manage emotions.

**Bill Summary:** House Bill 2224-A would have established the Student Social and Emotional Health and Development Account to provide grants to school districts for improving student outcomes by supporting the social, emotional, mental, and physical health needs of students.



### [House Bill 2229-A](#)

**Not Enacted**

#### **School Emergency Preparedness Curriculum Pilot Program**

**Chief Sponsors:** Rep. Gomberg; Sen. Roblan

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

**Background and Current Law:** The coast of the Pacific Northwest has, for thousands of years, experienced periodic, catastrophic seismic events related to the Cascadia subduction zone, which extends from northern California to British Columbia. The Oregon Seismic Safety Policy Advisory Committee defines the goal of seismic resilience as follows: Oregon citizens will not only be protected from life-threatening physical harm, but because of the risk reduction measures and pre-disaster planning, communities will be able to recover more quickly and with less continuing vulnerability following a Cascadia subduction zone earthquake and tsunami.

**Bill Summary:** House Bill 2229-A would have directed the Oregon Department of Education (ODE) to establish and administer a pilot program to assist school districts in age-appropriate instruction on natural disasters and would have appropriated moneys from the General Fund to ODE for curriculum development.

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### [House Bill 2247-A](#)

**Not Enacted**

#### **Imagination Libraries**

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

**Committees:** House Education, Joint Student Success

**Background and Current Law:** Dolly Parton's Imagination Library program allows local affiliates to raise money to send books to children ages birth to five. It is funded through a 50/50 match of local contributions by the Dolly Parton Foundation. Oregon has 42 existing Imagination Library programs.

**Bill Summary:** House Bill 2247-A would have funded establishment of the Oregon Imagination Library Project within the Early Learning Division.

### [House Bill 2262](#)

**Effective Date:** July 1, 2019

## **Coordination of Early Learning, Youth Services, and Higher Education**

**At the request of:** Governor Kate Brown for Chief Education Office

**Committees:** House Education, Senate Education

**Background and Current Law:** In Senate Bill 909 (2011), the legislature established the Early Learning Council (ELC) and charged it with developing recommendations to merge, redesign, or improve the coordination and integration of early childhood services. Originally, the ELC had nine members, but expanded to 20 members to meet requirements of the federal Head Start Act. In House Bill 4165 (2012), the legislature further aligned early learning services and programs and created the Youth Development Council (YDC) to oversee a unified system of youth services.

**Bill Summary:** House Bill 2262 modifies the purpose of the Early Learning Council (ELC) from overseeing to coordinating a system of early learning services and to prioritize healthy, stable, attached families. It requires at least one tribal representative on the ELC and at least one member to represent the child care and early learning workforce. It directs the ELC to designate a committee to serve as the state's advisory council for the federal Head Start Act. It also modifies the purpose of the Youth Development Council (YDC) from overseeing to coordinating a system for youth services and authorizes the YDC to enter into grant agreements and contracts with specified entities to provide youth development services. Finally, the measure authorizes the Higher Education Coordinating Commission to administer a statewide longitudinal data system, enter into interagency agreements to conduct longitudinal studies, and report on early learning, K-12 education, higher education, and workforce programs.

**Oregon Laws 2019:** Chapter 395

### [House Bill 2263](#)

**Effective Date:** June 4, 2019

#### **Accelerated College Credit Grant Program**

**At the request of:** Governor Kate Brown for Chief Education Office

**Committees:** House Education, Senate Education

**Background and Current Law:** In 2011, Senate Bill 254 directed the Joint Boards of Education to develop statewide standards for dual high school and college credit. The measure also appropriated \$250,000 to the Oregon Department of Education (ODE) to provide grants related to accelerated college credit programs and examinations for college credit. In 2015, the Legislative Assembly appropriated an additional \$250,000 to support the implementation and enhancement of accelerated college credit programs.

**Bill Summary:** House Bill 2263 requires ODE to administer the Accelerated College Credit Planning Partnership Grant Program in coordination with the Higher Education Coordinating Commission (HECC). The measure defines accelerated college credit to include dual credit, two-plus-two, advanced placement, and International Baccalaureate programs; establishes the purpose of the grant program, criteria to apply, and allowable uses of funds; renames the accelerated college credit program administered by ODE the Accelerated College Credit Instructor Grant Program; and establishes collaboration with HECC. Finally, the measure specifies that ODE award grants to eligible school districts and Education Service Districts (ESDs) for the tuition costs of up to 65 high school instructors, and award grants to eligible post-secondary institutions for graduate courses as specified.

**Oregon Laws 2019:** Chapter 204

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### [House Bill 2307](#)

**Not Enacted**

#### **Career and Technical Education (CTE) Safety Study**

**Chief Sponsors:** Rep. Reardon

**Committees:** House Education

**Background and Current Law:** The Oregon Department of Education (ODE) provides a list of online resources related to workplace safety in career and technical education (CTE) classrooms. The resources are identified as ideas for making CTE classrooms safe environments. Some school districts impose additional safety standards.

**Bill Summary:** House Bill 2307 would have directed the ODE to study whether CTE teachers are following best practices regarding dangers and risks in shops, labs, classrooms, and other CTE workspaces.

### [House Bill 2318](#)

**Not Enacted**

#### **Prohibition of Creating Assessments**

**Chief Sponsors:** Rep. Lively; Sens. Fagan, Frederick

**Committees:** House Education

**Background and Current Law:** Oregon's Kindergarten Assessment is composed of early literacy, early math, and approaches to learning. It was created to link to third grade reading and align with current state assessment practices. It is used statewide to identifying systemic opportunity gaps, and measure performance over time.

**Bill Summary:** House Bill 2318 would have prohibited the State Board of Education and school districts from developing an assessment or using a state-developed assessment, commercially developed assessment, or any comparable assessment, to measure students enrolled or preparing to enroll in prekindergarten through grade two, except for classroom teachers assessing particular subject areas, or for diagnostic purposes. Diagnostic assessments would have been precluded from measuring the social, emotional, or behavioral development of students before first grade.

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### [House Bill 2326](#)

**Not Enacted**

#### **Transportation Funding**

**Chief Sponsors:** Reps. McKeown, Lively; Sen. Roblan

**Committees:** House Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** House Bill 4130 (2018) allocated \$250,000 to fund the creation of a matching grant program for school districts to offset transportation costs.

**Bill Summary:** House Bill 2326 would have allocated \$2.5 million from the General Fund for transportation grants.

### [House Bill 2327](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

### **School Safety**

**At the request of:** Oregon School Safety Task Force, Oregon Association of Education Service Districts, Association of Community Mental Health Providers, Lines for Life, Oregon Fire Chiefs Association, Oregon Association Chiefs of Police, Oregon State Sheriffs' Association

**Committees:** Senate Education, Joint Student Success

**Background and Current Law:** Oregon's School Safety Task Force convened in 2014 to make recommendations relating to the physical safety of schools and students. House Bill 2327 resulted from its activity.

**Bill Summary:** House Bill 2327 includes a proposal from the School Safety Task Force that would have established a statewide school safety system focused on bullying prevention, student wellness and suicide prevention, threat and risk assessment, and promotion and implementation of a statewide tip line for students. The provisions of this measure were incorporated into House Bill 3427.

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### [House Bill 2346](#)

**Effective Date: July 23, 2019**

### **Task Force on Access to Quality Affordable Child Care**

**Chief Sponsors:** Rep. Power

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

**Background and Current Law:** A 2018 study by the Oregon Child Care Research Partnership at Oregon State University found that 12 percent of infants and toddlers in Oregon have access to a regulated child care slot.

**Bill Summary:** House Bill 2346 establishes a 17-member Task Force on Access to Quality Affordable Child Care to study why eligible families are not using child care subsidies and to make recommendations on how to encourage eligible families to use the subsidies. The measure appropriates \$235,857 from the General Fund to the Early Learning Division to study and prepare a report on existing child care subsidy programs in Oregon.

**Oregon Laws 2019:** Chapter 586

## EDUCATION

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### [House Bill 2349](#)

**Not Enacted**

#### **Child Care Provider Training Program**

**Chief Sponsors:** Rep. Power

**Committees:** House Human Services and Housing

**Background and Current Law:** The Early Learning Division (ELD), part of the Oregon Department of Education, administers programs such as Oregon Pre-Kindergarten, Early Head Start, Great Start, Healthy Start, Relief Nurseries, and the new “mixed” delivery preschool program. ELD is also responsible for child care provider licensing, subsidies, monitoring, and training.

**Bill Summary:** House Bill 2349 would have established a statewide child care provider business training program to be implemented by ELD. The measure would have required that the program include training, technical assistance, guidance in providing culturally appropriate care, and outreach support. House Bill 2349 would have appropriated an unspecified amount of General Fund to ELD for small grants to assist child care providers in providing quality services.

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### [House Bill 2385](#)

**Not Enacted**

#### **Career and Technical Education**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Education, Joint Student Success

**Background and Current Law:** Ballot Measure 98 (2016) required school districts to spend new funding to create or expand career and technical education programs and dropout-prevention strategies in high schools.

**Bill Summary:** House Bill 2385 would have allowed school districts with a remote, small high school to use funds associated with Ballot Measure 98 on existing career and technical education programs without having to expand them.

## EDUCATION

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### [House Bill 2389](#)

**Not Enacted**

#### **Task Force on Post-Secondary Savings**

**At the request of:** State Treasurer Tobias Read

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** Like most states, Oregon has a state-sponsored 529 college savings plan that allows people to save and grow their savings tax-free for qualifying higher education expenses such as tuition, books, room and board, and computers. Anyone who is a U.S. citizen or resident with a social security number or tax identification number can open an Oregon College Savings Plan account.

**Bill Summary:** House Bill 2389 would have established the Oregon Bright Futures Plan Task Force to develop recommendations to increase the number of children with post-secondary education savings accounts, and to encourage children, family members, and community institutions to contribute toward post-secondary savings.

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### [House Bill 2440](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

#### **Latino or Hispanic Student Success Plan**

**Chief Sponsors:** Reps. Piluso, Hernandez, Alonso Leon

**Committees:** House Education, Joint Student Success

**Background and Current Law:** In 2015, House Bill 2016 directed the Oregon Department of Education (ODE) to develop and implement a statewide education plan for African American/black students in early childhood through post-secondary education programs.

**Bill Summary:** House Bill 2440 would have required ODE to develop a similar statewide education plan for Latino or Hispanic students who experienced disproportionate educational outcomes. The provisions of this measure were enacted in House Bill 3427, the Student Success Act.

### [House Bill 2441-A](#)

**Not Enacted**

#### **School Counseling Programs**

**Chief Sponsors:** Reps. Greenlick, Hernandez, Reardon

**Committees:** House Education, Joint Student Success

**Background and Current Law:** School districts and schools are required by administrative rule to provide a comprehensive school counseling program, but current rules do not specify what professionals are responsible for program delivery.

**Bill Summary:** House Bill 2441-A would have codified the requirement in statute, that districts provide a coordinated comprehensive school counseling program to support academic, career, personal and social development of students. It also would have specified the professionals responsible for implementation.

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### [House Bill 2444](#)

**Effective Date:** July 23, 2019

#### **Agricultural Education**

**Chief Sponsors:** Reps. Barreto, McLain; Sens. Hansell, Johnson

**Committees:** House Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** Students participating in Future Farmers of American (FFA) have access to development opportunities focused on agricultural education. Prior to 2011, the Oregon chapter of FFA received state funds through the Oregon Department of Education (ODE).

**Bill Summary:** House Bill 2444 appropriates \$2 million General Fund dollars for ODE to coordinate with Oregon FFA to increase student achievement and improve graduation rates, college preparation, and career placement for those enrolled in secondary agricultural courses. Funding may also be used for ODE and FFA to coordinate events and to establish a grant program for summer agricultural activities.

**Oregon Laws 2019:** Chapter 588



### [House Bill 2457](#)

**Effective Date:** May 30, 2019

#### **Eastern Border Economic Region**

**Chief Sponsors:** Reps. Findley, DB Smith; Sen. Heard

**Committees:** House Education, Senate Education

**Background and Current Law:** The Teacher Standards and Practices Commission (TSPC) is responsible for licensing and regulating educators and for developing standards for educator preparation programs in Oregon. The equivalent regulatory functions in Idaho are administered by the Idaho State Department of Education. It is responsible for licensing educators as well as implementing policies, distributing funds, administering statewide assessments, and providing data. The border area that Oregon shares with Idaho has been designated the Eastern Oregon Economic Development Region for purposes of workforce and economic development programs and initiatives administered by the Oregon Business Development Department (OBDD or “Business Oregon”).

**Bill Summary:** House Bill 2457 requires specified evaluations by TSPC, the Oregon Department of Education (ODE), and the Office of Child Care (OCC) to increase the number of math, science, and career and technical program educators in the Eastern Oregon Economic Development Region for grades 9 through 12. It also requires a report to the Legislative Assembly by September 15, 2024, and sunsets on December 31, 2024.

**Oregon Laws 2019:** Chapter 195

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### [House Bill 2512](#)

**Effective Date:** January 1, 2020

#### **Allowing Appointment of School Personnel to State Board of Education**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Senate Education

**Background and Current Law:** The State Board of Education consists of seven members appointed by the Governor and confirmed by the Senate, with the Secretary of State and the State Treasurer or their designees, serving as ex-officio, nonvoting members. The Governor is required to appoint one member from each congressional district and two members from the state at large and is prohibited from appointing a member who is engaged in teaching or school administration.

**Bill Summary:** House Bill 2512 requires one “at-large” member of the State Board of Education to be a licensed teacher, engaged in teaching, and lifts the prohibition against appointing active teachers or school administrators.

**Oregon Laws 2019:** Chapter 404

### [House Bill 2516-A](#)

**Not Enacted**

#### **Virtual Charter School Moneys**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, House Revenue

**Background and Current Law:** Public charter schools are defined as elementary or secondary schools that operate comprehensive instructional programs pursuant to written agreements between sponsors and applicants. Virtual public charter schools are defined as public charter schools that provide online courses, excluding public charter schools that primarily serve students in a physical location.

**Bill Summary:** House Bill 2516-A would have prevented virtual public charter schools from using moneys received via State School Fund distributions or from other local and state sources to pay for advertising or promotional materials in schools, with a number of exceptions.

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### [House Bill 2517](#)

**Not Enacted**

#### **Student Loan Debt**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Business and Labor

**Background and Current Law:** Statutes governing licensing by state agencies, boards, and commissions generally describe the reasons for which a license may be suspended or revoked. Some license applicants may be required to undergo a background check that could include a credit report.

**Bill Summary:** House Bill 2517 would have prohibited state agencies from suspending or revoking business, trade, occupation, or professional licenses because a licensee is delinquent in paying student loan debt.

### [House Bill 2519](#)

Effective Date: January 1, 2020

#### Annual Hazing Reports

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Senate Education

**Background and Current Law:** Hazing is generally when applicants to a student organization, like a fraternity or sorority, are subjected to some form of humiliation or brutality as a condition of being accepted into the organization. It is unlawful in most states and an applicant's consent is not a defense.

**Bill Summary:** House Bill 2519 requires higher education institutions to adopt a written policy on hazing and provide annual on-campus training for students that educates them about its harmful effects, relevant regulation, and institutional prohibitions. It requires each institution to report to the Legislative Assembly annually no later than December 31 on the number of hazing incidents reported and investigated by the institution.

**Oregon Laws 2019:** Chapter 206

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### [House Bill 2520](#)

Not Enacted

#### Study on High School Equivalency Tests

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The Higher Education Coordinating Commission's (HECC's) Office of Community Colleges and Workforce Development administers the High School Equivalency Program, which oversees the General Educational Development (GED®) test needed for individuals to obtain the equivalent of a high school diploma.

**Bill Summary:** House Bill 2520 would have required HECC to study whether the state should recognize more than one high school equivalency test. The study would have included a comparison of the GED test, High School Equivalency test, and Test Assessing Secondary Completion.

## EDUCATION

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### [House Bill 2556](#)

**Effective Date:** July 1, 2019

#### **Excused Absences for Children of Military Parents**

**Chief Sponsors:** Rep. Evans

**Committees:** House Education, Senate Education

**Background and Current Law:** Absent students may be excused by a principal or teacher if the absence is due to the student's illness, a family member's illness, or an emergency. Students may not be excused more than five days in three months, and ten days in six months.

**Bill Summary:** House Bill 2556 allows students to be excused for up to seven days during the school year, in addition to other excused absences, if they are the dependent of a member of the Armed Forces who is on active duty or called into active duty, effective beginning with the 2019-2020 school year. The Armed Forces include the Army, Navy, Air Force, Marine Corps, Coast Guard, and the National Guard, and reserve units for each.

**Oregon Laws 2019:** Chapter 207

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### [House Bill 2571](#)

**Effective Date:** June 4, 2019

#### **Tuition Waivers for Foster Youth**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Senate Education

**Background and Current Law:** House Bill 3471 (2011) provided tuition and fee waivers at public colleges and universities for students with experience in Oregon's foster care system. To qualify, the student must be under age 25, enrolled as an undergraduate, and have submitted the Free Application for Federal Student Aid.

**Bill Summary:** House Bill 2571 changes the eligibility for a tuition waiver to requiring that the current or former foster youth be enrolled in at least one or more credit hours toward their undergraduate degree, effective beginning with the 2019-2020 academic year.

**Oregon Laws 2019:** Chapter 208

## EDUCATION

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### [House Bill 2594](#)

**Not Enacted**

#### **City Year Program**

**Chief Sponsors:** Reps. Fahey, Wilde; Sen. Prozanski

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The University of Oregon has a Sustainable City Year Program which matches students to an Oregon city, county, special district, tribe, or government agency for the academic year. The program allows students to participate in actual sustainable development solutions to community challenges.

**Bill Summary:** House Bill 2594 would have appropriated \$300,000 General Fund dollars to support the Sustainable City Year Program.

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### [House Bill 2612](#)

**Not Enacted**

#### **Prohibition of Voluntary Organizations for Activities**

**Chief Sponsors:** Rep. G Smith

**Committees:** House Education

**Background and Current Law:** The Oregon School Activities Association is a voluntary organization that coordinates interscholastic activities and promotes activities that provide equitable participation. Senate Bill 208 (2017) clarified that charter school and homeschooled students are eligible to participate in interscholastic activities. There are no laws surrounding the scheduling of activities.

**Bill Summary:** House Bill 2612 would have prohibited school districts from participating in voluntary organizations that schedule interscholastic activities on legal holidays or weekends preceding the holiday.

### [House Bill 2629](#)

**Not Enacted**

#### **Parent Outreach for Oregon School for the Deaf**

**Chief Sponsors:** Rep. Sanchez

**Committees:** House Education

**Background and Current Law:** The Oregon School for the Deaf has a volunteer community program that provides outreach and referral services to deaf and hard-of-hearing students, parents, families, and professionals.

**Bill Summary:** House Bill 2629 would have directed the Superintendent of Public Instruction to establish a parent outreach program at the Oregon School for the Deaf.

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### [House Bill 2630](#)

**Not Enacted**

#### **Office of Deaf and Hard-of-Hearing**

**Chief Sponsors:** Rep. Sanchez

**Committees:** House Education

**Background and Current Law:** The Oregon Department of Education (ODE) does not have an internal office designated for deaf and hard-of-hearing, nor any other particular disability.

**Bill Summary:** House Bill 2630 would have established the Office of Deaf and Hard-of-Hearing Education within ODE to gather data on deaf and hard-of-hearing children from zero through age 20 from school districts and education service districts, including the results of kindergarten readiness assessments, language and literacy development, expressive and receptive language assessments, and graduation rates.

### [House Bill 2632](#)

**Not Enacted**

#### **Children at Oregon School for the Deaf**

**Chief Sponsors:** Rep. Sanchez

**Committees:** House Education

**Background and Current Law:** According to the Oregon School for the Deaf, the school serves children from kindergarten through age 21. It has an elementary school, middle school, and a high school. There is also an adult transition program that serves students who have graduated from high school with modified diplomas that need assistance transitioning to independent living.

**Bill Summary:** House Bill 2632 would have required the Oregon School for the Deaf to serve children from zero through age 20.

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### [House Bill 2644](#)

**Not Enacted**

#### **Coordination of Services for Oregon Youth**

**Chief Sponsors:** Rep. Schouten

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

**Background and Current Law:** The Youth Development Division is in the Oregon Department of Education. The Division provides services to school-age children through 24 years of age, supports educational success, focuses on crime prevention, reduces high-risk behaviors, and is integrated, measurable, and accountable.

**Bill Summary:** House Bill 2644 would have directed the Youth Development Division to administer a pilot program to coordinate the delivery of services to youth between six and 21 years of age via at least five Youth Development Hubs located in different counties.

### [House Bill 2676](#)

**Not Enacted**

#### **Special Education Funding**

**Chief Sponsors:** Rep. Doherty; Sens. Roblan, Knopp

**Committees:** House Education, Joint Student Success

**Background and Current Law:** Federal law requires school districts to meet the needs of all students with disabilities. The state's funding equalization formula gives extra funding to districts with higher percentages of high needs students, yet school districts may only claim the extra funding for up to 11 percent of enrolled students.

**Bill Summary:** House Bill 2676 would have increased the maximum percentage for which districts could receive extra funding for students with disabilities, from 11 percent to 13 percent.

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### [House Bill 2736](#)

**Not Enacted**

#### **Assessments**

**Chief Sponsors:** Reps. Helt, Doherty

**Committees:** House Education, Joint Student Success

**Background and Current Law:** States may allow school districts to use a nationally recognized assessment instead of a statewide summative assessment to meet federal requirements for assessing high school students. In Oregon, all school districts currently use the statewide summative assessment created by the Smarter Balanced Consortium.

**Bill Summary:** House Bill 2736 would have authorized school districts and public charter schools to implement a nationally recognized high school assessment in place of the statewide high school summative assessment under certain circumstances.



## EDUCATION

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### [House Bill 2742-A](#)

**Not Enacted**

#### **Educator Diversity**

**Chief Sponsors:** Rep. Sollman; Sens. Roblan, Wagner

**Committees:** House Education, Joint Student Success

**Background and Current Law:** The Chief Education Office reports that while ethnically and linguistically diverse students make up over 39 percent of Oregon's total enrollment, ethnically and linguistically diverse teachers make up only 11 percent and 12 percent of the teaching and administrative workforces, respectively.

**Bill Summary:** House Bill 2742-A would have allocated \$16.7 million General Fund dollars to establish the Next Generation Educator Recruitment and Development grant program for school districts and education service districts to diversify the educator workforce.

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### [House Bill 2759](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

#### **School Meals Funding**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Joint Student Success

**Background and Current Law:** The National School Breakfast and Lunch Program, administered by the U.S. Department of Agriculture, provides funding for schools to offer students breakfast and lunch either free or at a reduced cost depending on the student's household income.

**Bill Summary:** House Bill 2759 would have reimbursed costs incurred by school districts to provide breakfast and lunch that were not otherwise reimbursed. Similar provisions were incorporated into House Bill 3427, the Student Success Act.

### [House Bill 2760](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

### **School Meals Funding**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Joint Student Success

**Background and Current Law:** The National School Breakfast and Lunch Program, administered by the U.S. Department of Agriculture, provides funding for schools to offer students breakfast and lunch either free or at a reduced cost depending on the student's household income. The Community Eligibility Provision (CEP) of the program allows districts, schools, or groups of schools to provide free meals to all students based on the percentage of the student population that would be eligible for free or reduced-price meals as determined by household income.

**Bill Summary:** House Bill 2760 would have reimbursed school districts for costs incurred to provide meals that were not reimbursed from other sources. The measure would also have increased funding for schools and districts using the Community Eligibility Provision. Similar provisions were incorporated into House Bill 3427, the Student Success Act.

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### [House Bill 2765](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

### **“Breakfast After the Bell”**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Joint Student Success

**Background and Current Law:** “Breakfast After the Bell” refers to a variety of breakfast delivery models that are part of the U.S. Department of Agriculture’s School Breakfast Program, designed to increase student access to breakfast by making it available after the school day starts.

**Bill Summary:** House Bill 2765 would have required school districts that make breakfast available to do so after the start of the school day. Similar provisions were enacted as part of House Bill 3427, the Student Success Act.

### [House Bill 2809](#)

**Not Enacted**

#### **Competency Based Pilot Program**

**Chief Sponsors:** Rep. Marsh; Sen. Golden

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The Higher Education Coordinating Commission's (HECC's) Office of Community Colleges and Workforce Development administers the High School Equivalency Program, which oversees the General Educational Development (GED®) test needed for individuals to obtain the equivalent of a high school diploma.

**Bill Summary:** House Bill 2809 would have directed HECC to establish a competency-based pilot program, using \$200,000 from the General Fund, to help public post-secondary institutions expand competency-based education. The pilot would have been required to issue one or more grants to institutions for start-up costs to implement competency-based education within the recipient institution, and to encourage out-of-state marketing and promotion.

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### [House Bill 2817](#)

**Effective Date:** January 1, 2020

#### **Oregon National Guard Education Grants**

**Chief Sponsors:** Rep. Evans

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

**Background and Current Law:** House Bill 4035 (2018) directed the Higher Education Coordinating Commission to offer full resident tuition assistance to qualifying members of the Oregon Army National Guard and Oregon Air National Guard. The assistance is provided in the form of grants to Guard members who are enrolled at one of 17 community colleges or at one of Oregon's seven public universities.

**Bill Summary:** House Bill 2817 permits higher education tuition grants offered to qualified members of the Oregon National Guard to be used for undergraduate degree programs at qualifying private, post-secondary institutions and the Oregon Health and Science University.

**Oregon Laws 2019:** Chapter 656

### [House Bill 2867](#)

**Effective Date:** August 9, 2019

#### **Small School Grant Provision**

**Chief Sponsors:** Rep. Reschke

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

**Background and Current Law:** Oregon uses an equalization formula to calculate equitable distributions to school districts and education service districts across the state, out of the State School Fund. The State School Fund provides the majority of operating revenues for K-12 schools. In order for a school district to receive distributions based on having small high schools, the district must have an average weighted daily membership (ADMw) under 8,500 and high schools with a resident average daily membership (ADMr) under 350. In addition, the location of high schools that qualify as small high schools within the school district must be unchanged since January 1, 1995; they must have qualified as small since July 23, 2009; and they cannot have been part of a high school that divided or reorganized into two different high schools.

**Bill Summary:** House Bill 2867 raises the ADMw cap from 8,500 to 9,500 effective July 1, 2019, to provide additional time for a school district to adjust to a potential change in its State School Fund distribution.

**Oregon Laws 2019:** Chapter 657

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### [House Bill 2871](#)

**Effective Date:** January 1, 2020

#### **Oregon Youth Corps**

**At the request of:** House Committee on Education on behalf of Rep. Doherty

**Committees:** House Education, Senate Education

**Background and Current Law:** The Oregon Youth Conservation Corps (OYCC) awards grants and provides training and resources to youth serving agencies statewide. It was created in 1987 to emulate the Civilian Conservation Corps in the 1930s and is governed by an advisory committee that guides program implementation.

**Bill Summary:** House Bill 2871 changes the name of the Oregon Youth Conservation Corps to Oregon Youth Corps (OYC). It changes the OYC advisory "committee" to advisory "board," and changes Office of Community Colleges and Workforce Development director to HECC executive director or designee. It increases the amount of Oregon Community Stewardship Corps voucher awards from \$1,500 to "up to" \$1,500, and broadens the purpose from tuition alone, to include tuition, books, other items, or services enhancing and supporting education or employment. The measure also adds garden, greenhouse, and farming programs to OYC's program outcomes.

**Oregon Laws 2019:** Chapter 209

## EDUCATION

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### [House Bill 2892](#)

Effective Date: June 4, 2019

#### **Military Uniforms at Graduation Ceremonies**

**Chief Sponsors:** Reps. Bonham, Wilde, Hernandez

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

**Background and Current Law:** Under current law, Oregon school districts may determine appropriate dress for students at high school graduation ceremonies. Some districts require graduation robes to be the most outwardly visible garment worn, which may be in violation of military rules. Other states have passed legislation to allow students to wear military uniforms at graduation, including California, New Hampshire, Pennsylvania, and New Jersey.

**Bill Summary:** House Bill 2892 requires school districts and public charter schools to allow a student who has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces, to wear a military dress uniform at a high school graduation ceremony.

**Oregon Laws 2019:** Chapter 210

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### [House Bill 2897-A](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

#### **Early Childhood Equity Fund**

**Chief Sponsors:** Reps. Hernandez, Lively, Fahey, Keny-Guyer, G Smith, Smith Warner; Sens. Gelser, Roblan

**Committees:** House Education, Joint Student Success

**Background and Current Law:** Portland State University issued a report in 2019 focused on how culturally specific early learning programs, developed and run by culturally specific organizations, can impact school readiness and success in K-12 education.

**Bill Summary:** House Bill 2897-A would have established the Early Childhood Equity Fund to provide grants to culturally specific organizations to develop culturally specific early learning programs. Similar provisions were enacted as part of House Bill 3427, the Student Success Act.

### [House Bill 2902-B](#)

**Not Enacted**

#### **Student Behavior Reporting**

**Chief Sponsors:** Reps. McLain, G Smith, Clem

**Committees:** House Education, Joint Student Success

**Background and Current Law:** House Bill 2939 (2011) limited the use of physical restraints and seclusion of students in Oregon schools and youth services. House Bill 2756 (2013) prohibited public education programs from purchasing, building, or possessing seclusion areas. During its statewide tour, the Joint Committee on Student Success heard from teachers and administrators that the combined effect of these laws led to an increasing number of incidents in which all students were removed from a classroom because of the behavior of one student.

**Bill Summary:** House Bill 2902-B would have required school districts to report to the Oregon Department of Education (ODE) on the number of times per year students were removed from a classroom due to the behavior of one student and would have required ODE to publish the reports.

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### [House Bill 2939](#)

**Not Enacted**

[\(see House Bill 3427\)](#)

#### **Youth Reengagement System**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Joint Student Success

**Background and Current Law:** According to the Youth Development Division (YDD) of the Oregon Department of Education (ODE), there are currently 17,506 Oregon youths between the ages of 16 and 21 who do not have a high school diploma or GED who are not enrolled in school.

**Bill Summary:** House Bill 2939 would have directed YDD to establish a statewide youth reengagement system to mentor students who have dropped out of high school and allow them to earn credits toward graduation or career readiness. The measure would also have required ODE to adjust school accountability systems to remove disincentives for school districts offering reengagement programs. The provisions of House Bill 2939 were incorporated into House Bill 3427, the Student Success Act.

### [House Bill 2941](#)

**Not Enacted**

#### **Supporting Education Programs for Mental Health Providers**

**Chief Sponsors:** Rep. Alonso Leon

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** Educational programs for aspiring mental health providers prepare students in behavioral health treatment, counseling, clinical mental health counseling, and other variations in professional mental health practice. Graduate programs are available in universities and colleges in Oregon, including master's degrees in counseling with concentrations in clinical mental health counseling and school counseling.

**Bill Summary:** House Bill 2941 would have directed the Higher Education Coordinating Commission (HECC) to require each mental health provider preparation program to develop a plan for the recruitment, admission, retention, and graduation of students in mental health provider preparation programs. It also would amend the annual plan developed by the Chief Education Office and HECC to recruit diverse educators and include mental health providers.

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### [House Bill 2942](#)

**Not Enacted**

#### **Higher Education Equity Plan**

**Chief Sponsors:** Rep. Alonso Leon

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The Higher Education Coordinating Commission (HECC) oversees several initiatives related to diversity, inclusion, and equity. Senate Bill 755 (2013) and House Bill 3375 (2015) directed the Chief Education Office, the Oregon Department of Education (ODE), and the Teacher Standards and Practices Commission (TSPC) to create the Oregon Educator Equity Report to document efforts to diversify the educator workforce.

**Bill Summary:** House Bill 2942 would have required the HECC to adopt a statewide higher education equity plan. The plan would have been required to include recommended strategies to decrease the gap in educational attainment for diverse and underserved groups. It also would have required HECC to appoint a full-time Diversity, Equity and Inclusion Officer, to oversee and promote the plan.

### [House Bill 2964](#)

Effective Date: January 1, 2020

#### **Oregon Education Support Professional of the Year Program**

**Chief Sponsors:** Reps. Doherty, Bonham, Evans

**Committees:** House Education, Senate Education

**Background and Current Law:** Education support professionals work in schools supporting student needs beyond the classroom. They provide services in a variety of areas including clerical, custodial, maintenance, transportation, food, health, and security. Other states recognize the service of educational support professional, such as Wisconsin, which issues an award for outstanding work by education support professionals who make significant contributions to the cause of their respective union and to public education.

**Bill Summary:** House Bill 2964 directs the Oregon Department of Education (ODE) to create a program to recognize the Oregon Education Support Professional of the Year Program, in collaboration with the State Lottery Commission, for individuals serving students in grades pre-kindergarten through 12. The State Board of Education is authorized to adopt rules to establish a nomination process selection criteria, and other program details.

**Oregon Laws 2019:** Chapter 211

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### [House Bill 2967](#)

**Not Enacted**

#### **Computer Science**

**Chief Sponsors:** Reps. Doherty, Hernandez, Reschke

**Committees:** House Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Education (ODE) has organized its secondary career and technical education (CTE) programs into six career learning areas: agriculture, arts and information, business and management, health sciences, human resources, and industrial and engineering systems.

**Bill Summary:** House Bill 2967 would have required ODE to establish a grant program to develop or expand career and technical education programs in computer science.



### [House Bill 2976-A](#)

**Not Enacted**

#### **Standards for Private Technical and Career Colleges**

**Chief Sponsors:** Reps. Smith Warner, Wilde

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The Private Career Schools Licensing Unit and Office of Degree Authorization are housed in the Office of Academic Policy and Authorization at the Higher Education Coordinating Commission (HECC). The Private Career Schools Licensing Unit regulates over 208 private career schools and works on licensing requirements including business and instructional standards.

**Bill Summary:** House Bill 2976-A would have required HECC and the Department of Veterans' Affairs (ODVA) to adopt rules to establish minimum standards for licensing career schools and authorizing school programs. The standards would have required at least 20 percent or at least 10 percent of the annual revenue received by each campus physically located in Oregon to come from a source other than loans guaranteed by the school, or education-related moneys from the federal government, for schools collecting \$1 million or more, or under \$1 million, respectively, in annual gross tuition revenue. The measure would also have prescribed a civil penalty of \$5,000 for violations.

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### [House Bill 2990](#)

**Not Enacted**

#### **Task Force on Family Engagement**

**Chief Sponsors:** Rep. Alonso Leon

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The Higher Education Coordinating Commission (HECC) oversees several initiatives related to diversity, inclusion, and equity. Senate Bill 755 (2013) and House Bill 3375 (2015) directed HECC, the Chief Education Office, the Oregon Department of Education, and the Teacher Standards and Practices Commission to create the Oregon Educator Equity Report to document diversifying the educator workforce.

**Bill Summary:** House Bill 2990 would have established a Task Force on Family Engagement in Education, to increase family engagement with the public school system from pre-kindergarten through post-secondary education. It would also have required an evaluation of methods to increase family engagement emphasizing culturally or racially diverse families, low-income families, rural families, and non-English speaking families.

### [House Bill 3010](#)

**Not Enacted**

#### **Task Force on Educator Attraction and Retention**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The Oregon Educators Equity Act (2015) required that each post-secondary institutions' teacher education program include a plan to recruit, admit, retain, and graduate diverse educators. The Higher Education Coordinating Commission (HECC) reviews each university's plan for feasibility and adequacy.

**Bill Summary:** House Bill 3010 would have established a Task Force on Educator Attraction and Retention, to examine the educator shortage.

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### [House Bill 3015-A](#)

**Not Enacted**

#### **Expanding Tuition Waivers for Former Foster Youth**

**Chief Sponsors:** Rep. Bonham, Hayden

**Committees:** House Education, Senate Education, Joint Ways and Means

**Background and Current Law:** House Bill 3471 (2011) provided tuition and fee waivers at public colleges and universities for students with experience in Oregon's foster care system. In order to qualify, the student must be under 25, enrolled as an undergraduate student, and have submitted the Free Application for Federal Student Aid.

**Bill Summary:** House Bill 3015-A would have expanded provisions allowing adopted former foster children to also qualify for tuition waivers. Adopted former foster children are defined as individuals who were in the legal custody of the Department of Human Services for six months or more, or Indian children subject to the Indian Child Welfare Act under the jurisdiction of a tribal court, applicable starting with the 2019-2020 academic year to children adopted after January 1, 2012.

### [House Bill 3020](#)

**Not Enacted**

#### **Menstrual Products in Schools**

**Chief Sponsors:** Rep. Fahey

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** California law requires that public schools serving students in grades 6 through 12, provide feminine hygiene products in half of the bathrooms when 40 percent of the school's student population is low-income. Illinois also passed similar legislation and New York City provides free menstrual products in public schools, homeless shelters, and jails.

**Bill Summary:** House Bill 3020 would have required public school districts or public charter schools make menstrual products available at no cost, in at least 50 percent of school bathrooms with students in grades 7 through 12.

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### [House Bill 3032-A](#)

**Not Enacted**

#### **Hostile Educational Environments**

**Chief Sponsors:** Reps. Drazan, Boles

**Committees:** House Education, Joint Student Success

**Background and Current Law:** Current law requires school districts to adopt policies prohibiting harassment, intimidation, or bullying, including cyberbullying.

**Bill Summary:** House Bill 3032-A would have required school officials to notify parents or legal guardians if a student was subjected to harassment, intimidation, or bullying.

### [House Bill 3115](#)

**Not Enacted**

#### **Status of Foreign Exchange Students for School Funding Purposes**

**Chief Sponsors:** Rep. Findley

**Committees:** House Education, House Revenue

**Background and Current Law:** The State School Fund distribution formula allocates the legislatively appropriated budget to school districts based on the number of students, as well as students' specific characteristics. Children who are foreign exchange students who reside in dormitories operated by school districts are considered residents of those school districts for funding purposes; however, the provision governing such exchange students has historically been scheduled for sunset review at the end of each biennium when it is typically renewed.

**Bill Summary:** House Bill 3115 would have removed the sunset to allow foreign exchange students residing in dormitories sponsored by a school district, to be considered residents of the school district where the dormitory is located, for purposes of school funding. It would have limited residency to one year and school districts must have had foreign exchange students considered residents during the 2010-2011 school year.

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### [House Bill 3212-A](#)

**Not Enacted**

#### **Pilot Program for Post-secondary Consortium**

**Chief Sponsors:** Reps. Marsh, Wallan, Reschke; Sen. Golden

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** Oregon Institute of Technology, Klamath Community College, Southern Oregon University, and Rogue Community College have been working together as the Southern Oregon Higher Education Consortium to improve the educational attainment of underserved populations in Southern Oregon. The consortium works together to leverage opportunities between the Southern colleges and universities to ease credit transfers and make higher education more affordable for students.

**Bill Summary:** House Bill 3212-A would have directed the Higher Education Coordinating Commission (HECC) to establish a pilot program, using \$500,000 from the General Fund, to assist public post-secondary institutions in Klamath County, Jackson County, and Josephine County to expand the consortium's scope and codify its composition.

### [House Bill 3241](#)

**Not Enacted**

#### **Secure Vestibules**

**Chief Sponsors:** Rep. Helt

**Committees:** House Education, Joint Student Success

**Background and Current Law:** In response to gun violence in schools, school districts across the United States have considered single points of entry for school officials to verify the entry of every visitor. Single secure points of entry require a badge or key to open a door from the outside; as well as intercoms, video cameras, or buzzers available at the main entrance for visitors to contact school staff. Visitors are typically required to show a photo identification and sign in.

**Bill Summary:** House Bill 3241 would have established the Secure Vestibule Grant Fund and required the Oregon Department of Education (ODE) to develop and administer a grant program to create secure school entryways. The measure would have required school districts to finance at least half the cost of each project.

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### [House Bill 3280](#)

**Not Enacted**

#### **Composition of Higher Education Coordinating Commission**

**Chief Sponsors:** Rep. Evans; Sen. Dembrow

**Committees:** House Education, Senate Education

**Background and Current Law:** Senate Bill 242 (2011) created the Higher Education Coordinating Commission (HECC), a volunteer commission responsible for advising the Governor and Legislative Assembly on post-secondary education. House Bill 3120 (2013) defined HECC's role as a policy and budgetary authority for higher education, while establishing specific roles and oversight responsibilities. The HECC is charged with approving academic programs for public universities and colleges, administering the Oregon Opportunity Grant, and authorizing the operation of private career schools and private degree-granting institutions, among other duties.

**Bill Summary:** House Bill 3280 would have altered HECC's membership by redesignating five nonvoting positions as voting members and adding one position from a public university. The following positions would have been redesignated as voting members: undergraduate student at a public university, faculty member at a public university, student at a community college, faculty member at a community college, and nonfaculty member at a community college or public university. A graduate student at a public university would have been added.

### [House Bill 3391](#)

**Not Enacted**

#### **Career and Technical Student Organizations**

**Chief Sponsors:** Reps. Reardon, Sollman; Sen. Dembrow

**Committees:** House Education, Joint Student Success, Joint Ways and Means

**Background and Current Law:** Career and technical student organizations (CTSOs) provide students with educational and leadership opportunities in various vocational fields. CTSOs sponsor competitive events and leadership training to build occupational skills. Some examples of CTSOs include Distributive Education Clubs of America, Future Business Leaders of America, Future Farmers of America, and SkillsUSA.

**Bill Summary:** House Bill 3391 would have required the Oregon Department of Education (ODE) to coordinate with CTSOs to encourage enrollment, provide administration, and coordinate events. It would also have established a grant program for school districts to offer summer courses in conjunction with CTSOs.

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### [House Bill 3409](#)

**Effective Date: September 1, 2019**

#### **Standards for Interscholastic Organizations**

**Chief Sponsors:** Reps. Bynum, Kotek, Smith Warner

**Committees:** House Rules, Senate Education

**Background and Current Law:** Current statute permits a school board to authorize a school district to be a member of and pay fees, if any, to any voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities. Interscholastic activities include athletics, music, speech, and other similar activities. The Oregon School Activities Association is the primary organization for administering interscholastic activities at the high school level. School districts are responsible for monitoring activities in elementary and middle schools.

**Bill Summary:** House Bill 3409 permits a school district to join an interscholastic organization only if the organization has specified policies that address derogatory or inappropriate behavior at interscholastic activities.

**Oregon Laws 2019:** Chapter 417

### [House Bill 3414](#)

**Not Enacted**

#### **Early Learning Certification**

**Chief Sponsors:** Reps. Lively, Helt

**Committees:** House Education, Joint Student Success

**Background and Current Law:** Oregon post-secondary institutions offer varied programs in early childhood education, including community college certifications and/or associates degrees as well as four-year degrees in child development; child, family, and community studies; and developmentally appropriate learning environments.

**Bill Summary:** House Bill 3414 would have directed the Early Learning Division to develop a statewide multi-level system of certification to standardize training for early learning professionals, with each level building on the one prior.

### [House Bill 3427](#)

**Effective Date: September 29, 2019**

## Education Funding

**At the request of:** House Committee on Rules at the request of Rep. Barbara Smith Warner

**Committees:** Joint Student Success

**Background and Current Law:** The Joint Committee on Student Success was established in January 2018 and tasked with creating a plan to improve outcomes for students statewide. The Committee conducted nine tours throughout the state, where it heard from students, teachers, administrators, school employees, school board members, parents, business leaders, and other stakeholders. House Bill 3427 is the result of that work.

**Bill Summary:** House Bill 3427 establishes the Fund for Student Success (FSS) and allocates moneys from it into the State School Fund, the Student Investment Account (SIA), the Early Learning Account (ELA), and the Statewide Education Initiatives Account (SEIA) for specified public education purposes.

The measure establishes a noncompetitive grant program for school districts and certain charter schools to apply directly for funds in the SIA and requires those funds to be spent on increasing learning time, decreasing class size, offering a well-rounded education, or improving student health or safety. The Oregon Department of Education (ODE) is required to work with grant recipients to establish growth targets for a percentage of third graders reading at grade-level proficiency, a percentage of ninth graders completing that year with at least six credits toward graduation, a percentage of students graduating or completing high school, and a percentage of students attending school more than 90 percent of instructional days. School districts are required to report annually on progress meeting growth targets, to both ODE and their local boards, and grant funds must also be audited annually. ODE is required to establish coaching programs for school districts that do not meet growth targets and an intensive program for school districts that consistently fail to improve. The intensive program involves Student Success Teams under contract with ODE to advise districts how to improve, and extra funding for qualifying districts that agree to participate. Districts must implement recommendations of Student Success Teams regarding the expenditure of grant funds and intensive program funds.

Funds in the SEIA may be used for the High School Graduation and College and Career Readiness Act, school breakfast and lunch programs, youth reengagement programs, school safety measures, statewide equity initiatives, summer learning, early warning systems, professional development and training programs, increased transparency and accountability, technical assistance for districts (including Student Success Teams), Education Service Districts, and ODE administrative costs. The measure also establishes requirements for expanded school meal programs, a reengagement system for students who have left high school but who want to finish, a statewide school safety and prevention system recommended by the School Safety Task Force, an American Indian or Alaska Native education plan, a Latino or Hispanic education plan, requirements for summer learning programs for Title I schools, and the Early Childhood Equity Fund. It also funds early warning systems to assist school districts in keeping high school students on track to graduate on time. Funds in the Early Learning Account may be used for early childhood special education or early intervention services, relief nurseries, culturally responsive early childhood programs, the Oregon Pre-kindergarten program, the Preschool Promise program, and Early Head Start programs.

Provisions from the following measures were incorporated into HB 3427:

Senate Bill 12  
Senate Bill 14  
Senate Bill 584



## EDUCATION

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(HB 3427 continued)

Senate Bill 692  
House Bill 2327  
House Bill 2440  
House Bill 2759  
House Bill 2760  
House Bill 2765  
House Bill 2897

The measure reduces personal income tax rates for the lowest three tax brackets by 0.25 percent, establishes a modified commercial activities tax of 0.57 percent on Oregon commercial activity over \$1 million with a 35 percent subtraction, and requires that revenue from the commercial activities tax be deposited in the Fund for Student Success.

**Oregon Laws 2019:** Chapter 122

### [House Joint Memorial 3](#)

Filed with Secretary of State

#### IDEA Memorial

**Chief Sponsors:** Rep. Doherty, Sollman; Sen. Roblan

**Committees:** House Education, Senate Human Services

**Background and Current Law:** The federal Individuals with Disabilities Education Act (IDEA) ensures that students with disabilities are provided with free appropriate public education by requiring educational agencies to make special education and related services available.

**Bill Summary:** House Joint Memorial 3 urges Congress to fully fund the IDEA by enacting the Individuals with Disabilities Education Full Funding Act.

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### [House Joint Resolution 15](#)

Filed with Secretary of State

#### Childhood and Parenting Principles

**Chief Sponsors:** Rep. Marsh; Sen. Taylor

**Committees:** House Education, Senate Human Services

**Background and Current Law:** Childhood and Early Parenting Principles (CEPPs) were developed by organizations that provide or are concerned with the delivery of child health care and early childhood development services. CEPPs focus on ages three to five because of the impact that early intervention can have on a child's future physical and mental health.

**Bill Summary:** House Joint Resolution 15 encourages state agencies to use Childhood and Early Parenting Principles as a framework to ground early parenting and childhood development policies and programs.

## 2019 SUMMARY OF LEGISLATION

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# ELECTIONS

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# ELECTIONS MEASURES

<b>Campaign Finance</b>	Enacted Not Enacted	SB 478, SJR 18, HB 2716, HB 2983 SB 200, SB 952, HB 2708, HB 2709, HB 2714-A
<b>Elections and Voting</b>	Enacted Not Enacted	SB 761, SB 861, SB 870, SB 944, HB 2491, HB 3310 SB 225, SB 368, SB 594, SB 779, SB 838, SJR 22, HB 2492, HB 2685, HB 3173, HB 3441
<b>Voters Pamphlet</b>	Enacted Not Enacted	SB 670, HB 3348 -none-

Picture: County Courthouse, Wallowa County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving elections enacted through legislation during the 2019 session.

### [Senate Bill 200](#)

**Not Enacted**

[\(see House Bill 2164\)](#)

## Political Contribution Tax Credit

**At the request of:** Senate Interim Committee on Finance and Revenue

**Committees:** Senate Finance and Revenue, Senate Rules, Joint Tax Expenditures

**Background and Current Law:** Originally enacted in 1969, the political contribution tax credit is a nonrefundable credit claimed against personal income taxes, in an amount that may not exceed \$50 per filer. The credit may not be taken by filers with an adjusted gross income of \$100,000 per filer. Qualifying recipients of the credit include candidates for federal, state, or local elective office; major and minor political parties; and political committees. In 2009, the legislature established sunsets on a substantial number of tax credits, requiring the Legislative Assembly to review those credits in regular intervals. In 2013, the political contribution tax credit was extended until January 1, 2020.

**Bill Summary:** Senate Bill 200 would have renewed the political contribution tax credit for another six years, extending the sunset until January 1, 2026.

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### [Senate Bill 225](#)

**Not Enacted**

## Nonaffiliated Primary

**At the request of:** Secretary of State Dennis Richardson for Alan Zundel

**Committees:** Senate Rules

**Background and Current Law:** Oregon law allows political parties to decide whether to hold open or closed primary elections. In a closed party primary, only voters registered with the party may participate. The majority of Oregon's registered voters are not affiliated with a political party.

**Bill Summary:** Senate Bill 225 would have created a primary election for nonaffiliated candidates and voters. The nominee would have been required to be unaffiliated with a political party at least 180 days before the filing deadline.

### [Senate Bill 368](#)

**Not Enacted**

#### County Charter Amendments

**At the request of:** Senate Interim Committee on Judiciary for Association of Oregon Counties

**Committees:** Senate Rules

**Background and Current Law:** County clerks must determine, within five business days of receipt, whether a prospective initiative measure "meets the requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution." The former provision imposes a "single subject" requirement on initiative petitions, while also requiring that petitions set forth their text in full. The latter provision addresses county "home rule" and, among other requirements, directs the Legislative Assembly to provide a method by which county electors may alter their charter. An elector who is dissatisfied with either of the county clerk's determinations may seek judicial review by filing a petition in circuit court.

**Bill Summary:** Senate Bill 368 would have required county clerks to determine whether a petition seeking to amend a county charter violates the statutory "separate vote" requirement and would have allowed counties to adopt a different procedure to govern compliance with the separate vote and single subject requirements.

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### [Senate Bill 478](#)

**Effective Date:** June 20, 2019

#### Prohibiting public funds to pay for discrimination and harassment nondisclosure agreements

**Chief Sponsors:** Sens. Gelser, Knopp; Rep. Power

**Committees:** Joint Capitol Culture, Senate Workforce, House Judiciary

**Background and Current Law:** Oregon's campaign finance laws govern the uses of campaign money. Contributions to campaigns may be used to pay some campaign finance violations but may not be used to pay a money award in a civil or criminal action, or to pay a fine imposed by an agency or local government. Likewise, contributions to a political committee or petition committee may not be used to satisfy civil or criminal money awards, or to pay legal expenses arising out of scope and duties of an individual serving on the committee, unless it relates to proceedings based on campaign finances.

**Bill Summary:** Senate Bill 478 prohibits the use of contributions to a campaign, political committee, or petition committee from being used as payment in connection with a nondisclosure agreement (NDA) related to workplace harassment. The measure also prohibits the use of any public moneys, or money received from a third party, to make payments in connection with an NDA related to workplace harassment. Violations are punishable by up to twice the amount that is specified in the NDA for violation of the NDA.

**Oregon Laws 2019:** Chapter 462

### [Senate Bill 594](#)

**Not Enacted**

#### **Presidential Candidate Income Tax Disclosure**

**Chief Sponsors:** Sen. Prozanski

**At the request of:** Tom Hyde

**Committees:** Senate Rules

**Background and Current Law:** Candidates for President and Vice President must meet filing requirements and deadlines administered by the Secretary of State in order to appear on Oregon ballots. Oregon's electoral votes are allocated to the state's popular vote winner.

**Bill Summary:** Senate Bill 594 would have required a candidate for President or Vice President to disclose income tax returns for five previous years, and would have prohibited state electors from casting an electoral vote for a candidate who failed to comply with the disclosure requirement.

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### [Senate Bill 670](#)

**Effective Date:** January 1, 2020

#### **Election Official Name on Election Materials**

**Chief Sponsors:** Sens. Taylor, Wagner; Reps. Salinas, Fahey, Power

**Committees:** Senate Rules, House Rules

**Background and Current Law:** The Secretary of State and county clerks are elected officials responsible for administering Oregon's elections. Currently, incumbent election officials appear as candidates on the ballots and other election materials they administer.

**Bill Summary:** Senate Bill 670 prohibits state and local elections officials from including their name, in an official capacity as the elections official, in the voters' pamphlet or on the security envelope, return envelope, or any voting instructions or materials included with the ballot, if the official is a candidate for office during the same year.

**Oregon Laws 2019:** Chapter 508



### [Senate Bill 761](#)

Effective Date: January 1, 2020

#### Electronic Petition Signature Sheet

**At the request of:** Senate Committee on Rules

**Committees:** Senate Rules, House Rules

**Background and Current Law:** The Secretary of State must prepare an official electronic template of a signature sheet for each state initiative, referendum, and recall petition. The sheet must allow space for the signature of one elector and authorizes an elector to print out the sheet, sign it, and deliver it to the chief petitioner or the chief petitioner's agent.

**Bill Summary:** Senate Bill 761 requires electors to personally print or request a copy of an electronic signature sheet and to certify they received the electronic signature sheet in compliance with that requirement. The measure requires the template for an electronic signature sheet to include the final measure summary, ballot title, and correct copy of the measure to be initiated or referred.

**Oregon Laws 2019:** Chapter 681

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### [Senate Bill 779](#)

Not Enacted

#### Primary Election Date

**Chief Sponsors:** Sen. Knopp; Rep. Clem

**Committees:** Senate Rules

**Background and Current Law:** Oregon's primary elections are currently held on the third Tuesday in May. In the 2020 presidential election, Oregon's primary election will occur after 45 other states and 106 days after the Iowa and New Hampshire primaries.

**Bill Summary:** Senate Bill 779 would have moved Oregon's primary election date from the third Tuesday in May to the first Tuesday in March.

### [Senate Bill 838](#)

**Not Enacted**

#### Voting at 16

**Chief Sponsors:** Sen. Fagan

**Committees:** Senate Rules

**Background and Current Law:** Section 2, Article II of the Constitution of the State of Oregon allows U.S. citizens who are at least 18 years of age and meet residency and registration requirements to vote in elections. Current law allows individuals as young as 16 years of age to register to vote, although the registration does not become effective until the person turns 18.

**Bill Summary:** Senate Bill 838 would have reduced the voting age of Oregonians from 18 to 16. The measure was designed to work with Senate Joint Resolution 22, which proposed an amendment to the Oregon Constitution reducing the voting age of Oregonians from 18 to 16.

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### [Senate Bill 861](#)

**Effective Date: September 29, 2019**

#### Election Ballot Postage

**Chief Sponsors:** Sens. Dembrow, Manning Jr; Reps. Nosse, Keny-Guyer, Rayfield

**At the request of:** Governor Brown and Secretary of State Dennis Richardson and The Bus Project

**Committees:** Senate Rules, Joint Ways and Means

**Background and Current Law:** According to the National Conference of State Legislatures, at least 22 states have provisions allowing some elections to be conducted entirely by mail. States have been adopting all-mail elections in recent years, with Washington and Colorado joining Oregon as states that allow vote-by-mail in all elections. Some states, including California, Utah, and Hawaii, have authorized certain counties to conduct all elections by mail, while still other states authorize specific local governments to conduct elections by mail. In 2018, executive branch officials in Washington state made a one-time decision to pay for the costs of election postage and legislation is currently pending in that state to require the state to regularly reimburse counties for these costs.

**Bill Summary:** Senate Bill 861 requires the state to provide ballot return envelopes that may be returned by business reply mail for each election held in this state. The bill authorizes the Secretary of State to require that ballots be returned by a method other than business reply mail, if the Secretary determined that an alternate method is more cost effective.

**Oregon Laws 2019:** Chapter 638

### [Senate Bill 870](#)

**Effective Date:** January 1, 2020

#### **Elect the President by National Popular Vote**

**Chief Sponsors:** Sens. Dembrow, Boquist, Fagan; Reps. Clem, Hernandez, Keny-Guyer, Mitchell, Rayfield

**Committees:** Senate Rules, House Rules

**Background and Current Law:** The President of the United States is chosen by majority vote of the Electoral College. Each state sends a number of electors equivalent to the number of members in its congressional delegation. Each state may allocate electoral votes as it chooses. Forty-eight states have adopted a "winner take all" system, under which all of a state's electoral votes are cast for the candidate who receives the most votes in that state. The Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote requires each participating state to award all of the state's electoral votes to the winner of the national popular vote. The Compact does not become effective until it is enacted by states that constitute a majority of the Electoral College.

**Bill Summary:** Senate Bill 870 enters Oregon into the Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote.

**Oregon Laws 2019:** Chapter 356

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### [Senate Bill 944](#)

**Effective Date:** January 1, 2020

#### **County Clerk Election Audits**

**Chief Sponsors:** Sens. Frederick, Knopp; Rep. Hernandez

**Committees:** Senate Rules, House Rules

**Background and Current Law:** After each general election, current statute requires county clerks to conduct a limited hand count of ballots and compare the results with the results produced by the vote tally system. If the hand count results in a difference that is less than or equal to one-half of one percent, the voting record produced by the vote tally system is the official tally. If, after two rounds of hand counts, a difference greater than one-half of one percent remains, all of the ballots must be counted by hand and the results of this hand count are ultimately certified.

**Bill Summary:** Senate Bill 944 requires that an audit be conducted after every election. The bill authorizes, as an alternative to a hand count audit, a risk-limiting audit, which is defined as "a set of procedures to ensure that the risk does not exceed the risk limit." The bill also includes several specifications of a risk-limiting audit, including that the risk-limiting audit be observable to the public and be based on direct visual human examination of elector-marked ballots.

**Oregon Laws 2019:** Chapter 562

### [Senate Bill 952](#)

**Not Enacted**

#### Election Offenses

**Chief Sponsors:** Sen. Thatcher

**Committees:** Senate Judiciary

**Background and Current Law:** Violation of election laws carry both civil and criminal penalties. For example, if a county clerk requests information on a voter registration card that is not required by the state or federal law, it is a Class C felony. That same conduct incurs a civil penalty of no more than \$1,000 per violation.

**Bill Summary:** Senate Bill 952 would have increased both the criminal and civil consequences of subsequent and intentional violations of certain election laws. For criminal violations, a subsequent and intentional violation became a Class C felony. The increase in civil violation fines ranged from \$10,000 to \$125,000. Additionally, the measure elevated the offense level if a subsequent and intentional violation is committed by a public official while acting in an official capacity, doubling a Class C felony, a Class B felony, and any civil penalty.

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### [Senate Joint Resolution 18](#)

**Filed with Secretary of State**

#### Regulating Campaign Finance

**Chief Sponsors:** Sens. Knopp, Hass, Golden, Wagner

**Committees:** Senate Campaign Finance, Senate Rules, House Rules

**Background and Current Law:** In a 1997 decision, the Oregon Supreme Court found that the state's free speech protections do not allow limits on campaign contributions, and a pair of 2006 initiatives to enact limits in a constitutional amendment failed. House Bill 2178 (2015) established the Task Force on Campaign Finance Reform which recommended reintroducing a proposed constitutional amendment for referral to voters.

**Bill Summary:** Senate Joint Resolution 18 proposes amendment of section 8, Article II of Oregon's constitution to permit enactment of laws by state and local governments and the people, to regulate the use of money in political campaigns if approved by voters at the next regular general election. The measure authorizes limits on contributions so long as resources that are necessary for effective advocacy may be gathered; requires disclosure of contributions and expenditures; and requires identification of the persons or entities responsible for political advertisements.

### [Senate Joint Resolution 22](#)

**Not Adopted**

#### **Voting at 16**

**Chief Sponsors:** Sen. Fagan; Reps. Bynum, Hernandez

**Committees:** Senate Rules

**Background and Current Law:** The original 1859 version of Oregon's Constitution limited the right to vote to white males who were 21 years of age or older. Since that time, the Oregon Constitution has been amended on nine different occasions, in many cases, to expand suffrage. A 1974 amendment eliminated a required English literacy test and reduced the voting age from 21 to 18.

**Bill Summary:** Senate Joint Resolution 22 would have proposed an amendment to the Oregon Constitution to reduce the voting age of Oregonians from 18 to 16.

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### [House Bill 2491](#)

**Effective Date:** January 1, 2020

#### **Precinct Committee Membership**

**Chief Sponsors:** Rep. Holvey; Sen. Boquist

**At the request of:** Oregon Association of County Clerks

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Under current law, a precinct committeeperson may be elected as a write-in, without declaring their candidacy in advance. A committeeperson must serve the precinct in which the person is registered or in an adjoining precinct.

**Bill Summary:** House Bill 2491 establishes a process by which a person who seeks to serve as a precinct committeeperson must declare their own write-in candidacy or be nominated by another person as a write-in candidate. It also authorizes committeepersons to serve in any precinct that is both in the same county and State Representative district in which the person is registered. Additionally, it eliminates the requirement that a major political party elect a precinct committeeperson of each gender. Finally, for those statutes relating to precinct committeepersons, it replaces the term "county clerk" with the term "county elections official."

**Oregon Laws 2019:** Chapter 70

### [House Bill 2492](#)

**Not Enacted**

#### **Incarcerated Individuals and Population Data**

**Chief Sponsors:** Rep. Holvey; Sen. Prozanski

**Committees:** House Rules

**Background and Current Law:** The federal census counts incarcerated individuals as residing where they are incarcerated. When Oregon undergoes redistricting after the census, areas with correctional facilities have larger populations which will impact representation.

**Bill Summary:** House Bill 2492 would have directed the Secretary of State to consider an incarcerated individual's last known address before incarceration as that individual's current address for the purpose of apportioning legislative districts and county or municipal boundaries. It would also have required the Department of Corrections to create an electronic filing system to record related data and provide that data to the Secretary of State. Finally, it would have required the Secretary to request identical information from federal facilities for the same purpose and would have prohibited the disclosure of personally identifiable information.

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### [House Bill 2685](#)

**Not Enacted**

#### **Candidate Phone and Email Information**

**Chief Sponsors:** Reps. Nosse, Marsh

**Committees:** House Rules

**Background and Current Law:** When individuals file to run for office, the form they use includes a space for a phone number and email address. However, this information may be left blank or filled out with a telephone number or email address issued by a public body, making it difficult for the public to contact candidates.

**Bill Summary:** House Bill 2685 would have required candidates for public office to include a phone number and email address on a nominating petition or declaration of candidacy. It would have also required that the phone number and email address be used exclusively to support the person's candidacy for office and would have prohibited incumbent candidates from using publicly provided phone numbers and email addresses as a point of campaign contact.

### [House Bill 2708](#)

Not Enacted

#### Income Disclosures for Elected Officials and Candidates

**Chief Sponsors:** Rep. Rayfield

**Committees:** House Rules

**Background and Current Law:** ORS 244.050 requires elected officials, candidates, and certain appointed state officials to file a statement of economic interest each year. The statement must include information about the businesses the filer has an interest in sources of income totaling more than 10 percent of the filer's income, a listing of real property, and expenses and benefits incurred from government related activity.

**Bill Summary:** House Bill 2708 would have required that individuals filing statements of economic interest disclose any source of income if the business from which the income is derived has an interest in a government agency that the filer has some authority over and 10 percent or more of the business' gross annual income results from contacts with the relevant government agency. It also would have created a separate process to request access to relevant information when the official or candidate had a statutory duty to keep the information privileged or confidential.

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### [House Bill 2709](#)

Not Enacted

#### Independent Expenditure Campaign Regulations

**Chief Sponsors:** Rep. Rayfield

**Committees:** House Rules

**Background and Current Law:** Under current law, an "independent expenditure" includes certain communications that are made in support of, or in opposition to, a candidate or measure, but that are made independently of a candidate or political committee. When a person exceeds \$750 in independent expenditures in a calendar year, the person must report the expenditures within seven days. Thereafter, the person must report within 30 days of an expenditure, unless the expenditure is made within six weeks of a primary or general election, in which case additional reporting is required within seven days. Failing to file, or failing to include specified information, is punishable by a civil penalty.

**Bill Summary:** House Bill 2709 would have modified the definition of "independent expenditure" and reduced the expenditure amount requiring a report. It also would have authorized the Secretary of State to impose a civil penalty for incorrectly identifying an expenditure as independent and would have required the individual subject to reporting requirements to keep records and submit accounts to inspection.

### [House Bill 2714-A](#)

**Not Enacted**

#### **Campaign Contribution Limits**

**Chief Sponsors:** Rep. Rayfield

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Campaign contributions and expenditures are forms of expression protected by the Oregon Constitution and may not be limited. Disclosure requirements do not violate the state or federal constitution. Current Oregon law does not limit campaign contributions or expenditures but does require that they be disclosed.

**Bill Summary:** House Bill 2714-A would have enacted limits on campaign contributions that may be accepted by candidates and political committees. It would have required political committees to identify as a caucus, measure, multicandidate, political party, recall, or small donor political committee and would have prohibited an individual from controlling more than one of each committee. Additionally, it would have set limits on contributions that may be accepted by committees and candidates, including limits on contributions from membership organizations. Finally, it would have authorized the Secretary of State and Attorney General to require the return of excess contributions and impose civil penalties of up to 150 percent of the excess contribution.

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### [House Bill 2716](#)

**Effective Date:** January 1, 2020

#### **State Donors for Campaign Communication**

**Chief Sponsors:** Reps. Rayfield, Keny-Guyer

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Under federal law, certain election-related communications involving candidates for federal office must include a disclaimer that identifies who paid for, or authorized, the communication. The requirement has been upheld against a First Amendment challenge. In 1999, the Oregon Attorney General concluded that a state statute containing similar requirements was likely to violate the State Constitution and the Legislative Assembly subsequently repealed the statute.

**Bill Summary:** House Bill 2716 requires communication in support of or opposition to a candidate to state the name of the person who paid for the communication, including donors in specified circumstances. Communications in support of specified candidates and common campaign materials are exempt. The measure authorizes the Secretary of State to determine the form of the statement and to enforce requirements by civil penalty.

**Oregon Laws 2019:** Chapter 636



### [House Bill 2983](#)

Effective Date: August 2, 2019

#### Campaign Contribution Disclosure

**Chief Sponsors:** Reps. Rayfield, Keny-Guyer, Hernandez; Sen. Golden

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Oregon law requires candidates, political committees and petition committees, as well as individuals and entities that make independent expenditures, to disclose certain information related to campaign contributions and expenditures.

**Bill Summary:** House Bill 2983 requires certain groups and organizations that make political communications in excess of specified amounts to disclose information related to donations that exceed \$10,000. The bill authorizes the imposition of civil penalties to enforce these obligations, modifies the scope of independent expenditures that must be reported, expands the obligation to maintain election-related records, and prohibits reimbursing another person for campaign contributions or donations.

**Oregon Laws 2019:** Chapter 637

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### [House Bill 3173](#)

Not Enacted

#### County Commissioner Vacancy Terms

**Chief Sponsors:** Rep. Leif; Sen. Heard

**At the request of:** Association of Oregon Counties

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Current statute requires candidates for county commission to be included on the ballot at a primary or general election, if the term of a county commissioner expires the following January or if there is a vacancy for any cause in the office of county commissioner. Commissioners serve four-year terms, unless two or more candidates are elected and one of the candidates is elected to fill a vacant seat. In this circumstance, statute requires that one of the candidates hold office for a term of two years, rather than four, but does not specify which candidate.

**Bill Summary:** House Bill 3173 would have expressly provided that the commissioner elected to fill the vacancy serves for a two-year term and clarified that the rule applies, regardless of whether the election is held on the date of a primary election or a general election.

### [House Bill 3310](#)

**Effective Date:** September 29, 2019

#### **Elector Rights in Education Districts**

**Chief Sponsors:** Rep. Hernandez, Rayfield; Sen. Knopp, Wagner, Manning Jr

**Committees:** House Rules, Senate Rules

**Background and Current Law:** The Voting Rights Act of 1965 prohibits the denial or abridgment of the right to vote on account of certain immutable characteristics, including race and color. According to the United States Department of Justice, most cases arising under this provision have involved challenges to at-large election schemes.

**Bill Summary:** House Bill 3310 creates a similar state law prohibition, that applies to school districts, education service districts, and community college districts, providing both a cause of action and a mechanism by which district boards may modify their election systems.

**Oregon Laws 2019:** Chapter 449

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### [House Bill 3348](#)

**Effective Date:** January 1, 2020

#### **Financial Impact of Ballot Measures**

**Chief Sponsors:** Rep. Nathanson, Gomberg

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Oregon law establishes a financial estimate committee to review statewide ballot measures and estimate the change in government expenditures, revenue, or indebtedness the measure would require if enacted. The committee consists of the Secretary of State, State Treasurer, Director of the Department of Administrative Services, Director of the Department of Revenue and a member, selected by these four members, who represents a city, county, or district and has expertise in local government finances. When the committee determines that a measure will have a financial effect that will not exceed \$100,000, the committee is required to include a statement indicating that conclusion in the voters' pamphlet.

**Bill Summary:** House Bill 3348 requires that, if the committee determines that a measure will have a financial effect in excess of \$100,000, the committee must include a statement indicating that the measure spends money without identifying a funding source.

**Oregon Laws 2019:** Chapter 603

### [House Bill 3441](#)

**Not Enacted**

## Maximizing Voter Registration

**Chief Sponsors:** Rep. Rayfield

**Committees:** House Rules

**Background and Current Law:** House Bill 2177 (2015) established Oregon's automatic voter registration program, under which individuals who apply for, renew, or replace an Oregon driver's license, ID card, or permit are automatically registered to vote. Oregon's automatic voter registration is limited to qualified interactions with the Oregon Department of Motor Vehicles.

**Bill Summary:** House Bill 3441 would have established the Task Force on Automatic Voter Registration to study and develop recommendations to maximize voter registration in the state.

## 2019 SUMMARY OF LEGISLATION

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# EMERGENCY PREPAREDNESS

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# EMERGENCY PREPAREDNESS MEASURES

<b>Disaster Preparedness</b>	Enacted Not Enacted	SB 643, HB 2209, HB 3376 SB 430, SB 678, HB 2205, HB 2536, HB 2558
<b>Emergency Coordination</b>	Enacted Not Enacted	SB 228 HB 2565, HB 2650
<b>Emergency Responders</b>	Enacted Not Enacted	HB 2127, HB 2138, HB 2196, HB 2449 HB 2503, HB 3163
<b>Military</b>	Enacted Not Enacted	HB 2196, HB 2817 -none-
<b>Post-Disaster Response</b>	Enacted Not Enacted	HB 2206 SB 651-A, SB 678, HB 2735
<b>Resilience / Education</b>	Enacted Not Enacted	-none- SB 1037, HB 2207, HB 2208, HB 2229

Picture: Cape Blanco Lighthouse, Curry County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving emergency preparedness enacted through legislation during the 2019 session.

### [Senate Bill 228](#)

Effective Date: January 1, 2020

## Modifying Composition of Homeland Security Council

**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:** Oregon's Homeland Security Council, within the Office of Emergency Management (OEM), receives briefings on security matters at least annually, including those related to catastrophic disasters and other states of emergency declared by the Governor, 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.

The Oregon Department of Justice (DOJ) is responsible for operating the Oregon TITAN Fusion Center. The Fusion Center engages in information analysis and sharing around all hazards and crimes, in partnership with federal, state, and local law enforcement. Its primary mission is to aid in the identification, prevention, and disruption of terrorist and criminal threats, which could exploit vulnerabilities that might exist after a catastrophic event.

**Bill Summary:** Senate Bill 228 adds a DOJ representative to the Homeland Security Council.

**Oregon Laws 2019:** Chapter 282

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### [Senate Bill 430](#)

Not Enacted

## Encouraging use of Shipping Containers as Emergency Caches

**Chief Sponsors:** Sen. Frederick

**Committees:** Senate Veterans and Emergency Preparedness, Senate Finance and Revenue, Joint Tax Expenditures

**Background and Current Law:** Shipping containers are designed to transport goods of all kinds but are increasingly used for a wide variety of nonstandard building and storage purposes, given that they are relatively abundant, inexpensive, transportable, weatherproof, and secure. Senate Bill 430 is inspired by the community effort of Lincoln County to acquire a number of shipping containers, stock them with emergency supplies, and place them within walking distance of one to three schools. Supplies are reserved for school use should disaster strike during school hours and may be used by first responders and the larger community if a disaster occurs at any other time.

**Bill Summary:** Senate Bill 430 would have created a refundable income tax credit for shipping containers donated to public entities to store emergency supplies within 1,000 feet of public buildings, equal to 10 percent of the container's retail value.

### [Senate Bill 643](#)

Effective Date: June 27, 2019

#### **Making Fuel Accessible for Disaster Response**

**Chief Sponsors:** Sen. Boquist

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

**Background and Current Law:** In 2016, Senate Bill 1523 was enacted as the result of work group activity that included private fuel companies, the Office of Emergency Management (OEM), and the Oregon Department of Transportation (ODOT). It enabled OEM and ODOT to develop a grant program to target large-capacity fuel storage locations along critical transportation routes and distribute funds to install connectors that are compatible with generators used by specific personnel during an emergency. Individual grants were limited to \$4,000 each, and total grant funds were capped at \$100,000. By the fall of 2018, 72 applications for grant funds were received from qualifying facilities; fuel storage locations in 25 cities were made compatible; and 47 applications remained. An additional appropriation of \$188,000 was made by the Emergency Board in September of 2018 to satisfy the remaining applications, but OEM cannot execute until the \$100,000 statutory cap is lifted.

**Bill Summary:** Senate Bill 643 lifts the \$100,000 limit on funds for the Fuel Storage Facility Compatibility Grant program administered by OEM to allow the use of an additional appropriation to make remaining fuel storage locations compatible statewide and raises the limit on individual grant awards from \$4,000 to \$10,000.

**Oregon Laws 2019:** Chapter 516

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### [Senate Bill 651-A](#)

**Not Enacted**

#### **Disseminating Information to the Public Post Disaster**

**Chief Sponsors:** Sen. Boquist; Rep. Evans

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

**Background and Current Law:** The Emergency Alert System allows county and state emergency managers to disseminate information about emergencies to the public. Broadcasters throughout the state operate equipment to transmit emergency alerts. Before 9/11 the system was based on a series of encoders and decoders at the local level that were capable of transmitting and receiving information without electricity or the Internet. The events of 9/11 overwhelmed the system, leading to the development of a nationwide Common Alerting Protocol. The current system is digital, Internet-dependent, and requires electricity. In the aftermath of a catastrophic event like a Cascadia earthquake, when electricity and Internet are compromised, or unavailable, state and local authorities will rely on the previous analog system to communicate critical information.

**Bill Summary:** Senate Bill 651-A would have appropriated General Fund dollars to the Oregon Military Department (OMD) for counties to obtain analog encoders and maintain emergency alert distribution infrastructure.

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### Senate Bill 678

**Not Enacted**

## Maintaining Salvage Chief for Disaster Response

**Chief Sponsors:** Sens. Boquist, Johnson

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

**Background and Current Law:** The *Salvage Chief* was originally commissioned the USS LSM-380, one of 558 LSMs (landing crafts, medium) built for the U.S. Navy between 1944 and 1945, sized to carry five medium or three heavy tanks, or up to nine "Duck boats" (amphibious vehicles or DUKWs). She was manned by six officers and 54 crew and assigned to the Asia-Pacific theater. Six months after assignment, on August 15, 1945, Japan surrendered and the USS LSM-380 carried Marines to China to manage the repatriation of thousands to Japan. She then sailed to Guam, Pearl Harbor, and back across the Pacific to join the mothball fleet at Suisan Bay near San Francisco, destined for scrap. In 1948, she was decommissioned and purchased by Fred Devine, an entrepreneur and salvage expert based out of Portland, who transformed and repurposed the ship for shallow water salvage and recovery work, by installing 60-ton pull anchor winches both fore and aft, and building an aft helicopter pad, among other unique modifications. The ship then operated out of Astoria starting in 1949 and became renowned for its rescue and recovery work over the next 50 years, particularly with large ships in dire situations, including refloating the grounded 10,000-ton Liberty ship *Yorkmar*, the Greek freighter *Capyannis*, the 810-foot Liberian oil tanker *Sansinena*, the crippled *Exxon Valdez*, as well as barges, dredges, cruise ships, a Japanese troop ship, a U.S. Coast Guard cutter, and more. *Salvage Chief* is now owned by *Salvage Chief*, LLC, whose partners are attempting to transform it once more into a local asset for disaster training and response purposes. ("Salute to M/V *Salvage Chief* (ex-LSM 380)" by Jim Mockford, *Sea History* 162, Spring 2018, at <<https://seahistory.org/wp-content/uploads/SH162-SalvChief.pdf>, accessed March 2019>.)

**Bill Summary:** Senate Bill 678 would have appropriated \$1.9 million General Fund dollars to the Department of Administrative Services (DAS) for distribution to the *Salvage Chief* Foundation to outfit the vessel *Salvage Chief* for disaster training, response, and recovery purposes, in particular, to clear fallen bridge and other hazardous debris from coastlines and waterways post disaster.

### [Senate Bill 1037](#)

**Not Enacted**

## **Strengthening Emotional and Psychological Resilience**

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

**Background and Current Law:** Traumatic events can cause more than just physical injury, particularly when the trauma is severe or sustained. In the wake of natural and human-caused disasters, youth and adults may experience a variety of types and levels of stress, such as anxiety, depression, despair, post-traumatic stress disorder, and suicidality, as well as increased drug and alcohol use and interpersonal difficulties that may affect whole families. On a catastrophic scale such as Hurricane Katrina, the Camp Fire, or the New Zealand mosque shootings, disaster-generated maladies not only harm individuals and their families, but can increase the cost of care, burden health care systems, inhibit recovery, and negatively affect the health and wellbeing of emergency personnel, other responders, and whole communities, for years.

**Bill Summary:** Senate Bill 1037 would have sanctioned the creation of an 18-member Transformational Resilience Task Force supported by Portland State University, to study how psychological, emotional, and psychosocial resilience education and skills training might impact individuals', communities' and the state's capacity to respond to and recover from disaster.

### [House Bill 2127](#)

Effective Date: January 1, 2020

## Disaster and Emergency Service Provider Tax Exemptions

**At the request of:** House Interim Committee on Revenue

**Committees:** House Human Services and Housing, House Revenue, Senate Finance and Revenue

**Background and Current Law:** In 2015, an Oregon tax exemption was created for out-of-state emergency service providers to perform disaster or emergency work on critical infrastructure in Oregon. The exemption is for individuals and businesses from Oregon corporate or personal income tax liability in specified circumstances. The concept originated from discussions and model legislation prepared in 2011 by the National Conference of State Legislatures. Oregon's exemption has rarely been used but is expected to be important if the state were to suffer a catastrophic disaster. Tax expenditures enacted by the Legislative Assembly must be scheduled for sunset review every six years unless a sunset date is provided.

**Bill Summary:** House Bill 2127 eliminates the sunset for the out-of-state emergency service provider tax exemption, which is available to providers who perform disaster or emergency work on critical infrastructure in Oregon.

**Oregon Laws 2019:** Chapter 203

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### [House Bill 2138](#)

Not Enacted

## Emergency Medical Services Provider Tax Credit Extension

**At the request of:** House Interim Committee on Revenue

**Committees:** House Veterans and Emergency Preparedness, House Revenue, Joint Tax Expenditures

**Background and Current Law:** Oregon allows a personal income tax credit equal to \$250 for individuals licensed as emergency medical services (EMS) providers. To qualify for the credit, the licensed EMS provider must be certified by the Office of Rural Health as an individual who provided volunteer emergency medical services in a rural area. The volunteered rural services must comprise at least 20 percent of the total emergency medical services provided by the individual in the tax year. For purposes of the credit, rural area is defined as a geographic area that is located at least 25 miles from any city with a population of 30,000 or more. The credit is nonrefundable, meaning that tax liability cannot be reduced below zero.

**Bill Summary:** House Bill 2138 would have extended to January 1, 2026, the sunset for the \$250 personal income tax credit allowed to licensed EMS providers who provide volunteer emergency medical services in rural areas. Certain provisions of this measure were enacted in House Bill 2164.

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### [House Bill 2196](#)

Effective Date: January 1, 2020

#### Oregon Military Department Firefighters PERS Participation

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

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

**Background and Current Law:** Under current law, public employees of local governments, fire marshals, and the Oregon Department of Forestry whose primary duty is fighting fires are classified as firefighters for purposes of the Public Employees Retirement System (PERS). The definition of "firefighter" in the PERS statutes does not include Oregon Military Department (OMD) employees. However, the OMD mistakenly believed its firefighting employees were classified in PERS as firefighters since at least 1979.

**Bill Summary:** House Bill 2196 clarifies that former, current, and future OMD employees whose primary duty is fighting structural, aircraft, wildland, or other fires are eligible for participation as a firefighter in PERS. The measure also grants PERS firefighting status to those employees whose service was misclassified if OMD made the required PERS contributions and any firefighting employees OMD reported as general service are converted to firefighters for PERS purposes.

**Oregon Laws 2019:** Chapter 135

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### [House Bill 2205-A](#)

Not Enacted

#### Preparedness Equipment Funding

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

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

**Background and Current Law:** The coast of the Pacific Northwest has, for thousands of years, experienced periodic, catastrophic seismic events related to the Cascadia subduction zone, which extends from northern California to British Columbia. The Oregon Seismic Safety Policy Advisory Committee defines the goal of seismic resilience as follows: Oregon citizens will not only be protected from life-threatening physical harm, but because of the risk reduction measures and pre-disaster planning, communities will be able to recover more quickly and with less continuing vulnerability following a Cascadia subduction zone earthquake and tsunami.

**Bill Summary:** House Bill 2205-A would have provided \$15 million in Article XI-Q bond proceeds to develop a list of preparedness equipment needed throughout the state to respond to local and regional emergencies and also develop and administer an aviation resiliency grant program to distribute preparedness equipment or funds to purchase equipment.

### [House Bill 2206](#)

Effective Date: January 1, 2020

## Emergency Preparedness Building Condition Evaluation

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

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

**Background and Current Law:** The coast of the Pacific Northwest has, for thousands of years, experienced periodic, catastrophic seismic events related to the Cascadia subduction zone, which extends from northern California to British Columbia. The Oregon Seismic Safety Policy Advisory Committee defines the goal of seismic resilience as follows: Oregon citizens will not only be protected from life-threatening physical harm, but because of the risk reduction measures and pre-disaster planning, communities will be able to recover more quickly and with less continuing vulnerability following a Cascadia subduction zone earthquake and tsunami.

**Bill Summary:** House Bill 2206 directs the Office of State Fire Marshal to administer a statewide program to evaluate the condition of buildings after an emergency and determine which buildings may be safely occupied, and to work with local governments to designate local program coordinators to implement the program. The measure also authorizes the Office to enter into mutual-aid agreements with other states.

**Oregon Laws 2019:** Chapter 649

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### [House Bill 2207-A](#)

Not Enacted

## Oregon Campus Resilience

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

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

**Background and Current Law:** On October 1, 2015, a student at Umpqua Community College in Roseburg fatally shot an assistant professor and eight students in a classroom and injured eight others. In 2016, Governor Brown convened the Oregon Campus Safety Work Group in response to the incident, tasking the work group to identify resource needs and potential state policies to create a coordinated strategy across the state's system of higher education, and to analyze practices and protocols in higher education institutions to maintain public safety and to prevent, prepare for, and effectively manage future response and recovery efforts for campus-wide crises or emergencies. The Oregon Campus Resilience Consortium is a multi-institution group that was created as part of the work group process.

**Bill Summary:** House Bill 2207-A would have appropriated \$1,526,167 from the General Fund to the Higher Education Coordinating Commission for distribution to the Oregon Campus Resilience Consortium.

### [House Bill 2208-A](#)

**Not Enacted**

#### **Unreinforced Masonry Seismic Safety Program**

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

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

**Background and Current Law:** The coast of the Pacific Northwest has, for thousands of years, experienced periodic, catastrophic seismic events related to the Cascadia subduction zone, which extends from northern California to British Columbia. The Oregon Seismic Safety Policy Advisory Committee defines the goal of seismic resilience as follows: Oregon citizens will not only be protected from life-threatening physical harm, but because of the risk reduction measures and pre-disaster planning, communities will be able to recover more quickly and with less continuing vulnerability following a Cascadia subduction zone earthquake and tsunami.

**Bill Summary:** House Bill 2208-A would have directed the Business Development Department to administer an Unreinforced Masonry Seismic Safety Program to award competitive annual grants for seismic safety, stability, and resilience of these structures. The measure would have authorized the issuance of lottery bonds for up to \$20 million in net proceeds to fund the program.

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### [House Bill 2209](#)

**Effective Date: January 1, 2020**

#### **High Hazard Oil Train Routes**

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

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

**Background and Current Law:** In June 2016, a 96-car train carrying crude oil derailed in Mosier, Oregon, in the Columbia River Gorge. Sixteen of the cars derailed, resulting in a fire that burned for 14 hours and required the evacuation of approximately 100 nearby residents. Roughly 47,000 gallons of crude oil were released during the derailment; however, even though it occurred 600 feet from the Columbia River, only trace amounts of crude oil were discharged into the river. Most of the oil burned off, was absorbed into the soil, or was released into the town's wastewater treatment facility. The cause was determined by the railroad to be worn or damaged track infrastructure.

**Bill Summary:** House Bill 2209 requires railroads that own or operate high hazard train routes to: institute oil spill contingency plans and to have those plans reviewed and approved by the Department of Environmental Quality, and annually submit financial responsibility statements to the Department. The measure also outlines a triennial schedule for training for response to high hazard oil train spills. House Bill 2209 authorizes a gross revenue fee of up to 0.05 percent on railroads required to submit contingency plans, and a per-car fee of up to \$20 on oil tank rail cars entering into or originating in the state; both fees are scheduled to sunset January 2, 2027.

**Oregon Laws 2019:** Chapter 581

### [House Bill 2229-A](#)

**Not Enacted**

## School Emergency Preparedness Curriculum Pilot Program

**Chief Sponsors:** Rep. Gomberg; Sen. Roblan

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

**Background and Current Law:** The coast of the Pacific Northwest has, for thousands of years, experienced periodic, catastrophic seismic events related to the Cascadia subduction zone, which extends from northern California to British Columbia. The Oregon Seismic Safety Policy Advisory Committee defines the goal of seismic resilience as follows: Oregon citizens will not only be protected from life-threatening physical harm, but because of the risk reduction measures and pre-disaster planning, communities will be able to recover more quickly and with less continuing vulnerability following a Cascadia subduction zone earthquake and tsunami.

**Bill Summary:** House Bill 2229-A would have directed the Oregon Department of Education (ODE) to establish and administer a pilot program to assist school districts in age-appropriate instruction on natural disasters and would have appropriated moneys from the General Fund to ODE for curriculum development.

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### [House Bill 2449](#)

**Effective Date:** January 1, 2020

## 9-1-1 Tax Modification

**Chief Sponsors:** Reps. Findley, Lively, Marsh, Noble, and Smith G

**Committees:** House Veterans and Emergency Preparedness, House Revenue, Senate Finance and Revenue

**Background and Current Law:** The three-digit telephone number 9-1-1 has been designated as the universal emergency number for citizens throughout the United States to request emergency assistance. Currently the Emergency Communications Tax, commonly referred to as the 9-1-1 Tax in Oregon, is assessed at 75-cents per phone line or per device capable of reaching 9-1-1. The tax is collected quarterly by the Oregon Department of Revenue.

**Bill Summary:** House Bill 2449 increases taxes for emergency communications to \$1.25 per month or per transaction as appropriate, phased in over two years: \$1.00 in first year and \$1.25 in second year. The measure also adjusts the administrative and collection cost caps for the Department of Revenue and the Office of Emergency Management and extends the sunset from 2022 to 2030.

**Oregon Laws 2019:** Chapter 653



### [House Bill 2503](#)

**Not Enacted**

#### **Search and Rescue Funding Study**

**Chief Sponsors:** Reps. Marsh, Helm, Bonham, Helt, Lewis, Williams; Sens. Thomsen, Dembrow, Roblan

**At the request of:** Oregon Outdoors, Oregon State Sheriffs' Association, Mt. Hood Meadows, Oregon Restaurant and Lodging Association

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

**Background and Current Law:** The Oregon Office of Emergency Management (OEM), housed within the Oregon Military Department, is the state's lead entity for coordination of statewide efforts to ensure that Oregonians can get help in an emergency, and to protect, mitigate, prepare for, respond to, and recover from natural or man-made emergencies and disasters. OEM is organized around a set of 18 emergency support functions: transportation; communications; public works; firefighting; information and planning; mass care; resource support; health and medical; search and rescue; hazardous materials; food and water; energy; military support; public information; volunteers and donations; law enforcement; agriculture and animal protection; and business and industry.

**Bill Summary:** House Bill 2503 would have directed the Office of Emergency Management to study and make recommendations regarding funding of search and rescue operations.

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### [House Bill 2536](#)

**Not Enacted**

#### **Oregon Public Places Are Safe Places Investment Fund**

**Chief Sponsors:** Rep. Evans

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

**Background and Current Law:** The Oregon Office of Emergency Management (OEM) is a division within the Oregon Military Department responsible for coordinating and maintaining the system of statewide emergency services for responding to natural or man-made disasters. It is the lead agency in developing and enhancing the state's preparedness, response, recovery, and mitigation capabilities to protect lives, property, and the environment.

**Bill Summary:** House Bill 2536 would have established the Oregon Public Places Are Safe Places Investment Fund and appropriated Fund moneys to the Office of Emergency Management for identifying and developing staging areas for emergency response. The measure would have also created an advisory committee within the OEM to advise and make recommendations regarding Fund expenditures.



### [House Bill 2558-A](#)

**Not Enacted**

#### **Task Force on Seismic Event Preparation**

**Chief Sponsors:** Rep. Evans

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

**Background and Current Law:** The coast of the Pacific Northwest has, for thousands of years, experienced periodic, catastrophic seismic events related to the Cascadia subduction zone, which extends from northern California to British Columbia. The Oregon Seismic Safety Policy Advisory Committee defines the goal of seismic resilience as follows: Oregon citizens will not only be protected from life-threatening physical harm, but because of the risk reduction measures and pre-disaster planning, communities will be able to recover more quickly and with less continuing vulnerability following a Cascadia subduction zone earthquake and tsunami.

**Bill Summary:** House Bill 2558-A would have created the Task Force on Seismic Event Preparation to study impacts of major seismic events on children.

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### [House Bill 2565](#)

**Not Enacted**

#### **County Emergency Management Personnel Funding**

**Chief Sponsors:** Rep. Witt

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

**Background and Current Law:** The Oregon Military Department's (OMD) primary mission is to administer, house, equip, and train the Oregon National Guard, whose purpose, in turn, is to support the Governor during civil unrest or natural disaster and to provide a reserve force for the U.S. Air Force and U.S. Army. The Oregon Military Department also houses the Office of Emergency Management, the state's lead entity for coordinating statewide efforts to ensure that Oregonians can get help in an emergency.

**Bill Summary:** House Bill 2565 would have appropriated \$3.6 million from the General Fund to OMD to issue grants to counties to hire personnel for county emergency management agencies.

### [House Bill 2650](#)

Not Enacted

#### 2-1-1 Funding

**Chief Sponsors:** Rep. Gorsek

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

**Background and Current Law:** The phone number "2-1-1" is the three-digit dialing code assigned by the Federal Communications Commission for consumer access to community information and referral services. Individuals can call this number to receive information regarding, and assistance with, supplemental food and nutrition programs; shelter and housing options; utilities assistance; emergency information and disaster relief; employment and education opportunities; services for veterans; health care, vaccination, and health epidemic information; addiction prevention and rehabilitation programs; reentry help for ex-offenders; support groups for individuals with mental illnesses or special needs; and a safe, confidential path out of physical/emotional domestic abuse.

**Bill Summary:** House Bill 2650 would have appropriated \$3.2 million from the General Fund to the Oregon Military Department to expand and increase access to the statewide 2-1-1 system.

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### [House Bill 2735-A](#)

Not Enacted

#### Task Force on Disaster Response and Recovery

**Chief Sponsors:** Rep. Evans

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

**Background and Current Law:** The Oregon Office of Emergency Management is the state's lead agency for preparing for natural and man-made disasters. Local governments also play roles in preparedness. In the event of a large-scale earthquake, such as the one expected to happen off the Oregon coast within the Cascadia Subduction Zone, it is assumed that there will be widespread disruptions of the power grid, transportation network, and fuel and water supply that could last for an extended period.

**Bill Summary:** House Bill 2735-A would have created a 35-member Task Force on Disaster Response and Recovery to identify locations to serve as rally points, staging areas, and recovery spaces after a natural disaster.

### [House Bill 2817](#)

Effective Date: January 1, 2020

## Oregon National Guard Education Grants

**Chief Sponsors:** Rep. Evans

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

**Background and Current Law:** House Bill 4035 (2018) directed the Higher Education Coordinating Commission to offer full resident tuition assistance to qualifying members of the Oregon Army National Guard and Oregon Air National Guard. The assistance is provided in the form of grants to Guard members who are enrolled at one of 17 community colleges or at one of Oregon's seven public universities.

**Bill Summary:** House Bill 2817 permits higher education tuition grants offered to qualified members of the Oregon National Guard to be used for undergraduate degree programs at qualifying private, post-secondary institutions and the Oregon Health and Science University.

**Oregon Laws 2019:** Chapter 656

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### [House Bill 3167](#)

Not Enacted

## Urban Search and Rescue

**Chief Sponsors:** Reps. Nathanson, Evans

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

**Background and Current Law:** Urban search and rescue involves the location, rescue (extrication), and initial medical stabilization of individuals trapped in confined spaces. These operations typically occur following a structural collapse, but may also result from transportation accidents, mines, and collapsed trenches. It is considered a "multi-hazard" discipline, meaning that it can become necessary following several different types of emergencies, including earthquakes, tsunamis, storms, tornadoes, accidents, terrorist attacks, or the release of hazardous materials.

**Bill Summary:** House Bill 3167 would have directed the State Fire Marshal to enter into a grant agreement with Eugene Springfield Fire to enable development of urban search and rescue capabilities throughout the state. The measure would have appropriated \$1,210,040 from the General Fund to the State Fire Marshal to issue grants to Eugene Springfield Fire for these services.

### [House Bill 3376](#)

Effective Date: January 1, 2020

## Emergency Preparedness Grants for Indian Tribes in Oregon

**Chief Sponsors:** Reps. Sanchez, McKeown

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

**Background and Current Law:** In 2017, the Legislative Assembly enacted House Bill 2687, creating the State Preparedness and Incident Response Equipment grant program administered by the Office of Emergency Management to assist local governments, special government bodies, and private tax-exempt organizations with the purchase of emergency preparedness equipment. Grant applications are considered based on demonstrated need, ability to keep and maintain the equipment, inventory process, and commitment to partnership-based support. Equipment purchased through the program remains with the grant recipient for the duration of its useful life, unless it is reclaimed or repurposed.

**Bill Summary:** House Bill 3376 specifies that federally recognized Indian tribes in Oregon may apply for emergency preparedness grants.

**Oregon Laws 2019:** Chapter 89

## 2019 SUMMARY OF LEGISLATION

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# ENERGY

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# ENERGY MEASURES

<b>Electric Vehicles</b>	Enacted Not Enacted	-none- HB 3141
<b>Energy Conversation</b>	Enacted Not Enacted	-none- HB 3094
<b>General Energy Policy</b>	Enacted Not Enacted	HB 3065 HB 2242-A, HB 2494, HB 2855
<b>Renewables</b>	Enacted Not Enacted	SCR 1, SB 38, SB 98, HB 2496, HB 2618 SB 451, SB 508, HB 2857, HB 3062, HB 3157, HB 3274-A, HB 3325, HCR 9
<b>Siting</b>	Enacted Not Enacted	HB 2329 HB 2322

Picture: Owyhee Dam, Malheur County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2618	Directs the Oregon Department of Energy to report annually on rebates for solar electric and paired solar and storage systems.	Annually by September 15
HB 3065	Directs the Public Utility Commission to report the process for investigating the continuing relevance of carrier of last resort obligations.	September 15, 2020

### [Senate Bill 38](#)

**Effective Date:** January 1, 2020

#### **Renewable Energy Certificates for Thermal Energy**

**At the request of:** Governor Kate Brown for State Department of Energy

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** The Oregon Renewable Portfolio Standard (RPS) directs Oregon utilities to source a defined percentage of their retail electricity sales with generation from qualified renewable resources by specific dates. Originally adopted in 2007, the 2016 update set the RPS for Oregon utilities at 50 percent by 2040. ORS 469A.130 requires the Oregon Department of Energy (ODOE) to establish a system of renewable energy certificates (RECs) that can be used by an electric utility or service supplier to establish compliance with the RPS. If a facility that produces electricity using biomass (organic material that comes from plants and animals) also produces thermal energy as a secondary purpose, ODOE must provide RECs for the generation of thermal energy.

**Bill Summary:** Senate Bill 38 clarifies that RECs may be issued for the generation of thermal energy at a facility that generates electricity using biomass, subject to the same requirements for issuance, transfer, and use as all other renewable energy RECs issued under ORS 469A.130.

**Oregon Laws 2019:** Chapter 76

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### [Senate Bill 98](#)

**Effective Date:** September 29, 2019

#### **Renewable Natural Gas Program**

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

**Committees:** Joint Carbon Reduction, Senate Environment and Natural Resources, Joint Ways and Means

**Background and Current Law:** Senate Bill 334 (2017) directed the Oregon Department of Energy to work with an advisory committee to conduct a detailed inventory of all potential sources of biogas and renewable natural gas (RNG) available in Oregon. The inventory process concluded that the gross potential for RNG production using anaerobic digestion technology is around 10 billion cubic feet of methane per year, which is about 4.6 percent of Oregon's total yearly use of natural gas. The gross potential for RNG production using thermal gasification technology is nearly 40 billion cubic feet of methane per year, which is about 17.5 percent of Oregon's total yearly use of natural gas. (ODOE, Biogas and Renewable Natural Gas Inventory, 2018)

**Bill Summary:** Senate Bill 98 directs the Oregon Public Utility Commission to adopt an RNG program that allows natural gas utilities to recover investments made to meet targets for including RNG in gas purchases for natural gas consumers.

**Oregon Laws 2019:** Chapter 541



### Senate Bill 451-A

**Not Enacted**

#### **Municipal Solid Waste Facility Eligibility for Renewable Energy Certificates**

**Chief Sponsors:** Sen. Beyer

**Committees:** Joint Carbon Reduction, Senate Environment and Natural Resources, Senate Rules, House Energy and Environment

**Background and Current Law:** The Oregon Renewable Portfolio Standard (RPS) directs Oregon utilities to source a specified percentage of their retail electricity sales with generation from qualified renewable resources by set dates. ORS 469A.130 requires the Oregon Department of Energy to establish a system of renewable energy certificates (RECs) that can be used by an electric utility or service supplier to establish compliance with the RPS. The Western Renewable Energy Generation Information System (WREGIS) issues RECs for Oregon-certified energy facilities that generate qualifying renewable power. Facilities receive one REC per megawatt-hour of qualifying renewable energy they deliver to the grid. The Legislative Assembly added facilities that generate electricity from direct combustion of municipal solid waste as an eligible generation source under the RPS in 2010; these facilities are eligible for RECs for electricity generated on or after January 1, 2011.

**Bill Summary:** Senate Bill 451-A would have limited eligibility for municipal solid waste facilities to receive renewable energy certificates to only electricity generated from the direct combustion of biogenic material. To be eligible, the measure would have required that the owner or operator of the generating facility register with WREGIS on or after January 1, 2011.

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### Senate Bill 508

**Not Enacted**

#### **Renewable Portfolio Standard – Qualifying Hydroelectric Energy**

**Chief Sponsors:** Sen. Johnson

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Renewable Portfolio Standard (RPS) directs Oregon utilities to source a defined percentage of their retail electricity sales from qualified renewable resources by specific dates. Senate Bill 838 (2007) adopted a 25 percent RPS by 2025 for large utilities. In 2016, Senate Bill 1547 increased the RPS to 50 percent by 2040 while mandating the elimination of coal generation from Oregon rates by 2030. Electricity generated by a renewable energy facility that became operational on or after January 1, 1995, is generally allowed to be used to comply with the RPS. For hydroelectric facilities, electricity from a facility that became operational before January 1, 1995 may be used to comply with the RPS only under specified conditions.

**Bill Summary:** Senate Bill 508 would have allowed electricity generated by a hydroelectric facility or other equipment that generates electricity through the use of hydroelectric energy to be used to comply with the RPS.

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### [Senate Concurrent Resolution 1](#)

**Effective Date:** Filed with Secretary of State

### **Closed-loop Pumped Storage Energy Projects**

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

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** According to the Federal Energy Regulatory Commission, pumped storage projects store energy and generate electricity by moving water between two reservoirs at different elevations. When the demand for electricity is low, excess electric generation capacity is used to pump water from the lower to the upper reservoir. Conversely, when the demand for electricity is high, water is released from the upper to the lower reservoir through a turbine to generate electricity. Closed-loop pumped storage projects are projects that are not continuously connected to naturally flowing water, whereas open-loop pumped storage projects refer to projects that are continuously connected to naturally flowing water. To date, the Commission has authorized a total of 24 pumped storage projects currently in operation, with a total installed capacity of over 16,500 megawatts.

**Bill Summary:** Senate Concurrent Resolution 1 supports the development and utilization of closed-loop pumped storage projects by Oregon utilities as a possible energy resource to meet future energy needs.

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### [House Bill 2242-A](#)

**Not Enacted**

### **Utility Affordability**

**Chief Sponsors:** Reps. Holvey, Helm

**Committees:** House Energy and Environment; Joint Ways and Means

**Background and Current Law:** The Oregon Public Utility Commission (PUC) regulates investor-owned utilities and is responsible for ensuring utility customers have access to safe, reliable, and high-quality utility services at just and reasonable rates. The scope and mandate of the PUC is determined by the legislature, which requires the PUC to balance the interests of customers and utility companies (ORS 756.040). Senate Bill 978 (2017) directed the PUC to use a public process to consider how its role as regulator might evolve and submit a report to the legislature. One key recommendation from the report was to authorize the PUC to improve equitable and affordable access to energy services by considering not only the broad interests of customers, but specific needs of low-income customers and environmental justice communities.

**Bill Summary:** House Bill 2242-A would have allowed the PUC to authorize classifications or schedules of rates or offer financial assistance to low-income residential customers or residential customers in environmental justice communities to address differential energy burdens or other factors that affect affordability. The bill would have established the Office of the Low-Income and Environmental Justice Advocate within the PUC and directed the PUC to hold a public process to identify equity strategies and report findings to the legislature.

**[House Bill 2322-A](#)****Not Enacted****Adoption of Energy Policies into Statewide Land Use Planning Goals****Chief Sponsors:** Reps. Marsh, Helm**Committees:** House Energy and Environment; Joint Ways and Means

**Background and Current Law:** With the passage of Senate Bill 100 (1973), the legislature established the Land Conservation and Development Commission (LCDC) and charged it with adopting state land use goals. The same measure established the Department of Land Conservation and Development (DLCD) and charged it with assisting LCDC and local governments in the implementation of those goals and with coordinating state agencies in land use matters. In addition, SB 100 directed local governments to adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and the needs and desires of the public. LCDC initially adopted 14 statewide land use planning goals in 1974 and added five additional goals over the next three years. Most of the goals are accompanied by “guidelines” that suggest how they should be applied, though these guidelines are not mandatory. Administrative rules have been adopted to help interpret and implement many of the statewide goals.

**Bill Summary:** House Bill 2322-A would have directed LCDC to update the scope, content, and name of Goal 13, the statewide land use planning goal related to energy conservation, and to consider changes to other related statewide land use planning goals by December 30, 2021. The measure would have specified key issues for LCDC to consider, would have established an advisory committee, would have required LCDC to report back to the legislature by December 31, 2020, and would have appropriated an unspecified amount to DLCD for the biennium beginning July 1, 2019.

### [House Bill 2329](#)

Effective Date: January 1, 2020

#### Renewable Energy Facility Siting

**Chief Sponsors:** Rep. Helm; Sen. Bentz

**Committees:** House Energy and Environment; Joint Ways and Means

**Background and Current Law:** Before a large energy facility is built in Oregon, the developer must apply for a site certificate from the Energy Facility Siting Council (EFSC). Among the types of energy facilities currently requiring a site certificate are solar photovoltaic power facilities on more than 100 acres of high-value farmland or arable lands, or 320 acres on any other land, and transmission lines over a certain voltage and length, or which cross multiple cities or counties. Other energy facilities, including smaller solar power facilities and certain transmission lines, are reviewed and sited by counties.

**Bill Summary:** House Bill 2329 modifies the definition of an energy facility subject to the EFSC site certificate requirements, exempting solar power facilities from requirements if they use: 1) 160 acres or less of high-value farmland; 2) less than 1,280 acres of arable lands; or 3) less than 1,920 acres of any other land. The measure allows the developer of a project not subject to EFSC approval to choose to obtain a site certificate through the EFSC. HB 2329 establishes criteria for siting certain renewable energy facilities outside the EFSC process, including habitat mitigation conditions and notification requirements.

**Oregon Laws 2019:** Chapter 650

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### [House Bill 2494](#)

Not Enacted

#### Public Purpose Charge

**Chief Sponsors:** Rep. Holvey

**Committee:** House Energy and Environment

**Background and Current Law:** Electricity bills in Oregon include a public purpose charge, which helps fund energy conservation, efficiency, and renewable projects in the state. Senate Bill 1149 (1999) directed Oregon's two largest utilities, Portland General Electric and Pacific Corp, to collect a public purpose charge from customers, equal to 3 percent of the total revenues from electricity services. The funds are allocated to conservation projects (56.7 percent), renewable resources (17.1 percent), weatherization for low-income homes (11.7 percent), schools (10.0 percent), and low-income housing (4.5 percent).

**Bill Summary:** House Bill 2494 would have extended the sunset on the public purpose charge by ten years, to 2036.

### [House Bill 2496](#)

**Effective Date: September 29, 2019**

## **Battery Storage as “Green Energy Technology”**

**Chief Sponsors:** Rep. Holvey

**Committees:** House Energy and Environment; Senate Business and General Government

**Background and Current Law:** State law requires all public building construction, reconstruction, or major renovation projects with costs exceeding 50 percent of the value of the building to expend at least 1.5 percent of the total contract price on green energy technology (GET), which is defined as a solar, geothermal, or woody biomass energy system used directly for space or water heating or to generate electricity, or a building design that uses solar energy passively to reduce energy use from other sources by at least 20 percent.

**Bill Summary:** House Bill 2496 modifies the requirement for green energy technology in public buildings by: 1) applying the requirement to projects with a total contract price of \$5 million or greater and clarifying the calculation of total contract price; 2) adding battery storage that is part of an on-site solar or geothermal energy system to the definition of green energy technology (GET); 3) lowering the threshold from 20 to 10 percent reduction of energy use for passive solar energy building designs to meet definition of GET; 4) allowing a contracting agency to satisfy GET requirements through energy efficient construction measures when analysis shows GET is inappropriate for a given project; and, 5) allowing a contracting agency to consolidate GET requirements from multiple projects into a single public building or off-site location.

**Oregon Laws 2019:** Chapter 160

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### [House Bill 2618](#)

**Effective Date: September 29, 2019**

## **Rebates for Solar Electric and Paired Solar and Storage Systems**

**Chief Sponsors:** Reps. Helm, DB Smith; Sens. Roblan, Prozanski

**Committees:** House Energy and Environment; Joint Ways and Means

**Background and Current Law:** Solar energy technologies generate electricity in all parts of Oregon. Solar photovoltaic (PV) systems, which make up the majority of new solar energy projects in Oregon, increased from about 1,000 in 2009 to more than 8,000 systems in 2013. Most residential and commercial systems installed in recent years have been developed and financed by third-party companies, meaning that solar users pay none of the upfront costs, but pay a lease fee or ongoing charge. A combination of federal, state, and utility incentives has helped to accelerate demand for solar energy projects in Oregon, including Oregon’s residential energy tax credit (RETC), which sunset on December 31, 2017. During the final year of that program, the Oregon Department of Energy (ODOE) processed RETC applications for approximately 2,800 residential solar projects.

**Bill Summary:** House Bill 2618 establishes a program to provide rebates through contractors for the purchase, construction, or installation of residential and commercial solar electric systems and paired solar and energy storage systems, to be administered by ODOE. The Act directs ODOE to prioritize rebates that benefit low- and moderate-income residential customers and nonresidential customers that are low-income service providers. House Bill 2618 establishes the Rooftop Solar Incentive Fund and authorizes donations, appropriations, and funds from any public or private source to be deposited into the Fund. House Bill 5050 (2019) appropriates \$2 million into the Fund for the biennium, beginning July 1, 2019.

**Oregon Laws 2019:** Chapter 655

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### [House Bill 2855](#)

**Not Enacted**

#### **Public Utility Commission**

**At the request of:** Northwest and Intermountain Power Producers Coalition, Renewable Energy Coalition, Community Renewable Energy Association

**Committee:** House Energy and Environment

**Background and Current Law:** The Oregon Public Utility Commission (PUC) regulates investor-owned utilities and is responsible for ensuring utility customers have access to safe, reliable, and high-quality utility services at just and reasonable rates. The scope and mandate of the PUC is determined by the legislature, which requires the PUC to balance the interests of customers and utility companies (ORS 756.040). Senate Bill 978 (2017) directed the PUC to use a public process to consider how their role as regulator might evolve, given changes in the energy industry and in energy policy. During the public process, stakeholders suggested changing the PUC's focus to include: 1) reducing greenhouse gases and other efforts to address climate change, and 2) considering ways to improve equitable and affordable access to energy services.

**Bill Summary:** House Bill 2855 would have directed the PUC to broaden its focus to include policies that promote social equity; environmental justice; the enhancement of the environment; reductions in greenhouse gas emissions; customer choice; diverse ownership of power generation; and the fulfillment of Oregon's energy, climate, and economic goals. The Act would have charged the PUC with stimulating and promoting competition in the energy sector and related industries and would have encouraged the PUC to foster broad participation in energy regulation processes.

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### [House Bill 2857](#)

**Not Enacted**

#### **Small-Scale Renewable Energy**

**At the request of:** Renewable Energy Coalition, Community Renewable Energy Association, and Northwest and Intermountain Power Producers Coalition

**Committees:** House Energy and Environment

**Background and Current Law:** In 2007, the legislature passed Oregon's Renewable Portfolio Standard (RPS), which requires 50 percent of the electricity used in the state to come from renewable resources by 2040, with intermediate goals required periodically. The same measure established the goal that by 2025, at least eight percent of Oregon's retail electrical load would come from small-scale renewable energy projects. To achieve this goal, current rules aggregate the electrical capacity of all large utility companies and require eight percent of the aggregated electricity sales to come from small-scale renewable sources or biomass with thermal energy as a secondary source. Renewable energy sources for RPS compliance include wind energy; solar photovoltaic and solar thermal energy; wave, tidal, and ocean thermal energy; geothermal energy; and biomass and biomass by-products. Up to 40 average megawatts (MW) of electricity generated by certified low impact hydroelectric facilities per year may be used to comply with Oregon's RPS.

**Bill Summary:** House Bill 2857 would have modified requirements that by the year 2025, eight percent of electricity sold in Oregon by large electric companies must be composed of electricity generated by small-scale renewable energy facilities with a generating capacity of 20 MW or less that are not owned by an electric company or facilities that are not owned by an electric company that generate electricity using biomass and that generate thermal energy.

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### [House Bill 3062-A](#)

**Not Enacted**

#### **Extends Sunset for Biodiesel Exemption from Use Fuel Tax**

**Chief Sponsors:** Reps. Wilde, Holvey

**Committees:** House Energy and Environment; House Revenue, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Transportation (ODOT) employs fuel taxes along with other funds from state, federal, county, and city sources, to preserve, improve, and operate Oregon's road system. The current rate for use fuel tax is 34 cents per gallon of fuel and is scheduled to increase incrementally to 40 cents by 2024. House Bill 2435 A (2013) exempted diesel fuel blended with a minimum of 20 percent biodiesel derived from used cooking oil and used in a motor vehicle with a gross weight of 26,000 pounds or less from the use fuel tax for the years 2014-2019.

**Bill Summary:** House Bill 3062-A would have extended the sunset from January 1, 2020 to January 1, 2021 on the exemption from use fuel tax for diesel fuel blended with a minimum of 20 percent biodiesel derived from used cooking oil, used in motor vehicles with a gross vehicle weight rating of 26,000 pounds or less.

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### [House Bill 3065](#)

**Effective Date: January 1, 2020**

#### **Carrier of Last Resort Obligations**

**Chief Sponsors:** Reps. Marsh, Reschke

**Committees:** House Energy and Environment; Senate Business and General Government

**Background and Current Law:** The carrier of last resort obligation is the requirement for local exchange telecommunications service providers certified by the Public Utility Commission (PUC) to provide adequate and nondiscriminatory services to customers within allocated territories. The Oregon Universal Service Fund, through a surcharge on all retail telecommunication sales, supports local telephone companies that provide basic telephone service in rural communities.

**Bill Summary:** House Bill 3065 requires the PUC to conduct a public investigation to determine whether industry trends, technologies, and policy drivers in the telecommunications sector warrant changes to Oregon's carrier of last resort requirement and incentives. The PUC must report its findings and any recommendations for legislation to the Legislative Assembly by September 15, 2020.

**Oregon Laws 2019:** Chapter 143



### [House Bill 3094-A](#)

**Not Enacted**

#### **Home Weatherization, Retrofit, and Affordability Program**

**Chief Sponsors:** Rep. Marsh

**Committees:** House Human Services and Housing; House Energy and Environment; Joint Ways and Means

**Background and Current Law:** Weatherization assistance refers to a suite of services performed to keep homes warmer in the winter and cooler in the summer, to improve energy efficiency, reduce energy use, and lower energy costs for households. Weatherization assistance typically involves an energy audit, which includes home inspection and identification of improvements that would reduce energy use and increase the health and safety of residents. Examples of weatherization improvements include ceiling, wall, and floor insulation; fixing air leaks around baseboards or windows; furnace repair and replacement; and heating duct improvements.

**Bill Summary:** House Bill 3094-A would have established the Home Weatherization, Retrofit, and Affordability Program (Home WRAP) within the Oregon Housing and Community Services Department (OHCS). Home WRAP would have offered incentives to construction contractors undertaking energy improvement projects to reduce the cost of such projects for property owners. To be eligible, a property would have been required to be: an owner-occupied residence with a household income of up to 150 percent of state median household income; an affordable housing development; or a property owned by a charitable nonprofit. The measure would have provided guidance for contractors to claim incentives and would have authorized OHCS to adopt rules and take actions necessary to administer the program.

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### [House Bill 3141-A](#)

**Not Enacted**

#### **Electric Vehicle Charging Infrastructure and State Agency Fleets**

**Chief Sponsors:** Reps. Wilde, Power

**Committees:** House Energy and Environment; Joint Ways and Means

**Background and Current Law:** The first electric vehicle (EV) in the U.S. was introduced in 1890 by a chemist in Des Moines, Iowa. Over time, policies such as the Electric Hybrid Vehicle Research Development and Demonstration Act of 1976, the 1990 Clean Air Act Amendment, and the 1992 Energy Policy Act have contributed to the emergence of the EV as an alternative to gasoline powered vehicles. Many cities and states currently offer incentives and rebates to help encourage the adoption of EVs. Oregon's Clean Vehicle Rebate Program offers a rebate of up to \$2,500 to residents who are leasing or purchasing new EVs, and there is a federal tax credit for the purchase of new EVs that is being phased out. Additionally, California's Innovative Clean Transit measure aims to transition transit fleets to zero-emission technologies to work toward a reduction in greenhouse gas emissions.

**Bill Summary:** House Bill 3141-A would have required a modification in the state building code to incorporate EV charging infrastructure, would have required the Oregon Department of Administrative Services (DAS) to adopt EV fleet requirements and would have directed DAS to study the costs and feasibility of implementing the California Innovative Clean Transit measure in Oregon.



### [House Bill 3157](#)

**Not Enacted**

#### **Alternative Energy Collection for Low-Rise Residential Dwellings**

**Chief Sponsors:** Rep. Evans

**Committees:** House Energy and Environment

**Background and Current Law:** Oregon's Department of Consumer and Business Services (DCBS), Building Codes Division administers the state's Low-Rise Residential Dwelling Code. The code contains all the requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. Additionally, Oregon has energy codes for buildings that set a minimum standard of energy efficiency. These codes cover insulation, equipment, windows, lighting, and other elements of construction. The Oregon Department of Energy acts as a consultant to the Building Codes Division to evaluate and adopt energy codes and amendments, and the Building Codes Division administers residential energy code provisions through the Oregon Residential Specialty Code.

**Bill Summary:** House Bill 3157 would have directed DCBS to include a requirement that low-rise dwellings constructed under the code must include one or more appropriate methods of alternative energy collection or generation.

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### [House Bill 3274-A](#)

**Not Enacted**

#### **Small-scale Renewable Energy**

**Chief Sponsors:** Reps. Bonham, Helm, Helt; Sens. Bentz, Roblan

**At the request of:** Oregon Water Resources Congress

**Committees:** House Energy and Environment; House Rules

**Background and Current Law:** The Public Utility Regulatory Policies Act of 1978 (PURPA) requires electric utilities to offer to purchase power from, and interconnect with, qualifying energy generation projects including small-scale renewable energy and facilities that generate both electricity and another form of useful thermal energy. In addition, the Oregon Renewable Portfolio Standard (RPS) requires 50 percent of the electricity used in the state to come from renewable resources by 2040, with benchmarks required as time progresses. Large utilities, those that serve three percent or more of Oregon's population, are required to adhere to RPS targets and report annual progress to the Oregon Department of Energy.

**Bill Summary:** House Bill 3274-A would have required that by the year 2025, electric companies that sell to 25,000 or more retail customers get eight percent of the electricity they sell from small-scale renewable energy facilities or facilities that generate electricity using biomass and thermal energy for a secondary purpose. The measure would have authorized renewable energy certificates for electricity generated from a certified low-impact hydroelectric facility to qualify for RPS targets.

### [House Bill 3325](#)

**Not Enacted**

#### **Non-residential Net Metering**

**At the request of:** RS Energy, LLC

**Committees:** House Energy and Environment

**Background and Current Law:** Oregon's net metering law allows all utility customers to generate their own electricity to reduce their electricity bills. Upon installation of a solar electric system, the utility will switch out the customer's existing utility meter for a bidirectional "net" meter. The new meter keeps track of the power the customer buys from the utility, and the power the customer supplies to the grid. Each month, the power from the utility is offset by the power the customer produces, and the customer is only charged for the difference, or the "net." Surplus energy generates kilowatt hour credits that are applied to the customer's future electric bills.

**Bill Summary:** House Bill 3325 would have modified the rules for a nonresidential customer-generator to interconnect to an electric distribution system for a net metering facility with a generating capacity of more than 25 kilowatts but less than two megawatts. The measure would have specified application processes, would have required the applicant to pay for the actual installed costs of the necessary interconnection facilities, and would have established a schedule for payment of those costs.

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### [House Concurrent Resolution 9](#)

**Not Enacted**

[\(see Senate Concurrent Resolution 1\)](#)

#### **Closed-loop Pumped Storage Projects**

**Chief Sponsors:** Reps. Helm, Reschke, G Smith; Sens. Roblan, Dembrow

**Committees:** House Energy and Environment

**Background and Current Law:** According to the Federal Energy Regulatory Commission (FERC), pumped storage projects move water between two reservoirs located at different elevations to store energy and generate electricity. When electricity demand is low, excess electric generation capacity is used to pump water from the lower reservoir to the upper reservoir. When electricity demand is high, the stored water is released from the upper reservoir to the lower reservoir through a turbine to generate electricity. FERC identifies two classifications of pumped storage projects: closed-loop and open-loop. Closed-loop pumped storage projects are not continuously connected to a naturally flowing water feature, whereas open-loop pumped storage projects are continuously connected to a naturally flowing water feature.

**Bill Summary:** House Concurrent Resolution 9 would have declared the legislature's support for the development of environmentally appropriate closed-loop pumped storage projects and encouraged utilities to use this tool as one way to meet future energy needs.

## 2019 SUMMARY OF LEGISLATION

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# ENVIRONMENT

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# ENVIRONMENT

## MEASURES

<b>Air Quality</b>	Enacted	HB 2007
	Not Enacted	SB 928, SB 1031, HB 2020, HB 2271, HB 3408, HB 3433
<b>General Environmental Policy</b>	Enacted	HB 2250, HB 2623
	Not Enacted	SB 792
<b>Materials Management</b>	Enacted	SB 90, SB 93, SB 247, SB 522, SB 590, SB 892, SB 914, HB 2509, HB 3114
	Not Enacted	SB 276, HB 2272, HB 2883
<b>Oceans</b>	Enacted	SB 256
	Not Enacted	SB 260
<b>Toxics</b>	Enacted	SB 40, SB 41
	Not Enacted	SB 281, SB 853, HB 2619, HB 3055
<b>Water Quality</b>	Enacted	SB 884
	Not Enacted	HB 2860, HB 2944, HB 3182, HB 3326, HB 3340

Picture: Haystack Rock, Clatsop County: [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2007	Establishes the Supporting Businesses in Reducing Diesel Emissions Task Force and requires Task Force to submit a report to the interim legislative committees on natural resources and environment that may include recommendations for legislation.	September 15, 2020
	Requires Oregon Department of Transportation to provide the legislature with an annual report on registration of medium- and heavy-duty diesel trucks.	Annually, beginning September 15, 2020
HB 2509	Directs Oregon Department of Environmental Quality to report to the legislature on the impacts of the provisions of the Act on retail establishments that primarily sell groceries.	September 15, 2025

### [Senate Bill 40](#)

**Effective Date:** January 1, 2020

#### **Heating Oil Tank License Fees**

**At the request of:** Governor Kate Brown for Department of Environmental Quality

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

**Background and Current Law:** Leaking underground storage tanks can pose both environmental and health hazards. In 1999, the Legislative Assembly enacted House Bill 3107, directing the Environmental Quality Commission to adopt a heating oil tank regulatory program to monitor the decommissioning of, and corrective action taken on, heating oil tanks. The Department of Environmental Quality administers Oregon's Underground Storage Tank (UST) Program. The UST Program handles issues related to tank registration and operating certificates; installation, operation and removal of USTs; cleanup of soil and groundwater contamination from petroleum leaks; training of system operators; financial liability protection for future leaks; licensing of contractors working on USTs; and enforcement of state UST rules.

**Bill Summary:** Senate Bill 40 modifies heating oil tank program fees.

**Oregon Laws 2019:** Chapter 457

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### [Senate Bill 41](#)

**Effective Date:** September 29, 2019

#### **Oil Spill Prevention Fees**

**At the request of:** Governor Kate Brown for Department of Environmental Quality

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

**Background and Current Law:** The Legislative Assembly enacted the Oil Spill Prevention Act in 1991, which directed the Department of Environmental Quality (DEQ) to develop guidelines to provide for prevention, preparedness, and response to oil spills from large facilities, vessels, and petroleum transportation industries. ORS 468B.405 establishes fees to be submitted to DEQ for covered vessels and facilities located offshore and onshore for oil spill contingency planning and response preparedness.

**Bill Summary:** Senate Bill 41 modifies oil spill prevention fees.

**Oregon Laws 2019:** Chapter 540

### [Senate Bill 90](#)

**Effective Date: June 13, 2019**

#### **Plastic Straws**

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

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** Several cities have instituted bans on providing plastic straws to consumers, including Seattle, San Diego, Miami, and New York City. The City of Portland restricts certain establishments from providing single-use plastic serviceware, including plastic straws, unless requested by a customer. Some companies are also working to phase out the use of plastic straws in their business practices, including Starbucks, American Airlines, and Hyatt. In 2018, California became the first state to enact legislation which prohibits full-service restaurants from providing single-use plastic straws to consumers unless requested by the consumer.

**Bill Summary:** Senate Bill 90 prohibits a food and beverage provider or a convenience store from providing single-use plastic straws unless specifically requested by a consumer. The measure authorizes some exceptions to the prohibition, including allowing a drive-through consumer to be offered a straw and convenience stores without adequate room behind a counter to store straws to leave straws for consumers in an unattended location in the store. Health and residential care facilities are not subject to the prohibition. The measure authorizes an enforcement officer to impose a fine of up to \$25 per day after a second violation, up to \$300 in a calendar year, for each food and beverage provider or convenience store.

**Oregon Laws 2019:** Chapter 362

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### [Senate Bill 93](#)

**Effective Date: January 1, 2020**

#### **Oregon Bottle Bill – Dealer Redemption Centers**

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

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** Enacted in 1971, the Oregon Bottle Bill is the nation's longest-standing beverage container deposit law. Consumers pay a deposit on the purchase of each beverage container covered by the Bottle Bill, which is returned when the beverage container is brought to a redemption center or retailer to be recycled. Since enactment, the Legislative Assembly has expanded coverage of the law to include additional containers and, in 2017, increased the deposit from five to 10 cents. Legislation enacted in 2013 authorized a redemption center program to improve customer convenience and reduce the burden on retailers to accept and process empty containers. These redemption centers are known as "BottleDrops."

**Bill Summary:** Senate Bill 93 allows the development of dealer redemption centers in areas not served by a full-service redemption center to provide secure beverage container drop off service in a bag or other bulk return container. The measure also specifies that a full-service redemption center is not a recycling depot to clarify siting of such centers.

**Oregon Laws 2019:** Chapter 279

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### [Senate Bill 247](#)

**Effective Date: September 29, 2019**

#### **Oregon Bottle Bill - Redemption Center Registration; Hard Kombucha and Seltzer**

**At the request of:** Governor Kate Brown for Oregon Liquor Control Commission

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** In 1971, Oregon enacted the "Bottle Bill," which is the nation's longest-standing beverage container deposit law. In 2007, the Legislative Assembly expanded coverage of the five-cent beverage container deposit to include water and flavored water. In 2011, the law was expanded to cover juices, teas, and other beverages, and to set up a redemption center pilot project, which was approved as a continuing program in 2017. In 2018, the Legislative Assembly further expanded the program to include a variety of other products such as energy drinks, coffee and tea drinks, and regular kombucha.

**Bill Summary:** Senate Bill 247 requires redemption center operators to submit an annual registration form and fee to the Oregon Liquor Control Commission and adds alcoholic kombucha and alcoholic seltzer to the list of beverages covered by the Bottle Bill.

**Oregon Laws 2019:** Chapter 366

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### [Senate Bill 256](#)

**Effective Date: January 1, 2020**

#### **Moratorium on Oil, Gas, Sulfur Leasing in Territorial Sea**

**Chief Sponsors:** Sen. Roblan; Reps. Gomberg, DB Smith

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** The "territorial sea" is defined in ORS 196.405 as the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law. In 2007, the Legislative Assembly enacted Senate Bill 790, imposing a prohibition on leasing in the territorial sea for purposes of exploration, development, or production of oil, gas, or sulfur that sunset on January 2, 2010. House Bill 3613 (2010) extended this prohibition until January 2, 2020.

**Bill Summary:** Senate Bill 256 prohibits the Department of State Lands from leasing any submerged or submersible lands in the Oregon territorial sea for exploration; development; production of oil, gas, or sulfur; or activities in furtherance thereof within federal waters adjacent to the territorial sea.

**Oregon Laws 2019:** Chapter 14



### Senate Bill 260-A

**Not Enacted**

#### **Ocean Acidification and Hypoxia Funding**

**Chief Sponsors:** Sen. Roblan; Reps. Gomberg, DB Smith

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

**Background and Current Law:** Oceans absorb a portion of the carbon dioxide (CO<sub>2</sub>) released into the atmosphere each year. Ocean acidification is the term given to the chemical changes in the ocean that result from CO<sub>2</sub> absorption. "Hypoxia" refers to a condition of oxygen-deficient waters. In 2017, the Legislative Assembly established the Oregon Coordinating Council on Ocean Acidification and Hypoxia (Senate Bill 1039). The Council reviews and utilizes relevant, scientifically supported information to identify research activities, strategies, and initiatives to address Oregon's vulnerabilities to ocean acidification and hypoxia while increasing public awareness of the science and impacts of ocean acidification and hypoxia.

**Bill Summary:** Senate Bill 260-A would have appropriated \$1.06 million from the General Fund to the Oregon Ocean Science Trust for grants and other purposes related to ocean acidification and hypoxia.

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### Senate Bill 276-A

**Not Enacted**

#### **Mattress Product Stewardship Program**

**Chief Sponsors:** Sens. Manning Jr., Prozanski; Rep. Fahey

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

**Background and Current Law:** The Department of Environmental Quality (DEQ) describes product stewardship as "an environmental management strategy in which all parties involved in the design, production, sale and use of a product take responsibility for minimizing the product's environmental impact throughout all stages of the product's life." DEQ currently administers two programs that involve product stewardship organizations: the Oregon E-Cycles program for televisions, monitors, and computers; and Oregon PaintCare for unwanted leftover paint.

**Bill Summary:** Senate Bill 276-A would have established a product stewardship program for mattresses.

### [Senate Bill 281](#)

**Not Enacted**

#### **Radiation-emitting Wireless Digital Products**

**Chief Sponsors:** Sen. Monnes Anderson; Reps. Keny-Guyer, Piluso

**Committee:** Senate Environment and Natural Resources

**Background and Current Law:** The Federal Food, Drug, and Cosmetic Act defines “electronic product radiation” and requires certain manufacturers to report to the Federal Food and Drug Administration prior to introducing a product that emits this radiation into commerce.

**Bill Summary:** Senate Bill 281 would have required manufacturers of digital products that emit radiation to take specific steps, including labelling products with recommendations regarding user age and warning of possible health risks to a user, and including a consumer use manual in the product packaging.

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### [Senate Bill 522](#)

**Effective Date: January 1, 2020**

#### **Oregon Bottle Bill – Prohibiting Fraud**

**Chief Sponsors:** Sen. Johnson; Rep. Reschke

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** The Oregon Bottle Bill establishes a refund for beverage containers purchased in Oregon with a deposit; however, the return for a refund of beverage containers purchased out-of-state is not explicitly prohibited in statute.

**Bill Summary:** Senate Bill 522 prohibits a person from returning, with the intent to defraud, 50 or more beverage containers in a single day for their refund value, if the person knows the beverages were not sold in Oregon. The Act establishes that a violation constitutes a Class D violation, and that each day a violation occurs is a separate offense.

**Oregon Laws 2019:** Chapter 297

### [Senate Bill 590](#)

**Effective Date: June 13, 2019**

## **Oregon Bottle Bill – Beverage Redemption and Regulation**

**Chief Sponsors:** Sen. Prozanski; Rep. Holvey

**Committees:** Senate Environment and Natural Resources, House Economic Development

**Background and Current Law:** Under the Oregon Bottle Bill, a dealer (person who engages in the sale of beverages in beverage containers to a consumer) occupying a space of less than 5,000 square feet in a single area may refuse to accept, for bottle deposit redemption, any containers of a kind, size, or brand that the dealer does not sell. Current law does not differentiate types of space for purposes of this calculation. The Oregon Liquor Control Commission (OLCC) oversees the sale of alcoholic beverages. The OLCC manages and distributes distilled spirits and licenses, regulates businesses that sell and serve alcohol, and trains and issues permits to alcohol servers. Under an OLCC license, a brewery and brewery-public house may produce malt beverages at one location and sell malt beverages, wine, and cider to individuals at up to three locations in Oregon. The OLCC may grant an airline a full or limited on-premises sales license, which allows them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Under current law, the OLCC does not have the authority to approve the delivery to and storage of alcoholic beverages at other than the licensed premises.

**Bill Summary:** Senate Bill 590 identifies when the space occupied by a dealer equals the retail space for purposes of bottle bill deposit redemption requirements. The measure also allows the OLCC to issue more than one brewery-public house license at a single premises address under certain conditions and allows brewery and brewery-public house licensees to produce malt beverages for a brewery-public house licensee under a custom order agreement, as defined by OLCC rules. Finally, Senate Bill 590 allows an airline to have designated storage facilities other than the licensed premises with written OLCC approval.

**Oregon Laws 2019:** Chapter 373

### [Senate Bill 792](#)

**Effective Date:** January 1, 2020

#### **Auto Dismantler Certificates**

**Chief Sponsors:** Sen. Frederick; Rep. Kotek

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

**Background and Current Law:** The Oregon Department of Transportation (ODOT) licenses and regulates auto dismantler businesses under ORS Chapter 822. The mishandling of vehicle fluids at these businesses, including gasoline, diesel, oil, power steering and brake fluids, may contaminate ground and surface water. A scrap tire fire at an auto dismantling business in Northeast Portland in 2018 led to the evacuation of the nearby neighborhood due to smoke and unhealthy air quality. According to the Department of Environmental Quality (DEQ), black smoke from burning tires can include toxic chemicals of synthetic rubber compounds.

**Bill Summary:** Senate Bill 792 changes the time period of an auto dismantler certificate from three years to one year, requires annual dismantler business inspections, and removes the exemption from the requirement to obtain a waste tire permit for dismantlers storing more than 100 waste tires. The measure requires a certificate or renewal application to include a fire response plan approved by ODOT as well as proof of any applicable permits required by DEQ. ODOT may impose sanctions on a certificate holder for conviction of an offense under certain environmental crime statutes.

**Oregon Laws 2019:** Chapter 630

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### [Senate Bill 853](#)

**Not Enacted**

#### **Chlorpyrifos Ban**

**Chief Sponsors:** Sens. Dembrow, Manning Jr., Fagan, Golden, Prozanski; Reps. Hernandez, Keny-Guyer, Neron

**Committee:** Senate Environment and Natural Resources

**Background and Current Law:** According to the U.S. Environmental Protection Agency, chlorpyrifos is used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used in the U.S. since 1965 in both agricultural and non-agricultural settings, including on corn, soybeans, fruit and nut trees, golf courses, and nonstructural wood treatments such as utility poles and fence posts. Neonicotinoids are a type of insecticide that can be applied to either a plant or soil. The Oregon Department of Agriculture (ODA) is authorized to establish, maintain, and amend lists of restricted-use pesticides and can restrict their application and use by rule.

**Bill Summary:** Senate Bill 853 would have prohibited the sale, purchase, or use of any pesticide containing chlorpyrifos and would have required the ODA to list pesticide products containing a neonicotinoid as a restricted-use pesticide. The measure would also have changed or reduced certain fees related to pesticides.

### [Senate Bill 884](#)

**Effective Date:** July 15, 2019

## **Financing of Septic System Repair or Replacement**

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

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

**Background and Current Law:** A septic system is the most common method of sewage treatment for homes and businesses that are not connected to an area-wide sewage treatment system. Over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. Septic systems that fail or malfunction can pollute Oregon's land and waterways with raw sewage and create public health hazards. The Oregon Water Pollution Control Revolving Fund, also known as the Clean Water State Revolving Fund, provides low-interest loans to local governments for the planning, design, and construction of wastewater treatment facilities; the implementation of nonpoint source pollution management plans; and the design and implementation of estuary management plans. Since the program began in 1988, nearly 400 communities have benefited from more than a billion dollars of infrastructure investments. Public agencies are currently authorized to receive these funds.

**Bill Summary:** Senate Bill 884 authorizes qualified institutions to apply for a loan from the Water Pollution Control Revolving Fund to finance projects to repair or replace failing on-site septic systems or to replace failing on-site septic systems with connections to an available sewer. The measure defines "qualified institution" to mean a nonprofit organization registered to operate in Oregon that is certified as a community development financial institution by the U.S. Department of Treasury.

**Oregon Laws 2019:** Chapter 558

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### [Senate Bill 892](#)

**Not Enacted**

## **Oregon Bottle Bill – Oral Rehydration Products**

**Chief Sponsors:** Sen. Burdick

**Committees:** Senate Environment and Natural Resources, Senate Rules

**Background and Current Law:** In 1971, Oregon enacted the "Bottle Bill," which is the nation's longest-standing beverage container deposit law. The Legislative Assembly expanded coverage of the beverage container deposit in 2007 to include water and flavored water; expanded the law in 2011 to cover juices, teas, and more; and, in 2018, added a variety of other products such as energy drinks, coffee and tea drinks, and regular kombucha. The following beverages are not subject to the deposit law: distilled liquor, wine, dairy or plant-based milks, infant formula, and any other products identified in a rule of the Oregon Liquor Control Commission. The Federal Food, Drug and Cosmetic Act defines "medical food" as "a food which is formulated to be consumed or administered enterally under the supervision of a physician and which is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation" (21 U.S.C. 360ee(b)(3)).

**Bill Summary:** Senate Bill 892 would have added oral rehydration products that are medical food as defined in the Federal Food, Drug and Cosmetic Act to the list of beverage containers excluded from the Bottle Bill.

### [Senate Bill 914](#)

**Effective Date:** January 1, 2020

#### **Oregon Bottle Bill - Beverage Container Registry**

**Chief Sponsors:** Sen. Prozanski

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** The Oregon Bottle Bill, enacted in 1971, is the nation's longest-standing beverage container deposit law. Consumers pay a deposit on the purchase of each beverage container covered by the Bottle Bill, which is returned when the beverage container is brought to a redemption center or retailer to be recycled. Since enactment, the Legislative Assembly has expanded coverage of the law to include additional containers and, in 2017, increased the deposit from five to 10 cents. Legislation enacted in 2013 authorized a redemption center program to improve customer convenience and reduce the burden on retailers to accept and process empty containers. These centers are known as "BottleDrops" and are run by the Oregon Beverage Recycling Cooperative.

**Bill Summary:** Senate Bill 914 requires a beverage distributor or importer that does not participate in a beverage container distributor cooperative to register with and provide information to the cooperative. The measure also requires the cooperative to maintain and submit to the Oregon Liquor Control Commission a beverage container registry, which contains information about beverage containers sold and redeemed during the previous year.

**Oregon Laws 2019:** Chapter 183

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### [Senate Bill 928-A](#)

**Not Enacted**

#### **Oregon Climate Authority**

**At the request of:** Senate Environment and Natural Resources

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

**Background and Current Law:** The Oregon Department of Energy (ODOE) was first 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. In the years since its creation, ODOE has been assigned a variety of energy-related responsibilities, including some regulatory functions. The Oregon Department of Environmental Quality's (DEQ) mission is to be a leader in restoring, maintaining, and enhancing the quality of Oregon's air, land, and water; DEQ administers the state's greenhouse gas reporting program as part of its air quality programs.

**Bill Summary:** Senate Bill 928-A would have abolished ODOE and established the Oregon Climate Authority (OCA). The measure would also have transferred the greenhouse gas reporting program from DEQ to OCA.

### [Senate Bill 1031](#)

**Not Enacted**

#### **Funding to Reduce Woodstove Smoke**

**Chief Sponsors:** Sen. Prozanski

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

**Background and Current Law:** Smoke created from wood combustion can be a significant source of air pollution and can have health consequences for those with asthma, respiratory or heart conditions, and other illnesses. Under current law, individuals buying or selling a home with a wood stove or fireplace insert in Oregon must ensure it was certified to meet emissions performance standards at the time of manufacture. If it was not certified, state law requires it to be removed, destroyed, and disposed of when a home is sold. In 2009, the Legislative Assembly established the Residential Solid Fuel Heating Air Quality Improvement Fund to reduce the emission of air contaminants by providing grants, loans, or other subsidies for the replacement or removal of noncertified solid fuel burning devices.

**Bill Summary:** Senate Bill 1031 would have appropriated \$2 million for grants to support community efforts to improve economic development and public health by reducing emissions from wood stoves.

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### [House Bill 2007](#)

**Effective Date: August 9, 2019**

#### **Diesel Emissions**

**Chief Sponsors:** Reps. Kotek, Power, Nosse; Sens. Dembrow, Frederick, Taylor

**Committees:** House Energy and Environment, House Rules, Joint Ways and Means

**Background and Current Law:** Diesel is the fuel most frequently used in commercial transportation; approximately 80 percent of all freight in the U.S. is moved by diesel engines. Diesel engines also power most nonroad equipment, including equipment used in construction, agriculture, shipping, and railroads. Diesel engines are used extensively because of their reliability, durability, power, and fuel efficiency. However, they also emit nitrogen oxides, particulate matter, and toxic air pollutants. Diesel engines have produced fewer emissions since the late 1980s, and federal emissions standards that went into effect for model year 2007 have resulted in further emissions reductions. Because of their durability, many pre-2007 diesel engines may continue to be in service for some years to come. Retrofits of older diesel engines, including the installation of pollution control equipment for both highway and nonroad vehicles, can improve emissions performance.

**Bill Summary:** House Bill 2007 directs the Department of Environmental Quality to award grants to reduce emissions from diesel engines. The measure phases in a prohibition on titling, registering, or renewing the registration of specified diesel vehicles. The measure requires the Environmental Quality Commission to adopt rules governing the certification of retrofit technologies applicable to diesel engines and imposes diesel engine-related requirements applicable to public improvement contracts. The measure creates the Supporting Businesses in Reducing Diesel Emissions Task Force, requires the Oregon Department of Transportation to provide the legislature with an annual report related to registration of medium- and heavy-duty trucks, and creates a voluntary emission control program applicable to construction equipment.

**Oregon Laws 2019:** Chapter 645

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**House Bill 2020-B****Not Enacted****Oregon Climate Action Program****Chief Sponsors:** Joint Committee on Carbon Reduction**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** A cap-and-trade program is a market-based system designed to reduce greenhouse gas (GHG) 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. Allowances are purchased at auctions held either by the government or a contracted third party. Allowances may also be distributed for free, often to emissions-intensive, trade-exposed industries to reduce the likelihood of relocation of those businesses to a jurisdiction without a cap-and-trade program. Covered entities may also purchase offset credits to meet their compliance obligations. An offset is a verified emission reduction of one ton of carbon dioxide equivalent from an uncapped sector. At the end of each compliance period, polluters must remit a number of allowances equal to their emissions or face a penalty. Companies may sell surplus allowances to other companies. A cap-and-trade program uses the proceeds generated from the auction of allowances for designated purposes. 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 provinces of Quebec and Nova Scotia through the Western Climate Initiative. These programs include emissions from transportation fuels, natural gas, industrial processes, and electricity generation including emissions associated with imported electricity. The linked jurisdictions participate in joint auctions of allowances, and allowances issued by one jurisdiction can be used by any compliance entity within the linked programs. During the 2017 session, the Senate and House environment committees held a series of joint meetings focused on state and regional cap-and-invest policies and programs, leading to the introduction of Senate Bill 1070 at the end of the 2017 session. During the interim that followed, the chairs of the Senate and House environment committees convened four work groups which resulted in the introduction of two similar, but not identical, measures in 2018: House Bill 4001 and Senate Bill 1507. These bills received hearings during the 2018 session but were not enacted. House Bill 5201 was enacted by the 2018 Legislative Assembly which included a one-time appropriation of \$1,435,000 to establish the Carbon Policy Office. The funding included \$650,000 for studies to examine the following areas: an economic impact analysis of a cap and trade program on Oregon's jobs and economy, leakage risk of emission intensive, trade exposed industries (EITEs); and carbon sequestration. In March 2018, President Courtney and Speaker Kotek established the Joint Committee on Carbon Reduction.

**Bill Summary:** House Bill 2020-B would have modified the state's anthropogenic greenhouse gas (GHG) emissions reduction level goals to: at least 45 percent below 1990 emission levels by 2035; and at least 80 percent below 1990 emission levels by 2050. The measure also would have established the Climate Policy Office (CPO) in the Department of Administrative Services and required the CPO to adopt the Oregon Climate Action Program (OCAP) by rule. The Act declared that the purpose of OCAP would be to: a) achieve emission level reductions; b) promote GHG emissions sequestration and mitigation; c) promote adaptation and resilience by natural and working lands, fish and wildlife resources, communities and the economy, the state's infrastructure in the face of climate change and ocean acidification; and d) to provide assistance to households, businesses, and workers impacted by climate change or climate change policies that allow the state to achieve GHG goals. House Bill 2020-B would have required OCAP to place a cap on the total regulated anthropogenic GHG emissions through setting allowance budgets starting in 2021 through 2050 and establish a market-based mechanism for covered entities to demonstrate compliance. The allowances available each year would have declined by constant amount as necessary during 2022 through 2035 and



## ENVIRONMENT

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2036 through 2050 to accomplish reduction levels. The CPO would have designated covered entities and provided for the annual allocation of allowances for direct distribution at no cost to certain entities specified in the Act; the Act also would have provided for the consignment of some allowances. House Bill 2020-B would have established conditions for offset projects and restricted the amount of offset credits an entity could use to meet their compliance obligation. House Bill 2020-B would have required the CPO to hold an allowance auction, at least once annually, and established a process and requirements for such auctions. The Act would have established specific accounts and outlined the process for allowance revenues to be deposited in certain funds and the purposes or priorities for the appropriation of such funds. House Bill 2020-B also would have established a process for linking with other jurisdictions that included a requirement that the Governor make certain findings and submit a report to the Joint Legislative Committee on Climate Action. The Act established various reporting requirements and advisory groups and appropriated funds to certain agencies who would have been tasked with carrying out provisions of the measure.

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### [House Bill 2250](#)

**Effective Date:** January 1, 2020

## **Oregon Environmental Protection Act**

**At the request of:** Governor Kate Brown

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** The Environmental Protection Agency (EPA) is a federal agency responsible for implementing and enforcing environmental laws enacted by Congress. The EPA works in partnership with states and tribes by implementing federal law and setting national standards that states and tribes enforce through their own laws and regulations. Among these regulations include provisions in the federal Clean Air Act, the Safe Drinking Water Act, and the Clean Water Act.

**Bill Summary:** House Bill 2250 requires the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA) to assess changes to federal environmental law to determine whether new policies are significantly less protective of public health, the environment, or natural resources than baseline federal standards. The bill directs DEQ to recommend actions to the Environmental Quality Commission to maintain baseline federal standards, and directs OHA to take actions necessary to maintain standards that meet or exceed environmental protections in effect on January 19, 2017.

**Oregon Laws 2019:** Chapter 138

### [House Bill 2271](#)

**Not Enacted**

#### **Penalties for Unlawful Air Pollution**

**At the request of:** Governor Kate Brown for Department of Environmental Quality

**Committee:** House Energy and Environment

**Background and Current Law:** The Oregon Department of Environmental Quality (DEQ) oversees air quality within the state of Oregon, ensuring that the state meets federal air quality standards. In 2011, House Bill 2712 reclassified dozens of offenses, including unlawful air pollution as defined in ORS 468.936, as specific fine violations. The classification requires that a law enforcement officer witness the violation in order to prosecute the offense. Regarding motor vehicle air pollution, class action lawsuits against the Volkswagen Group of America for the sale of vehicles with emission control defect devices that violated federal emissions standards have resulted in a settlement against the manufacturer, requiring Volkswagen to fund the mitigation of excess emissions.

**Bill Summary:** House Bill 2271 would have reverted violations of unlawful air pollution to the pre-2011 classification of Class A misdemeanor. The Act also would have established that manufacturers, not individual vehicle owners or lessees, may incur a fine for violations related to motor vehicle pollution control systems.

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### [House Bill 2509](#)

**Effective Date:** January 1, 2020

#### **Single-Use Checkout Bags**

**Chief Sponsors:** Reps. Piluso, Sollman, Gorsek, Rayfield; Sens. Dembrow, Hass

**Committees:** House Energy and Environment, House Rules, Senate Rules

**Background and Current Law:** Across the U.S., 12 state legislatures have considered measures to regulate the use of single-use checkout bags, especially plastic bags, at grocery stores and other businesses. The first such measure was enacted by the state of Maine in 1991, which required retailers to provide checkout bag recycling as a condition of providing plastic bags to customers at the time of sale of goods. Other states have imposed bans or fees on single-use checkout bags. In Oregon, several cities have enacted bans on single-use checkout bags, beginning with Portland in 2011. Each local regulation is slightly different, but all require retail stores, including grocery stores, to cease offering single-use bags and instead offer reusable bags or paper bags that are either made of recycled materials or that are recyclable.

**Bill Summary:** House Bill 2509 prohibits retail establishments and restaurants from providing single-use checkout bags to customers. Exceptions to the prohibition include paper bags made from recycled material, bags provided to customers at a time other than checkout, bags used for sanitary purposes, privacy, or to keep small or bulk items together, and garment bags. The measure authorizes retailers and restaurants to charge a five-cent fee for recycled paper bags or reusable fabric or plastic bags.

**Oregon Laws 2019:** Chapter 434

### [House Bill 2619-A](#)

**Not Enacted**

#### **Pesticides Containing Chlorpyrifos**

**Chief Sponsors:** Reps. Wilde, Helm, Neron

**Committees:** House Energy and Environment, House Rules

**Background and Current Law:** Chlorpyrifos is an insecticide used to control a variety of pests, including termites, mosquitos, and roundworms. All pesticides sold or distributed in the U.S. must be registered with the U.S. Environmental Protection Agency (EPA), which evaluates the human health and other risks attributable to the chemicals that make up the pesticide, and prescribes proper usage and labeling. A 2016 assessment identified risks from dietary exposure as a result of ingesting residues of chlorpyrifos on food crops and risks from drinking water. Other findings included wildlife mortality associated with chlorpyrifos use on residential lawns, for termite abatement, and application on golf courses. Currently, chlorpyrifos remains a registered pesticide; however the EPA is considering a tolerance revocation, which would require all agricultural uses of chlorpyrifos cease.

**Bill Summary:** House Bill 2619-A would have prohibited the sale, offer of sale, purchase, or use in the state of any pesticide product containing chlorpyrifos.

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### [House Bill 2623](#)

**Effective Date: June 17, 2019**

#### **Moratorium on Hydraulic Fracturing**

**Chief Sponsors:** Reps. Fahey, Helm; Sen. Manning Jr.

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** Hydraulic fracturing, sometimes called "fracking," involves injecting water, sand, and chemicals under high pressure into bedrock. This technique is used to increase the permeability of a rock formation and allows the gas, oil, or hot water inside the rock to flow more effectively into a well for extraction. Although the technology has existed since the 1960s, the use of hydraulic fracturing has led to a major increase in U.S. oil and natural gas production in recent years. In Oregon, hydraulic fracturing requires a permit and is regulated by the Department of Geology and Mineral Industries, Department of Environmental Quality, and the Water Resources Department.

**Bill Summary:** House Bill 2623 imposes a statewide moratorium on hydraulic fracturing until January 2, 2025. The Act exempts natural gas storage wells, geothermal activities, and existing coal bed methane extraction wells from the definition of "hydraulic fracturing" subject to the moratorium.

**Oregon Laws 2019:** Chapter 406

### [House Bill 2772-A](#)

**Not Enacted**

#### **Stewardship Program for Household Hazardous Waste**

**Chief Sponsors:** Reps. McLain, Keny-Guyer; Sens. Dembrow, Taylor

**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. There are two statewide product stewardship programs currently operating in Oregon: one to address electronic waste, and one to address paint.

**Bill Summary:** House Bill 2772-A would have established a product stewardship program for household hazardous waste.

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### [House Bill 2860-A](#)

**Not Enacted**

#### **Groundwater Well Testing and Treatment Program**

**Chief Sponsors:** Rep. Lively

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Domestic well testing is the process of having an accredited laboratory test water from a private well for possible contaminants, the most common of which are arsenic, nitrates, and E. Coli. Under ORS 448.271, the testing of domestic well water is only required during a real estate transaction.

**Bill Summary:** House Bill 2860-A would have established requirements for testing and reporting groundwater contaminants for residences that depend on well water as a drinking water source. The Act would have established the Safe Well Water Fund and would have authorized the Oregon Health Authority to make grants and loans for the installation of groundwater treatment systems, repair or replacement of wells, provision of groundwater contaminant education, and free or low-cost tests of wells.

### [House Bill 2883-B](#)

**Not Enacted**

#### **Polystyrene Containers for Prepared Food**

**Chief Sponsors:** Reps. Schouten, Sollman, McLain

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** Polystyrene is a plastic used to make a variety of products, including food packaging and packing materials. Products made from the foam version of polystyrene, which is often recognized by the brand name Styrofoam, include cups, plates, and takeout containers. Cities and counties in California, Florida, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Texas, and the District of Columbia have enacted full or partial bans on foam polystyrene products in restaurants and businesses. Currently, there are no state-level bans on polystyrene products.

**Bill Summary:** House Bill 2883-B would have prohibited Oregon food vendors from using polystyrene containers in selling, offering for sale, serving, or dispensing prepared food to the public. The measure would have allowed a food vendor to use a polystyrene container if the vendor ensures the container is used only on the premises, is not taken off the premises, and the vendor collects and ensures delivery of all containers to a facility to be recycled, processed, or converted.

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### [House Bill 2944](#)

**Not Enacted**

#### **Task Force on Oregon Domestic Use Water Supply**

**Chief Sponsors:** Rep. Evans

**Committee:** House Energy and Environment

**Background and Current Law:** Harmful algal blooms in bodies of water are caused by high concentrations of certain types of algae that can produce toxic compounds. These blooms can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water. Blooms can also result in hypoxia, or low oxygen, in water bodies, which can kill fish and other wildlife. The Oregon Health Authority is the agency responsible for posting warnings and educating the public about harmful algal blooms. Once a body of water has been identified as having a harmful algal bloom, the Oregon Department of Environmental Quality is responsible for investigating the causes, identifying sources of pollution, and writing a pollution reduction plan.

**Bill Summary:** House Bill 2944 would have established a task force to develop strategies for controlling and preventing toxic algal blooms and other impacts of climate change on Oregon's domestic use water supply; sampling, testing, and quality inspection of water supplies; fielding of fixed and mobile mitigation equipment and technologies; and prioritizing available funding for the highest risk environments. The bill would have required the task force report back to the legislature by September 15, 2020. The task force would have sunset December 31, 2020.

[House Bill 3055-A](#)

Not Enacted

**Prohibiting Fire-Retardant Chemicals in Mattresses or Children's Products**

**Chief Sponsors:** Reps. Helt, Power

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** To help reduce injury and loss of life related to fire, fire-retardant chemicals can be added to foams and fabrics to delay combustion of furniture and other household items. Studies have linked these chemicals to cancer and neurological deficits.

**Bill Summary:** House Bill 3055-A would have prohibited the sale or offering for sale in Oregon of mattresses or children's products containing certain fire-retardant chemicals. The Act would have established civil penalties for violations and authorized the Oregon Health Authority to seek an injunction restraining continued violations of the prohibition.

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[House Bill 3114](#)

**Effective Date:** January 1, 2020

**Electronic Device Recycling Program**

**At the request of:** Consumer Technology Association

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** Oregon E-Cycles is a statewide program, financed by manufacturers and administered by the Oregon Department of Environmental Quality, that provides recycling of computers, monitors, and televisions. Computer peripherals, including keyboards and mice, are also accepted. Currently, Oregon has more than 240 participating collection sites. Since the program began January 1, 2009, more than 250 million pounds of electronic devices have been collected.

**Bill Summary:** House Bill 3114 adjusts the formula for calculating each manufacturer's share of recycling for purposes of the Oregon E-Cycles Program.

**Oregon Laws 2019:** Chapter 212

### [House Bill 3182-A](#)

**Not Enacted**

#### **Requirements for Onsite Non-Potable Water Systems**

**Chief Sponsors:** Reps. Keny-Guyer, Power; Sen. Dembrow

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** An onsite nonpotable water system (ONWS) is a system in which water from local sources such as roof runoff, stormwater, or graywater is collected, treated, and used for nonpotable uses like toilet and urinal flushing, clothes washing, irrigation, and dust suppression. While this water is not fit for human consumption, ONWSs include water treatment and are generally required to meet certain water quality standards.

**Bill Summary:** House Bill 3182-A would have directed the Environmental Quality Commission to consult with the Building Codes Division of the Department of Consumer and Business Services to adopt standards for water treatment and use of ONWSs, and the Department of Environmental Quality would have overseen the permitting process. House Bill 3182-A would have clarified that onsite nonpotable water systems would be exempted from permitting requirements for reclaimed water under ORS 537.132.

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### [House Bill 3326-A](#)

**Not Enacted**

#### **Harmful Algal Bloom Testing and Monitoring**

**At the request of:** Rep. Helm

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Harmful algal blooms in bodies of water are high concentrations of certain types of algae that produce toxins. These blooms can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water. Blooms can also result in hypoxia, or low oxygen, in water bodies, which can kill fish and other wildlife. The Oregon Health Authority (OHA) is the agency responsible for posting warnings and educating the public about harmful algal blooms. Once a harmful algal bloom has been identified in a body of water, the Department of Environmental Quality (DEQ) is responsible for investigating its cause, identifying sources of pollution, and writing a pollution reduction plan.

**Bill Summary:** House Bill 3326-A would have appropriated \$983,919 to DEQ to fund laboratory services for susceptible public water systems and an unspecified amount to OHA to hire a recreational hazardous algal bloom coordinator.



### [House Bill 3340](#)

**Not Enacted**

#### **Harmful Algal Blooms**

**Chief Sponsors:** Rep. Holvey

**Committee:** House Energy and Environment

**Background and Current Law:** Harmful algal blooms in bodies of water are high concentrations of certain types of algae that produce toxins. These blooms can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water, as well as hypoxia, or low oxygen levels that pose a hazard to fish and other wildlife. The Oregon Health Authority (OHA) is responsible for posting warnings and educating the public about harmful algal blooms. Once a body of water has been identified as having a harmful algal bloom, the Oregon Department of Environmental Quality (DEQ) is responsible for investigating the causes, identifying sources of pollution, and writing a pollution reduction plan.

**Bill Summary:** House Bill 3340 would have directed OHA and DEQ to coordinate to address harmful algal blooms in Oregon. The bill would have directed OHA to identify water bodies susceptible to harmful algal blooms, develop a system to monitor and test such water bodies, and develop a protocol for alerting the public when a harmful algal bloom occurs. The bill would have directed DEQ to develop a state strategy for responding to harmful algal blooms, produce timely and high-quality data to allow OHA to calculate level of public health risk, maintain a clearinghouse with data on harmful algal blooms, and identify and work to address point and nonpoint sources of pollutants that contribute to harmful algal blooms.

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### [House Bill 3408](#)

**Not Enacted**

#### **Funding to Reduce Woodstove Smoke**

**Chief Sponsors:** Reps. Sollman, Findley; Sen. Prozanski

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Smoke created from burning wood can be a significant source of air pollution and can have health consequences for individuals with asthma, respiratory or heart conditions, or other illnesses. Under current law, anyone buying or selling a home with a wood stove or fireplace insert in Oregon must ensure it was certified to meet emissions performance standards at the time of manufacture. If it was not certified, state law requires it to be removed, destroyed, and disposed of when a home is sold. In 2009, the Legislative Assembly established the Residential Solid Fuel Heating Air Quality Improvement Fund (Fund). The Oregon Department of Environmental Quality (DEQ) was directed to use the Fund to reduce the emission of air contaminants by providing grants, loans, or other subsidies for the replacement or removal of noncertified solid fuel burning devices.

**Bill Summary:** House Bill 3408 would have appropriated \$500,000 to DEQ for deposit into the Fund to support community efforts to promote economic development and improve public health by reducing emissions from wood-burning devices.



### [House Bill 3433](#)

**Not Enacted**

## **Greenhouse Gas Sequestration and Emissions Reduction**

**Chief Sponsors:** Reps. DB Smith, Boshart Davis, Bonham, Helt, G Smith, Witt; Sens. Girod, Hansell, Heard, Linthicum, Roblan, Thomsen

**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** Carbon sequestration is the process of capturing and storing atmospheric carbon dioxide. It is one method of reducing the amount of carbon dioxide in the atmosphere with the goal of reducing global climate change. Over the past decade, Oregon has adopted various programs to reduce greenhouse gas emissions and sequester carbon.

**Bill Summary:** House Bill 3433 would have: required the Oregon Department of Forestry and the Department of State Lands to pursue shared stewardship agreements to reduce greenhouse gas (GHG) emissions related to wildfire; required certain state agencies and colleges at Oregon State University to conduct studies on opportunities for GHG emissions reductions in specified industries and sectors with a sunset date of December 31, 2020; increased the number of reviews conducted by the Oregon Department of Environmental Quality on the Clean Fuels Program from one to two no later than September 15, 2020 and February 1, 2022; and required the Oregon Department of Energy to complete a second study evaluating the impact of the Oregon Renewable Portfolio Standard on jobs in the state no later than September 15, 2020.

## 2019 SUMMARY OF LEGISLATION

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# GOVERNMENT

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# GOVERNMENT MEASURES

<b>Public Employee Benefits</b>	Enacted Not Enacted	SB 166, HB 2266, HB 2506 SB 75, SB 198, SB 705-A, HB 3123-A
<b>Revenues, Budgeting, and Economic Development</b>	Enacted Not Enacted	HB 2488 SB 346, SB 614, SB 616, SB 621, SB 803-A, HB 2320-A, HB 2613, HB 2212-A, HB 3110-A
<b>Efficiency and Technology</b>	Enacted Not Enacted	SB 252, SB 393, SB 394, HB 2093, HB 2325, HB 2488, HB 3061 SB 240-A, HB 2487
<b>Taxation</b>	Enacted Not Enacted	HB 2699 SB 114, SB 758, SB 901-A, HB 2383-A
<b>Public Contracting</b>	Enacted Not Enacted	SB 471, HB 2094, HB 2769 -none-
<b>Miscellaneous</b>	Enacted Not Enacted	SB 226, SB 294, SB 320, SB 454, SB 933, SJM 6, HB 2001, HB 2506, HB 2595 SB 704, SB 750, SB 751, SB 755-A, SB 856-A, SB 897, HB 2097, HB 2277, HB 2284, HB 2297, HB 2824, HB 2973, HB 3034, HB 3099, HB 3242, HB 3390

Picture: Executive Building, Marion County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2001	Directs Department of Consumer and Business Services to report on low-rise residential dwellings to the legislature.	January 1, 2020
HB 2266	Directs Oregon Health Authority to report to Legislative Assembly on actions and strategies employed by the Public Employee's Benefit Board, challenges identified by the board, steps taken to maximize the state's purchasing power and reduce the total cost of delivering care, and an overview of renewal rates.	December 31, 2019

[Senate Bill 75](#)

Not Enacted

**PERS Employer Incentive Fund**

**At the request of:** Governor Kate Brown for Public Employees Retirement System

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** In 2018, the Oregon Legislative Assembly passed Senate Bill 1566 creating the Employer Incentive Fund (EIF) to encourage public employers to make extra one-time contributions to the Public Employee Retirement System (PERS). To qualify for EIF an employer must make an extra payment by July 1, 2023. For the first six months of the program, only employers whose unfunded actuarial liability is more than 200 percent of the employer's payroll may apply for EIF funds with any remaining funds available to all other employers thereafter.

**Bill Summary:** Senate Bill 75 would have allowed PERS to require employers to make an extra payment no later than September 30, 2021 and to shorten the one-time open application period from six months to ninety days. Parts of Senate Bill 75 were incorporated into Senate Bill 1049.

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[Senate Bill 166](#)

**Effective Date:** June 27, 2019

**State Retirement Board Contracts**

**At the request of:** State Treasurer Tobias Read

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** House Bill 2960 (2015) created the seven-member Oregon Retirement Savings Board, chaired by the State Treasurer, and directed the Board to develop a defined contribution retirement plan for people employed in Oregon. The OregonSaves pilot program launched July 1, 2017 and was rolled out statewide on October 15, 2017. Employers with 20 or more employees are currently required to automatically enroll their employees in OregonSaves if the employer does not offer a qualified retirement plan. Employees enrolled in OregonSaves make post-tax contributions to a Roth IRA administered by the Oregon State Treasury. Employers do not contribute to OregonSaves accounts. The Oregon State Treasury contracts with two providers to operate OregonSaves, both of which offer volume discounts.

**Bill Summary:** Senate Bill 166 allows the Board to enter into agreements to offer retirement savings plan services to states administering a plan similar to OregonSaves.

**Oregon Laws 2019:** Chapter 512

### [Senate Bill 226](#)

**Effective Date:** July 15, 2019

#### **Municipal Disincorporations**

**At the request of:** Secretary of State Dennis Richardson

**Committees:** Senate Rules, House Rules

**Background and Current Law:** The status of the City of Damascus has been the subject of multiple elections and several court cases. Current law requires disincorporation of a city to be approved by an “absolute majority,” defined as a majority of eligible voters. A 2013 referral received a simple majority but failed to receive an absolute majority. In 2015, the Legislative Assembly referred a disincorporation measure to the voters of Damascus that expressly required only a simple majority of votes to become law. The measure received a simple majority, but the Oregon Court of Appeals found that because the provision requiring only a simple majority was contained in the referral itself, it did not have the effect of eliminating the statutory requirement for an absolute majority.

**Bill Summary:** Senate Bill 226 ratifies disincorporation elections that meet specified criteria. The bill allows for expedited review in the Oregon Supreme Court if a petition is filed within 30 days of the election.

**Oregon Laws 2019:** Chapter 545

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### [Senate Bill 240-A](#)

**Not Enacted**

#### **Government Electronic Records and Signatures**

**Chief Sponsors:** Sen. Manning; Rep. G Smith

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** In 2001, the Legislative Assembly enacted the Uniform Electronic Transactions Act. The Act states that a record or signature may not be denied effect or enforceability because it is in electronic form and paved the way for widespread use of electronic records and signatures. The Act also requires each governmental agency to determine if it will accept electronic records and signatures and allows each agency to determine the manner and format in which electronic records and signatures must be created, communicated, and stored.

**Bill Summary:** Senate Bill 240-A would have required all governmental agencies in the state to use electronic records and signatures by July 1, 2020. The measure also would have required all governmental agencies to ensure websites are accessible on mobile devices and to persons with disabilities by July 1, 2021.

[Senate Bill 252](#)

Effective Date: January 1, 2020

**Reducing Costs at the Military Department**

**At the request of:** Governor Kate Brown for Oregon Military Department

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

**Background and Current Law:** The Oregon Military Department (OMD) often expends state funds and then seeks reimbursement from federal funds. When there are delays in reimbursement, OMD may rely on lines of credit. Using lines of credit as a means to account for delays between spending state funds and receiving federal reimbursement can significantly increase OMD's costs, particularly when large-scale construction projects are involved.

**Bill Summary:** Senate Bill 252 streamlines OMD's accounting to enable more efficient receipt and expenditure of funds to avoid interest charges associated with using lines of credit. It authorizes OMD to enter into cooperative agreements with the National Guard Bureau (NGB) and to choose an advance payment method for expenditures of federal funds (rather than a reimbursement method after using state funds). The measure also requires sufficient unencumbered funds in the State Treasury to cover expenditures before OMD may incur a funding obligation that is reimbursable from federal moneys pursuant to a cooperative agreement.

**Oregon Laws 2019:** Chapter 367

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[Senate Bill 288](#)

Effective Date: January 1, 2020

**Special District Meetings in Indian Country**

**Chief Sponsors:** Sen. Roblan

**Committees:** Senate Business and General Government, House Rules

**Background and Current Law:** Public bodies of a state, county, or city entity are allowed to hold public meetings on Indian Country in Oregon. Special districts are units of local government that provide specified services including water supply, cemetery maintenance, mass transit, and sanitation.

**Bill Summary:** Senate Bill 288 adds special districts to the units of government that can hold public meetings on Indian Country.

**Oregon Laws 2019:** Chapter 286

### [Senate Bill 294](#)

**Effective Date:** January 1, 2020

#### **Pioneer Cemetery Maintenance District**

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Business and General Government, House Business and Labor

**Background and Current Law:** Current statute allows for the formation of cemetery maintenance districts, which are special districts authorized to own, hold, and operate land for cemetery purposes.

**Bill Summary:** Senate Bill 294 establishes the pioneer cemetery maintenance district as a cemetery maintenance district located in a county with a population less than 20,000 which operates a cemetery outside of any city's urban growth boundary. The measure allows pioneer cemetery maintenance districts to annex land at the request of the owner and with the endorsement of the pioneer cemetery maintenance district board.

**Oregon Laws 2019:** Chapter 246

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### [Senate Bill 320](#)

**Effective Date:** January 1, 2020

[\(see Senate Joint Memorial 6\)](#)

#### **Permanent Daylight Saving Time**

**Chief Sponsors:** Sen. Thatcher; Reps. Post, Lively

**Committees:** Senate Business and General Government, House Rules

**Background and Current Law:** Daylight saving time is the practice of setting the clock one hour forward for 34 weeks of the year, allowing for more daylight in the evening hours. Measures introduced in California and Washington would end the twice-yearly time change and permanently maintain daylight saving time. Congressional action is required for a state to maintain itself on permanent daylight savings time.

**Bill Summary:** Senate Bill 320 ceases the one-hour time change and places Oregon permanently on daylight saving time. The measure exempts the portion of the state in the Mountain Time Zone and becomes operative with congressional authorization after California and Washington also adopt permanent daylight saving time.

**Oregon Laws 2019:** Chapter 421



### [Senate Bill 346](#)

**Not Enacted**

#### **Zero-Based Budgeting**

**Chief Sponsors:** Sen. Linthicum

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** Executive agencies operate with a budget approved by the Legislative Assembly. Each agency submits a biennial request budget to the Department of Administrative Services (DAS) before September 1 of each even-numbered year. DAS and the Legislative Fiscal Officer prepare a tentative biennial budget with estimated revenues and projected costs for continuing currently authorized programs.

**Bill Summary:** Senate Bill 346 would have declared a state policy to use zero-based budgeting, which begins with the assumption that the funding amount for each component of the budget is zero, and each expense must be justified. The measure would have required biennial agency request budgets to contain information justifying each agency activity, a quantitative analysis of the adverse impact if the activity ceased, expenditures required to maintain the current activity, quantity and quality of service for each activity, and a ranking of activities based on their contribution to the overall goals of the agency.

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### [Senate Bill 393](#)

**Effective Date: January 1, 2020**

#### **Translator District Annexation**

**Chief Sponsors:** Sen. Bentz

**At the request of:** Blue Mountain Translator District

**Committees:** Senate Business and General Government, Senate Finance and Revenue, House Revenue

**Background and Current Law:** Current statute allows for the creation of a translator district to ensure the transmission and reception of television broadcast signals in remote areas of the state where regular transmission of television programming is not otherwise available to the public. Boundaries for a translator district are subject to same standards as special districts.

**Bill Summary:** Senate Bill 393 allows a translator district to annex a city which is entirely surrounded by a translator district where a cable television corporation operates or has ceased to operate and city electors approve the annexation.

**Oregon Laws 2019:** Chapter 548

### [Senate Bill 394](#)

**Effective Date:** January 1, 2020

#### **Translator District Technology**

**Chief Sponsors:** Sen. Bentz

**At the request of:** Blue Mountain Translator District

**Committees:** Senate Business and General Government, House Veterans and Emergency Preparedness

**Background and Current Law:** Current statute allows for the creation of a translator district to ensure the transmission and reception of television broadcast signals in remote areas of the state where regular transmission of television programming is not otherwise available to the public.

**Bill Summary:** Senate Bill 394 allows translator districts to aggregate and distribute emergency alerts and use a range of technologies. The measure also gives districts greater discretion to delete commercial matter in the district's transmissions and to generate revenue.

**Oregon Laws 2019:** Chapter 261

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### [Senate Bill 454](#)

**Effective Date:** September 29, 2019

#### **Administration of Unclaimed Property**

**At the request of:** Treasurer Tobias Read for State Land Board

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The Department of State Lands (DSL) has administered unclaimed property since 1957. DSL currently holds millions of dollars in unclaimed assets including savings bonds, stock dividends, and uncashed checks. Approximately \$50 million is remitted to DSL each year, roughly half of which is returned to the rightful owners. Unclaimed funds are held in the Common School Fund until claimed, and interest from those funds is sent to K-12 schools twice each year.

**Bill Summary:** Senate Bill 454 transfers administration of unclaimed property from DSL to the Oregon State Treasurer.

**Oregon Laws 2019:** Chapter 678

### [Senate Bill 471](#)

Effective Date: September 29, 2019

#### **Conflict Minerals in Public Contracts**

**Chief Sponsors:** Sens. Boquist, Dembrow; Rep. McLain

**At the request of:** Never Again Coalition

**Committees:** Senate Business and General Government, House Rules

**Background and Current Law:** Armed groups in Central and Southern Africa have profited by illegally extracting and selling tin, tantalum, tungsten, and gold, all of which are used in the production of consumer products. The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 requires all publicly traded companies to report and disclose if these “conflict minerals” from the Democratic Republic of the Congo can be found anywhere in their supply chain. The City of Portland adopted public contracting standards in August of 2018 that give preference to bidders that source conflict-free minerals.

**Bill Summary:** Senate Bill 471 requires contracting agencies to obtain bids that detail what conflict minerals might be used in a project and the contractor's due diligence standards used to ensure the use of conflict-free minerals.

**Oregon Laws 2019:** Chapter 294

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### [Senate Bill 614](#)

**Not Enacted**

#### **Maximum General Fund-Support Debt**

**Chief Sponsors:** Sen. Girod

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The General Fund is composed primarily of personal and corporate income tax and is the most discretionary source of funds available to the Legislative Assembly and Governor when adopting the biennial budget. The State Debt Policy Advisory Commission; composed of the State Treasurer, a Representative and a Senator from the Legislative Assembly, the Director of the Department of Administrative Services, and a public member; advises the Governor and Legislative Assembly regarding policies that enhance and preserve the state's credit rating and maintain the future availability of low-cost capital financing. The Commission makes a recommendation related to General Fund debt capacity annually based on its target debt capacity of five percent debt service to General Fund revenues.

**Bill Summary:** Senate Bill 614 would have codified the Commission's target debt capacity, capping the maximum amount of outstanding General Fund-supported debt at five percent.

### [Senate Bill 616](#)

**Not Enacted**

#### **Maximum Lottery Bond Debt**

**Chief Sponsors:** Sen. Girod

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The Lottery Fund consists of revenue from the sale of lottery games after prizes and expenses. A portion of the Lottery Fund is constitutionally dedicated to specific programs and the remainder is distributed at the discretion of the Legislative Assembly and the Governor in the biennial budget. The State Debt Policy Advisory Commission is required to advise the Governor and Legislative Assembly regarding policies that enhance and preserve the state's credit rating and maintain the future availability of low-cost capital financing. The Commission reports its recommendation related to Lottery Fund debt capacity annually based on the Commission's lottery revenue bond capacity policy that lottery debt service should not exceed 25 percent of net unobligated lottery revenues.

**Bill Summary:** Senate Bill 616 would have prohibited the State Treasurer from recommending a prudent maximum amount of lottery bonds causing total lottery debt service to exceed 25 percent of net unobligated lottery revenues.

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### [Senate Bill 621](#)

**Not Enacted**

#### **Vacation Rental Regulation**

**Chief Sponsors:** Sen. Girod

**Committees:** Senate Business and General Government

**Background and Current Law:** "Vacation occupancy" is defined as occupancy of a dwelling unit for up to 45 days for vacation purposes only, not as a principal residence. The state has seen a rise in the number of privately owned properties offered for use as vacation occupancies. Local governments have sought to regulate vacation rentals in various ways, including registration, taxation, and a cap on the total number of short-term vacation rentals available in a jurisdiction.

**Bill Summary:** Senate Bill 621 would have prohibited local governments from enforcing any ordinance prohibiting the use of a residential dwelling for vacation occupancy. The measure would have preserved the ability of local governments to require registration and collect transient lodging taxes.

### [Senate Bill 704](#)

**Not Enacted**

#### **Capitol Seismic Upgrade Fund**

**Chief Sponsors:** Sens. Roblan, Beyer, Hansell

**Committees:** Senate Rules, Joint Ways and Means

**Background and Current Law:** On March 25, 1993, the Scotts Mills earthquake cracked the rotunda in the State Capitol and required extensive repairs. Engineers recommended a comprehensive seismic renovation of the Capitol. Steps were taken to repair the rotunda, but the remaining phases of seismic improvements were never undertaken. Since that time, the Legislative Assembly has convened several groups to develop and review a Capitol Master Plan that recommends seismic repairs and life safety improvements. In 2016, the Legislative Assembly approved the Capitol Accessibility, Maintenance and Safety (CAMS) project to address Americans with Disabilities Act deficiencies, at-risk mechanical, electrical, and plumbing systems, and security and life safety issues in the Oregon State Capitol building.

**Bill Summary:** Senate Bill 704 would have authorized the State Treasurer to issue general obligation bonds to raise capital for seismic repairs and life safety improvements to the Oregon State Capitol Building.

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### [Senate Bill 705-A](#)

**Not Enacted**

#### **PERS Port of Portland Side Account**

**Chief Sponsors:** Sen. Knopp

**At the request of:** Port of Portland

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** The Public Employees Retirement System (PERS) pension benefits are funded by a combination of participating employer contributions and earnings on invested funds. Participating employers can make advance lump sum contributions into a side account to offset future expenses. In 2018, the Legislative Assembly enacted Senate Bill 1566 creating the Employer Incentive Fund (EIF), which matches portions of an employer's side account not to exceed twenty-five percent of a qualifying lump sum payment. In addition, employers depositing advance lump sums of \$10 million or more in a side account can choose an amortization period of six, ten, sixteen, or twenty years.

**Bill Summary:** Senate Bill 705-A would have allowed an employer depositing \$10 million or more in a side account (currently only applicable to the Port of Portland) to choose the date on which its amortization period begins, until January 1, 2024.

### [Senate Bill 750](#)

**Not Enacted**

#### **Private-Public Enforcement Actions**

**Chief Sponsors:** Reps. Williamson, Salinas

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** Currently, only the Bureau of Labor and Industries (BOLI) or the Department of Justice (DOJ) may bring legal actions to enforce a variety of labor and public accommodations laws.

**Bill Summary:** Senate Bill 750 would have authorized a “relator”--an aggrieved person, a whistleblower, or a representative organization that brings a public enforcement action--to enforce certain laws, including workers' compensation, sick leave, occupational safety and health, wage and hour, and civil rights in employment, public accommodations, and real property transactions on behalf of the state.

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### [Senate Bill 751](#)

**Not Enacted**

#### **Planned Community Investments**

**Chief Sponsors:** Sen. Knopp; Rep. Zika

**Committees:** Senate Business and General Government

**Background and Current Law:** A Class I planned community is a community with at least 13 lots that assesses a homeowners association fee exceeding \$10,000 for all lots or \$100 per lot. Homeowners associations are required to deposit assessments and other associations' funds in a federally insured account at a financial institution.

**Bill Summary:** Senate Bill 751 would have allowed homeowners associations of Class I planned communities to deposit funds in the Short Term Fund or other commingled investment pools managed by the State Treasurer.

### [Senate Bill 755-A](#)

**Not Enacted**

#### **Citizens' Initiative Review Commission Endowment Fund**

**Chief Sponsors:** Sen. Roblan

**Committees:** Senate Rules, Joint Ways and Means

**Background and Current Law:** The Citizens' Initiative Review Commission is a semi-independent state agency tasked with convening citizen panels to review selected ballot measures and prepare voters' pamphlet statements. The Commission is authorized to accept contributions from any source other than a political committee or for-profit corporation or union, as well as any source the Commission determines might be used to transfer money from one of these entities. If a person contributes more than \$100 to the Commission in a calendar year, the Commission is required to disclose the amount, name, and address of the person or entity making the contribution on the Internet within 14 days.

**Bill Summary:** Senate Bill 755-A would have created the Citizens' Initiative Review Commission Endowment Fund, with funds appropriated to the Department of Administrative Services for distribution to the Commission.

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### [Senate Bill 758](#)

**Not Enacted**

#### **Oregon Earned Income Tax Credit**

**Chief Sponsors:** Sens. Knopp, Gelser

**Committees:** Senate Workforce, Joint Finance and Revenue

**Background and Current Law:** The federal earned income tax credit was enacted in 1975 as a temporary refundable credit to offset increased costs on lower-income workers and to provide a work incentive for parents with little or no earned income. The Oregon earned income tax credit was created in 1997 at a rate of five percent of the federal credit, increased to six percent in 2008, and to eight percent in 2013. In 2016, the percentage was increased to eleven percent for taxpayers with a dependent under the age of three.

**Bill Summary:** Senate Bill 758 would have increased the Oregon earned income tax credit from eight percent of the federal credit to twelve percent. For taxpayers with a dependent under the age of three, Senate Bill 758 would have increased the credit from eleven percent to fifteen percent.

### [Senate Bill 803-A](#)

**Not Enacted**

#### **Licensed Use of State Seal**

**Chief Sponsors:** Sen. Hansell; Rep. Barreto

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** Reproduction of the Oregon state seal is prohibited if it falsely implies official endorsement or sponsorship by the State or any agency, or subjects the seal to ridicule, debasement, or infamy. The state seal currently appears on a wide range of consumer products including neck ties, coasters, and key chains.

**Bill Summary:** Senate Bill 803-A would have allowed the Secretary of State (SOS) to license use of the state seal on goods, wares, and merchandise, and would have prohibited use without a license. The measure also would have allowed SOS to adopt royalty fees calculated as a percentage of total sales on the licensed goods for deposit into the General Fund.

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### [Senate Bill 856-A](#)

**Not Enacted**

#### **Oregon Office of New Americans**

**Chief Sponsors:** Sen. Dembrow; Rep. Piluso

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** According to the Migration Policy Institute, immigrants accounted for 13.5 percent of the total population of the United States in 2016. Immigrants and their U.S.-born children are now 27 percent of the overall U.S. population and made up 17 percent of the civilian labor force in 2016. In Oregon, immigrants make up roughly 10 percent of the state's total population.

**Bill Summary:** Senate Bill 856-A would have established the Oregon Office of New Americans to connect immigrants to their communities, essential services, and education and career opportunities. The measure would have also required the Oregon Advocacy Commission Office to coordinate businesses, institutions of higher education, licensing agencies, and resettlement agencies to plan joint efforts to streamline recredentialing and entry into the job market.



### [Senate Bill 897](#)

**Not Enacted**

#### **Oregon State Fair Deferred Maintenance**

**Chief Sponsors:** Sens. Roblan, Courtney, Hansell; Rep. G Smith

**Committees:** Senate Business and General Government, Joint Ways and Means

**Background and Current Law:** The Oregon State Fair began in 1858 as an agricultural exhibition and expanded in 1977 to include an exposition center. The Fair has historically struggled to generate sufficient revenue to meet both operating and maintenance costs. According to the State Fair Council, the Fair realized a net gain from 2015 through 2018, but avoided historical deficits "largely due to a very frugal bare-bones spending strategy...and a relatively minimal investment compared to the millions of dollars of decades-old deferred maintenance and needed upgrades to facilities and equipment." The Council estimates Fair facilities require \$33 million in deferred maintenance, improvements, and enhancements to maximize revenues and maintain future relevance.

**Bill Summary:** Senate Bill 897 would have appropriated \$5,625,000 to the State Fair Council for the assessment, deferred maintenance, improvement, and enhancement of fairground facilities. Provisions of the measure were incorporated in House Bill 5050.

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### [Senate Bill 901-A](#)

**Not Enacted**

#### **Translator District Taxes**

**Chief Sponsors:** Sen. Bentz

**At the request of:** Blue Mountain Translator District

**Committees:** Senate Business and General Government, Senate Finance and Revenue

**Background and Current Law:** Current statute allows for the creation of a translator district to ensure the transmission and reception of television broadcast signals in remote areas of the state. Special districts with taxing authority can ask voters to choose a permanent rate limit for the district; once established, a permanent rate limit cannot be changed by any action of the district or its patrons. Taxing districts can also ask voters for temporary taxing authority above the permanent rate limitation in a local option tax, which is limited to five years for operation and ten years for capital construction purposes.

**Bill Summary:** Senate Bill 901-A would have allowed a translator district to establish a property tax permanent rate limit and annually impose, assess, and collect operating taxes following approval in an election held in a presidential election year.

### [Senate Bill 933](#)

Effective Date: January 1, 2020

#### Select Multiple Races or Ethnicities

**Chief Sponsors:** Sens. Fagan, Frederick

**At the request of:** Amy C. Vaught

**Committees:** Senate Business and General Government, House Rules

**Background and Current Law:** Ethnicity indicates a population group with a common national or cultural tradition. Race refers to physical characteristics which typically result from genetic ancestry. The U.S. Census Bureau defines race as a person's self-identification with one or more social groups and uses ethnicity to determine whether a person is of Hispanic origin or not. The U.S. Census Bureau first allowed respondents to choose more than one racial category in 2000.

**Bill Summary:** Senate Bill 933 requires a form or document issued by a public body asking a person to identify the person's race or ethnicity to allow respondents to select multiple races or ethnicities.

**Oregon Laws 2019:** Chapter 352

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### [Senate Bill 1047](#)

Not Enacted

#### Municipal Building Inspection Programs

**Chief Sponsors:** Sens. Roblan, Heard; Reps. DB Smith, Gomberg

**At the request of:** Association of Oregon Counties and League of Oregon Cities

**Committees:** Senate Rules

**Background and Current Law:** In 1973, the legislature established a statewide building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures. Administration and enforcement of the state building code can be delegated to qualifying municipalities for four years at a time. A qualifying municipality must appoint a building official to administer and enforce the building inspection program. Recent legal opinions issued by the Office of Legislative Counsel and the Department of Justice have questioned the ability of a local government to outsource administration of a building inspection program.

**Bill Summary:** Senate Bill 1047 would have authorized the use of independent contractors as building officials and established standards for oversight, local appeals, and disposition of funds. The measure also would have clarified conflict of interest standards for certified building inspection staff.

### [Senate Concurrent Resolution 31](#)

Filed with Secretary of State

#### **Tribal Recognition, Self-Determination, and Economic Independence**

**Chief Sponsors:** Sens. Roblan, Hansell; Rep. McKeown

**Committees:** Senate Rules, House Rules

**Background and Current Law:** The State of Oregon has well-established relationships with nine federally recognized tribal governments located within the state's borders. On August 13, 1953, the Western Oregon Indian Termination Act and the Klamath Termination Act became law, terminating federal recognition of more than 60 tribes and bands of indigenous peoples. Termination resulted in Native American deprivation, cultural losses, poverty, health problems, and the removal of many people from their ancestral communities.

**Bill Summary:** Senate Concurrent Resolution 31 honors and acknowledges the bravery and courage of tribal members who advocated for recognition of their terminated tribes, and supports tribal recognition, self-determination, and economic independence.

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### [Senate Joint Memorial 6](#)

Filed with Secretary of State

[\(see Senate Bill 320\)](#)

#### **Urges Congress to Allow Permanent Daylight Saving Time**

**Chief Sponsors:** Sen. Thatcher; Reps. Post, Lively

**Committees:** Senate Business and General Government, House Rules

**Background and Current Law:** Daylight saving time is the practice of setting the clock one hour forward for 34 weeks of the year, allowing for more daylight in the evening hours. Measures introduced in California and Washington would end the twice-yearly time change and permanently maintain daylight saving time. Congressional action is required for a state to maintain itself on permanent daylight savings time.

**Bill Summary:** Senate Joint Memorial 6 urges Congress to allow states to permanently maintain themselves on daylight saving time.

### House Bill 2001

Effective Date: August 8, 2019

## Requiring higher density residential development

**Chief Sponsors:** Rep. Kotek

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

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC) which governs the Department of Land Conservation Development (DLCD). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Zoning and regulation at the local level must be consistent with the relevant comprehensive plan, and is used to encourage and discourage types of development. Typical local zoning can create industrial, business, and residential areas, and exclusive residential zones that allow only detached, single family homes.

The current lack of available, affordable housing inspired a number of approaches to increase the supply of housing of all kinds, particularly for households of modest means, including “middle housing.” Middle housing refers to housing that can accommodate more occupants than a single-family home, but less than a large multifamily complex, such as duplexes, row houses, cottage clusters, stacked flats, and accessory dwelling units.

**Bill Summary:** House Bill 2001 requires certain local jurisdictions to allow the development of middle housing, as defined by the measure, in areas currently zoned for single-family dwellings within their urban growth boundaries. The measure also addresses the conversion of existing single-family dwellings into middle housing.

Cities with populations of 10,000 or more are required to allow duplexes on lots or parcels zoned for single family homes. Cities and counties within a metropolitan service district and cities with populations of 25,000 or more, must allow middle housing in areas zoned for single-family dwellings, and must allow duplexes on individual lots or parcels zoned for single-family homes. Cities within a metropolitan service district that have populations less than 1,000 are excluded, as are unincorporated lands and lands that lack sufficient access to urban services. Local jurisdictions are required to conform their comprehensive plans and land use regulations within a certain timeframe, or adopt model ordinances prepared by DLCD in consultation with the Department of Consumer and Business Services (DCBS). The measure also makes a number of adjustments related to how local jurisdictions currently calculate and report on housing development and future housing needs. DLCD is required to provide technical assistance and is appropriated \$3,500,000.

To address the division of existing single-family homes, the measure requires DCBS to establish uniform standards for cities that provide for such division, into no more than four dwelling units each. Cities are required to approve or deny applications for such conversions within 15 business days, and must provide an administrative process for applicants to appeal denials within 30 days.

Finally, the measure voids provisions in any recorded instruments affecting real property that are executed after its effective date, that allow the development of a single-family dwelling while prohibiting middle housing or an accessory dwelling unit.

**Oregon Laws 2019:** Chapter 639

[House Bill 2093](#)

**Effective Date: September 29, 2019**

**Electric Vehicle Charging Stations**

**At the request of:** Governor Kate Brown for Oregon Department of Administrative Services

**Committees:** House Rules, Senate Business and General Government

**Background and Current Law:** In 2013, the legislature authorized state agencies to locate electric vehicle charging stations on agency property. Agencies are required to set the price for use of these devices not to exceed 110 percent of the average market price for use in the county in which the device is located, while also recovering costs of operation. In addition, each state agency is required to set a uniform price for all devices located on its property.

**Bill Summary:** House Bill 2093 authorizes the Department of Administrative Services (DAS) to participate in permissive and interstate cooperative procurement agreements to acquire, install, maintain, or operate charging devices; requires that agencies endeavor to set the price for use within a specified range; eliminates the obligation of each agency to set a uniform price across all agency properties; and excludes these cooperative procurement agreements from DAS' legislative reporting obligations.

**Oregon Laws 2019:** Chapter 104

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[House Bill 2094](#)

**Effective Date: September 29, 2019**

**Considering Bidders' Debts to the State**

**At the request of:** Governor Kate Brown for Oregon Department of Administrative Services

**Committees:** House Rules, Senate Business and General Government

**Background and Current Law:** In the course of awarding public contracts, contracting agencies are required to determine whether a bidder is "responsible." The bidder must demonstrate that they have the appropriate resources and skills to complete the contract, have a satisfactory record of integrity, and have complied with state tax requirements.

**Bill Summary:** House Bill 2094 authorizes contracting agencies to consider whether a bidder or proposer owes a liquidated or delinquent debt to the state.

**Oregon Laws 2019:** Chapter 124

### [House Bill 2097](#)

**Not Enacted**

#### **Lobbying Laws Advice**

**At the request of:** Governor Kate Brown for Oregon Government Ethics Commission

**Committees:** House Rules

**Background and Current Law:** Lobbyists are required to register with and report expenditures to the Oregon Government Ethics Commission (OGE). The OGE is authorized to issue certain advisory opinions and ethics interpretations concerning lobbying activities.

**Bill Summary:** House Bill 2097 would have established three tiers of ethics advice: written OGE advisory opinions, written staff advisory opinions, and written or oral staff advice. Three corresponding levels of protection would also have been created for persons who relied on this advice, in good faith. The measure would also have established timelines applicable to written advisory opinions and would have required OGE to provide a written explanation when a request for an opinion was denied.

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### [House Bill 2212-A](#)

**Not Enacted**

#### **Employees with Disabilities**

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

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Certain members of the House Interim Committee on Higher Education and Workforce Development participated in a work group to evaluate Oregon programs supporting employment opportunities for people with disabilities. The work group included staff from various state agencies and nonprofit organizations as well as representatives of the National Conference of State Legislatures and the Council of State Governments. House Bill 2212-A is a product of that work group.

**Bill Summary:** House Bill 2212-A would have appropriated General Fund moneys to the Department of Administrative Services for a grant program to defray costs of executive branch agencies providing workplace accommodations to people with disabilities.

### [House Bill 2243](#)

**Effective Date:** January 1, 2020

#### **Public Library Services**

**Chief Sponsors:** Rep. Gomberg

**Committees:** House Economic Development, Senate Business and General Government

**Background and Current Law:** The legislature has determined that: an informed citizenry is indispensable to the proper function of a democratic society; libraries constitute a cultural, informational, and educational resource essential to Oregonians; and library services should be widely available throughout the state to bring Oregonians convenient opportunities for reading, study, and free inquiry. To achieve the goal of convenient library access, the Oregon State Library is required to promote the establishment, development, and support of local library services, including library services for children and youth and Oregonians who are print-disabled. The Oregon State Library Board develops strategic plans and policies for the State Library and adopts rules to carry out its purposes.

**Bill Summary:** House Bill 2243 modifies the definition of "public library" so that they are public agencies that provide to all residents of a local jurisdiction free and equal access to library and information services that are suitable for persons of all ages. The State Library Board is directed to establish minimum conditions for public libraries, with reasonable exemptions for libraries with service populations of 2,000 or fewer residents, that include financial support from public funds and regular hours of operation.

**Oregon Laws 2019:** Chapter 158

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### [House Bill 2266](#)

**Effective Date:** June 25, 2019

#### **Health Plans for Dependents of Public Employees**

**At the request of:** Governor Kate Brown for Oregon Health Authority

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

**Background and Current Law:** The legislature enacted Senate Bill 1067 in 2017 after a legislative work group convened to examine potential cost reduction in future state budgets. Several of its provisions affected the Public Employees' Benefit Board (PEBB) and Oregon Educators Benefit Board (OEBB), including policies designed to limit growth in premium or per-member health plan costs.

**Bill Summary:** House Bill 2266 requires PEBB and OEBB to impose a surcharge on any eligible employee who arrange other coverage for a spouse or dependent who had access to a plan offered by PEBB or OEBB. It directs PEBB and OEBB to audit dependent eligibility and excludes out-of-state hospitals from specified alternative payment arrangements.

**Oregon Laws 2019:** Chapter 484

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### [House Bill 2277](#)

**Not Enacted**

#### **Lobbyist Reporting**

**At the request of:** Governor Kate Brown for Oregon Government Ethics Commission

**Committees:** House Rules

**Background and Current Law:** Lobbyists must register and file quarterly expenditure reports with the Oregon Government Ethics Commission.

**Bill Summary:** House Bill 2277 would have exempted several persons from lobbyist registration obligations. The measure would have required all compensated lobbyists, including public officials with a written job description that includes lobbying, to register and report, regardless of the amount of time or moneys spent lobbying.

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### [House Bill 2284](#)

**Not Enacted**

#### **Governance for Port of Newport**

**Chief Sponsors:** Rep. G Smith

**At the request of:** International Longshore and Warehouse Union

**Committees:** Joint Transportation

**Background and Current Law:** The Port of Newport district was formed in 1910. From the 1950s until 1982, private companies operated the Port; at that point, the Port issued General Obligation bonds to purchase the terminal, eventually managing the terminal in 1995. The Port of Newport supports commercial fishing fleets, cargo ship operations, research, and tourism activities, and includes a marina, RV park, public boat ramp, and hosts annual civic events. The Port is overseen by a five-member board responsible for setting policies and strategic direction.

**Bill Summary:** House Bill 2284 would have renamed the Port of Newport as the Oregon International Port of Newport. The governing board would have consisted of five commissioners, appointed by the Governor, representing one of five constituencies: the fishing industry; longshore workers; the agriculture industry; the local chamber of commerce or other small business interest; and local community interests.



### [House Bill 2297](#)

**Not Enacted**

#### **Daylight Savings Time**

**Chief Sponsors:** Reps. Post, Lively

**Committees:** House Rules

**Background and Current Law:** Daylight savings time is the practice of setting the clock one hour forward for 34 weeks of the year, allowing for more daylight in the evening hours during the summer months. The United States used daylight savings time during World War I and II, with some state and local governments persisting in the practice. The Uniform Time Act of 1966 standardized the practice nationwide, and allowed states to exempt themselves. Hawaii and Arizona, with the exception of the Navajo Nation, do not observe daylight savings time. Measures introduced in Congress, California, and Washington state would end the twice-yearly time change and permanently maintain daylight savings time.

**Bill Summary:** House Bill 2297 would have placed Oregon permanently on daylight savings time. The measure would have referred the question to voters at the next regular general election.

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### [House Bill 2320-A](#)

**Not Enacted**

#### **Lottery Revenue for County Economic Development**

**Chief Sponsors:** Reps. Lively, G Smith; Sens. Thomsen, Hansell

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

**Background and Current Law:** The Oregon Lottery collects revenues from traditional and video lottery gaming, pays player prizes and its operating expenses out of these revenues, and then transfers the balance (net profits) to the Administrative Services Economic Development Fund (EDF) for distribution by the Department of Administrative Services (DAS). ORS 461.547 requires that 2.5 percent of net proceeds of video lottery gaming must be distributed to counties for economic development projects. The Legislative Assembly approved a fixed dollar amount for county economic development during the 2017-2019 biennium, rather than use the required percentage.

**Bill Summary:** House Bill 2320-A would have directed DAS to transfer a fixed percentage of forecasted lottery revenues to counties for economic development and would have adjusted distributions to counties from video lottery revenues to compensate for the differences between actual and forecasted revenues.

### [House Bill 2325](#)

**Effective Date:** September 29, 2019

#### **Business Filings**

**Chief Sponsors:** Reps. McKeown, Sanchez, Sprenger; Sens. Roblan, Hansell

**Committees:** House Rules, Senate Business and General Government

**Background and Current Law:** The Secretary of State (SOS) currently sends notices for certain business filings only by mail.

**Bill Summary:** House Bill 2325 permits the SOS to specify the method used to send notices for certain business filings by rule allowing for electronic notifications instead of, or in addition to, a written notice for several types of business filings. The measure also decreases fees for certain business filings made by federally recognized Indian tribes within Oregon's borders or by an entity authorized by one of the tribes to conduct business.

**Oregon Laws 2019:** Chapter 62

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### [House Bill 2383-A](#)

**Not Enacted**

#### **County Property Assessment Pilot Program**

**Chief Sponsors:** Rep. DB Smith

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

**Background and Current Law:** The property tax system is one of the most important sources of revenue for more than 1,200 local taxing districts in Oregon. Property taxes rely on county assessment and taxation offices to value properties, calculate and collect taxes, and distribute money to taxing districts. In 1989, the Legislative Assembly established the County Assessment Function Funding Assistance (CAFFA) annual grant program to help cover assessment and taxation costs for counties, reverse the disintegration of the property tax system, and recognize a shared responsibility for statewide uniformity and accuracy in assessment and taxation. Funding for CAFFA has declined.

**Bill Summary:** House Bill 2383-A would have appropriated funds to Curry County for a pilot program, matched by funding from other taxing districts, to achieve an assessment rotation of seven years for taxable property located in the county.

### [House Bill 2420-A](#)

**Not Enacted**

## Municipal Building Inspection Programs

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

**Committees:** House Rules, Senate Rules

**Background and Current Law:** In 1973, the legislature established a statewide building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures. Administration and enforcement of the state building code can be delegated to qualifying municipalities for four years at a time. A qualifying municipality must appoint a building official to administer and enforce the building inspection program. Recent legal opinions issued by the Office of Legislative Counsel and the Department of Justice have questioned the ability of a local government to outsource administration of a building inspection program.

**Bill Summary:** House Bill 2420-A would have required a building official to be a government employee and authorized the use of independent contractors for specified building inspection services. The bill would have established minimum qualifications for building officials, clarified how multiple municipalities may jointly employ building officials and inspectors, and subjected building inspection program staff to government ethics standards.

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### [House Bill 2487](#)

**Not Enacted**

## Blockchain Technology Study

**Chief Sponsors:** Rep. Holvey

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** Blockchain is a secured online ledger that records transactions chronologically, permanently, and unalterably. It is primarily associated with cryptocurrencies but both private and public sector entities are exploring its use in other settings. For example, banks may soon be using blockchain to bring greater efficiency to their work, while other industries are assessing its use to help manage supply chains. According to IBM, certain governments are becoming early adopters. Dubai, for example, has begun using blockchain to digitize the process of issuing business licenses and to track food safety and nutritional information.

**Bill Summary:** House Bill 2487 would have directed the Oregon Department of Administrative Services to conduct a study and make recommendations regarding the use of blockchain technologies to administer public services.

### [House Bill 2488](#)

**Effective Date:** January 1, 2020

## Cryptocurrency Payments

**Chief Sponsors:** Rep. Holvey

**Committees:** House Rules, Senate Campaign Finance

**Background and Current Law:** Cryptocurrency is virtual or digital currency that is decentralized and relies on blockchain technology's electronic records of transactions to track and control anonymous peer-to-peer transactions. In Oregon, the Secretary of State has recently amended the Campaign Finance Manual to authorize campaign contributions, while prohibiting campaign expenditures in cryptocurrency. The manual classifies cryptocurrency in the same manner as shares of stock, providing that the contribution is to be recorded based on the market value of the cryptocurrency on the day it is received. Similarly, any subsequent change in value that is realized through the sale of cryptocurrency is classified as an investment gain or loss.

**Bill Summary:** House Bill 2488 prohibits state government from accepting payments in cryptocurrency unless authorized by the State Treasurer, and prohibits political contributions using cryptocurrency.

**Oregon Laws 2019:** Chapter 50

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### [House Bill 2506](#)

**Effective Date:** April 2, 2019

## Mass Transit District Investments

**Chief Sponsors:** Rep. Smith Warner

**At the request of:** TriMet

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Public moneys held in an account established by law may not be invested other than in the Oregon Short Term Fund unless the law that established the account allows for alternative investment. The Tri-County Metropolitan Transportation District of Oregon (TriMet) has a liability of approximately \$768 million for nonpension, post-employment benefits. TriMet would like to fund a trust and pursue investment strategies outside of the Oregon Short Term Fund.

**Bill Summary:** House Bill 2506 allows TriMet to invest nonpension, post-employment benefit trust funds according to statutory standards of judgment and care. TriMet anticipates earning an additional \$30 million or more over the next decade if allowed to invest the nonpension trust funds in the same manner it currently invests its pension trust funds.

**Oregon Laws 2019:** Chapter 16

[House Bill 2595](#)

Effective Date: January 1, 2020

**Former Legislators' Lobbying Activities**

**Chief Sponsors:** Reps. Fahey, Doherty

**Committees:** House Rules, Senate Rules

**Background and Current Law:** In 2007, former members were prohibited from receiving compensation for lobbying for at least one full regular session. Given the existence of alternating short and long regular sessions, the length of the prohibition varies and can range from approximately one month to approximately 16 months.

**Bill Summary:** House Bill 2595 creates a fixed one-year prohibition on former members lobbying for compensation after they leave the Legislative Assembly.

**Oregon Laws 2019:** Chapter 52

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[House Bill 2613](#)

**Not Enacted**

**County Fairground Master Plan**

**Chief Sponsors:** Rep. G Smith

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

**Background and Current Law:** The Oregon Business Development Department (OBDD) is the state's economic development agency. It operates infrastructure financing programs that are available to local municipalities for water systems, wastewater systems, port development, roads, and other infrastructure needs related to business growth and community development.

**Bill Summary:** House Bill 2613 would have required OBDD to retain a consultant to develop a master plan for county fairground capital construction and to report on the plan to the Legislative Assembly during the 2020 regular session.

### [House Bill 2699](#)

**Effective Date: September 29, 2019**

#### **Brownfield Property Tax Incentive**

**Chief Sponsors:** Rep. Nosse, McKeown; Sens. Bentz, Frederick

**Committees:** House Economic Development, House Revenue, Senate Finance and Revenue

**Background and Current Law:** A brownfield is a property where expansion or redevelopment is complicated by actual or perceived environmental contamination. The Legislative Assembly enacted House Bill 4084 in 2016, authorizing certain local governments to adopt an ordinance or resolution to provide property tax incentives for any land constituting a brownfield located within its jurisdiction. Certain properties are not eligible for the program, including property granted any other special assessment, exemption, or partial exemption.

**Bill Summary:** House Bill 2699 specifies that a brownfield property receiving property tax benefits may also receive any other special assessment, exemption, or partial exemption for which it is eligible. The measure prohibits the total amount of all special assessments, exemptions, and partial exemptions granted to a property from reducing the property tax liability to below zero. The measure also requires a city, county, or port to specify in ordinance or resolution how the multiple property tax benefits will be applied and to notify the county assessor of the intended application.

**Oregon Laws 2019:** Chapter 492

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### [House Bill 2769](#)

**Effective Date: September 29, 2019**

#### **Consultant Selection Process for Public Contracts**

**Chief Sponsors:** Rep. McLain; Sens. Dembrow, Manning Jr, Hansell

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** State and local governments use Qualifications-Based Selection (QBS) to procure architectural, engineering, land surveying, photogrammetric mapping, or transportation planning services for any services estimated to exceed \$100,000. QBS requires contracting agencies to select a contractor based solely on qualifications; the agency may only ask for pricing after a contractor is selected. If price negotiations fail, the contracting agency may then select the next most qualified consultant and the price negotiation begins again.

**Bill Summary:** House Bill 2769 allows local government contracting agencies to consider pricing proposals of three top-ranked consultants when soliciting architectural, engineering, land surveying, photogrammetric mapping, or transportation planning services.

**Oregon Laws 2019:** Chapter 55

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### [House Bill 2824](#)

**Not Enacted**

#### **Oregon Youth Advisory Council**

**Chief Sponsors:** Reps. Sollman, Helm, Doherty, Evans; Sen. Riley

**Committees:** House Rules

**Background and Current Law:** The Oregon Advocacy Commissions Office provides support for four advocacy commissions: the Commission on Asian and Pacific Islander Affairs, the Commission on Black Affairs, the Commission on Hispanic Affairs, and the Commission for Women. Each commission has nine community members, appointed by the Governor and confirmed by the Senate, and two legislators appointed by the Presiding Officers. The commissions provide policy advice, grow leadership, and strive to build success for their constituents.

**Bill Summary:** House Bill 2824 would have established the Oregon Youth Council to advise the Governor on youth-related issues. The council would have been supported by the Oregon Advocacy Commissions Office.

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### [House Bill 2973](#)

**Effective Date:** January 1, 2020

#### **Advocacy Commission Member Terms**

**Chief Sponsors:** Rep. Alonso-Leon

**Committees:** House Rules, Senate Business and General Government

**Background and Current Law:** Five advocacy commissions have been established in the State of Oregon: the Commission on Asian and Pacific Islander Affairs, the Commission on Black Affairs, the Commission on Hispanic Affairs, the Commission for Women, and the Oregon Disabilities Commission. The commissions provide policy advice, grow leadership, and strive to build success for their constituents. Four of the commissions have nine community members, appointed by the Governor and confirmed by the Senate, and two legislators appointed by the Presiding Officers. The fifth, the Oregon Disabilities Commission, is housed within the Department of Human Services and consists of 15 members appointed by the Governor.

**Bill Summary:** House Bill 2973 increases the terms of office for nonlegislative commissioners from three years to four years, while retaining two-year terms for legislative members.

**Oregon Laws 2019:** Chapter 73

### [House Bill 3034](#)

**Not Enacted**

#### **Legislative Assembly Paid Internships Program**

**Chief Sponsors:** Reps. Alonso-Leon, Hernandez

**Committees:** House Rules

**Background and Current Law:** Each legislative session, the Legislative Assembly benefits from student interns who work on behalf of lawmakers and nonpartisan offices. Current law does not expressly authorize the provision of stipends to student interns working for the Legislative Assembly.

**Bill Summary:** House Bill 3034 would have established the Legislative Assembly Paid Internships Program for the purpose of providing stipends to students participating in an internship with the offices of the Legislative Assembly.

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### [House Bill 3046](#)

**Not Enacted**

#### **Tribal Boundaries on Legislative District Maps**

**Chief Sponsors:** Rep. Bonham; Sen. Hansell

**Committees:** House Rules

**Background and Current Law:** Oregon is home to nine, federally recognized tribes: the Burns Paiute Tribe; the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; the Confederated Tribes of the Grand Ronde; the Confederated Tribes of Siletz; the Confederated Tribes of the Umatilla; the Confederated Tribes of Warm Springs; the Cow Creek Band of Umpqua Indians; the Coquille Indian Tribe; and the Klamath Tribes. Currently, the content of legislative district maps produced by the Department of Administrative Services (DAS) is not regulated.

**Bill Summary:** House Bill 3046 would have required maps of legislative districts to include tribal boundaries as identified by treaty and the U.S. Bureau of Indian Affairs.



### [House Bill 3061](#)

Effective Date: May 13, 2019

## Local Government Conveyance of Property for Broadband Service

**Chief Sponsors:** Rep. Reschke

**Committees:** House Economic Development, Senate Business and General Government

**Background and Current Law:** The term "political subdivision" refers to any unit of government authorized to levy and collect taxes. Political subdivisions may transfer real property, with certain restrictions, to any of the following: a governmental body; a qualifying nonprofit or municipal corporation for low-income housing, social services, or child care services; or a nonprofit or municipal corporation for the creation of open space, parks, or natural areas.

**Bill Summary:** House Bill 3061 adds providing broadband service to the list of purposes for which a political subdivision may convey real property to a nonprofit, municipal, or private corporation. The measure specifies that the conveyance instrument must restrict the use to providing broadband services and requires the property to revert to the political subdivision if not used consistent with this purpose. The measure also allows a political subdivision to waive or relinquish its reversionary interest in transferred property before 20 years if it is determined to be in the public interest.

**Oregon Laws 2019:** Chapter 112

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### [House Bill 3099-A](#)

Not Enacted

## Process for City Withdrawal from County Service District

**Chief Sponsors:** Reps. Bynum, Drazan

**Committees:** House Agriculture and Land Use, Senate Business and General Government

**Background and Current Law:** An individual who owns property within a territory annexed into a special district, or electors of an area within a special district, may petition the county board to withdraw the property from the district. The county board is required to approve the petition if it has not been, is not, or would not be, feasible for the territory to receive service from the district. Similarly, the county board must deny a petition if it is, or would be, feasible for the territory to receive service from the district.

**Bill Summary:** House Bill 3099-A would have authorized a city that was annexed into a county service district to petition the county board to withdraw from the district and would have required the city to call a city-only election on the question of withdrawal, provided that the city was annexed into the district upon a city-only election. The measure would also have required the governing bodies of the city and county service district to negotiate and finalize an agreement for the equitable division and disposal of district assets within 90 days following the effective date of withdrawal.

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### [House Bill 3110-A](#)

**Not Enacted**

#### **Rural Capacity Fund**

**Chief Sponsors:** Reps. Bonham, Reschke

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

**Background and Current Law:** Oregon has 12 Economic Development Districts (EDDs) covering all 36 counties, including one statewide tribal EDD and 11 regional EDDs. The EDDs often originate, package, and administer loans funded by state and federal programs, including the U.S. Department of Commerce Economic Development Administration, U.S. Small Business Administration, and U.S. Department of Agriculture. The EDD loan programs support economic development and business capital needs within the requirements of their funding sources. The EDDs also provide other business services and regional planning functions.

**Bill Summary:** House Bill 3110 would have established and allocated funding to the Oregon Rural Capacity Fund (Fund) to provide resources to Oregon's EDDs to assist rural jurisdictions to learn about, apply for, and manage grants and other funding opportunities to support workforce, infrastructure, economic development, and community development.

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### [House Bill 3123-A](#)

**Not Enacted**

#### **Pension Obligation Bond Assessment**

**Chief Sponsors:** Rep. Nathanson; Sen. Johnson

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** Public bodies are authorized to issue revenue bonds for the purpose of obtaining funds to pay pension liabilities, without regard to state or local limits on indebtedness.

**Bill Summary:** House Bill 3123-A would have required public bodies, before issuing pension obligation bonds, to obtain an independent assessment of the likelihood that investment returns will exceed the interest costs of the bonds and report on that assessment to the State Treasurer.

### [House Bill 3242](#)

**Not Enacted**

#### **Sale of State Land**

**Chief Sponsors:** Rep. Helt

**Committees:** House Rules

**Background and Current Law:** The state is required to offer certain lands for sale if the lands are not being used for a public purpose and will not be needed for public use for more than five years. Sales are not required to be completed within any specified time period. The Department of Administrative Services must approve the sale of state lands for less than fair market value.

**Bill Summary:** House Bill 3242 would have required that certain lands be sold if they were identified as either surplus or idle or otherwise not used for a public purpose. In the event the lands were not sold within six months, the measure would have required them to be auctioned.

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### [House Bill 3390](#)

**Not Enacted**

#### **Impact of Distributed Funds**

**Chief Sponsors:** Reps. Reardon, Gorsek, Piluso

**Committees:** House Rules

**Background and Current Law:** State agencies administer programs established by the legislature under the direction of the Governor. Some agencies are directed to distribute funds to local governments for the administration of specified programs.

**Bill Summary:** House Bill 3390 would have required state agencies responsible for distributing specified funds to counties to report to the Legislative Assembly on the amount of moneys distributed and the number of persons served by the distribution in each county.

## 2019 SUMMARY OF LEGISLATION

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# HEALTH CARE

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# HEALTH CARE MEASURES

<b>Behavioral Health and Addiction</b>	Enacted	SB 133, SB 134, SB 138, HB 2215, HB 2257, HB 2638, HB 2691
	Not Enacted	SB 135, SB 141-A, SB 526, SB 588-A, SB 808, HB 2035, HB 2339, HB 2621, HB 2624, HB 2627-A, HB 2667, HB 2831, HB 3095-A
<b>Children's Health</b>	Enacted	HB 3165
	Not Enacted	SB 130-A, SB 131, SB 721
<b>Health Coverage and Affordability</b>	Enacted	SB 9, HB 2706-A
	Not Enacted	SB 537, SB 749, SB 887, SB 911, HB 2269-A, HB 2511, HB 2693, HB 2845, HB 3262
<b>Health Care Entities</b>	Enacted	SB 23, SB 815, HB 3076
	Not Enacted	SB 140-A, SB 900, HB 2687, HB 2717-A, HB 3307
<b>Health Insurance and Regulation</b>	Enacted	SB 249, SB 250, SB 740, HB 2010, HB 2037, HB 2039, HB 2266, HB 3074
	Not Enacted	SB 139-A, SB 236, SB 242-A, SB 587, SB 734-A, HB 2703, HB 3075
<b>Oregon Health Plan (Medicaid), Health Transformation</b>	Enacted	SB 770, SB 889, SB 1041, HB 2267, HB 2692,
	Not Enacted	SB 735-A, SB 765-A, SB 780-A, SB 841, SB 1030, HB 2009, HB 2012, HB 3279, HB 3397-B
<b>Prescription Drugs</b>	Enacted	SB 698, HB 2185, HB 2303-B, HB 2609, HB 2658, HB 2935, HB 3273
	Not Enacted	SB 150, SB 409-A, SB 872-A, HB 2217-A, HB 2678-B, HB 2679, HB 2680-A, HB 2689-A, HB 2690, HB 2753, HB 2799, HB 2840-A, HB 2961, HB 3192

<b>Public Health</b>	Enacted	SB 27, SB 28, SB 29, SB 142, SB 253, SB 910, HB 2270, HB 2317, HB 2510, HB 2563, HB 2600
	Not Enacted	SB 387, SB 544, SB 649, SB 599, HB 2610, HB 2622, HB 2986-A, HB 3063
<b>Workforce, Professional Licensure and Training</b>	Enacted	SB 60, SB 61, SB 62, SB 63, SB 64, SB 65, SB 66, SB 67, SB 127, SB 128, SB 129, SB 136, SB 742, SB 823, SB 824, SB 834, SB 835, SB 1027, HB 2011, HB 2040, HB 2220, HB 2265
	Not Enacted	SB 124, SB 144, SB 204, SB 452-A, SB 754, SB 941, HB 2190, HB 2945

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# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 138	Requires the Mental Health Clinical Advisory Group to report to the Legislative Assembly on its progress in developing evidence-based algorithms for mental health drugs.	December 31, 2020
SB 770	Establishes the Task Force on Universal Health Care and requires Task Force to submit a report containing recommendations for the design of the Health Care for All Oregon Plan to the 2021 regular session of the Legislative Assembly.	2021 Regular Session
	Requires Oregon Health Authority (OHA) to submit the plan for the Medicaid Buy-In program by May 1, 2020.	May 1, 2020
SB 823	Requires the Director of the Department of Consumer and Business Services to compile and report health care employer security and safety evaluations.	March 22, 2022
SB 889	Requires the Health Care Cost Growth Benchmark Implementation Committee to report on program specifications, including recommendations on enforcement actions when a provider or payer fails to remain at or below the health care cost growth benchmark.	September 15, 2020

SB 1041	Requires OHA to report on the advisory group's recommendations for reconciling reporting differences no later than September 15, 2020.	September 15, 2020
	Requires OHA to annually report, and make readily available to the public, on an easily accessible website, specified Coordinated Care Organizations' financial information by August 1 of each year beginning in 2021.	August 1, 2021 and annually thereafter
HB 2257	Requires the Department of Corrections to study and report on substance use disorder (SUD) treatment options for individuals in custody by July 1, 2020. Directs OHA to convene an advisory group to study accreditation standards for SUD treatment programs.	July 1, 2020
	Requires OHA to report annually to the Legislative Assembly on the pilot program; sunsets pilot program January 2, 2022.	Annually until January 2, 2022
HB 2266	Requires OHA to report to Legislative Assembly on actions and strategies to limit the growth in per-member expenditures and reducing the total cost of delivering care in PEBB and OEBB.	December 31, 2019
HB 2563	Requires the Newborn Bloodspot Screening Board to report findings and recommendations for legislative changes to the Legislative Assembly no later than September 15 of each even-numbered year.	September 15 of each even-numbered year
	Requires Board to conduct its first meeting and report its findings no later than December 15, 2019.	December 15, 2019
HB 3076	Requires OHA to report on the implementation of financial assistance policies for nonprofit hospitals by December 31, 2022. Requires health care facilities to annually report specified financial data to OHA.	December 31, 2022
HB 3273	Requires Department of Environmental Quality to report to the Legislative Assembly by July 1, 2023 describing the administration of the drug take-back program.	July 1, 2023



### [Senate Bill 9](#)

Effective Date: May 13, 2019

#### Emergency Refills of Insulin

**Chief Sponsors:** Sens. Courtney, Linthicum

**At the request of:** Secretary of State Dennis Richardson

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Insulin therapy is used in the treatment of diabetes to help keep a person's blood sugar within the target range. Failure to appropriately manage blood sugar levels can have serious health consequences, including impacts to the heart, kidneys, and eyes. Current Oregon Board of Pharmacy rules allow pharmacists to use their professional judgment in permitting emergency refills of prescription drugs.

**Bill Summary:** Senate Bill 9 permits pharmacists to prescribe and dispense emergency refills of insulin and associated insulin-related devices and supplies. The bill limits individuals to three emergency refills per calendar year and requires medical assistance programs, such as the Oregon Health Plan, and health benefit plans to provide reimbursement for the emergency prescriptions.

**Oregon Laws 2019:** Chapter 095

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### [Senate Bill 23](#)

Effective Date: January 1, 2020

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Current statute allows the Oregon Health Authority (OHA) to request discharge records from hospitals, ambulatory surgical centers, and extended stay centers, but makes the reporting of discharge information voluntary on the part of the facility. Discharge data and information provides insight into health care delivery that is used by OHA to inform health policy development, program implementation, and system evaluation.

**Bill Summary:** Senate Bill 23 mandates the reporting of ambulatory surgery, inpatient, and emergency department discharge records by hospitals, ambulatory surgical centers, and extended stay centers licensed to operate in Oregon. The bill requires OHA to notify facilities of changes to the reporting data sets no later than July 1st of the year preceding the effective date of the changes.

**Oregon Laws 2019:** Chapter 537

### [Senate Bill 27](#)

**Effective Date:** July 1, 2019

#### **Oregon Drinking Water Quality Act Fees**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** The Oregon Health Authority (OHA) is the primary agency responsible for enforcing the federal Safe Drinking Water Act. OHA's responsibilities include conducting periodic sanitary surveys of water systems and sources to assess their capability to supply safe drinking water, taking water samples, and inspecting records to ensure that water systems are not creating an unreasonable risk to health. Currently, OHA only has authority to recover the costs of conducting surveys on regulated drinking water systems and sources.

**Bill Summary:** Senate Bill 27 allows OHA to assess fees on water suppliers to partially defray the costs related to safe drinking water surveying and enforcement. The bill requires the fees to be graduated based on the size and type of the water system.

**Oregon Laws 2019:** Chapter 509

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### [Senate Bill 28](#)

**Effective Date:** June 27, 2019

#### **Tourist and Food Service Facility License Fees**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** The Oregon Health Authority (OHA) works in partnership with local health departments to license, inspect, and enforce standards for tourist facilities, swimming pools, and food service establishments. Current fees used to support this oversight have not been revised since 2003.

**Bill Summary:** Senate Bill 28 increases the license fees for tourist facilities; public spas, pools, and bathhouses; bed and breakfasts; restaurants and vending machines; and for plan review of variance requests for public pools. The fee increases become operative on or after July 1, 2019.

**Oregon Laws 2019:** Chapter 510

### [Senate Bill 29](#)

**Effective Date:** June 20, 2019

#### **Public Health Division Program Updates**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The Public Health Division (PHD) of the Oregon Health Authority operates to promote health and help prevent the leading causes of death, disease, and injury in Oregon. The PHD is organized into three centers: the Center for Prevention and Health Promotion, which includes programs to implement policies, systems, and environmental changes designed to prevent chronic diseases and injury; the Center for Health Protection, which administers public health regulatory functions, including licensing health care facilities, inspecting restaurants and public water systems, and other environmental health protections; and the Center for Public Health Practice, which includes programs that protect the public from communicable diseases and assist in preparing and responding to public health emergencies.

**Bill Summary:** Senate Bill 29 modifies and clarifies provisions governing the PHD's administration of its duties and responsibilities to align with current practice. Among other things, the bill removes barriers to effective enforcement of tobacco laws, updates the membership of emergency medical and trauma system committees, aligns communicable disease reporting requirements with national best practices, and replaces outdated terminology related to sexually transmitted infections.

**Oregon Laws 2019:** Chapter 456

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### [Senate Bill 60](#)

**Effective Date:** June 4, 2019

#### **Health Care Professional Liability Limitation**

**At the request of:** Governor Kate Brown for Oregon Medical Board

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Current statute allows specified health care practitioners who provide services without compensation to register for a program that limits the practitioner's liability for injury, death, or other loss.

**Bill Summary:** Senate Bill 60 adds acupuncturists to the group of health care practitioners eligible for the liability limitation program and changes registration for the program from an annual to a biennial requirement.

**Oregon Laws 2019:** Chapter 227

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### [Senate Bill 61](#)

**Effective Date:** June 4, 2019

#### **Oregon Medical Board Membership**

**At the request of:** Governor Kate Brown for Oregon Medical Board

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The Oregon Medical Board's (Board) mission is to protect the health, safety, and wellbeing of Oregonians by regulating the practice of medicine, including licensing medical doctors, doctors of osteopathic medicine, doctors of podiatric medicine, physician assistants, and acupuncturists. Currently, the Board is comprised of 13 members, two of whom are members of the public.

**Bill Summary:** Senate Bill 61 adds a third public member to the Board, bringing the public member representation percentage in line with other health care professional boards.

**Oregon Laws 2019:** Chapter 228

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### [Senate Bill 62](#)

**Effective Date:** January 1, 2020

#### **Medical Imaging Practice**

**At the request of:** Governor Kate Brown for Board of Medical Imaging

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Current statute prohibits "knowingly" employing a person for the purpose of practicing a medical imaging modality or as a limited x-ray machine operator if the person is not licensed or does not hold a permit. The same "knowingly" standard applies to making a false statement on an application for license or permit.

**Bill Summary:** Senate Bill 62 changes the applicable standard to that of reasonable care for regulation of employment and false statements in the practice of medical imaging.

**Oregon Laws 2019:** Chapter 229

### [Senate Bill 63](#)

**Effective Date:** June 4, 2019

#### **Limited X-ray Machine Operator Temporary Permits**

**At the request of:** Governor Kate Brown for Board of Medical Imaging

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Current statutes authorize the Board of Medical Imaging (OBMI) to issue temporary limited X-ray machine operator permits to licensure applicants that are in the process of completing clinical education requirements. These statutes currently specify the requirements for, and length of, the temporary permits.

**Bill Summary:** Senate Bill 63 replaces the current statutory specifications for issuance of temporary limited X-ray machine operator permits with direction to OBMI to adopt rules setting the standards for these permits.

**Oregon Laws 2019:** Chapter 230

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### [Senate Bill 64](#)

**Effective Date:** June 13, 2019

#### **Oregon State Board of Nursing Functions**

**At the request of:** Governor Kate Brown for Oregon State Board of Nursing

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Current statutes refer to the Oregon State Board of Nursing (OSBN) as providing both “approval” and “accreditation” of nursing education programs. The statutes also use the term “certification” when referring to licensure of certain advanced practice nurses. The use of “accreditation” and “certification” has caused confusion in relation to those activities and duties that are performed by other regulatory entities.

**Bill Summary:** Senate Bill 64 updates various statutory provisions to clarify that OSBN provides licensure to nurse practitioners and approves nursing education programs.

**Oregon Laws 2019:** Chapter 358

### [Senate Bill 65](#)

**Not Enacted**

[\(see Senate Bill 127\)](#)

### **Nurse Midwifery**

**At the request of:** Governor Kate Brown for Oregon State Board of Nursing

**Committees:** Senate Health Care

**Background and Current Law:** The Oregon State Board of Nursing licenses three types of Advanced Practice Registered Nurses (APRNs): nurse practitioners, certified registered nurse anesthetists, and clinical nurse specialists. In order to hold an APRN certification in Oregon, all nurses must also apply for and maintain an Oregon Registered Nurse license. For nurse practitioners, the Oregon Nurse Practice Act recognizes 13 different specialties, including nurse midwifery.

**Bill Summary:** Senate Bill 65 would have created a new designation of licensed nurse, the "licensed certified nurse midwife," who would be qualified to practice in an expanded midwifery specialty role.

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### [Senate Bill 66](#)

**Effective Date: June 6, 2019**

### **Military Nurse Training Programs**

**At the request of:** Governor Kate Brown for Oregon State Board of Nursing

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Current statute requires applicants for nursing licensure in Oregon to demonstrate graduation from a nursing education program accredited by the Oregon State Board of Nursing (OSBN) or accredited by the appropriate agency of another state or territory. These requirements do not allow OSBN to license graduates of military nurse training programs that are not nationally accredited.

**Bill Summary:** Senate Bill 66 authorizes OSBN to recognize a military training program as a nursing education program for licensed practical nurses and allows OSBN to license by indorsement an applicant licensed in another state or territory based upon recognition of the applicant's military education.

**Oregon Laws 2019:** Chapter 257

### Senate Bill 67

Effective Date: January 1, 2020

#### **Circulating Nurses in Ambulatory Surgical Centers**

**At the request of:** Governor Kate Brown for Oregon State Board of Nursing

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The current statute defining the duties of circulating nurses in Oregon Revised Statutes (ORS) Chapter 678 defines and references a “Type I ambulatory surgical center.” ORS Chapter 442 provides a separate definition for “ambulatory surgical center.”

**Bill Summary:** Senate Bill 67 replaces the term “Type I ambulatory surgical center” with “ambulatory surgical center” as defined in ORS Chapter 442 in the statute defining the duties of circulating nurses.

**Oregon Laws 2019:** Chapter 231

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### Senate Bill 124

**Not Enacted**

#### **Practice of Massage Therapy**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care

**Background and Current Law:** Current statute exempts practitioners who do not expressly or implicitly claim to be massage therapists from law pertaining to the practice of massage therapy, including regulation and licensure by the State Board of Massage Therapists.

**Bill Summary:** Senate Bill 124 would have narrowed the current statutory exemption to pertain to practitioners who do not expressly or implicitly claim to perform an act that is included in the definition of “massage” as defined in ORS 687.011. The bill would have had the potential impact of making chiropractic assistants, who act under the supervision of licensed chiropractic physicians, no longer exempt from the statutes governing massage therapy.

### [Senate Bill 127](#)

**Effective Date:** January 1, 2020

#### **Nurse Midwifery**

**At the Request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Nationally, Advanced Practice Registered Nurses (APRNs) who specialize in nurse midwifery are referred to as “certified nurse midwives.” In Oregon, such APRNs are called “nurse midwife nurse practitioners.” The difference in terminology causes confusion and difficulty when a person licensed as a “certified nurse midwife” in another state applies for licensure in Oregon.

**Bill Summary:** Senate Bill 127 changes the term "nurse midwife nurse practitioner" to "nurse practitioner specializing in nurse midwifery."

**Oregon Laws 2019:** Chapter 233

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### [Senate Bill 128](#)

**Effective Date:** May 20, 2019

#### **Advanced Practice Registered Nurse Supervision of Fluoroscopy**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Fluoroscopy is a study of moving body structures that shows a continuous X-ray image on a monitor, like an X-ray "movie." House Bill 2880 (2015) directed the Oregon Board of Medical Imaging (OBMI) to issue certificates to qualified physician assistants to practice fluoroscopy. In 2016, the Oregon State Board of Nursing (OSBN) updated rules governing the scope of practice for advanced practice registered nurses (APRNs) to include use of technologies like fluoroscopy. Although authorized under applicable OSBN rules, uncertainty remained as to whether the use of fluoroscopy by APRNs was permitted under OBMI statute.

**Bill Summary:** Senate Bill 128 directs OBMI to issue permits to qualified APRNs to supervise fluoroscopy.

**Oregon Laws 2019:** Chapter 128



### [Senate Bill 129](#)

Effective Date: June 4, 2019

#### Optometrist Practice of Telemedicine

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Telemedicine allows health care professionals to evaluate, diagnose, and treat patients in remote locations using telecommunications technology. Initially popular in the field of radiology, telemedicine has recently spread to other fields of medicine, particularly as a way to increase access to services.

**Bill Summary:** Senate Bill 129 defines permissible telemedicine practices for optometrists licensed in Oregon. The bill requires an initial in-person eye examination before utilizing telemedicine and requires that the technology used comply with applicable federal privacy laws.

**Oregon Laws 2019:** Chapter 234

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### [Senate Bill 130-A](#)

Not Enacted

#### School-Based Health Center Telehealth Pilot Projects

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** School-Based Health Centers (SBHCs) are medical clinics located in schools or on school grounds that offer children and youth physical, mental, and preventative health services. SBHCs are staffed by a primary care professional and offer access to health services for all students, regardless of insurance status.

**Bill Summary:** Senate Bill 130-A would have required the Oregon Health Authority to award grants to eligible school-based health center pilot projects to expand student access to mental and physical health care services through the use of telehealth.

### [Senate Bill 131](#)

**Not Enacted**

#### **Children's Health Advocate**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, Senate Human Services

**Background and Current Law:** Child-caring agencies are private entities that offer day treatment, adoption placement, residential care, outdoor programs, or other similar care and services for children. Any child under the age of 19 who is a resident of Oregon and is not already insured is eligible for the Oregon Health Plan (OHP), the state's Medicaid program.

**Bill Summary:** Senate Bill 131 would have required the Oregon Health Authority to appoint a Children's Health Advocate responsible for resolving issues of access and reimbursement for OHP recipients in private child-caring agencies.

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### [Senate Bill 133](#)

**Effective Date: September 29, 2019**

#### **Behavioral Health Provider Advertisement and Referral**

**At the request of:** Senate Interim Committee on Health Care

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

**Background and Current Law:** Substance abuse, problem gambling, and mental health services and supports can be provided in outpatient, inpatient, and residential settings with differing levels of regulatory oversight. This variation can make a person seeking services or supports vulnerable to deceptive, unethical, or predatory practices.

**Bill Summary:** Senate Bill 133 prohibits kickbacks and false or misleading advertisements by substance abuse, problem gambling, and other mental health services providers.

**Oregon Laws 2019:** Chapter 363

### [Senate Bill 134](#)

Effective Date: September 29, 2019

#### CCO Behavioral Health Resource Publishing

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** One of the key changes emphasized by the coordinated care organization (CCO) model introduced in 2012 has been the community-level integration and coordination of physical and behavioral health services at the community level. In 2016, the Oregon Health Authority (OHA) convened the Behavioral Health Collaborative (BHC) to bring together providers, patients, and other stakeholders to develop recommendations to help create a coordinated, seamless, and patient-centered health care system. The BHC recommended consideration of standardized protocols for identification, assessment, coordination of care, and treatment across entry points. In 2018, the Oregon Health Policy Board released a comprehensive set of policy recommendations referred to as CCO 2.0 that included a focus on improving the behavioral health system and addressing barriers to care.

**Bill Summary:** Senate Bill 134 requires CCOs to publish service information for persons who have mental illnesses or substance use disorders in a standard format. The bill also requires OHA to accept and consider tribal-based behavioral health care practices as equivalent to evidence-based practices.

**Oregon Laws 2019:** Chapter 364

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### [Senate Bill 135](#)

Not Enacted

#### Penalties for Unlawful Practice of Applied Behavior Analysis

**At the request of:** Senate Interim Committee on Health Care for Paul Terdal

**Committees:** Senate Health Care

**Background and Current Law:** In 2013, the Legislative Assembly passed Senate Bill 365 which created the Behavior Analysis Regulatory Board to license providers of applied behavior analysis in Oregon. Senate Bill 696 (2015) established a statutory definition of "applied behavior analysis" and established criteria for licensure of behavior analysts and assistant behavior analysts.

**Bill Summary:** Senate Bill 135 would have prohibited individuals not authorized by the Behavior Analysis Regulatory Board from performing behavior analysis and would have allowed the Oregon Health Licensing Office to impose civil monetary penalties and other disciplinary action.

### [Senate Bill 136](#)

Effective Date: May 20, 2019

#### **Certified Registered Nurse Anesthetist Prescribing Authority**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** In 2013, the Legislative Assembly passed Senate Bill 136 which granted certified registered nurse anesthetists (CRNAs) limited authority to prescribe medications under parameters set by the Oregon State Board of Nursing, including a 10-day supply limitation on prescriptions for controlled substances in Schedules II, III, III N, IV, and V. At the time, CRNAs were the only group of advanced practice registered nurses (APRNs) in Oregon who lacked prescribing authority.

**Bill Summary:** Senate Bill 136 removes the 10-day supply limitation on CRNAs' authority to prescribe medications, consistent with other APRNs.

**Oregon Laws 2019:** Chapter 129

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### [Senate Bill 137](#)

**Not Enacted**

#### **CCO Behavioral Health Contracting**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care

**Background and Current Law:** With the passage of House Bill 3650 (2011) and Senate Bill 1580 (2012), the Legislative Assembly authorized the delivery of Oregon Health Plan (Medicaid) services through coordinated care organizations (CCOs). One of the key changes emphasized by the CCO model has been the integration and coordination of physical and behavioral health services at the community level.

**Bill Summary:** Senate Bill 137 would have prohibited CCOs from subcontracting with other entities to provide behavioral health services or to assume the responsibility for utilization management, care coordination, denials of service, or grievance and appeal processing. The bill would have also required the Oregon Health Authority to adopt rules standardizing behavioral health utilization management, network adequacy, and grievance and appeal procedures.

### [Senate Bill 138](#)

Effective Date: July 15, 2019

#### **Mental Health Clinical Advisory Group**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In 2017, the Legislative Assembly passed House Bill 2300, which established the Mental Health Clinical Advisory Group (Advisory Group) in the Oregon Health Authority (OHA). The Advisory Group was charged with developing recommendations on evidence-based algorithms for mental health treatments, practice guidelines, and necessary changes to the OHA preferred drug list. The Advisory Group sunset on December 31, 2018.

**Bill Summary:** Senate Bill 138 reestablishes the Mental Health Clinical Advisory Group to develop algorithms and recommendations for managing mental health prescription drugs within the Oregon Health Plan.

**Oregon Laws 2019:** Chapter 544

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### [Senate Bill 139-A](#)

**Not Enacted**

#### **Health Insurer Prior Authorization Requirements**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Health insurance policies and certificates may include prior authorization requirements that require approval of certain items or services before the insurer will provide reimbursement. Similarly, step therapy protocols are used to help manage costs and risks associated with prescription drugs by requiring initial utilization of the most cost-effective drug and progressing to alternative drugs only if necessary.

**Bill Summary:** Senate Bill 139-A would have specified the utilization of prior authorization and step therapy protocols by health insurers regulated by the Department of Consumer and Business Services.

### [Senate Bill 140-A](#)

**Not Enacted**

#### **Emergency Department “Boarding” Pilot Project**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** The Oregon Health Authority’s (OHA) 2015-17 legislatively approved budget included a budget note that required OHA to study and report on the issue of “boarding” – a practice in which patients with mental illnesses remain in the care of hospital emergency departments (EDs) while waiting for a bed in an appropriate setting. The study, completed in October 2016, found that psychiatric patients receive sub-optimal care in EDs; boarding negatively impacts the care of other patients by reducing ED capacity and increasing pressure on staff; and, boarding places significant financial strain on hospitals.

**Bill Summary:** Senate Bill 140-A would have established a pilot project to provide grants to hospitals to implement strategies aimed at reducing emergency department boarding. The bill also would have created a task force to develop additional recommendations for the Legislative Assembly.

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### [Senate Bill 141-A](#)

**Not Enacted**

#### **Behavioral Health Crisis Caring Contacts**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In October 2016, the Oregon Health Authority (OHA) completed a legislatively mandated report on the issue of “boarding” – a practice in which patients with mental illnesses remain in the care of hospital emergency departments (EDs) while waiting for a bed in an appropriate setting. The report had nine recommendations, including improving care of psychiatric patients in EDs.

**Bill Summary:** Senate Bill 141-A would have required OHA to issue grants to hospitals to establish and maintain a process for providing caring contacts to patients who present in EDs with suicidal ideation or who have attempted suicide.

### [Senate Bill 142](#)

Effective Date: January 1, 2020

#### Human Immunodeficiency Virus (HIV) Language Modernization

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Human immunodeficiency virus (HIV) attacks the body's immune system, specifically the CD4 cells (T cells), which help fight off infections. Untreated, HIV reduces the number of T cells in the body, making the affected person more likely to get other infections or infection-related cancers. Over time, HIV can destroy so many of these cells that the body cannot fight off infections and disease. These opportunistic infections or cancers take advantage of a very weak immune system and signal that the person has AIDS, the last stage of HIV infection. Unlike some other viruses, the human body cannot get rid of HIV completely, even with treatment.

**Bill Summary:** Senate Bill 142 replaces references to stigmatized conditions, including HIV and AIDS, consistent with current clinical usage.

**Oregon Laws 2019:** Chapter 280

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### [Senate Bill 144](#)

Not Enacted

#### Whole Body Anatomical Gifts

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care

**Background and Current Law:** The Uniform Anatomical Gift Act (UAGA) is a federal law, first declared in 1968, that created the regulatory framework for the donation of organs, tissues, and other human body parts in the United States. In Oregon, both Oregon Health and Science University (OHSU) and Western University of Health Sciences College of Osteopathic Medicine of the Pacific (COMP-Northwest) operate whole body donation programs that allow an individual to donate their remains for use in helping to educate health care professionals.

**Bill Summary:** Senate Bill 144 would have applied specific provisions of Oregon's codification of the federal UAGA to gifts of the whole body.

### [Senate Bill 150](#)

**Not Enacted**

#### **Lockable Prescription Drug Vials**

**Chief Sponsors:** Sens. Knopp, Fagan

**Committees:** Senate Health Care

**Background and Current Law:** The federal Controlled Substances Act categorizes drugs and other substances that are considered controlled substances into five schedules. Schedule II drugs and controlled substances are characterized as having a high potential for abuse, with abuse potentially leading to severe psychological or physical dependence.

**Bill Summary:** Senate Bill 150 would have required pharmacists to dispense Schedule II controlled substances in lockable vials with specified exceptions.

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### [Senate Bill 204](#)

**Not Enacted**

[\(see House Bill 2164\)](#)

#### **Rural Volunteer Emergency Medical Service Tax Credit**

**At the request of:** Senate Interim Committee on Finance and Revenue

**Committees:** Senate Finance and Revenue, Senate Health Care, Joint Tax Expenditures

**Background and Current Law:** In 2005, the Legislative Assembly passed Senate Bill 31, establishing a \$250 tax credit for individuals providing volunteer emergency medical services in rural areas. For the tax credit, rural is defined as a geographic area that is located at least 25 miles from any city with a population of 30,000 or more. Senate Bill 31 charged the Oregon Office of Rural Health with establishing criteria for certifying individuals who are emergency medical technicians and are eligible for the tax credit.

**Bill Summary:** Senate Bill 204 would have extended the sunset of the volunteer emergency medical services tax credit from January 1, 2020 to January 1, 2026. Note: the extension of the tax credit was included with other tax expenditure extensions in House Bill 2164.



### [Senate Bill 236](#)

**Not Enacted**

[\(see Senate Bill 587\)](#)

**Chief Sponsors:** Sens. Burdick, Riley

**At the request of:** Timothy Brinker

**Committees:** Senate Health Care

**Background and Current Law:** The Oregon Department of Consumer and Business Services (DCBS) is the state's primary regulator of all types of insurance companies, including health insurance companies that provide individual, small group, and large group health insurance policies. Health insurance policies may include prior authorization requirements that require approval of certain items or services before the insurer will provide reimbursement.

**Bill Summary:** Senate Bill 236 would have placed restrictions on the use of prior authorization for specified physical and occupational therapy treatments in health insurance policies regulated by DCBS.

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### [Senate Bill 242-A](#)

**Not Enacted**

## Surrogate Insurance Coverage

**Chief Sponsors:** Sen. Monnes Anderson; Rep. Piluso

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** The federal Affordable Care Act included protections ensuring that pregnant women could not be denied health insurance coverage and that maternity care and childbirth coverage must be covered by the insurance policy. Surrogacy agreements commonly call for the intended parent(s) to help the surrogate mother with health care costs associated with the surrogacy, including health insurance premiums and out-of-pocket costs. As a result, some insurance policies contain provisions that allow the insurer to retain a right to place a lien on a surrogate's compensation from the intended parent(s).

**Bill Summary:** Senate Bill 242-A would have required health insurance policies to provide coverage of pregnancy care for surrogate mothers without any terms that would negate a payment or reimbursement of costs.

### [Senate Bill 249](#)

**Effective Date:** January 1, 2020

#### **Health Insurance Prior Authorization Procedures**

**At the request of:** Governor Kate Brown for Department of Consumer and Business Services

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The Oregon Department of Consumer and Business Services is the state's primary regulator of all types of insurance companies, including health insurance companies that offer individual, small group, and large group health insurance policies. Health insurance policies and certificates may include prior authorization requirements that require approval of certain items or services before the insurer will provide reimbursement.

**Bill Summary:** Senate Bill 249 prohibits specified conduct by health insurers when reviewing and responding to requests for prior authorization, including failing to act promptly, equitably, or reasonably, and modifies deadlines for prior authorization reviews.

**Oregon Laws 2019:** Chapter 284

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### [Senate Bill 250](#)

**Effective Date:** January 1, 2020

#### **Affordable Care Act Alignment**

**At the request of:** Governor Kate Brown for Department of Consumer and Business Services

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The federal Patient Protection and Affordable Care Act (ACA), enacted in 2010, contained a multitude of provisions regarding Medicare, Medicaid, and the employer and individual insurance markets. Many of these provisions went into effect in 2014 with the goal of reducing the number of Americans without health insurance. Key provisions included the individual insurance "mandate," pre-existing condition protections, essential health benefit coverage requirements, and insurance premium subsidies. In previous sessions, the Oregon Legislative Assembly enacted legislation aligning the Oregon Insurance Code with various aspects of the ACA: Senate Bill 89 (2011), House Bill 2240 (2013), House Bill 2466 (2015), and House Bill 2341 (2017).

**Bill Summary:** Senate Bill 250 further aligns the Insurance Code with the ACA, including maintaining protections for individuals with pre-existing conditions, clarifying the application of mental health parity requirements to individual and group plans, and codifying nondiscrimination protections. The bill also enables the Department of Consumer and Business Services to take actions to ensure market stability, including charging fees to insurers that are exempt from providing benefits other insurers must offer and running a state-based risk adjustment program, if necessary.

**Oregon Laws 2019:** Chapter 285

### [Senate Bill 253](#)

**Effective Date:** June 11, 2019

#### **Local Public Health Authorities**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The Oregon Health Authority's (OHA) Public Health Division operates to promote health and help prevent the leading causes of death, disease, and injury in Oregon. In 2013, the Legislative Assembly created the Task Force on the Future of Public Health Services (Task Force). Legislation implementing the Task Force's recommendations passed during the 2015 (House Bill 3100) and 2017 (House Bill 2310) legislative sessions and included provisions authorizing a county to relinquish its local public health authority to the state.

**Bill Summary:** Senate Bill 253 clarifies the process for the transfer of local public health authority from a county to the state and grants OHA the authority to appoint a local health officer in a county that has relinquished its local public health authority.

**Oregon Laws 2019:** Chapter 321

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### [Senate Bill 387](#)

**Not Enacted**

#### **Medical Marijuana Transfers**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Health Care

**Background and Current Law:** In 1998, Oregon voters approved Ballot Measure 67 allowing the medical use of marijuana in Oregon within specified limits. This law, known as the Oregon Medical Marijuana Act, requires a physician's written statement of a patient's qualifying debilitating medical condition to authorize the patient to use medical marijuana, provides legal protections for qualified patients using marijuana, allows a caregiver to assist a qualified patient, and mandates a statewide registration system maintained by the Oregon Health Authority.

**Bill Summary:** Senate Bill 387 would have allowed a person designated to produce marijuana by a registry identification cardholder to receive certain medical marijuana products from a marijuana processing site, subject to conditions.

### [Senate Bill 409-A](#)

**Not Enacted**

#### **Prescription Drug Importation Feasibility Study**

**Chief Sponsors:** Sens. Linthicum, Steiner Hayward; Rep. Nosse

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In 2018, the Legislative Assembly passed House Bill 4005, creating the Task Force on Fair Pricing of Prescription Drugs. The bill charged the Task Force with developing a strategy to create transparency for drug prices across the entire supply chain of pharmaceutical products. The Task Force was also required to deliver a report, finalized in November 2018, containing a cost-effective and enforceable solution that exposes the cost factors negatively impacting prices paid by Oregonians for pharmaceutical products. In developing its 14 recommendations, the Task Force considered approaches taken in other states, including legislation on pharmaceutical importation in Colorado, Vermont, and West Virginia.

**Bill Summary:** Senate Bill 409-A would have directed the State Board of Pharmacy to study the feasibility of implementing, and develop a plan to implement, a program to allow the wholesale importation of prescription drugs from Canada into Oregon.

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### [Senate Bill 452-A](#)

**Not Enacted**

#### **Emergency Medical Responses to Rare Medical Conditions**

**Chief Sponsors:** Sen. Beyer

**At the request of:** Jennifer Knapp

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Emergency medical service (EMS) providers are licensed to attend to individuals who are ill, injured, or have a disability. EMS providers can serve in a dual capacity in occupations such as police officers, firefighters, and funeral home operators. Currently, the Oregon Health Authority (OHA) licenses EMS providers and the Oregon Medical Board develops rules that define the scope of practice for each level of EMS provider. Most other regulation of EMS providers is left to the counties, cities, and districts. These local entities have responsibility for developing and updating protocols for the provision of emergency services within the local jurisdiction.

**Bill Summary:** Senate Bill 452-A would have required OHA to study the responses of EMS providers to rare medical conditions, particularly those conditions requiring emergency-use medications for treatment.

### [Senate Bill 526](#)

Effective Date: September 29, 2019

#### **Newborn Nurse Home Visiting Program**

**Chief Sponsors:** Sens. Steiner Hayward, Hansell; Reps. Schouten, Stark

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Duke University's Family Connects program provides up to three nurse home visits to every family with a newborn beginning at about three weeks of age, regardless of income or demographic risk. Using a tested screening tool, a nurse measures newborn and maternal health and assesses strengths and needs to link the family to community resources. Evaluation of the Family Connects program has shown several positive effects, including reduction in infant emergency room visits, reduction in maternal anxiety, improved home environments, and use of more positive parenting behaviors.

**Bill Summary:** Senate Bill 526 requires the Oregon Health Authority to establish a voluntary universal nurse home visiting program to support child development and strengthen families. The home visiting services would be available to all families in Oregon with newborns and offer at least one visit during the newborn's first three months. The bill also requires health benefit plans to reimburse the cost of these services without cost-sharing for families who choose to receive them.

**Oregon Laws 2019:** Chapter 552

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### [Senate Bill 537](#)

**Not Enacted**

#### **Coordination of Benefits – Insurance Coverage**

**Chief Sponsors:** Sen. Riley

**Committees:** Senate Health Care

**Background and Current Law:** The Oregon Department of Consumer and Business Services (DCBS) is the state's primary regulator of all types of insurance companies, including health insurance companies that offer individual, small group, and large group health insurance policies. Coordination of benefits (COB) rules apply when a person is covered by two or more health insurance plans to determine the order of benefit payments among the plans.

**Bill Summary:** Senate Bill 537 would have required the Director of DCBS to adopt COB rules that protect insured persons from out-of-pocket expenses when the sum of the coverages exceeds reimbursable costs.

### [Senate Bill 544](#)

**Not Enacted**

#### **Emergency Treatment of Adrenal Insufficiency Disorder**

**Chief Sponsors:** Sen. Riley

**At the request of:** Annette Cornish

**Committees:** Senate Health Care

**Background and Current Law:** Adrenal insufficiency is a disorder that occurs when the adrenal glands do not make enough of certain hormones, including cortisol. Most often caused by autoimmune disease, common symptoms include fatigue, muscle weakness, loss of appetite, weight loss, and abdominal pain. Treatment of adrenal insufficiency disorder can include medicines that replace the hormones the body is not making.

**Bill Summary:** Senate Bill 544 would have required ambulances to carry emergency treatment medication for adrenal insufficiency disorder and would allow the Oregon Health Authority to adopt rules regarding the use of emergency treatment medication for adrenal insufficiency disorder.

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### [Senate Bill 587](#)

**Not Enacted**

[\(see Senate Bill 236\)](#)

#### **Physical and Occupational Therapy Prior Authorization**

**Chief Sponsors:** Sen. Prozanski

**At the request of:** Angela Lewis

**Committees:** Senate Health Care

**Background and Current Law:** The Oregon Department of Consumer and Business Services (DCBS) is the state's primary regulator of all types of insurance companies, including health insurance companies that offer individual, small group, and large group health insurance policies. Health insurance policies may include prior authorization requirements that require approval of certain items or services before the insurer will provide reimbursement.

**Bill Summary:** Senate Bill 587 would have placed restrictions on the use of prior authorization for specified physical and occupational therapy treatments in health insurance policies regulated by DCBS.

### [Senate Bill 588-A](#)

**Not Enacted**

#### **Outdoor Therapy Grant Program**

**Chief Sponsors:** Sens. Prozanski, Manning Jr.

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Outdoor therapy programs use wilderness experiences in conjunction with behavioral health services to help meet the therapeutic needs of individuals. Studies have found that individuals treated with outdoor therapy have improved emotional and behavioral outcomes in comparison to alternative and no-treatment groups.

**Bill Summary:** Senate Bill 588-A would have established the Outdoor Therapy Grant Program within the Oregon State Parks and Recreation Department for the purpose of providing grants to enhance outdoor environmental, ecological, agricultural, and other natural resource-based therapy programs in Oregon.

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### [Senate Bill 599](#)

**Not Enacted**

#### **Medical Marijuana Patient Access Committee**

**Chief Sponsors:** Sen. Beyer

**At the request of:** Kris McAlister

**Committees:** Senate Health Care

**Background and Current Law:** In 1998, Oregon voters approved Ballot Measure 67, the Oregon Medical Marijuana Act (OMMA), allowing the medical use of marijuana in Oregon within specified limits. The Oregon Health Authority's (OHA) Oregon Medical Marijuana Program (OMMP) implements and administers provisions of the OMMA to ensure Oregonians suffering from debilitating medical conditions have safe and well-regulated access to medical marijuana as a therapeutic treatment for those conditions. In November 2014, Oregon voters approved Ballot Measure 91, fully legalizing marijuana in Oregon. In 2017, the Legislative Assembly passed House Bill 2198, creating the Oregon Cannabis Commission to provide advice to OHA on administration of the OMMP and to the Oregon Liquor Control Commission on the administration of the non-medical marijuana program.

**Bill Summary:** Senate Bill 599 would have established the Medical Marijuana Patient Access Committee in OHA to study and recommend measures to reduce barriers to accessing medical marijuana and advise OHA on issues related to accessing medical marijuana.

### [Senate Bill 649](#)

**Not Enacted**

#### **Vaccine Information Packets**

**Chief Sponsors:** Sens. Thatcher, Linthicum, Knopp

**At the request of:** Oregonians for Medical Freedom

**Committees:** Senate Health Care

**Background and Current Law:** Vaccines are used to prevent diseases that can be dangerous or even deadly. Vaccines work by "imitating" an infection and working with the body's natural defenses to safely develop immunity to disease. The Centers for Disease Control and Prevention and medical experts update vaccine recommendations ("schedules") every year based on the latest science and research. Children in attendance at Oregon public and private schools, preschools, child care facilities, and Head Start programs are required to have certain vaccinations unless granted a medical or nonmedical exemption.

**Bill Summary:** Senate Bill 649 would have required licensed health care providers to provide information packets to patients receiving a vaccine and would have required the Oregon Health Authority to maintain a website that provides specific vaccine information.

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### [Senate Bill 698](#)

**Effective Date: September 29, 2019**

#### **Prescription Drug Labeling**

**Chief Sponsors:** Sen. Monnes Anderson; Reps. Nosse, Greenlick

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Under Title VI of the Civil Rights Act of 1964, all health care providers and recipients of federal financial assistance, including Medicare and Medicaid, are required to take reasonable steps to ensure meaningful access to their programs by individuals with limited English proficiency (LEP). According to the United States Census Bureau's American Community Survey 2009-2013, 6.21 percent of Oregonians over five years of age have LEP. LEP individuals are more likely than fluent English speakers to experience medication errors due to an inability to read or understand labels that provide instruction on how and when to take prescription medications.

**Bill Summary:** Senate Bill 698 requires the State Board of Pharmacy to adopt rules regarding the provision of prescription drug labels and inserts in both English and a language the patient can understand.

**Oregon Laws 2019:** Chapter 465



### [Senate Bill 721](#)

**Not Enacted**

#### **School-Based Health Center Reimbursement**

**Chief Sponsors:** Sen. Frederick; Rep. Gorsek

**Committees:** Senate Health Care

**Background and Current Law:** School-based health centers (SBHCs) have existed in Oregon since 1986 and operate through public-private partnerships between the Oregon Public Health Division, school districts, county public health departments, public and private practitioners, tribes, parents, students, and community members. Oregon SBHCs provide a full range of physical, mental, and preventative health services to all students, regardless of their ability to pay.

**Bill Summary:** Senate Bill 721 would have required coordinated care organizations (CCOs) to reimburse the cost of services provided by SBHCs to members of CCOs at the same rate paid to in-network providers.

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### [Senate Bill 734-A](#)

**Not Enacted**

#### **Naturopathic Physician Reimbursement**

**Chief Sponsors:** Sen. Monnes Anderson; Reps. Lively, Noble

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In 2013, the Legislative Assembly passed House Bill 2902, which required health insurers to reimburse primary care and mental health services provided by nurse practitioners and physician assistants at the same rate as physicians. Naturopathic physicians (NDs) are primary care practitioners trained as specialists in natural medicine; NDs receive a Doctorate of Naturopathic Medicine degree from a four-year graduate-level naturopathic medical college with admission requirements comparable to those of conventional medical schools.

**Bill Summary:** Senate Bill 734-A would have required health insurers to reimburse NDs at the same rate as physicians for services provided within the NDs' scope of practice if those services are reimbursed when provided by physicians.

### [Senate Bill 735-A](#)

**Not Enacted**

#### **Health Plan Quality Metrics Committee**

**Chief Sponsors:** Sen. Steiner Hayward

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In 2015, the Legislative Assembly passed Senate Bill 440, which required the Oregon Health Policy Board (OHPB) to develop a statewide strategic plan for the collection and use of health care data. The bill also established the Health Plan Quality Metrics Committee (HPQMC) and charged it with identifying health outcomes and quality measures that could be applied to services provided by coordinated care organizations and health benefit plans sold through the health insurance exchange or offered by the Oregon Educators Benefit Board or Public Employees' Benefit Board. Senate Bill 440 also required that the measures developed by HPQMC align with OHPB's statewide strategic plan for health.

**Bill Summary:** Senate Bill 735-A would have changed the name of the HPQMC to the Health Quality Metrics Committee and expanded its membership. The bill would have also applied adopted measures to coordinated care organizations, hospital inpatient and outpatient services, and health care paid for by health benefit plans.

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### [Senate Bill 740](#)

**Effective Date: January 1, 2020**

#### **Proton Beam Therapy**

**Chief Sponsors:** Sens. Hansell, Manning Jr., Roblan

**Background and Current Law:** Proton therapy is a type of radiation therapy that uses high-energy beams to treat tumors. Proton beams can be delivered with more control than other forms of radiation, allowing the safe delivery of higher doses to tumors. The therapy has been used to treat complex tumors, such as those in the prostate, brain, eye, and cancers in children.

**Bill Summary:** Senate Bill 740 requires health benefit plans that cover radiation therapy for cancer treatment to also cover proton beam therapy.

**Oregon Laws 2019:** Chapter 466

### [Senate Bill 742](#)

Effective Date: September 29, 2019

#### **Athletic Trainer Licensure**

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Athletic trainers prevent, recognize, and evaluate athletic injuries and provide immediate care, rehabilitation, and reconditioning services to athletes. Athletic trainers work in cooperation with physicians and other allied health personnel and function as integral members of athletic health care teams at secondary schools, colleges and universities, sports medicine clinics, professional sports programs, and in other athletic health care settings. The Board of Athletic Trainers within the Health Licensing Office (HLO) is the volunteer board that oversees the practice of athletic trainers. Currently, the HLO provides registration of athletic trainer applicants who meet specified qualifications, and the Oregon Athletic Trainers' Society acts as the professional organization that certifies and registers them.

**Bill Summary:** Senate Bill 742 changes the existing registration process for qualifying athletic trainers to require licensure by HLO.

**Oregon Laws 2019:** Chapter 378

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### [Senate Bill 749](#)

**Not Enacted**

#### **Fertility and Reproductive Endocrinology Services**

**Chief Sponsors:** Sen. Boquist

**At the request of:** Jill Payne

**Committees:** Senate Health Care

**Background and Current Law:** Reproductive endocrinology is a sub-specialty of Obstetrics and Gynecology that addresses hormonal functioning as it pertains to reproduction and fertility. Services provided by reproductive endocrinologists can include assisted reproductive technology, gynecologic surgeries, and hormone treatments.

**Bill Summary:** Senate Bill 749 would have required health benefit plans to cover fertility and reproductive endocrinology services.

### [Senate Bill 754](#)

**Not Enacted**

#### **Rural Nurse Faculty Tax Credit**

**Chief Sponsors:** Sen. Roblan; Rep. McKeown

**Committees:** Senate Health Care, Joint Tax Expenditures

**Background and Current Law:** The State of Oregon currently offers two tax credits related to rural health care services. In 1989, the Legislative Assembly passed Senate Bill 438, creating the Rural Practitioner Tax Credit, which is available for qualifying dentists, physicians, podiatrists, nurse practitioners, physician assistants, certified registered nurse anesthetists, and optometrists. In 2005, the Legislative Assembly passed Senate Bill 31, creating the Rural Volunteer Emergency Medical Service Provider Tax Credit.

**Bill Summary:** Senate Bill 754 would have created a new tax credit for nurse faculty members at nursing education programs in rural areas of Oregon.

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### [Senate Bill 765-A](#)

**Not Enacted**

#### **Primary Care Expenditures**

**Chief Sponsors:** Sens. Steiner Hayward, Beyer; Rep. Noble

**At the request of:** Sam Barber, Lobby Oregon, American Academy of Family Physicians

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

**Background and Current Law:** House Bill 2009 (2009) established the Patient-Centered Primary Care Home (PCPCH) Program, a model that fosters strong relationships between providers, patients, and their families to better care for the whole person. Research indicates that access to primary care providers is associated with improved health outcomes, including reduced mortality rates, reduced rates of low birth weight and preventable hospitalizations, and increased self-rated health status. Senate Bill 231 (2015) and House Bill 4017 (2016) required the Oregon Health Authority and Department of Consumer and Business Services to report on the percentage of medical spending allocated to primary care by specified health insurance carriers, Public Employees' Benefit Board (PEBB), Oregon Educators Benefit Board (OEBB), and coordinated care organizations (CCOs). Senate Bill 934 (2017) required health insurance carriers, PEBB, OEBB, and CCOs to allocate at least 12 percent of their health care expenditures to primary care by 2023.

**Bill Summary:** Senate Bill 765-A would have defined key terms for primary care spending reporting and added the requirement that health insurance carriers, PEBB, OEBB, and CCOs reimburse a percentage of all primary care costs using alternative payment methodologies.

### [Senate Bill 770](#)

Effective Date: July 23, 2019

([see House Bill 2009](#) and [House Bill 2012-A](#))

### Health Care for All Oregon Plan

**Chief Sponsors:** Sens. Manning Jr., Dembrow, Beyer; Reps. Fahey, Keny-Guyer, Salinas, Williamson

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Although state and federal reforms have reduced the number of uninsured individuals in Oregon, the coverage gaps that remain disproportionately affect minorities, low-income residents, and young adults. Individuals who have insurance coverage through their employers or the individual insurance market also experience continued increases in premiums and deductibles. House Bill 3260 (2013) required the Oregon Health Authority (OHA) to contract with a third party to examine four models for financing health care delivery in the state, including: (1) single payer; (2) a health care ingenuity plan; (3) a public option in the health insurance marketplace; and (4) the status quo. Conducted by the RAND Corporation, the study found that of the four options, the single payer and health care ingenuity plan options offered the biggest potential to make substantial changes to insurance coverage and health care delivery in Oregon.

**Bill Summary:** Senate Bill 770 establishes the 20-member Task Force on Universal Health Care (Task Force) charged with recommending the design of the Health Care for All Oregon Plan -- a universal health care system that is equitable, affordable, and comprehensive; provides high quality health care; and is publicly funded and available to every individual residing in Oregon. The bill also requires OHA to develop a plan for a Medicaid buy-in program to provide an affordable health care option to all Oregon residents.

**Oregon Laws 2019:** Chapter 629

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### [Senate Bill 780-A](#)

Not Enacted

### PEBB and OEBC CCO Pilot Program

**Chief Sponsors:** Sens. Steiner Hayward, Beyer, Heard

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** With the passage of House Bill 3650 (2011) and Senate Bill 1580 (2012), the Legislative Assembly established the Oregon Integrated and Coordinated Health Care Delivery System in which newly established coordinated care organizations (CCOs) became responsible for coordinating the physical, behavioral, and oral health care for individuals enrolled in the state's Medicaid program, the Oregon Health Plan (OHP). In recent years, Oregon has aligned goals for CCOs with health benefit plans offered by the Public Employees' Benefit Board (PEBB) and Oregon Educators Benefit Board (OEBB), including rate of spending growth and primary care spending targets.

**Bill Summary:** Senate Bill 780-A would have required the Oregon Health Authority, Department of Consumer and Business Services, PEBB, and OEBB to establish a pilot program that consolidated health insurance plans offered by PEBB, OEBB, and OHP into one contract with distinct plan-specific benefits in Josephine, Jackson, Curry, and southern Douglas Counties.

### [Senate Bill 808](#)

**Not Enacted**

#### **Suicide Risk Continuing Education**

**Chief Sponsors:** Sen. Frederick

**At the request of:** Alexandria Goddard

**Committees:** Senate Health Care, Senate Rules

**Background and Current Law:** In 2017, the Legislative Assembly passed Senate Bill 48, which required specified health professional regulatory boards to adopt rules requiring licensees to report completion of any continuing education regarding suicide risk assessment, treatment, and management. The bill also required boards to report data on the completion of continuing education to the Oregon Health Authority (OHA). In turn, OHA is required to report to the Legislative Assembly by August 1 of each even-numbered year on the information submitted by the boards.

**Bill Summary:** Senate Bill 808 would have replaced the current rulemaking mandate with the statutory requirement that OHA and specified boards require licensees to complete continuing education related to suicide risk assessment, treatment, and management and to report completion of continuing education to OHA or applicable board.

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### [Senate Bill 815](#)

**Effective Date: September 29, 2019**

#### **Residential Care Facility Resident Notice**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Human Services licenses community-based care providers, including assisted living facilities, residential care facilities, and memory care communities. These facilities make a wide range of individualized services available in a homelike setting to older adults, people with disabilities, and individuals with dementia or Alzheimer's disease.

**Bill Summary:** Senate Bill 815 requires residential care facilities to provide specified information to individuals at the time the individual applies for admission to the facility and upon request.

**Oregon Laws 2019:** Chapter 554

### [Senate Bill 823](#)

**Effective Date:** January 1, 2020

## Health Care Workplace Violence Prevention

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** According to the Occupational Safety and Health Administration, approximately 75 percent of nearly 25,000 workplace assaults reported annually occurred in health care and social service settings, and workers in health care settings are four times more likely to be victimized than workers in other industries. In 2007, the Legislative Assembly passed House Bill 2022 requiring hospitals, ambulatory surgical centers, and home health care services operated by hospitals to implement strategies to protect health care employees from acts of violence in the workplace. The bill specifically required health care employees to conduct periodic security and safety assessments, develop and implement an assault prevention and protection program, and provide assault prevention and protection training.

**Bill Summary:** Senate Bill 823 builds on Oregon's existing violence against health care employees' laws by protecting reporters of workplace violence and requiring health care employers to conduct and report a comprehensive security and safety evaluation.

**Oregon Laws 2019:** Chapter 350

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### [Senate Bill 824](#)

**Effective Date:** June 20, 2019

## Dental Licensure Testing

**Chief Sponsors:** Sen. Girod

**At the request of:** Oregon Dental Association

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Current Oregon Board of Dentistry (Board) requirements for licensure to practice as a dentist or dental hygienist include a clinical component involving examination on a live patient. This requirement can present barriers for applicants that include coordination, cost, and environmental considerations.

**Bill Summary:** Senate Bill 824 requires the Board to accept examination results of regional and national testing agencies and allows the Board to accept the results of Board-recognized testing agencies for dentist and dental hygienist applicants. This would allow the Board to accept results from an objective structured clinical examination, which tests clinical competency without requiring a live patient.

**Oregon Laws 2019:** Chapter 467

### [Senate Bill 834](#)

**Effective Date:** January 1, 2020

#### **Dental Provider Apology Protections**

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** In 2003, the Legislative Assembly passed House Bill 3361 which provided protections against the use of an expression of regret or apology as an admission of liability for licensees of the Oregon Medical Board. Without such protection, providers' communications with patients may be chilled or inhibited if something unexpected occurs or goes wrong. Such protection does not limit a patient's right to pursue legal action against the health care provider.

**Bill Summary:** Senate Bill 834 extends the protection currently offered to Oregon Medical Board licensees to Oregon Board of Dentistry licensees by providing that an expression of regret or apology made by or on behalf of a person licensed by the Oregon Board of Dentistry does not constitute admission of liability for purposes of a civil action. The bill also protects the person making the statement from being examined about it in any civil or administrative proceeding.

**Oregon Laws 2019:** Chapter 182

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### [Senate Bill 835](#)

**Effective Date:** June 13, 2019

#### **Dental Specialty Advertising**

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The Oregon Board of Dentistry's (Board) mission is to promote high quality oral health care in Oregon by equitably regulating dental professionals. Current Dental Practice Act statutes are silent regarding dental licensee advertising of specialties, leading to concern about potential consumer confusion. The Board licenses over 3,700 dentists, of whom approximately 700 are specialists.

**Bill Summary:** Senate Bill 835 allows dentists to advertise specialties under specified conditions.

**Oregon Laws 2019:** Chapter 379



### [Senate Bill 841](#)

**Not Enacted**

#### Health Care Expenditure Reporting

**Chief Sponsors:** Sen. Beyer

**At the request of:** Health Care for All Oregon-Action

**Committees:** Senate Health Care

**Background and Current Law:** The Legislative Assembly established the All Payer All Claims (APAC) Database in 2009 as a tool to measure health care costs, quality, and utilization. APAC houses administrative health care data for Oregon's insured populations. It includes medical and pharmacy claims, enrollment data, premium information, and provider information for Oregonians who are insured through commercial insurance, Medicaid, and Medicare.

**Bill Summary:** Senate Bill 841 would have required the Oregon Health Authority to compile, publish, and make publicly available a health care expenditure report concerning expenditures related to Medicaid, Medicare, commercial insurance, and self-insurance.

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### [Senate Bill 872-A](#)

**Not Enacted**

#### Prescription Drug Transparency

**Chief Sponsors:** Sens. Steiner Hayward, Linthicum; Reps. Noble, Alonso Leon

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In 2018, the Legislative Assembly passed House Bill 4005, which established the Joint Interim Task Force on Fair Pricing of Prescription Drugs (Task Force). The Task Force included representation from pharmaceutical manufacturers, insurers, pharmacy benefit managers, prescription drug wholesalers, independent pharmacies, large retail pharmacy chains, hospitals, biopharmaceutical companies, coordinated care organizations, medical providers, and state agencies. Charged with developing a strategy to create transparency for drug prices across the entire supply chain of pharmaceutical products, the Task Force delivered its final report in November 2018 with 15 recommendations.

**Bill Summary:** Senate Bill 872-A would have implemented several of the Task Force's recommendations, including: requiring pharmaceutical manufacturers to report the total cost of patient assistance programs; requiring state-sponsored programs to use fee-only pharmacy benefit managers; requiring health insurers to provide notice and post specified information related to prescription drug formularies; requiring hospitals and medical providers to disclose prescription drug price mark-ups; requiring specified patient advocacy organizations to report information regarding funding received from participants in the pharmaceutical supply chain; requiring pharmacy benefit managers to report specified information related to prescription drug pricing; and requiring drug advertisements to disclose the wholesale price of the drug.

### [Senate Bill 887](#)

**Not Enacted**

## Chiropractic Care, Acupuncture, and Massage Therapy Coverage

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care

**Background and Current Law:** Health insurance policies and certificates may include prior authorization requirements that require approval of certain items or services before the policy or certificate will provide reimbursement.

**Bill Summary:** Senate Bill 887 would have required insurers, the Public Employees' Benefit Board, and the Oregon Educators Benefit Board to cover chiropractic care, acupuncture, and massage therapy services without prior authorization for the initial visit and six follow-up visits.

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### [Senate Bill 889](#)

**Effective Date:** July 15, 2019

## Health Care Cost Growth Benchmark Program

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In 2017, the Legislative Assembly passed Senate Bill 419, which established the Task Force on Health Care Cost Review (Task Force) to study the feasibility of creating a hospital rate-setting process in Oregon modeled on the process used by the Health Service Cost Review Commission in Maryland. Comprising legislators, state agency staff, hospital, insurance, union, and consumer representatives, the Task Force met between November 2017 and September 2018. The Task Force's final report concluded that the Maryland model was not appropriate for Oregon and instead recommended that Oregon develop a plan to control total health care expenditures across all payers and providers by establishing a health care spending benchmark. The Task Force specifically recommended moving forward with a model similar to the approach taken by the Commonwealth of Massachusetts.

**Bill Summary:** Senate Bill 889 adopts the Task Force's recommendation to implement a health care cost growth benchmark program to help control health care cost expenditures across all payers and providers in Oregon. The bill establishes the Health Care Cost Growth Benchmark Implementation Committee to recommend program specifications to the Oregon Health Policy Board.

**Oregon Laws 2019:** Chapter 560

### Senate Bill 900

**Not Enacted**

#### **Outpatient Dialysis Treatment Facilities**

**Chief Sponsors:** Sen. Monnes Anderson; Reps. Salinas, Prusak

**Committees:** Senate Health Care

**Background and Current Law:** End-stage renal disease (ESRD) occurs when chronic kidney disease has reached an advanced state and the kidneys are no longer able to work as they should to meet the body's needs. Individuals with ESRD need dialysis or a kidney transplant in order to stay alive. Individuals diagnosed with ESRD are eligible for Medicare. Reacting to concerns from insurers who participate in the Affordable Care Act marketplaces, in 2016 the Centers for Medicare and Medicaid Services issued rules limiting third-party payments for individual coverage of ESRD patients purchased through the marketplaces.

**Bill Summary:** Senate Bill 900 would have imposed requirements and restrictions on financially interested outpatient dialysis treatment facilities that pay health insurance premiums for patients of the facilities.

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### Senate Bill 910

**Effective Date: September 29, 2019**

#### **Opioid Treatment**

**Chief Sponsors:** Sen. Steiner Hayward; Rep. Wilde

**At the request of:** Multnomah County

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** In 2017, the Governor convened the Opioid Epidemic Task Force to address four different policy goals: better pain management, fewer pills, improved access to treatment, and data/education. The Task Force released a report in 2018 with a comprehensive set of recommendations, emphasizing substance use disorder as a chronic condition that requires both acute treatment and long-term management. Naloxone and methadone are two medications frequently used in the treatment of opioid addiction and overdose. Naloxone blocks opioid receptor sites, reversing the toxic effects of the overdose. Methadone works by changing how the brain and nervous system respond to pain by lessening the painful symptoms of opiate withdrawal and blocking the euphoric effects of opiate drugs.

**Bill Summary:** Senate Bill 910 removes barriers to access of naloxone and methadone by making naloxone kits more readily available and giving local authorities flexibility to waive methadone clinic siting restrictions. The bill also allows the Oregon Health Authority to review prescription monitoring information of individuals who die from drug overdoses.

**Oregon Laws 2019:** Chapter 470

### [Senate Bill 911](#)

**Not Enacted**

#### Iatrogenic Infertility

**Chief Sponsors:** Sens. Monnes Anderson, Hansell, Knopp; Reps. McKeown, Boles

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Iatrogenesis refers to an adverse condition in a patient resulting from medical treatment. According to the Oncofertility Consortium, a multi-institutional and disciplinary organization focused on advancing the understanding of the impact of cancer treatment on the reproductive health of patients, approximately 150,000 people of reproductive age (45 years or younger) are diagnosed annually with cancer. Many of those diagnosed have favorable prospects for survival but may also face the long-term side effect of infertility resulting from cancer treatment.

**Bill Summary:** Senate Bill 911 would have required health benefit plans, the state medical assistance program, Public Employees' Benefit Board, and Oregon Educators Benefit Board to pay for standard fertility preservation services for a covered individual who is undergoing or will undergo medical treatment that is likely to result in iatrogenic infertility.

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### [Senate Bill 941-A](#)

**Not Enacted**

[\(see House Bill 5050\)](#)

#### Curry Health District Emergency Room

**Chief Sponsors:** Sen. Heard; Reps. Evans, DB Smith

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** Curry Health District is a special health district comprised of a hospital and several medical clinics located on the southern Oregon coast. Curry General Hospital in Gold Beach is a critical access hospital and the sole hospital in Curry County. Medical practice offices are located both in the hospital and off-campus in Gold Beach. Curry Medical Center, offering primary, specialty, and same-day care services, is located in Brookings, and Curry Family Medical is located in Port Orford.

**Bill Summary:** Senate Bill 941-A would have appropriated \$1.7 million for distribution to the Curry Health District to support opening an emergency room in Curry Medical Center. Note: House Bill 5050 included a \$2 million appropriation to the Curry Health District for a Brookings Emergency Room.

### [Senate Bill 1027](#)

Effective Date: September 29, 2019

#### Needlestick Injuries

**Chief Sponsors:** Sen. Monnes Anderson; Rep. Wilde

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** Needlestick injuries are a common occupational hazard for health care workers that can result in exposure to infectious diseases such as hepatitis B, hepatitis C, and human immunodeficiency virus (HIV). The federal Needlestick Prevention and Safety Act (2001) modified the Occupational Health and Safety Administration's Bloodborne Pathogens Standard to specifically require employers to identify, evaluate, and implement safer medical devices, especially addressing occupational exposure to bloodborne pathogens from accidental sharps injuries in health care and other occupational settings.

**Bill Summary:** Senate Bill 1027 allows certain health care practitioners who receive a needlestick injury during provision of medical care to a patient who is unconscious or otherwise unable to give consent to perform a blood draw on the patient for the purpose of determining whether the practitioner needs to begin any post-exposure prophylactic treatment.

**Oregon Laws 2019:** Chapter 476

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### [Senate Bill 1030](#)

Not Enacted

#### CCO Cost Reporting

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** In 2012, the Legislative Assembly approved the establishment of the coordinated care organization (CCO) model for delivery of Oregon Health Plan (OHP) services. Fifteen regional CCOs currently coordinate the provision of physical, behavioral, and oral health care services for over 850,000 Oregonians enrolled in OHP. Oregon's Section 1115 Medicaid Demonstration waiver with the Centers for Medicare and Medicaid Services was renewed in 2017, continuing approval of the CCO delivery model through June 30, 2022.

**Bill Summary:** Senate Bill 1030 would have required the Oregon Health Authority (OHA) to make specified financial information about the administration of OHP and CCOs publicly available. The bill would have also required OHA to create and publish an annual per capita cost report for all CCOs that included specified information about incurred costs.

### [Senate Bill 1041](#)

Effective Date: January 1, 2020

## CCO Financial Condition Regulation

**Chief Sponsors:** Senate Health Care

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** House Bill 3650 (2011) and Senate Bill 1580 (2012) established the Oregon Integrated and Coordinated Health Care Delivery System in which newly established coordinated care organizations (CCOs) became responsible for coordinating the physical, behavioral, and oral health care for individuals enrolled in the state's Medicaid program, the Oregon Health Plan (OHP). Fifteen regional CCOs currently coordinate the provision of services for over 850,000 Oregonians enrolled in OHP. The Division of Financial Regulation within the Department of Consumer and Business Services (DCBS) is the state's primary regulator of health insurance companies. In 2015, the division regulated health insurers covering approximately one million Oregonians. In October 2018, the Oregon Health Policy Board (OHPB) released recommendations for CCO 2.0 that charged OHP to maintain sustainable growth and ensure financial transparency, including aligning financial reporting with National Association of Insurance Commissioners (NAIC) standards.

**Bill Summary:** Senate Bill 1041 implements OHPB's recommendations regarding CCO financial transparency by granting OHA powers to regulate the financial condition of CCOs in alignment with the powers of DCBS to regulate domestic insurers. The bill also requires OHA to convene an advisory group to recommend standards for reconciling differences in reporting needed by OHA and the reporting required under the NAIC standards.

**Oregon Laws 2019:** Chapter 478

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### [House Bill 2009](#) and [House Bill 2012-A](#)

**Not Enacted**

## Creation of a Public Option for Health Insurance (Medicaid Buy-in)

**Chief Sponsors:** Reps. Salinas, Nosse; Sen. Monnes Anderson

**Committees:** House Committee on Health Care, Joint Committee on Ways and Means

**Background and Current Law:** States are exploring the concept of a Medicaid buy-in program (or public option) to establish a new coverage program targeting lower-income individuals and families not eligible for Medicaid or federal subsidies through the Affordable Care Act (ACA). States have flexibility in policy decisions when designing such programs, including provider networks, reimbursement rates, and the role of public and private plans. In 2018, Congress eliminated the ACA's individual mandate or shared responsibility financial penalty for individuals without insurance starting in 2019. Some states are moving forward with state-level individual insurance mandates, imposing penalties for those who do not maintain coverage.

**Bill Summary:** House Bill 2009 would have established a targeted Medicaid-like buy-in program and state-based shared responsibility coverage requirement. The measure would have created a coverage mandate and established a penalty for nonenrollment, which would have funded premium assistance and outreach programs. House Bill 2012-A would have established a Medicaid-like buy-in program without a shared responsibility coverage requirement. The bills would have attempted to increase health insurance enrollment by allowing individuals to pay monthly premiums to enroll in a coordinated care organization if they were not eligible for Medicaid or premium tax credits through the Affordable Care Act.

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### [House Bill 2010](#)

**Effective Date:** January 1, 2020

## **Oregon Reinsurance Program and Medicaid Hospital Assessment**

**Chief Sponsors:** Rep. Rayfield; Sens. Steiner Hayward, Johnson

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Health care services covered under Medicaid are funded through a joint federal-state partnership in which the federal government matches each state's contribution to the program. States have flexibility to determine the sources of revenue used, including the use of assessments on health care providers. Since 2003, Oregon has used multiple forms of provider assessments to cover the state's share of Medicaid services, including an assessment on net-patient revenue from specific hospitals. House Bill 2391 (2017) expanded Oregon's use of provider assessments to include an assessment on rural type A/B hospitals and a 1.5 percent assessment on health insurance premiums. It also created the Oregon Reinsurance Program to stabilize rates and premiums for individual health benefit plans and provide greater financial certainty to health insurance consumers.

**Bill Summary:** House Bill 2010 extends the sunset dates for the Oregon Reinsurance Program to January 2, 2028 and the assessments on hospitals and insurance premiums to September 30, 2025. The bill also increases the assessment on insurance premiums to two percent and expands the assessment to include stop-loss insurance.

**Oregon Laws 2019:** Chapter 2

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### [House Bill 2011](#)

**Effective Date:** September 29, 2019

## **Cultural Competency Training for Health Professionals**

**Chief Sponsors:** Reps. Keny-Guyer, Kotek, Alonso Leon; Sens. Frederick, Monnes Anderson

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** The Legislative Assembly enacted House Bill 2611 (2013), which established a voluntary cultural competency continuing education (CCCE) program for licensed health professionals. In 2018, the Oregon Health Authority reported that 15 of the 22 professional boards required licensees to report on CCCE as part of their license renewal. As of 2018, the percentage of health care professional boards who have completed CCCE ranges from 43.9 percent (nursing) to .01 percent (emergency medical services and trauma systems).

**Bill Summary:** House Bill 2011 directs health professional licensing boards to require completion of CCCE as a condition of being authorized to practice, including renewal of licensure, starting July 1, 2021. The measure exempts people who are retired or not otherwise practicing in the state from continuing education requirements.

**Oregon Laws 2019:** Chapter 186

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### [House Bill 2035](#)

**Not Enacted**

[\(see Senate Bill 138\)](#)

### **Mental Health Clinical Advisory Group**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, House Rules

**Background and Current Law:** In 2017, the Legislative Assembly passed House Bill 2300, creating a 12-member Mental Health Clinical Advisory Group within the Oregon Health Authority (OHA). The Advisory Group serves a dual advisory role to both the Oregon Pharmacy and Therapeutics Committee and OHA and provides recommendations that include: implementation of evidence-based algorithms, any necessary changes to any preferred drug list used by OHA, and practice guidelines for the treatment of mental health disorders with mental health drugs. The Advisory Group sunset on December 31, 2018.

**Bill Summary:** House Bill 2035 would have reestablished the Mental Health Clinical Advisory Group in OHA.

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### [House Bill 2037](#)

**Effective Date:** January 1, 2020

### **Provision of Long-term Care Insurance by PEBB and OEGB**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** The Public Employees' Benefit Board (PEBB) contracts for and administers benefits for eligible state employees including mental and dental coverage; life, accident, disability and long-term care insurance; and flexible spending accounts. The Oregon Educators Benefit Board (OEGB) contracts and administers benefits for most of Oregon's K-12 school districts, education service districts, and community colleges, as well as a number of charter schools and local governments across the state.

**Bill Summary:** House Bill 2037 allows PEBB and OEGB to offer long-term care insurance plans at their discretion, rather than as a statutory requirement.

**Oregon Laws 2019:** Chapter 98



### [House Bill 2039](#)

**Not Enacted**

[\(see House Bill 2266\)](#)

### **Eligibility Audits for PEBB and OEBB Health Coverage**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, House Rules

**Background and Current Law:** Oregon's Public Employees' Benefit Board (PEBB) and Oregon Educators Benefit Board (OEBB) design, contract, and administer benefit programs for state employees and employees with Oregon's K-12 school districts, education service districts, and community colleges. Senate Bill 1067 (2017) required carriers that contract with PEBB and OEBB to conduct annual audits to ensure continued eligibility for an enrollee's spouse or dependents.

**Bill Summary:** House Bill 2039 would have transferred from insurance carriers to PEBB and OEBB the responsibility to audit eligibility for an enrollee's spouse or dependent and would have modified the frequency of required audits.

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### [House Bill 2040](#)

**Effective Date:** January 1, 2020

### **Oregon Traditional Health Workers Commission**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** House Bill 3407 (2013) established the Traditional Health Workers Commission (THW Commission) within the Oregon Health Authority (OHA). The THW Commission promotes the traditional health workforce in Oregon's health care delivery system to achieve Oregon's triple aim of better health, better care, and lower costs. The THW Commission advises and makes recommendations to OHA to ensure programs are responsive to consumer and community health needs while delivering high-quality and culturally competent care.

**Bill Summary:** House Bill 2040 adds four members to the THW Commission and modifies representation requirements.

**Oregon Laws 2019:** Chapter 123

### [House Bill 2185](#)

Effective Date: January 1, 2020

#### Regulation of Pharmacy Benefit Managers

**At the request of:** House Interim Committee on Health Care

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

**Background and Current Law:** Pharmacy benefit managers (PBMs) are intermediaries between health insurers, pharmacies, wholesalers, manufacturers, and consumers. Health insurers contract with PBMs to provide third-party administrative services for an insurer's pharmacy benefit, including claims processing, formulary, and benefit design; pharmacy network contracting; and rebate negotiation with manufacturers. In Oregon, 55 PBMs are currently registered with the Department of Consumer and Business Services.

**Bill Summary:** House Bill 2185 prohibits PBMs from requiring a consumer to fill or refill prescriptions at a mail order pharmacy; requires PBMs to reimburse the cost of a specialty drug that is filled or refilled at a long term care pharmacy; allows network pharmacies to mail, ship, or deliver prescription drugs to their patients; prohibits PBMs from penalizing a network pharmacy for informing enrollees about the difference between the out-of-pocket cost of a drug and the pharmacy's retail price; modifies the reimbursement and appeal processes between pharmacies and PBMs; and prohibits PBMs from reimbursing a 340B pharmacy differently than other network pharmacies based on its 340B status.

**Oregon Laws 2019:** Chapter 526

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### [House Bill 2190](#)

Not Enacted

#### Optometrist Services Through Telemedicine

**At the request of:** House Interim Committee on Health Care

**Committees:** House Health Care

**Background and Current Law:** Optometrists are trained health care professionals who conduct eye exams, vision tests, prescribe and dispense corrective eye wear, and prescribe medications. Telemedicine is the practice of medicine using technology to provide care to a patient at a distant location. Telehealth refers more broadly to the use of technology to support long-distance health care as well as nonclinical services such as provider training and continuing medical education. The types of health care professionals licensed or authorized to provide telemedicine services varies within a state as does the ability to practice telemedicine across states. Coverage of and reimbursement for types of telemedicine services differs among Medicare, Medicaid, and private health plans.

**Bill Summary:** House Bill 2190 would have allowed licensed optometrists to provide services through telemedicine.

### [House Bill 2215](#)

Effective Date: April 10, 2019

#### Rights of Individuals at the Oregon State Hospital

**Chief Sponsors:** Rep. Greenlick, Sen. Gelser

**Committees:** House Health Care, Senate Human Services

**Background and Current Law:** The Oregon State Hospital (OSH) and many residential facilities operate under and are licensed by the Oregon Health Authority (OHA). Individuals committed to OSH, or ordered to undergo treatment in a residential setting, have a variety of rights under Oregon law, including the right to reasonable telephone access, to wear their own clothing, to have a written treatment plan, to be kept current on their progress, to be compensated for work, and to access the outdoors daily, among others.

**Bill Summary:** House Bill 2215 expands the rights of individuals with mental illnesses who are committed to OHA-licensed or regulated facilities, to include reasonable privacy and security while resting, sleeping, dressing, toileting, or engaging in personal hygiene activities.

**Oregon Laws 2019:** Chapter 19

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### [House Bill 2217-A](#)

Not Enacted

#### Death with Dignity Administration

**Chief Sponsors:** Rep. Greenlick, Sen. Steiner Hayward

**Committees:** House Health Care, Senate Judiciary

**Background and Current Law:** In 1994, Oregon voters passed the Death with Dignity Act (DWDA) that allows terminally ill residents to obtain and use prescriptions to end their lives through the voluntary self-administration of a lethal dose of medications. Eligible patients may request the prescription from a participating licensed physician if other steps are fulfilled. In 2018, 249 adults received prescriptions under the DWDA and 168 individuals exercised their right to die. Most of these patients were aged 65 years or older (79.2 percent) with cancer being the most common medical diagnosis (62.5 percent).

**Bill Summary:** House Bill 2217-A would have prohibited anyone other than the patient from administering medication to end a patient's life.

### [House Bill 2220](#)

**Effective Date:** May 6, 2019

#### **Administration of Vaccines by Dentists**

**Chief Sponsors:** Reps. Schouten, Hayden

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Proper vaccine administration is critical to ensure that vaccinations are safe and effective. States permit different health professionals to administer vaccines, including medical assistants; midwives; nurses in advanced practice and registered, practical, and vocational nurses; physician assistants; and pharmacists.

**Bill Summary:** House Bill 2220 permits licensed dentists to voluntarily prescribe and provide vaccines in Oregon and directs the Oregon Board of Dentistry to approve a training course for dentists. Dentists must report vaccine administration to the state immunization registry.

**Oregon Laws 2019:** Chapter 58

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### [House Bill 2257](#)

**Effective Date:** July 23, 2019

#### **Prevention and Treatment of Opioid Substance Use**

**At the request of:** Governor Kate Brown

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** The Oregon Health Authority reports that Oregon has one of the highest rates of prescription opioid misuse in the nation. An average of three Oregonians die every week from prescription opioid overdoses, and many more develop opioid use disorders. In 2017, Governor Kate Brown created the Opioid Epidemic Task Force as a statewide effort to “combat opioid abuse and dependency.” In 2018, the Legislative Assembly passed House Bill 4143 as a multi-pronged approach to address the epidemic of opioid use.

**Bill Summary:** House Bill 2257 establishes a pilot program to treat pregnant individuals suffering from substance use disorders (SUDs) and enhances access for individuals receiving treatment for SUD services that are publicly funded. It also establishes accreditation standards for SUD programs, improves use of the state's prescription drug monitoring program, and declares substance use disorder a chronic illness.

**Oregon Laws 2019:** Chapter 583

### [House Bill 2265](#)

**Effective Date:** January 1, 2020

#### **Oregon Health Authority Housekeeping Bill**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Senate Bill 885 (2001) created the Pain Management Commission charged with developing a pain management education program curriculum for licensed health care professionals and updating it biennially. Senate Bill 440 (2015) established the Health Plan Quality Metrics Committee to identify health outcome and quality measures that could be applied to services provided by coordinated care organizations (CCOs) or paid for by health benefit plans sold through the health insurance exchange or offered by the Oregon Educators Benefit Board (OEBB) or the Public Employees' Benefit Board (PEBB).

**Bill Summary:** House Bill 2265 modifies a number of Oregon Health Authority (OHA) statutes. The measure adds optometrists to the list of licensed professionals required to complete pain management education, changes the appointing authority for the Health Plan Quality Metrics Committee from the Governor to the Oregon Health Policy Board, and permits OHA to provide state agencies and the Legislative Assembly with other relevant sources of health care data.

**Oregon Laws 2019:** Chapter 3

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### [House Bill 2266](#)

**Effective Date:** June 25, 2019

#### **PEBB and OEBB Employee Double Coverage**

**At the request of:** Governor Kate Brown for Oregon Health Authority

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

**Background and Current Law:** A legislative work group convened in the 2017 session examined options to help reduce cost increases in future budgets. The result was Senate Bill 1067 (2017), which enacted several measures affecting the Public Employees' Benefit Board (PEBB) and Oregon Educators Benefit Board (OEBB). Among other things, SB 1067 eliminated "double coverage" for PEBB and OEBB employees with family members also employed by a PEBB or OEBB employer beginning with plan years after October 1, 2019 (OEBB) and January 1, 2020 (PEBB). SB 1067 also discontinued the ability for a PEBB or OEBB employee with double coverage to decline double coverage, or "opt out" and receive payments.

**Bill Summary:** House Bill 2266 reverses the elimination of double coverage and opt-out incentives for employees covered under PEBB and OEBB, and allows PEBB and OEBB to impose a surcharge on eligible employees who arrange coverage for spouses or dependents, if a spouse or dependent has access to a plan offered by PEBB or OEBB. HB 2266 also allows PEBB and OEBB to audit dependent eligibility as recommended by consultants engaged by the boards.

**Oregon Laws 2019:** Chapter 484

### [House Bill 2267](#)

Effective Date: January 1, 2020

#### **Requirements for Coordinated Care Organizations (CCOs)**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Oregon's coordinated care organizations (CCOs) provide patient-centered and coordinated health care for 90 percent of Medicaid beneficiaries enrolled in the Oregon Health Plan (OHP). All CCOs operate within a global budget which grows at a fixed rate, achieve performance goals, and are held accountable for the Triple Aim. In February 2019, the Oregon Health Authority (OHA) released the request for applications specifying requirements CCOs must meet to continue to serve OHP members. The new contracts represent the next phase of health care transformation, known as "CCO 2.0."

**Bill Summary:** House Bill 2267 directs CCOs to conduct a community health assessment and adopt a community health improvement plan. The measure creates a reinsurance program to support CCOs with high-cost members, establishes the Tribal Advisory Council to enhance communication between CCOs and tribal communities, and authorizes OHA to adjust the global budget of a CCO within the first eight months of the effective date of the contract to account for changes in membership.

**Oregon Laws 2019:** Chapter 529

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### [House Bill 2269-A](#)

**Not Enacted**

#### **Employer Health Coverage Assessment Program**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, House Revenue

**Background and Current Law:** The Oregon Health Insurance Survey (OHIS), fielded every two years, collects information about health insurance coverage, access to care, and affordability in Oregon. According to the 2017 OHIS, 93.8 percent of individuals, or approximately 3.75 million Oregonians, had health insurance coverage through their employer or publicly funded programs such as Medicare and Medicaid. The results indicate 245,000 individuals were uninsured during this period.

**Bill Summary:** House Bill 2269-A would have created an employer assessment to fund coverage assistance programs for low-income Oregonians. The bill would have established a program to collect fees from employers with 50 or more employees who do not meet a minimum threshold of spending on health care for their employees.

### [House Bill 2270](#)

**Effective Date: December 3, 2020—Referred to the people**

#### **Taxation of Tobacco Products**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** House Health Care, House Revenue, Joint Tax Expenditures

**Background and Current Law:** Recently, the U.S. has seen an increase in the development and use of inhalant delivery systems and inhalant forms of nicotine (i.e., e-cigarettes and vapor-based products). In 2015, Oregon defined inhalant delivery systems as tobacco products for purposes of the Indoor Clean Air Act, but electronic nicotine delivery systems are not currently subject to the state's tobacco tax. The last cigarette tax increase began following the 2013 special session with tiered increases occurring until 2015.

**Bill Summary:** House Bill 2270 increases the tax rate on cigarette distributions, expands the tobacco tax to inhalant delivery systems, and dedicates the additional cigarette tax rate and inhalant delivery system taxes to the state's medical assistance program (Medicaid) and various programs addressing tobacco and nicotine use-related health and mental health issues. The measure must be submitted to the next general election for approval or rejection.

**Oregon Laws 2019:** Chapter 525

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### [House Bill 2303-B](#)

**Not Enacted**

#### **Access to Pseudoephedrine in Cold Medications**

**Chief Sponsors:** Reps. Post, Hayden

**Committees:** House Health Care, Senate Judiciary

**Background and Current Law:** Pseudoephedrine is an ingredient in cold and allergy medications that can be used to produce methamphetamine. In 2005, Oregon reclassified pseudoephedrine as a Schedule III controlled substance, requiring a doctor's prescription to purchase products containing pseudoephedrine. The majority of other states do not require a prescription to purchase products containing pseudoephedrine, instead requiring pharmacies to electronically track and log the sale of such products using the National Precursor Log Exchange (NPLEX). Oregon uses a similar program, the Prescription Drug Monitoring Program (PDMP), to monitor controlled substances dispensed within Oregon.

**Bill Summary:** House Bill 2303-B would have allowed pharmacists to prescribe and dispense products containing pseudoephedrine to individuals at least 18 years of age with a government-issued photo identification, after consulting the PDMP.

### [House Bill 2317](#)

**Effective Date:** March 20, 2019

#### **ALS Awareness Month in Oregon**

**Chief Sponsors:** Reps. Doherty, Bonham

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Amyotrophic lateral sclerosis (ALS) is a neurodegenerative disease that affects nerve cells in the brain and the spinal cord. In 2016, the Centers for Disease Control and Prevention (CDC) estimated that between 14,000-15,000 Americans have ALS. Although ALS can strike at any age, symptoms most commonly develop between the ages of 40 and 70. Early symptoms of ALS include muscle weakness or stiffness, gradually impairing the brain's ability to initiate and control voluntary movements. ALS is a progressive disease for which there currently is no cure.

**Bill Summary:** House Bill 2317 designates May of each year as ALS Awareness Month.

**Oregon Laws 2019:** Chapter 4

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### [House Bill 2339](#)

**Not Enacted**

#### **Community Sobering Facilities**

**Chief Sponsors:** Reps. Stark, G Smith, Reschke

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Sobering facilities provide intoxicated individuals a safe, clean, supervised facility where they can spend four to 48 hours to regain sobriety, access treatment options, and be diverted from the criminal justice system. In 2015, the Legislative Assembly required the Oregon Health Authority (OHA) to maintain a registry of sobering facilities. To qualify for registration, a sobering facility must partner with a treatment provider and consult with the provider in the adoption of safety policies and procedures. As of January 2019, there were four registered facilities in Eugene, Medford, Portland, and Grants Pass, with three facilities pending approval in Klamath, Douglas, and Marion Counties.

**Bill Summary:** House Bill 2339 would have required OHA to establish a grant program to administer funds to sobering facilities based on community need.



### [House Bill 2375](#)

**Effective Date:** January 1, 2020

#### **Sexual Assault Response Teams**

**Chief Sponsors:** Reps. DB Smith, Hayden

**Committees:** House Health Care, Senate Judiciary

**Background and Current Law:** In Oregon, district attorneys of each county are required to organize a sexual assault response team (SART), which must meet quarterly and have protocols in place to address sexual assault response. The SARTs consist of a representative of a prosecution-based victim assistance program, a sexual assault forensic examiner, a representative of the county sheriff's office or local law enforcement, and a nonprofit agency that receives public funding and offers support services to victims of sexual assault. Currently, certain types of health care facilities are required to have policies for treating sexual assault patients that include performing forensic medical examinations or employing or contracting with a sexual assault forensic examiner who is certified by the Oregon Sex Assault Examiner Certification Commission.

**Bill Summary:** House Bill 2375 modifies the membership of county sexual assault response teams in Oregon by adding a sexual assault nurse examiner or a representative of a hospital to the team in each county.

**Oregon Laws 2019:** Chapter 105

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### [House Bill 2447](#)

**Effective Date:** January 1, 2020

#### **Experimental, Prototype Health Care of Tomorrow (EPHCOT)**

**Chief Sponsors:** Rep. Greenlick

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Oregon has been at the forefront of health care reform efforts for more than three decades. Oregon's Medicaid program, the Oregon Health Plan (OHP), is seen as a national leader and continues to lead through innovation and health care reform initiatives. Over the past 25 years, Oregon has worked to improve the state's health delivery system, expand coverage through both its public and private health insurance markets, reduce cost growth, and promote public participation and engagement in the health policy decision-making process. Recently, Oregon enrolled Medicaid members in coordinated care organizations (CCOs) to provide patient-centered and coordinated health care through new delivery and financing models.

**Bill Summary:** House Bill 2447 establishes a collaborative led by the Oregon Health Authority to envision an alternative future of Oregon's health care system with vertically integrated, nonprofit health care systems.

**Oregon Laws 2019:** Chapter 194

### [House Bill 2510](#)

Effective Date: May 2, 2019

#### **PANDAS/PANS Awareness Day**

**Chief Sponsors:** Rep. Schouten

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** According to the National Institute of Mental Health, pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS) are characterized by obsessive compulsive disorder (OCD) and/or tic disorders that suddenly appear or worsen following a streptococcal infection. PANDAS typically appear in children from ages three to 12 and, since there is no lab test, relies on a clinical diagnosis. Pediatric acute-onset neuropsychiatric syndrome (PANS) is a newer term used to describe the larger class of acute-onset OCD without an underlying strep infection.

**Bill Summary:** House Bill 2510 creates PANDAS/PANS Awareness Day in Oregon on October 9 of each year.

**Oregon Laws 2019:** Chapter 51

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### [House Bill 2511](#)

**Not Enacted**

#### **Treatment Coverage for PANDAS/PANS**

**Chief Sponsors:** Reps. Schouten, Prusak

**Committees:** House Health Care

**Background and Current Law:** The National Institute of Mental Health defines pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS) and pediatric acute-onset neuropsychiatric syndrome (PANS) as pediatric disorders that often appear in childhood from ages three to 12. The diagnosis of PANDAS is a clinical diagnosis based on diagnostic criteria by a health care professional. Symptoms may include motor or vocal tics, obsessions, compulsions, or a combination of these. Children diagnosed with PANDAS may also experience anxiety, inattention, trouble sleeping, and changes in motor skills, among other symptoms. A distinction between PANDAS and PANS is that children diagnosed with PANS have no association with an underlying streptococcal infection.

**Bill Summary:** House Bill 2511 would have required commercial and Medicaid health coverage for treatment of PANDAS and PANS.

### [House Bill 2563](#)

**Effective Date:** May 13, 2019

#### **Newborn Screening**

**Chief Sponsors:** Reps. McLain, Sollman, Schouten, Hayden

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** A well-established practice of state public health programs is universal screening of newborns before leaving the hospital. Screening helps to detect serious medical conditions that can result in early death or lifelong disability even when a newborn appears healthy. As of 2018, the Northwest Regional Newborn Screening Program screens newborns for more than 40 metabolic disorders approved by the Oregon Health Authority (OHA).

**Bill Summary:** House Bill 2563 creates the Newborn Bloodspot Screening Advisory Board in OHA. The measure requires the Board to report findings and recommendations to the Legislative Assembly no later than September 15 every two years.

**Oregon Laws 2019:** Chapter 109

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### [House Bill 2600](#)

**Effective Date:** January 1, 2020

#### **Communicable Disease Prevention in Residential Care Facilities**

**Chief Sponsors:** Reps. Nathanson, Lively, McKeown

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Long term care facilities provide care and assistance for individuals who need help with activities of daily living, medication, and personal care. The Department of Human Services (DHS) licenses long term care facilities including residential care facilities. The Oregon Health Authority (OHA) manages the state's public health functions from disease prevention and control to food safety and inspections.

**Bill Summary:** House Bill 2600 establishes new protocols, training, and inspection requirements for long term care, conversion, and residential care facilities to prevent and control disease outbreaks. The measure establishes training requirements for facility staff and requires DHS to annually inspect kitchens and other areas where food is prepared. The bill requires the Long Term Care Ombudsman to notify DHS or OHA of disease outbreaks reported by residents of a regulated facility.

**Oregon Laws 2019:** Chapter 592

### [House Bill 2609](#)

Effective Date: May 2, 2019

[\(see House Bill 2257\)](#)

## Access to Prescription Drug Monitoring Program by Dental Directors

**Chief Sponsors:** Reps. Hayden, Keny-Guyer

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Oregon's Prescription Drug Monitoring Program (PDMP) contains information provided by Oregon-licensed retail pharmacies on controlled substances dispensed to Oregon residents, and is used to identify potential misuse, abuse, or diversion of prescription drugs. The information is collected and stored securely, and is only accessible to authorized individuals, including prescribing health care practitioners; medical and pharmacy directors in supervisory positions with clinics, facilities, and hospitals; licensed pharmacists; medical and pharmacy directors; and the State Medical Examiner.

**Bill Summary:** House Bill 2609 allows dental directors to access the PDMP and directs the Oregon Health Authority to disclose certain patient information from the program to dental directors to support the delivery of quality dental care.

**Oregon Laws 2019:** Chapter 53

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### [House Bill 2610](#)

Not Enacted

## Hotel and Lodging Inspections

**Chief Sponsors:** Rep. G Smith

**Committees:** House Health Care

**Background and Current Law:** States operate programs that conduct investigations of hotels, motels, campgrounds, inns, and RV parks to monitor the safety and sanitary conditions of such travel establishments and to protect the health and welfare of the public. The Oregon Health Authority (OHA) manages the state's public health functions and is responsible for ensuring sanitation and licensing of travel accommodations including fee collection and review, approval, or denial of an establishment's license.

**Bill Summary:** House Bill 2610 would have created a statewide hotel and lodging inspection program managed by OHA, directing the agency to conduct periodic health inspections of hotels and lodging facilities. The measure specified the criteria for the program and would have authorized OHA to assess inspection fees and a civil penalty when a lodging facility failed to post inspection results.

### [House Bill 2621](#)

**Not Enacted**

#### **Statewide Mental Health Support Line**

**Chief Sponsors:** Rep. Noble; Sens. Monnes Anderson, Knopp

**Committees:** House Health Care

**Background and Current Law:** In 2016, Oregon State University (OSU) released a report highlighting the issue of “boarding” patients with mental illnesses in hospital emergency departments (EDs). The report identified factors that contribute to ED “boarding,” including the lack of community outpatient treatment and crisis response services, severity of psychiatric conditions, and limited inpatient resources. The report also outlined policy proposals.

**Bill Summary:** House Bill 2621 would have created a statewide mental health crisis support access line to aid hospitals in treating individuals experiencing a behavioral health crisis.

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### [House Bill 2622](#)

**Not Enacted**

#### **Organ Donor Registry and Public Awareness Fund**

**Chief Sponsors:** Rep. Fahey; Sen. Dembrow

**Committees:** House Health Care

**Background and Current Law:** Individuals 15 years of age or older can register as donors at the Oregon Department of Motor Vehicles (DMV) and indicate that upon their death, they wish to donate organs or tissues deemed viable for the specific purpose of life-saving organ or life-enhancing tissue transplants. Individuals can also directly register as donors online or with a paper form and may indicate any specific organs or tissues they do not want to donate, which will be documented in the confidential Donor Registry.

**Bill Summary:** House Bill 2622 would have created the Organ Donor Registry and Public Awareness Fund to promote statewide public awareness of organ donation. The measure would have allowed the Department of Transportation to accept donations for the Fund from individuals who apply for or renew a driver permit, driver license, identification card, or vehicle registration.

### [House Bill 2624](#)

**Not Enacted**

#### **Emergency Department Boarding Pilot Project and Task Force**

**Chief Sponsors:** Reps. Boles, Nosse, G Smith; Sen. Monnes Anderson

**Committees:** House Health Care

**Background and Current Law:** In 2016, Oregon State University released a report highlighting the issue of “boarding” patients with mental illness in hospital emergency departments (EDs). The report found that during a one-year period, 2.1 percent of all hospital ED visits were psychiatric ED boarding episodes, average boarding time for psychiatric and nonpsychiatric visits were 18 and 17 hours respectively, and the cost of an ED psychiatric visit was higher than average per-visit cost. Factors that contribute to ED “boarding” are lack of community outpatient treatment and crisis response services, severity of psychiatric conditions, and limited inpatient resources.

**Bill Summary:** House Bill 2624 would have created the Emergency Department Boarding Pilot Project and directed the Oregon Health Authority to grant funds to hospitals to provide treatment for individuals. The measure would have established a 13-member Task Force on Emergency Department Boarding.

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### [House Bill 2627-A](#)

**Not Enacted**

#### **Peer-managed Recovery Centers**

**Chief Sponsors:** Rep. Sanchez

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** The Centers for Medicare and Medicaid Services recognize peer-delivered services as a tool for treating behavioral health disorders. Peer-delivered services involve outreach, social support, problem-solving, help navigating community and medical services, and recovery promotion such as wellness skills. Services are provided by individuals who are receiving mental health services or are in recovery from addiction disorders.

**Bill Summary:** House Bill 2627-A would have directed the Oregon Health Authority (OHA) to contract with at least four peer-managed recovery centers to offer peer support services for individuals seeking or in recovery from substance use disorders. The measure would have required OHA to appoint a full-time Recovery Advocate to administer, develop, and maintain the network of recovery centers and allocated \$150,000 to support outreach in rural areas using telemedicine.

### [House Bill 2638](#)

**Effective Date:** January 1, 2020

#### **Alcohol and Drug Policy Commission**

**Chief Sponsors:** Rep. Sanchez

**Committees:** House Health Care, Senate Human Services

**Background and Current Law:** The Alcohol and Drug Policy Commission (Commission) was created by the Legislative Assembly in 2009 and is responsible for developing recommendations to provide comprehensive addiction, prevention, treatment, and recovery services in Oregon. The Commission has varied in size over time, with 20 commissioners as of 2019.

**Bill Summary:** House Bill 2638 modifies the composition of the Commission by requiring at least 75 percent of members represent public health and health care stakeholder groups and up to 25 percent of members represent public safety. The measure allows the Commission's director to recommend replacing a member if a member is absent from more than two consecutive scheduled meetings. Lastly, the measure adds "tribal" to the definition of alcohol and drug abuse prevention and treatment programs in Oregon.

**Oregon Laws 2019:** Chapter 54

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### [House Bill 2658](#)

**Effective Date:** January 1, 2020

#### **Manufacturer Reporting of Prescription Drug Price Increases**

**Chief Sponsors:** Rep. Salinas; Sen. Monnes Anderson

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** In 2018, Oregon passed House Bill 4005 creating the Oregon Prescription Drug Price Transparency program in the Department of Consumer and Business Services. The program provides notice and disclosure of information from manufacturers relating to the cost and pricing of prescription drugs in the state. The law requires drug manufacturers to file annual reports for each drug with a net yearly price increase of 10 percent or more, if the drug costs at least \$100 for a month's supply or for a course of treatment lasting less than one month.

**Bill Summary:** House Bill 2658 modifies the reporting requirements for drug manufacturers on increases in pharmaceutical drug prices and instead requires manufacturers to report the planned increase in the price of a prescription drug at least 60 days before the date of the increase with specific thresholds for reporting for brand-name and generic drugs. HB 2658 exempts generic drugs manufactured by four or more companies from reporting requirements.

**Oregon Laws 2019:** Chapter 436

### [House Bill 2667](#)

**Not Enacted**

#### **Suicide Intervention and Prevention Coordinator**

**Chief Sponsors:** Rep. Keny-Guyer

**Committees:** House Health Care

**Background and Current Law:** According to the state public health agency, suicide is the eighth-leading cause of death in Oregon resulting in more than 825 deaths in 2017 and more than 2,100 hospitalizations each year. Oregon's adult suicide rate has increased annually since 2009, up to 17.9 suicides per 100,000 individuals in 2018.

**Bill Summary:** House Bill 2667 would have established a suicide intervention and prevention coordinator in the Oregon Health Authority responsible for developing strategies to address suicides by adults, improving outreach to adults at risk for suicide, and providing technical assistance to state and local entities.

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### [House Bill 2678-B](#)

**Not Enacted**

#### **Preferred Drug List in Medicaid (Oregon Health Plan)**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Joint Ways and Means, House Rules

**Background and Current Law:** States have passed and continue to explore legislation and policies to control spending on prescription drugs in Medicaid programs. An example is the use of formularies or preferred drug lists (PDLs). Medicaid managed-care organizations normally require that enrollees use prescription drugs from a formulary or PDL, which limits choices to preferred cost-effective drugs within various "families" of drugs for different conditions (therapeutic class). Oregon's Practitioner-Managed Prescription Drug Plan (PMPDP) requires the state's Medicaid plan, the Oregon Health Plan (OHP), to maintain a list of the most cost-effective drugs to prescribe for fee-for-service enrollees (i.e., open-card OHP patients). This list is OHP's PDL.

**Bill Summary:** House Bill 2678-B would have required the Oregon Health Authority (OHA) to adopt and maintain a PDL for Medicaid fee-for-service drugs and a partially aligned PDL for prescription drugs reimbursed through coordinated care organizations. The bill required certain prescriptions to be dispensed in generic form unless OHA had granted prior authorization.



### [House Bill 2679-A](#)

**Not Enacted**

#### **State Bulk Purchasing of Prescription Drugs**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Multiple states have partnered to bulk purchase prescription drugs to lower costs by negotiating price concessions and rebates from manufacturers. Oregon is a member of the Sovereign States Drug Consortium, a multi-consortium of 12 state Medicaid programs that operates through memorandums of understanding among the states to negotiate discounts from manufacturers. The Minnesota Multistate Contracting Alliance for Pharmacy is a group-purchasing organization of 49 states and local government entities that does not serve state Medicaid programs. The Northwest Prescription Drug Program is a consortium between Oregon and Washington. In 2018, the two-state consortium managed \$800 million in annual drug purchases for more than one million enrollees.

**Bill Summary:** House Bill 2679-A would have directed the Oregon Prescription Drug Program to cooperate with the State of California to bulk purchase prescription drugs. The measure would have authorized the administrator of the Oregon prescription drug program to contract with a pharmacy benefit manager and establish a state-managed wholesale, retail drug distribution, or dispensing system.

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### [House Bill 2680-A](#)

**Not Enacted**

#### **Prescription Drug Purchasing through Canadian Provinces**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Oregon's Prescription Drug Program (OPDP) was created in 2003 as the state's only prescription drug purchasing pool, which negotiates discounts with drug manufacturers to make prescription drugs available at the lowest possible price for Oregon residents. In 2006, the program joined with Washington's state program and formed the Northwest Prescription Drug Program. In 2018, a total of 306,493 residents were enrolled in OPDP's discount card program. According to the Oregon Health Authority, since the discount card program started in 2005, approximately \$130 million in savings has been achieved.

**Bill Summary:** House Bill 2680-A would have directed the OPDP to cooperate with regional Canadian governments to bulk purchase prescription drugs. The measure would also have allowed the OPDP to contract with a pharmacy benefit manager, establish a state-managed wholesale, retail drug distribution, or dispensing system.

### [House Bill 2687](#)

**Not Enacted**

## Organ Transplants and Medical Marijuana Use

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care

**Background and Current Law:** In recent years, states have legalized medical and recreational use of marijuana with use of the substance increasing over the past decade. In 1998, Oregon approved legalization of marijuana for medicinal use based on a set of qualifying medical conditions. Then in 2014, residents of Oregon voted to legalize recreational use of marijuana. According to the Oregon Health Authority, as of July 2018, approximately 39,000 individuals had registered for a medical marijuana card after having received a statement written by a physician. As states legalize medical use of marijuana, health care professionals and organ donor registry organizations have worked to address issues around receipt and gifting of organ transplants.

**Bill Summary:** House Bill 2687 would have prohibited a hospital or health care professional from disqualifying an individual as suitable for organ transplant based on a patient's medical use of marijuana.

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### [House Bill 2689-A](#)

**Not Enacted**

## State Purchasing and Importation of Prescription Drugs

**Chief Sponsors:** Reps. Nosse, Mitchell, Prusak, Salinas; Sens. Linthicum, Steiner Hayward

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** The United States is the largest importer of pharmaceutical drugs globally, with higher prescription drug spending and prices than other high-income countries. Drug spending in the U.S. is estimated to grow 6.3 percent annually from 2017-2026. Approximately 80 percent of pharmaceutical ingredients and 40 percent of finished drugs are manufactured outside of the U.S. As of January 2019, 12 states have introduced legislation to purchase and import high-cost drugs from wholesalers in Canada. State-administered wholesale importation seeks to increase price competition and requires federal certification.

**Bill Summary:** House Bill 2689-A would have required the Oregon Health Authority to design a wholesale drug importation program that is safe and efficient and to operate as a licensed drug wholesaler to import prescription drugs from Canada.

### [House Bill 2690](#)

**Not Enacted**

#### **Advertising of Prescription Drugs**

**Chief Sponsors:** Reps. Nosse, Prusak

**Committees:** House Health Care

**Background and Current Law:** In the United States, pharmaceutical manufacturers advertise and market prescription drugs to consumers, referred to as “direct-to-consumer” (DTC) advertising, using television, print, radio, the Internet, and other forms of media. Ads often describe the product, the disease or condition it treats, as well as potential benefits and risks to consumers. Currently, DTC advertising of prescription drugs does not provide consumers with information about the cost of a drug. States have sought to regulate the marketing and advertising of pharmaceuticals including DTC advertising.

**Bill Summary:** House Bill 2690 would have required pharmaceutical manufacturers to disclose the price of prescription drugs in consumer advertising in Oregon

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### [House Bill 2691](#)

**Effective Date: January 1, 2020**

#### **Oregon Psychiatric Access Line (OPAL)**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Initially focusing on children, the Oregon Psychiatric Access Line (OPAL) was established in 2013 with funding from the Legislative Assembly. A collaboration between Oregon Health and Science University's Division of Child and Adolescent Psychiatry, Adult Psychiatry, the Oregon Pediatric Society, and the Oregon Council of Child and Adolescent Psychiatry, OPAL provides free, same-day, Monday through Friday, child and adult psychiatric phone consultation to primary care providers in Oregon.

**Bill Summary:** House Bill 2691 establishes statutory authority for OPAL to provide real-time psychiatric consultation services to primary care providers who care for patients with mental health disorders. The measure requires psychiatrists providing advice to primary care providers through the access line be informed by guidelines in the Practitioner-Managed Prescription Drug Plan or recommended by the Pharmacy and Therapeutics Committee.

**Oregon Laws 2019:** Chapter 87

### [House Bill 2692](#)

Effective Date: May 13, 2019

#### Medicaid Pharmacy and Therapeutics Committee

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** In 2001, the Legislative Assembly enacted Senate Bill 819, which created the Practitioner-Managed Prescription Drug Plan (PMPDP). The PMPDP requires the state's Medicaid plan, the Oregon Health Plan (OHP), to maintain a list of the most cost-effective drugs to prescribe for fee-for-service enrollees (i.e., those not enrolled in managed care). The Pharmacy and Therapeutics Committee is an 11-member advisory committee of physicians, pharmacists, and consumer representatives, and is responsible for performing drug use review and making drug policy recommendations for OHP.

**Bill Summary:** House Bill 2692 requires the Pharmacy and Therapeutics Committee to publish on the Oregon Health Authority's website within seven days any recommendations pertaining to the Practitioner-Managed Prescription Drug Plan. The measure grants the Director of the Oregon Health Authority the ability to reconsider any decision to approve, disapprove, or modify a recommendation seven days after publication of a decision by the Committee on a specific drug.

**Oregon Laws 2019:** Chapter 111

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### [House Bill 2693](#)

Not Enacted

#### Coverage of Telemedicine Services

**Chief Sponsors:** Rep. Nosse; Sen. Beyer

**Committees:** House Health Care

**Background and Current Law:** Telehealth is the practice of medicine using technology to provide care to a patient at a distant location. The types of health care professionals licensed or authorized to provide telemedicine services varies within each state, as does the ability to practice telemedicine across states. Coverage of and reimbursement for types of telemedicine services differs among payers, including Medicare, Medicaid, and private health plans.

**Bill Summary:** House Bill 2693 would have established telemedicine coverage and reimbursement requirements for commercial health plans.

### [House Bill 2703](#)

**Not Enacted**

#### Short-term Health Plans

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care

**Background and Current Law:** Recently, the federal government redefined short-term health plans by extending the duration of these plans for up to 12 months, with a total duration of 36 months (or less) for renewals starting in 2019. These types of health plans are primarily designed to fill temporary gaps in insurance coverage that may occur when individuals transition between coverage. Federal law allows states to regulate short-term health plans as these plans are exempt from the federal Affordable Care Act requirements such as guaranteed availability, required benefit coverage, lifetime and annual dollar limits, and coverage for pre-existing conditions. Oregon law currently limits short-term health insurance plans to three months.

**Bill Summary:** House Bill 2703 sought to modify current regulation of short-term health insurance plans in Oregon by directing the Department of Consumer and Business Services to adopt rules to offer these policies.

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### [House Bill 2706](#)

**Effective Date:** July 23, 2019

#### Oral Health Coverage for COFA Residents

**Chief Sponsors:** Reps. Rayfield, Hayden, Keny-Guyer, Post, Stark; Sens. Monnes Anderson, Hansell

**Background and Current Law:** In 2016, the Legislative Assembly established a premium assistance program that provides health coverage to low-income citizens of the Pacific Islands in the Compact of Free Association (known as COFA) who reside in Oregon. The program does not provide dental coverage, as federal subsidies are not designed to cover dental services. Senate Bill 147 (2017) required the Department of Consumer and Business Services (DCBS) to convene a work group to develop recommendations to create a program to reimburse the costs of oral health care for low-income COFA residents. The work group concluded that an oral health coverage program should be created using the managed care dental framework employed for individuals covered by the Oregon Health Plan, which has no out-of-pocket costs and a single dental coverage plan for adults.

**Bill Summary:** House Bill 2706 directs DCBS to evaluate the feasibility of administering a program to provide oral health care to low-income COFA residents who lack access to affordable dental coverage. The bill requires DCBS to obtain estimates of the cost to contract with dental care organizations to provide oral health care to COFA citizens.

**Oregon Laws 2019:** Chapter 593

### [House Bill 2717-A](#)

**Not Enacted**

#### **Ambulatory Surgery Centers - Data Collection and Reporting**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Ambulatory Surgery Centers (ASCs) are health care facilities that provide same-day surgical care. In 2018, the Legislative Assembly passed House Bill 4020 establishing criteria for and licensing of extended stay centers (ESCs). The measure also allowed the Oregon Health Authority (OHA) to collect discharge data and establish fees for data collection and licensing ASCs and ESCs.

**Bill Summary:** House Bill 2717-A would have removed current data reporting requirements for ASCs and ESCs in Oregon.

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### [House Bill 2753](#)

**Not Enacted**

[\(see House Bill 2185\)](#)

#### **Pharmaceutical Substitution by Pharmacists**

**Chief Sponsors:** Reps. Salinas, Nosse

**Committees:** House Health Care

**Background and Current Law:** Pharmaceutical manufacturers produce and sell brand-name, generic, and biologic prescription drugs. Generic drugs comprise the largest portion of the pharmaceutical market, providing approximately 90 percent of all drugs dispensed to consumers, as they often are a less costly version of a brand-name drug. Prescription drug substitution or interchanging of drugs, brand-name or generic, involves medical efficacy, equivalence of pharmaceutical products, and price and consumer affordability. States have allowed pharmacists some choice in dispensing or filling a prescription with a lower-price version if consumers might save money and the substituted drug is therapeutically equivalent.

**Bill Summary:** House Bill 2753 would have directed pharmacists to dispense less costly generic medications to the consumer instead of the most expensive brand-name medication.

### [House Bill 2799](#)

**Not Enacted**

#### **Prescription Drugs, Consumer Cost Sharing**

**Chief Sponsors:** Rep. Schouten

**Committees:** House Health Care

**Background and Current Law:** Oregon's commercial market includes group and nongroup health insurance types. Group insurance refers to small-group, large-group, self-insured, associations, trusts, and Multiple Employer Welfare Arrangements. Nongroup or "individual" insurance refers to individuals who directly purchase health coverage from carriers on and off the health insurance marketplace, established by the federal Affordable Care Act. Carriers that operate plans in the group and nongroup markets offer a wide array of plans with different coinsurance, copayments, deductibles, and other out-of-pocket costs an individual must pay for covered services.

**Bill Summary:** House Bill 2799 would have required carriers that offer small employer, group, and individual health plans to offer at least 25 percent of plans with no deductible or other cost-sharing requirements for prescription drugs. The measure would also have required carriers to report annually to the Department of Consumer and Business Services any changes to drug formulary or patient cost-sharing in the preceding 12-month period.

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### [House Bill 2831](#)

**Not Enacted**

#### **Community-based Peer Respite Centers**

**Chief Sponsors:** Reps. Hayden, Nosse

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** The federal Substance Abuse and Mental Health Administration (SAMHA) states that peer crisis respite service is a model that offers community-based support and prevention to help individuals at risk of or experiencing a mental health or psychiatric crisis by offering a recovery-oriented system. Such services provide an alternative to psychiatric hospitalization with a focus on peer-run wellness and recovery services that are short-term, safe, voluntary, and operate 24 hours per day in a home-like setting. These centers are most often peer-run organizations with staff that have a lived experience of the behavioral health system with professional crisis support training.

**Bill Summary:** House Bill 2831 would have allowed the Oregon Health Authority (OHA) to fund up to three peer respite centers in a home-like setting to serve individuals with mental illnesses who are experiencing acute distress, anxiety, or emotional pain that may lead to the need for inpatient hospital services. The measure would have authorized OHA to establish funding criteria, data reporting and monitoring requirements, and investigation and assessment authority to ensure quality of services.

### [House Bill 2840-A](#)

**Not Enacted**

[\(see House Bill 2185\)](#)

### **Regulation of Pharmacy Benefit Managers (PBMs)**

**Chief Sponsors:** Reps. Noble, Nosse; Sen. Steiner Hayward

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Pharmacy entities dispense pharmaceutical products directly to consumers. Pharmaceutical products are ordered by the pharmacy and delivered by a wholesale distributor or purchased directly from a manufacturer. Licensed pharmacists dispense products to consumers according to prescriptions received by written note or electronic transmission. Most health insurers contract with pharmacy benefit managers (PBMs) to process pharmacy claims, benefit design, contract with pharmacies, and negotiate rebates with manufacturers. PBMs also provide mail-order or specialty pharmacy services.

**Bill Summary:** House Bill 2840-A would have established restrictions on pharmacy benefit managers who operate in Oregon to ensure pharmacies and consumers have information about the costs of prescription drugs.

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### [House Bill 2845](#)

**Not Enacted**

### **Nurse Midwives and Freestanding Birthing Centers**

**Chief Sponsors:** Reps. Keny-Guyer, Clem, Prusak, Schouten

**Committees:** House Health Care

**Background and Current Law:** Freestanding birthing centers support natural labor and delivery by trained midwives and staff; offer a “family-centered” experience; and provide care before, during, and after normal pregnancy, labor, and birth. Birthing centers use midwives as the primary care providers who work with physicians and hospitals to provide maternity care and are often licensed by states. As of January 2019, the Oregon Health Authority licensed 15 birthing centers, which are defined as nonhospital settings where childbirth is planned and occurs away from a private residence. Oregon also licenses three types of midwives: (1) licensed direct-entry midwives, (2) certified nurse-midwives, and (3) certified professional midwives.

**Bill Summary:** House Bill 2845 sought to improve access to midwifery care by requiring insurers and Medicaid to reimburse for pregnancy-related services for women and children. The bill also would have required insurers to pay a fee to freestanding birthing centers and reimburse using a methodology to be developed by the Oregon Health Authority.



### [House Bill 2935](#)

Effective Date: June 20, 2019

#### **Prescription Drug Readers for the Visually Impaired or Blind**

**Chief Sponsors:** Rep. Alonso Leon; Sen. Monnes Anderson

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** For consumers to safely and effectively manage their medications, it is critical that they understand the types of medications prescribed, the recommended doses, duration, and potential side effects. Prescription drugs dispensed by pharmacists include labels that provide written information and instructions for consumers; however, reading and understanding the labels on prescription drugs can be difficult for individuals who are visually impaired or blind. In recent years, companies have developed devices that read the information provided on a prescription bottle aloud, helping individuals identify and manage their medications.

**Bill Summary:** House Bill 2935 requires pharmacies to notify and provide access to prescription readers for blind and visually impaired customers, upon request.

**Oregon Laws 2019:** Chapter 438

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### [House Bill 2945](#)

**Not Enacted**

#### **Nurse Staff Safety at Oregon Hospitals**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care

**Background and Current Law:** In 2015, the Legislative Assembly required each hospital to establish a nurse staffing committee and develop written staffing plans to ensure that the facility is staffed to meet the health care needs of patients. In addition, the legislature established a 12-member Nurse Staffing Advisory Board charged with advising the Oregon Health Authority (OHA) regarding administration of staffing plans, reviewing OHA's ability to enforce staffing plans, and requiring OHA to audit individual hospitals every three years. Hospitals found to be in violation of the administrative rules for nurse staffing services receive an audit report, must submit a plan of correction to OHA if needed, and must post online any reports generated from nurse staffing surveys and complaint investigations.

**Bill Summary:** House Bill 2945 sought to increase resources for OHA to oversee and enforce hospital nurse staffing plans by increasing the number of full-time employees responsible for investigating hospital-based nurse staffing plan complaints.

### [House Bill 2961](#)

**Not Enacted**

#### **Price Disclosure in Advertising of Pharmaceutical Drugs**

**Chief Sponsors:** Reps. Prusak, Meek, Wallan

**Committees:** House Health Care

**Background and Current Law:** In the United States, pharmaceutical manufacturers advertise and market prescription drugs to consumers, referred to as “direct-to-consumer” (DTC) advertising, using television, print, radio, the Internet, and other forms of media. Ads often describe the product, the disease or condition it treats, as well as potential benefits and risks to consumers. Currently, DTC advertising of prescription drugs does not provide consumers with information about the cost of a drug. Prescription drug pricing and costs are determined by industry practices, consumer demand, and financial negotiations between pharmaceutical market entities. The National Conference of State Legislatures reports that states have sought to regulate the marketing and advertising of pharmaceuticals including advertising.

**Bill Summary:** House Bill 2961 would have required pharmaceutical manufacturers to disclose the price of prescription drugs in consumer advertising in Oregon and established civil penalties of up to \$5,000 for each violation.

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### [House Bill 2986-A](#)

**Not Enacted**

#### **Regional Health Equity Coalitions**

**Chief Sponsors:** Rep. Alonso Leon; Sen. Monnes Anderson

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** The Oregon Health Authority (OHA) funds six regional health equity coalitions (RHECs) that serve 11 counties and the Confederated Tribes of Warm Springs. The coalitions work in their communities to address issues related to health care, education, housing, employment, and transportation, among others, and support policies that address health equity issues, both at the local and state level for vulnerable and marginalized populations.

**Bill Summary:** House Bill 2986-A sought to establish formal partnerships between OHA, coordinated care organizations, and RHECs. The measure would have directed coordinated care organizations that have a RHEC in their region to seek out local culturally specific community-based organizations or provide funding opportunities to create new coalitions. House Bill 2986-A also sought to establish a fidelity committee to oversee the coalitions.

### [House Bill 3063-B](#)

**Not Enacted**

#### **Childhood Immunizations and School Attendance**

**Chief Sponsors:** Reps. Greenlick, Helt, Mitchell, Schouten, Wilde; Sen. Thomsen

**Committees:** House Health Care, Joint Ways and Means, Senate Health Care

**Background and Current Law:** According to the National Conference of State Legislatures, all 50 states have laws requiring specified vaccines for students related to school entry requirements, with all states allowing exemptions for medical reasons. As a condition of attending any school in Oregon, every child through grade 12 is required to be immunized against 11 vaccine-preventable diseases. Forty-seven states have nonmedical exemptions on religious grounds, and 17 states allow exemptions for personal or philosophical beliefs. Currently, Oregon allows both medical and nonmedical exemptions.

**Bill Summary:** House Bill 3063-B would have removed the ability of a parent or legal guardian to decline, on behalf of a child, immunizations required to enroll in school or child care for a reason other than a child's medical diagnosis.

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### [House Bill 3074](#)

**Effective Date: January 1, 2020**

#### **Insurance Rate Review**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** In 2007, the Legislative Assembly passed House Bill 3103, which required health insurers to submit rate filings for review and approval for small employer, portability, and individual health benefit plans. The rate review and approval process, overseen by the Department of Consumer and Business Services, is open to public review and input.

**Bill Summary:** House Bill 3074 streamlines the process for approving rates for health benefit plans in Oregon by removing several steps in the process used to approve, disapprove, or modify a rate filing after the close of the 30-day public comment period.

**Oregon Laws 2019:** Chapter 441

### [House Bill 3075](#)

**Not Enacted**

[\(see House Bill 2266\)](#)

### **PEBB and OEBB Dependent Coverage**

**Chief Sponsors:** Reps. Salinas, Gorsek, Witt

**Committees:** House Health Care, House Rules

**Background and Current Law:** In 2017, the Legislative Assembly enacted Senate Bill 1067, which affected the Public Employees' Benefit Board (PEBB) and Oregon Educators Benefit Board (OEBB) by eliminating "double coverage" for PEBB and OEBB employees who have family members also employed by a PEBB or OEBB employer. The measure also discontinued the ability for a PEBB or OEBB employee with double coverage to decline double coverage or "opt out" and receive payments.

**Bill Summary:** House Bill 3075 sought to restore the ability for employees and their family members and dependents in state-sponsored health plans, if eligible, to receive "double insurance coverage" or "opt-out" financial incentives.

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### [House Bill 3076](#)

**Effective Date:** January 1, 2020

### **Patient Financial Assistance Policies for Nonprofit Hospitals**

**Chief Sponsors:** Rep. Salinas

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

**Background and Current Law:** Not-for-profit hospitals may qualify for tax-exempt status at both the federal and state level (e.g., 501(c)(3) status), but must comply with a number of requirements (in addition to those imposed by the Affordable Care Act). These requirements include: publicizing a written financial assistance policy detailing eligibility criteria; a policy requiring the organization to provide emergency medical care indiscriminately regardless of a patient's eligibility for assistance; charging the same amounts for emergency or other medically necessary care provided to individuals eligible for assistance as to individuals with insurance; checking if an individual is eligible for assistance prior to engaging in financial collection actions; and conducting a community health needs assessment and adopting a strategy to meet identified needs. To maintain tax-exempt status at the state level, not-for-profit hospitals must document the benefits they provide to communities and report annually to the Oregon Health Authority (OHA). Oregon's 60 nonprofit acute care hospitals are subject to this reporting requirement. According to OHA's Office of Health Analytics Community Benefit Report, Oregon hospitals provided \$2.2 billion in community benefits in fiscal year 2016.

**Bill Summary:** House Bill 3076 regulates the charity care policies of nonprofit hospitals and health systems, requiring nonprofit hospitals to maintain financial assistance policies that include specified reductions based on a patient's household income. The measure requires OHA to establish a community benefit spending floor applicable to nonprofit hospitals. The bill requires hospitals to annually report to OHA.

**Oregon Laws 2019:** Chapter 497

### [House Bill 3095-A](#)

**Not Enacted**

#### **Medicaid Funding for Behavioral Health Services**

**Chief Sponsors:** Rep. Nosse

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** According to the Centers for Medicare and Medicaid Services (CMS), Medicaid is the largest payer for mental health services in the United States and plays a significant role in the reimbursement of substance use disorder services. CMS states that individuals with behavioral health issues (a mental disorder, substance use disorder, or both) utilize significant health care services with approximately 12 million visits to hospital emergency departments across the nation in 2007.

**Bill Summary:** House Bill 3095-A would have directed the Oregon Health Authority (OHA) to increase reimbursement rates for behavioral health providers who serve Medicaid enrollees in fee-for-service and adjust these rates every two years to reflect increases in the consumer price index.

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### [House Bill 3165](#)

**Effective Date:** July 23, 2019

#### **Provisions of School-based Health Services**

**Chief Sponsors:** Reps. Nathanson, G Smith

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** According to the Oregon Health Authority (OHA), school-based health centers (SBHCs) are required to provide physical, mental, and preventive services to all students regardless of the student's ability to pay. SBHCs are located within a school or on school grounds. In 2017, there were 78 certified SBHCs in 25 counties; 43 in high schools, seven in middle schools, 12 in elementary schools, and 16 at combined-grade campuses. During the 2016-2017 school year, SBHCs provided over 114,000 individual visits for 35,000 clients with 61 percent of visits for primary care, 37 percent for behavioral health, and two percent for dental care.

**Bill Summary:** House Bill 3165 appropriates \$950,000 and requires OHA to consult with the Department of Education to select 10 school or education service districts to receive grants for planning and technical assistance to support school-based health care. The measure directs grantees to solicit community participation in the planning process including federally qualified health centers and coordinated care organizations in the education service district. The bill directs OHA to contract with a statewide nonprofit organization to create tools and provide support to the 10 grantees.

**Oregon Laws 2019:** Chapter 601

### [House Bill 3192](#)

**Not Enacted**

#### **Assessment on Manufacturers of Prescription Opioids**

**Chief Sponsors:** Rep. Smith Warner

**At the request of:** Multnomah County

**Committees:** House Health Care, House Revenue

**Background and Current Law:** Addiction to and overdose from nonmedical use of prescription opioid pain medications in Oregon and across the nation has reached epidemic levels. In 2017, some estimates of collateral treatment costs for emergency room visits and hospital care annually rose to \$20 billion, not including impacts on the criminal justice system, systems that provide a spectrum of social services, and the costs of increasing litigation against the relevant drug manufacturers and prescribing doctors.

**Bill Summary:** House Bill 3192 would have imposed an assessment of \$0.01 per morphine milligram equivalent per year on each manufacturer of prescription opioids dispensed in Oregon. Assessment funds would have been used to support the prevention, treatment, and safe recovery from opioid addiction and other substance use disorders.

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### [House Bill 3262](#)

**Not Enacted**

#### **Employer Assessment for Employees Receiving Public Assistance**

**Chief Sponsors:** Reps. Gorsek, Schouten, Piluso, Salinas; Sens. Monnes Anderson, Steiner Hayward

**Committees:** House Health Care, House Revenue

**Background and Current Law:** Results of the Oregon Employment Department's Oregon Benefits Survey (2018) indicate nine out of 10 employers with at least 50 payroll employees in Oregon (any combination of full- and part-time) offer health benefits to some or all of their employees. By comparison, slightly less than half (45 percent) of employers with fewer than 50 employees offer any health benefits. Employee medical coverage was among the most common of all employer-provided benefits, with six out of 10 private employers extending the option. That share differs widely based on employer size class and an employee's part-time or full-time status. Employers with 50 or more payroll employees account for less than five percent of all firms in Oregon yet provide six out of 10 jobs in the state.

**Bill Summary:** House Bill 3262 would have assessed large businesses with at least 100 full-time or part-time employees who receive or have family members who receive public assistance. The measure would have created the Taxpayer Reimbursement Fund to deposit fees and penalties assessed on eligible businesses that employ subsidized employee(s). The bill specified that money collected was to be deposited in the Oregon Rainy Day Fund for state expenditures on public assistance programs.

### [House Bill 3273](#)

Effective Date: September 29, 2019

#### Prescription Drugs Take-back Program

**Chief Sponsors:** Rep. Schouten; Sens. Heard, Steiner, Hayward

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Approximately a third of pharmaceutical drugs purchased in the United States go unused, are considered hazardous waste, and end up in water systems or landfills. Current disposal options are limited and inconsistent. In 2014, U.S. Drug Enforcement Administration (DEA) regulations expanded the types of locations allowed to accept unwanted medications on a routine basis. As of 2015, there are 615 authorized collectors nationwide that include drug manufacturers and distributors, narcotic treatment programs, retail pharmacies, and hospitals. Prior to this expansion, many people flushed unused prescription drugs down the toilet, resulting in contamination of the water supply, or kept them at home, leading to the theft and abuse of prescription drugs.

**Bill Summary:** House Bill 3273 requires pharmaceutical manufacturers to develop and fund a statewide drug take-back program, which must be approved by the Department of Environmental Quality (DEQ). The measure directs the DEQ and the Oregon Board of Pharmacy to ensure compliance with the program.

**Oregon Laws 2019:** Chapter 659

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### [House Bill 3279](#)

Not Enacted

#### Payment Parity in Medicaid for Behavioral Health Services

**At the request of:** Multnomah County Health Department

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** According to the Centers for Medicare and Medicaid Services (CMS), Medicaid is the largest payer for mental health services in the United States and plays a significant role in the reimbursement of substance use disorder services. CMS states that individuals with behavioral health issues (a mental disorder, substance use problem, or both) utilize significant health care services with approximately 12 million visits to hospital emergency departments across the country in 2007. State Medicaid programs are not federally required to establish uniform payment to providers of substance use disorder services and providers of mental health treatment, often resulting in different reimbursement rates for similar or identical services and limited to no access to urgent and critical mental health services.

**Bill Summary:** House Bill 3279 would have required the Oregon Health Authority (OHA) to pay providers of substance use disorder (SUD) services the same as mental health treatment providers, creating payment parity. The measure would have allowed OHA and coordinated care organizations to use alternative payment methodologies in Medicaid to reimburse SUD providers if payment methodologies were applied equally to mental health treatment providers.



### [House Bill 3307](#)

**Not Enacted**

#### **Funding for Emergency Medical Services**

**At the request of:** Oregon State Ambulance Association

**Committees:** House Health Care, House Revenue

**Background and Current Law:** The Oregon Health Authority's (OHA) Public Health Division was first organized in 1983 to license all ambulances operating in the state. Licensing and operation standards for basic and advanced life support ambulances were developed by the Public Health Division in cooperation with the State Emergency Medical Service Committee and the Ambulance and Emergency Medical Technician Advisory Council. Annual licensing fees were increased through Senate Bill 95 in 1994, with the assistance of a task force, to \$250 for services with five or more full-time paid employees and \$75 for services with four or fewer full-time paid employees.

**Bill Summary:** House Bill 3307 would have assessed a fee on emergency medical services providers to increase the amount of reimbursement paid by OHA for the cost of transport by ambulance.

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### [House Bill 3397-B](#)

**Not Enacted**

#### **State Cooperative to Purchase Prescription Drugs in Medicaid**

**Chief Sponsors:** Rep. Hayden

**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** In 2001, Senate Bill 819 created the Practitioner-Managed Prescription Drug Plan, which requires the state's Medicaid plan, the Oregon Health Plan (OHP), to maintain a list of the most cost-effective drugs to prescribe for fee-for-service enrollees (i.e., those not enrolled in managed care). This list is called the Preferred Drug List (PDL). New prescriptions for physical health drugs not listed on the PDL require prior authorization, meaning a health care provider must obtain approval from a health plan before the prescription can be filled. The Pharmacy and Therapeutics Committee (P&T Committee) is an 11-member advisory committee responsible for reviewing drug use and making drug policy recommendations for OHP.

**Bill Summary:** House Bill 3397-B would have established a cooperative to purchase prescription drugs for enrollees covered by OHP. The bill directs the Oregon Health Authority (OHA) to pay the lowest net cost for any prescription drug purchased, after rebates, for individuals enrolled in OHP using a third-party purchasing agent. The measure would have created the Oregon Medicaid Purchasing Cooperative to advise OHA, the P&T Committee, and the purchasing agent on the Practitioner-Managed Prescription Drug Plan and prescription drug purchasing in the medical assistance program.



## 2019 SUMMARY OF LEGISLATION

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# HOUSING

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# HOUSING MEASURES

<b>Building Codes and Zoning</b>	Enacted Not Enacted	SB 534, HB 2423, HB 2997 SB 10
<b>Development and Preservation</b>	Enacted Not Enacted	HB 2001, HB 2002, HB 2003, HB 2306, HB 2336, HB 2993, HB 3116 SB 334, SB 595, SB 943-A, SB 1024, HB 2055, HB 2056, HB 3406
<b>General Housing Policy</b>	Enacted Not Enacted	SB 8, SB 36, SB 484, SB 608, SB 970, HB 2530, HB 2916 HB 2302, 3359
<b>Homeownership</b>	Enacted Not Enacted	HB 2812 SB 820-A
<b>Manufactured Homes</b>	Enacted Not Enacted	SB 586 HB 2664
<b>Taxes, Deductions, &amp; Credits</b>	Enacted Not Enacted	SB 262 HB 2136, HB 2587, HB 2662, HB 2664, HB 2700, HB 2725, HB 3349

Picture: Summerville House, Umatilla County – Gary Halvorson, [Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2001	DCBS must report to the legislature on low rise residential housing by January 1, 2020.	January 1, 2020
HB 2003	Directs Oregon Housing and Community Services Department to report to the legislature on findings of the regional housing needs analysis, housing stock estimates, housing shortage analysis, and estimates of housing needed to accommodate growth.	March 1, 2021
HB 2530	Requires Oregon Department of Veterans' Affairs (ODVA) and Department of Housing and Community Services to submit joint report to relevant legislative committees by December 1st every year, as specified, on housing programs for veterans.	Annually by December 1

## HOUSING

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### Senate Bill 8

Effective Date: January 1, 2020

### Supporting Development of Publicly Supported Housing

**Chief Sponsors:** Sens. Courtney, Heard

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

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). Projects approved at the local level may be appealed to a specialized tribunal called the Land Use Board of Appeals (LUBA). Anyone who appears during proceedings at the local level, when project approval is being sought, may intervene and become a party on appeal, and LUBA may award attorney fees in some circumstances.

Publicly supported housing is defined as the development of five or more units of multi-family rental housing that receives or benefits from specified government assistance, with a number of exceptions for developments receiving local fee waivers or tax abatement; or that are part of a local inclusionary housing program; or that receive certain tenant-based or project-based rent subsidies or assistance.

**Bill Summary:** Senate Bill 8 requires LUBA to order challengers to pay reasonable attorney fees and expenses to prevailing respondents on appeal who are the applicant or the local government, if the challenge is against a locally approved application to develop publicly supported housing.

**Oregon Laws 2019:** Chapter 221

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### Senate Bill 10

Not Enacted

### Encouraging Residential Development along Priority Transportation Routes

**Chief Sponsors:** Sen. Courtney

**Committees:** Senate Housing, Senate Rules

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Goal 12 concerns the provision of a safe, convenient transportation system, and during the 2017 regular legislative session, the legislature enacted a transportation funding bill to invest in improving statewide transit service. Such infrastructure investments stimulate corresponding development efforts along transportation routes.

**Bill Summary:** Senate Bill 10 would have defined “priority transportation corridors” for purposes of municipal limits on the density of residential development and prohibited the imposition of lower densities than stated in the measure, within urban growth boundaries, near such transportation.

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## HOUSING

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### [Senate Bill 36](#)

**Effective Date:** January 1, 2020

#### **Updating Provisions of Veteran Home Loan Program**

**At the request of:** Governor Kate Brown for Department of Veterans' Affairs

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

**Background and Current Law:** Oregon is one of only five states that offers a veteran home loan program, separate from the federal Veterans Administration Home Loan Guaranty. Administered through the Oregon Department of Veterans' Affairs (ODVA), approximately \$8 billion in low-interest home loans has been made available to more than 334,000 veteran borrowers since 1945. During 2018, ODVA conducted a comprehensive review of statutes governing home and farm loans to veterans, resulting in Senate Bill 36.

**Bill Summary:** Senate Bill 36 refines ODVA's authority to administer home loans to veterans to modernize language usage and make provisions consistent with current practice. It modifies the purpose of such loans - to acquire homes and farms - by removing references to "improvements," updates the definition of "home" to include manufactured dwellings and condominiums, removes references to mobile homes and houseboats, and conforms to federal bond and lending requirements.

**Oregon Laws 2019:** Chapter 223

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### [Senate Bill 262](#)

**Effective Date:** September 29, 2019

#### **Extending the Multi-Unit Housing Property Tax Exemption**

**Chief Sponsors:** Sen. Dembrow; Rep. Nosse

**Committees:** Senate Housing, Senate Finance and Revenue, House Revenue

**Background and Current Law:** Local jurisdictions are authorized to design programs that attract development of multiple-unit housing by means of property tax exemptions. Programs are required to preserve, construct, add, or convert existing units, at rental or purchase prices that are within reach of a broad range of the general public. The multi-unit housing property tax exemption is utilized by many communities and considered integral to the development of affordable housing but is scheduled to sunset in 2022.

**Bill Summary:** Senate Bill 262 maintains the property tax exemption used to encourage development of multi-unit housing by extending the sunset to 2032.

**Oregon Laws 2019:** Chapter 322

### [Senate Bill 334](#)

**Not Enacted**

#### **Supporting Development of Workforce Housing**

**Chief Sponsors:** Sen. Baertschiger, Jr.

**Committees:** Senate Housing, Senate Rules

**Background and Current Law:** Urban growth boundaries (UGBs) are set based upon where and how a city is projected to grow residentially, industrially, and commercially over a 20-year period. Cities develop according to their UGB. Often UGBs include farm, forest, and low-density residential development in unincorporated areas outside city limits, but unlike farm and forestland outside a UGB, areas within a UGB are intended for urban development. UGBs are set through a complicated, coordinated effort involving the concerned city, adjoining counties, and special districts, and the participation of citizens and other interested parties in conformity with statewide land use planning goals.

**Bill Summary:** Senate Bill 334 would have provided a targeted deviation from the existing process of setting a UGB. Excluding high-value farmland and land designated for protection in an acknowledged comprehensive plan, Senate Bill 334 would have required local governments, upon petition by a landowner, to include land designated as urban reserves within its UGB if the provision of urban services was committed within two years; if the land was subject to covenants for a minimum of 60 years that allowed only workforce housing and commercial use as defined by the measure; and if the land was capable of being rezoned for such use consistent with land use planning goals concerning transportation.

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### [Senate Bill 484](#)

**Effective Date:** January 1, 2020

#### **Prohibiting Multiple Rental Application Fees**

**Chief Sponsors:** Sen. Gelser

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

**Background and Current Law:** It is common practice for landlords to ask potential renters to pay the cost of processing and screening their applications. For those who complete multiple applications, these fees add up quickly.

**Bill Summary:** Senate Bill 484 requires one fee per applicant, when applications are made to rent one of multiple units owned or managed by the same landlord, within a 60-day period.

**Oregon Laws 2019:** Chapter 251

## HOUSING

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### [Senate Bill 534](#)

**Effective Date:** January 1, 2020

#### **Allowing Housing Development on Narrow Lots**

**Chief Sponsors:** Sens. Baertschiger, Jr., Fagan, Heard

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

**Background and Current Law:** "Skinny lots" were first platted in the Portland area more than a century ago and average about 25-by-100 feet. Narrow houses designed for such lots are typically multi-storied, and range in size from 900 to about 1,500 square feet. Infill development on these narrow lots, within existing neighborhoods where infrastructure already exists, can result in homes with lower market values than larger single-story homes on 5,000 square foot or larger home sites, but comparable or higher in market value than alternatives like condominiums. Such homes may provide additional home ownership opportunities for buyers.

**Bill Summary:** As long as specified conditions are met concerning infrastructure, potential hazards, and certain statewide land use planning goals, Senate Bill 534 requires local governments to allow the development of at least one unit on each platted lot zoned for a single-family dwelling within the urban growth boundary of cities with populations greater than 25,000 beginning March 1, 2020.

**Oregon Laws 2019:** Chapter 623

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### [Senate Bill 586](#)

**Effective Date:** January 1, 2020

#### **Omnibus Bill for Manufactured Housing Landlord/Tenant Coalition – Incorporating Marinas**

**Chief Sponsors:** Sen. Prozanski

**At the request of:** John VanLandringham

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

**Background and Current Law:** The Manufactured Housing Landlord/Tenant Coalition has existed since 1997. It meets almost monthly to discuss landlord/tenant concerns proactively, and it has produced negotiated legislation every long session since its inception, each addressing a variety of issues. Senate Bill 586 is the negotiated bill for 2019, and for the first time, incorporates floating home tenancies in marinas. Manufactured dwelling parks and marinas are defined and referred to as facilities.

**Bill Summary:** Senate Bill 586 regulates marinas like manufactured dwelling parks, establishes a mediation pilot program to assist low-income tenants in disputes with landlords, and establishes specific regulations for marinas.

**Oregon Laws 2019:** Chapter 625

### [Senate Bill 595](#)

**Not Enacted**

### **Supporting Workforce Housing Development**

**Chief Sponsors:** Sen. Johnson

**At the request of:** Bill Baertlein, Tillamook County Commissioner

**Committees:** Senate Housing, Senate Finance and Revenue

**Background and Current Law:** The transient lodging tax is imposed on hotels and motels, spaces for recreational vehicles and tents, and other dwelling units that are occupied overnight or on a temporary basis. It is primarily used to promote tourism and may also be used to fund local services. Currently, at least 70 percent of the net revenue from new or increased transient lodging taxes must be used to support tourism and up to 30 percent may be used for local services.

**Bill Summary:** Senate Bill 595 would have shifted a percentage of net revenue from the transient lodging tax away from tourism to allow up to 30 percent to be put toward workforce housing for individuals with annual incomes at or below 125 percent of the local median income.



### [Senate Bill 608](#)

**Effective Date:** February 28, 2019

## **Rent Control and Prohibiting No-Cause Evictions after One Year of Occupancy**

**Chief Sponsors:** Sens. Burdick, Monnes Anderson, Courtney, Fagan; Rep. Kotek

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

**Background and Current Law:** Landlords may evict tenants for a variety of reasons, including for nonpayment of rent and other violations of rental agreements. Both landlords and tenants are generally allowed to terminate month-to-month tenancies without cause, with 30 days' notice (although some localities, like Portland, have different notice requirements). Fixed-term tenancies can also be terminated without cause by either landlords or tenants at any time during the tenancy with 30 days' notice prior to the end of the term, or with 60 days' notice after the end of the term. Rent increases are prohibited in the first year of a month-to-month tenancy and 90 days' notice of same is required. There are currently no other restrictions on the number or amount of rent increases that may be imposed on a month-to-month tenancy.

**Bill Summary:** Senate Bill 608 prohibits evictions without cause after the first year of occupancy and adds the following circumstances to the existing list of reasons that a landlord may evict a tenant for-cause: when the premises are sold to a buyer as a primary residence; when the premises will be occupied by the landlord or an immediate family member; or when the premises are being renovated, or demolished, or removed from residential use. If a landlord uses one of the new reasons to evict, they must provide 90 days' notice and one month's rent to assist the tenant with relocation (except two-unit or less, owner-occupied properties, and landlords with four or fewer dwelling units). Senate Bill 608 also provides for fixed-term tenancies to convert to month-to-month unless the parties agree to a new term or a tenant has received at least three written, contemporaneous warnings about violations in the preceding 12 months. Finally, Senate Bill 608 limits rent increases to no more than seven percent plus the average change in the consumer price index, no more than once in any 12-month period, unless: the premises are considered new construction, or the landlord is resetting rent for a new tenant after a compliant tenant vacated voluntarily, or the rent is subsidized.

**Oregon Laws 2019:** Chapter 1

## HOUSING

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### [Senate Bill 820-A](#)

**Not Enacted**

#### **Funding Foreclosure Counseling for At-Risk Homeowners**

**At the request of:** Senate Committee on Housing

**Committees:** Senate Housing, Joint Ways and Means

**Background and Current Law:** The Oregon Foreclosure Avoidance Program was originally created by Senate Bill 628 in 2009 and has been modified over time. The program entitles most homeowners/borrowers, at risk of foreclosure, to meet and negotiate directly with their lender to attempt to reach an agreement that would avoid foreclosure. The program has been funded through fees paid by both lenders and homeowners. The counseling portion of the program has been funded through General Fund appropriations and administered by Oregon Housing and Community Services (OHCS) through its network of counselors. Over 70 percent of homeowners who access counseling in advance of mediation, succeed in negotiating an agreement with their lender to stay in their home.

**Bill Summary:** Senate Bill 820-A would have appropriated \$1,240,000 General Fund dollars to OHCS to maintain administration of the Foreclosure Avoidance Program during the 2019-2021 biennium.

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### [Senate Bill 943-A](#)

**Not Enacted**

#### **Parsonages**

**Chief Sponsors:** Sen. Heard; Rep. Leif

**Committees:** Senate Housing, House Agriculture and Land Use

**Background and Current Law:** A parsonage is typically a dwelling that is provided by a religious institution for its officiant to live in. In Oregon, wherever a nonresidential place of worship is allowed on real property, cities and counties must allow reasonable uses of the property for activities associated with the particular religious practice, such as weddings, worship, and instruction, and including residential housing. Such residential housing is allowed so long as: at least half of what is available is affordable to households with incomes up to 60 percent of the median family income in the area; the property is within the urban growth boundary; and the property is zoned for such use and otherwise compliant with land use regulations and other development criteria.

**Bill Summary:** Senate Bill 943-A would have added the development of a parsonage to the list of reasonable uses that cities and counties must allow where nonresidential places of worship are authorized and would have required the parsonage to be 2,500 square feet or less, within 300 feet of the place of worship if detached, and not on high-value farmland if it could be avoided.

### [Senate Bill 970](#)

Effective Date: January 1, 2020

## Excluding Marijuana Offenses from Rental Applications and Regulating *Facility* Transactions

**At the request of:** Senate Committee on Judiciary

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

**Background, Current Law and Bill Summary:** Senate Bill 970 touches on a number of landlord/tenant issues, all but one of which concern transactions to buy and sell manufactured and floating homes situated on a rented space or in a slip, in a manufactured home park or marina (defined and referred to as *facilities*).

All residential landlords are currently allowed to consider whether a potential renter has committed certain crimes when evaluating their application. Senate Bill 970 excludes prior convictions solely for minor recreational use or possession of marijuana and also prohibits landlords from considering an applicant's status as a medical marijuana patient.

Facility landlords are currently prohibited from requiring prospective tenants to purchase their home from a particular dealer, and likewise, dealers cannot require purchasers to rent space from a particular facility. Senate Bill 970 creates an exception to allow a manufactured dwelling or floating home dealer, who is also a facility landlord, to require prospective purchasers to rent space in the landlord's facility as a condition of sale. Senate Bill 970 also: prohibits facility landlords from interfering with a tenant's choice of real estate agent or licensed dealer to facilitate the sale or lawful sublease of the tenant's home; requires that tenants be allowed to sublet their home while it is being marketed for sale if the facility landlord does the same; and requires facility landlords to provide applicants, tenants, and prospective buyers with information regarding the rights and duties of landlords and tenants when a manufactured or floating home is being sold. Finally, current law provides for: recovery of damages or a civil penalty, whichever is greater, in the following amounts for the following violations: \$200 for violations of statutes governing unreasonable rental conditions, nonpayment of facility space rent, the sale of a manufactured or floating home, and retaliatory conduct by a facility landlord; and \$500 for the third and any subsequent violations in a two-year period, of statutes governing the sale of a manufactured or floating home. Senate Bill 970 increases penalty amounts to \$500 and \$1,000, respectively.

**Oregon Laws 2019:** Chapter 268

### [Senate Bill 1024](#)

**Not Enacted**

## **Preserving and Maintaining Existing Affordable Housing Supply**

**Chief Sponsors:** Sen. Beyer

**Committees:** Senate Housing, Joint Ways and Means

**Background and Current Law:** Manufactured housing is considered a critical part of the supply of affordable housing. Homeowners who live in parks are unique, in that they are also renters. Residents are also, largely, elderly, fixed-income and low-income households. This makes them particularly vulnerable to the threat of instability and homelessness when parks close. During 2018, a group of interested public and private stakeholders in Springfield and Eugene convened an informal work group to address the unique challenges of preserving manufactured home parks and home replacements, culminating in a manufactured housing conference in Ashland in the fall of that year. Senate Bill 1024 was inspired by those efforts.

**Bill Summary:** Senate Bill 1024 would have appropriated \$3,000,000 to Oregon Housing and Community Services (OHCS) for grants to an eligible nonprofit to pilot the development or improvement of infrastructure for a manufactured dwelling park in Springfield, Oregon, for three years, for potential application to other communities. Receipt of grant funds would have been conditioned on contracting requirements to maintain access for low-income and displaced residents.

### [House Bill 2001](#)

**Effective Date: August 8, 2019**

## **Requiring Higher Density Residential Development**

**Chief Sponsors:** Rep. Kotek

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

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC) which governs the Department of Land Conservation Development (DLCD). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Zoning and regulation at the local level must be consistent with the relevant comprehensive plan, and is used to encourage and discourage types of development. Typical local zoning can create discrete industrial, business, and residential areas, and exclusive residential zones that allow only detached, single-family homes are common.

The current lack of available, affordable housing inspired a number of approaches to increase the supply of housing of all kinds, particularly for households of modest means, including “middle housing.” Middle housing refers to housing that can accommodate more occupants than a single-family home, but less than a large multifamily complex, such as duplexes, row houses, cottage clusters, stacked flats, and accessory dwelling units.

**Bill Summary:** House Bill 2001 requires certain local jurisdictions to allow the development of middle housing, as defined by the measure, in areas currently zoned for single-family dwellings within their urban growth boundaries. The measure also addresses the conversion of existing single-family dwellings into middle housing.

Cities with populations of 10,000 or more are required to allow duplexes on lots or parcels zoned for single-family homes. Cities and counties within a metropolitan service district and cities with populations of 25,000 or more, must allow middle housing in areas zoned for single-family dwellings, and must allow duplexes on individual lots or parcels zoned for single-family homes. Cities within a metropolitan service district that have populations less than 1,000 are excluded, as are unincorporated lands and lands that lack sufficient access to urban services. Local jurisdictions are required to conform their comprehensive plans and land use regulations within a certain timeframe or adopt model ordinances prepared by DLCD in consultation with the Department of Consumer and Business Services (DCBS). The measure also makes a number of adjustments related to how local jurisdictions currently calculate and report on housing development and future housing needs. DLCD is required to provide technical assistance and is appropriated \$3,500,000.

To address the division of existing single-family homes, the measure requires DCBS to establish uniform standards for cities that provide for such division, into no more than four dwelling units each. Cities are required to approve or deny applications for such conversions within 15 business days and must provide an administrative process for applicants to appeal denials within 30 days.

Finally, the measure voids provisions in any recorded instruments affecting real property that are executed after its effective date, that allow the development of a single-family dwelling while prohibiting middle housing or an accessory dwelling unit.

**Oregon Laws 2019:** Chapter 639

### [House Bill 2002](#)

**Effective Date:** January 1, 2020

## **Withdrawal Notice for Publicly Supported Housing**

**Chief Sponsors:** Rep. Kotek

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

**Background and Current Law:** In Oregon, property owners who participate in federal housing programs designed to keep rents affordable for tenants are required to provide notice to each local government that has requested it, each affected tenant, and the Oregon Housing and Community Services Department (OHCS) when their contracts with the U.S. Department of Housing and Urban Development are going to expire. In 2017, the Legislative Assembly passed House Bill 2002 requiring such notice to be provided two years before contract expiration or any other event causing the property to be withdrawn from the pool of publicly supported housing and allowing local governments to impose penalties for failure to provide such notice.

**Bill Summary:** Requires the owner of participating properties to provide notice to the Oregon Housing and Community Services Department (OHCS) and each local government that is entitled to such as a qualifying potential purchaser in a manner prescribed by OHCS, between 30 and 36 months prior to the date the contract term will expire, permitting an owner to withdraw the property from publicly supported housing or to limit affordability restrictions. Provides for penalties for failure to comply. Allows property owners to withdraw from publicly supported housing requirements or terminate affordability restrictions under certain circumstances. Requires a property owner, when the purchased property is being withdrawn from publicly supported housing, to give notice to OHCS. Specifies that local governments and OHCS are not required to purchase or condemn any property or to maintain affordability restrictions. Prohibits property owners from acting during contract term that would materially interfere with qualified purchaser's ability to maintain participating property as publicly supported housing.

**Oregon Laws 2019:** Chapter 571

### [House Bill 2003](#)

**Effective Date:** August 8, 2019

## **Housing Needs Analyses and Production Strategies**

**Chief Sponsors:** Rep. Kotek

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon's comprehensive land use planning system is based on a set of 19 Statewide Land Use Goals that express the state's land use policies. Goal 10, "Housing," specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. Goal 10 also prohibits local plans from discriminating against needed housing types.

**Bill Summary:** House Bill 2003 directs the Oregon Housing and Community Services Department (OHCS), the Department of Land Conservation and Development (DLCD), and the Oregon Department of Administrative Services, by September 1, 2020, to establish methodologies for calculating, and to conduct, regional housing needs analysis, and for each city and Metro, existing housing stock estimates, a housing shortage analysis, and an estimate of the number of housing units needed to accommodate anticipated population growth over the next 20 years. The measure directs the three agencies to submit two reports to the legislature by March 1, 2021: (1) a summary of the findings of the regional housing needs analysis, housing stock estimate, housing shortage analysis, and estimate of housing needed to accommodate growth; and (2) an evaluation of the regional housing needs analysis and housing shortage analysis as planning tools.

Cities with populations of 10,000 or more are required to develop and adopt a housing production strategy no later than one year after the city's deadline for completing a housing capacity analysis or no later than one year after the date scheduled by the Land Conservation and Development Commission (LCDC) following a housing capacity allocation to a city by a metropolitan service district. The measure specifies required contents and considerations for housing production strategies. Cities are required to submit adopted or amended housing production strategies to DLCD within 20 days, and House Bill 2003 authorizes DLCD to approve, conditionally approve, or remand the strategy within 120 days. The measure also directs LCDC to adopt criteria for reviewing and identifying cities with populations of 10,000 or more that have not sufficiently achieved needed housing production within their jurisdiction or implemented a housing production strategy, and allows DLCD to use those reviews to prioritize certain department actions to incentivize or ensure compliance. The measure requires DLCD adopt a schedule by which certain cities and metropolitan service districts must demonstrate sufficient buildable lands.

House Bill 2003 appropriates \$1 million to DLCD to provide technical assistance to local governments for implementation, and \$655,274 to OHCS for research, administration, and reporting.

**Oregon Laws 2019:** Chapter 640

## HOUSING

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### [House Bill 2006](#)

Effective Date: August 8, 2019

#### Access to Housing and Tenant Legal Services

**Chief Sponsors:** Rep. Kotek

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** The 2018 Oregon Alliance to End Violence Against Women statewide survey identified housing stability as the greatest issue facing survivors of domestic violence in both rural and urban communities across the state. According to a study undertaken by the Oregon Law Foundation, housing continues to rank among the top legal problems experienced by Oregon's population. Over half of Oregon renters pay more than a third of their income for housing, and many pay more than 50 percent.

**Bill Summary:** House Bill 2006 establishes grants to support programs related to tenant and landlord education services, fair housing training, and assistance for low-income Oregonians and survivors of domestic violence or sexual assault to find and access rental housing, and tenant legal services.

**Oregon Laws 2019:** Chapter 641

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### [House Bill 2055-A](#)

Not Enacted

#### Greater Oregon Housing Accelerator Program

**At the request of:** Governor Kate Brown for Housing and Community Services Department

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

**Background and Current Law:** Workforce housing is a subset of affordable housing; affordable to workers and close to their jobs. House Bill 2055-A originates from the Workforce Housing Initiative being implemented by Oregon Housing and Community Services (OHCS). HB 2055-A establishes the Greater Oregon Housing Accelerator Program within OHCS to support workforce housing development in targeted areas.

**Bill Summary:** HB 2055-A would have established the Greater Oregon Housing Accelerator Program within OHCS to support workforce housing development in targeted areas and would have allowed OHCS to provide grants or loans to support workforce housing in development-constrained areas.



### [House Bill 2056](#)

Effective Date: January 1, 2020

#### The Housing Development Grant Program

**At the request of:** Governor Kate Brown for Housing and Community Services Department

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

**Background and Current Law:** Loan guarantee programs administered by Oregon Housing and Community Services (OHCS) currently provide guarantees to lenders of up to 25 percent of the original principal to help finance housing for lower-income households. To participate, the lender applies for the loan guarantee for the project that requires the credit enhancement necessary to obtain the loan. The purpose of the Affordable Housing Land Acquisition Revolving Loan Program is to provide financial assistance to eligible organizations to purchase land for affordable housing development.

**Bill Summary:** House Bill 2056 establishes the Housing Development Grant Program within Oregon Housing and Community Services (OHCS) to support expanding the supply of affordable rental housing. It excludes the use of grants for general operations of an organization, allows grant recipients more discretion in tailoring services to the needs of tenants, and directs OHCS to establish a separate Guarantee Fund. The measure allows OHCS to guarantee loans made to persons with moderate incomes, defines moderate income, removes requirement that the Oregon Housing Stability Council (Council) review loans and requires the Council to review and approve underwriting policies. It also allows OHCS to transfer surplus moneys from the Guarantee Account to the Affordable Housing Land Acquisition Revolving Loan Program.

**Oregon Laws 2019:** Chapter 576

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### [House Bill 2136](#)

Not Enacted

[\(see House Bill 2164-A\)](#)

#### Manufactured Dwelling Parks Closure Tax Credit

**At the request of:** House Interim Committee on Revenue

**Committees:** House Human Services and Housing, House Revenue

**Background and Current Law:** Owners of a manufactured dwelling are eligible for a \$5,000 refundable tax credit when the dwelling park is closed and the rental agreement is terminated due to an exercise of eminent domain. The tax credit was established in 2007 (House Bill 2735) and is set to expire January 1, 2020.

**Bill Summary:** House Bill 2136 would have extended the sunset, from January 1, 2020, to January 1, 2026, for a refundable \$5,000 personal income tax credit available to owners of a manufactured dwelling where the manufactured dwelling park was being closed and the rental agreement was to be terminated.

House Bill 2164-A was enacted and extends the manufactured dwelling park closure tax credit for six years.

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### [House Bill 2302](#)

**Not Enacted**

#### **General Assistance Project Appropriation**

**Chief Sponsors:** Reps. Post, Noble, Stark

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

**Background and Current Law:** The general assistance project is designed to help individuals with severe disabilities who are experiencing homelessness or are at risk of homelessness. It is administered by the Collaborative Disability Determination Unit (CDDU) within the Department of Human Services (DHS). Benefits include housing, utility, and cash assistance, as well as assistance with the Social Security applications and appeals processes, including legal assistance.

**Bill Summary:** House Bill 2302 would have appropriated \$2 million from the General Fund to the Department of Human Services to administer the general assistance project.

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### [House Bill 2306](#)

**Effective Date:** January 1, 2020

#### **Issuance of Residential Building Permits**

**Chief Sponsors:** Reps. Marsh, Stark, DB Smith

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

**Background and Current Law:** Land use planning in Oregon involves broad public participation and local control. Local jurisdictions are required to prepare comprehensive land use plans that are consistent with a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). Comprehensive plans are acknowledged by LCDC and implemented through local land use regulations that include zoning, regulation of subdivisions, and any other ordinances the local government deems necessary to give effect to its comprehensive plan, such as for noise, signage, or tree removal. Developers must apply for local approval of projects. Every application must have at least one public hearing to receive public input, and local governments may approve or reject the application. Projects may then be appealed to the Land Use Board of Appeals (LUBA).

**Bill Summary:** House Bill 2306 prohibits any local government from denying a building permit for a residential dwelling in a residential subdivision for failing to satisfy conditions of a development if an acceptable financial guarantee has been secured and the following systems meet applicable standards, unless agreed otherwise: water, fire hydrants, sewage, storm drainage, curbs, and streets and street-signs for emergency response purposes. The measure maintains local authority to deny occupancy permits.

**Oregon Laws 2019:** Chapter 397

### [House Bill 2336](#)

**Effective Date:** January 1, 2020

### **Affordable Housing Pilot Program**

**Chief Sponsors:** Reps. Stark, Zika, Helm, Helt; Sens. Knopp, Dembrow

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

**Background and Current Law:** In 2016, the Legislative Assembly enacted House Bill 4079 to create an affordable housing pilot program implemented by the Land Conservation and Development Commission (LCDC). The measure specified that two projects would be selected from sites nominated by local governments: a city with a population less than 25,000 and a city with a population more than 25,000. The measure targeted several counties; imposed certain planning requirements on nominating local governments; and set forth criteria for LCDC to apply when making selections. Bend and Redmond were the only two applicants and both have populations over 25,000, so they were in competition with one another with Bend ultimately selected. Bend's population exceeds 90,000 and Redmond is just under 30,000.

**Bill Summary:** House Bill 2336 removes the requirement for a city to have population under 25,000 to participate in the affordable housing pilot program administered by the Land Conservation and Development Commission (LCDC) if no qualifying nomination is received for a city of that size. The bill specifies August 17, 2018 as the cut-off date for eligibility. House Bill 2336 allows Redmond to participate in the pilot program since no cities with populations less than 25,000 were nominated, before August 17, 2018.

**Oregon Laws 2019:** Chapter 32

### [House Bill 2360-A](#)

**Not Enacted**

#### **Task Force on Use of Surplus Public Lands for Housing**

**Chief Sponsors:** Reps. DB Smith, Helt

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

**Background and Current Law:** The Oregon Department of State Lands (DSL) is the administrative arm of the State Land Board, Oregon's longest-serving board. Established by the Oregon Constitution in 1859, the Land Board has been composed of the Governor (chair), Secretary of State, and State Treasurer throughout its history. DSL manages approximately 780,000 acres of land, primarily in southeastern Oregon. Isolated parcels are located in most counties throughout the state. These lands are managed for the people of the state to generate money for K-12 schools. All funds generated for uses of these properties are deposited into the Common School Fund.

**Bill Summary:** House Bill 2360-A would have created the Task Force on Use of Surplus Public Lands for Housing staffed by the Department of State Lands and specified its composition and duties.

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### [House Bill 2423](#)

**Effective Date: October 1, 2019**

#### **Small Home Specialty Code**

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

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** Appendix Q of the 2018 International Residential Code (IRC) allows permanently sited homes up to 400 square feet to contain sleeping lofts accessed by ladders. The current Oregon Residential Specialty Code allows any home to contain a sleeping loft accessed by a ladder or alternating tread device as long as the structure includes certain fire and life safety provisions including residential fire sprinklers.

**Bill Summary:** House Bill 2423 adopts Appendix Q of the 2018 IRC as the Small Home Specialty Code applicable to construction of homes no more than 400 square feet in size and clarifies the calculation of fire sprinkler systems to avoid triggering a larger water line, which could incur additional system development charges. The measure sunsets the Small Home Specialty Code on January 1, 2026.

**Oregon Laws 2019:** Chapter 401

## HOUSING

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### [House Bill 2530](#)

Effective Date: January 1, 2020

#### **Tenant Termination Notices for Veterans**

**Chief Sponsors:** Reps. Evans, Wilde

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

**Background and Current Law:** According to data presented by the U.S. Department of Housing and Urban Development (HUD), the State of Oregon had an estimated 1,251 veterans experiencing homelessness in January 2017. Since that time, homelessness among military veterans has increased by nine percent, to 1,363, according to HUD statistics from November 2018. Whenever tenancies terminate in eviction or foreclosure, certain notice and documents must be provided to renters or homeowners, to inform them about the process, what to do, and any corresponding deadlines.

**Bill Summary:** House Bill 2530 requires certain notices to renters and homeowners regarding termination of tenancy to include information about assistance that may be available for eligible veterans, as well as contact information for the county veterans' service officer, community action agency, or 2-1-1 referral service.

**Oregon Laws 2019:** Chapter 405

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### [House Bill 2587-A](#)

**Not Enacted**

#### **Homestead Property Tax Deferral Program**

**Chief Sponsors:** Rep. Meek

**Committees:** House Human Services and Housing, House Revenue, Senate Finance and Revenue

**Background and Current Law:** In Oregon, the homestead property tax deferral program, administered by the Department of Revenue, allows qualified people with disabilities or senior citizens who own and occupy their principal residence (with some exceptions) to borrow money from the State (at six percent interest) to pay their local property taxes. Repayment of the loan from the State is deferred until the property is sold, or it can be recuperated from the corresponding estate. Currently, reverse mortgages (loans that allow property owners to borrow against the equity in their homes) are prohibited on properties participating in the property tax deferral program.

**Bill Summary:** House Bill 2587-A would have provided that a homestead pledged as security for a reverse mortgage would not be eligible for property tax deferral. The measure provides exceptions.

## HOUSING

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### [House Bill 2662](#)

Not Enacted

#### Affordable Housing Tax Credit Program

**Chief Sponsors:** Rep. Keny-Guyer; Sen. Monnes Anderson

**Committees:** House Human Services and Housing

**Background and Current Law:** In 1989, the legislature created the Affordable Housing Tax Credit program. It allows Oregon Housing and Community Services (OHCS) to certify tax credits for certain affordable housing projects. Lending institutions can lower the cost of financing by as much as four percent for eligible housing projects or community rehabilitation programs serving low-income households. The savings generated by the reduced interest rate must be passed directly to tenants in the form of reduced rent.

**Bill Summary:** House Bill 2662 would have directed OHCS, when certifying Affordable Housing Tax Credits, to prioritize projects that develop affordable housing for vulnerable populations, including sponsoring entities' employees who are direct care workers or human service workers. The credits would have applied to loans made on or after January 1, 2020.

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### [House Bill 2664-A](#)

Not Enacted

[\(see House Bill 2164-A\)](#)

#### Manufactured Dwelling Park Taxes Relating to Sale or Closure

**Chief Sponsors:** Rep. Keny-Guyer

**Committees:** House Human Services and Housing, House Revenue, Joint Tax Expenditures

**Background and Current Law:** The Oregon tax subtraction for capital gains from the sale of a manufactured dwelling park to certain entities was created in 2005. The intent of the subtraction is to assist with the preservation of manufactured dwelling park communities. The subtraction provides an incentive to sell manufactured dwelling parks to residents and nonprofit entities that are less likely to close the park. The capital gains tax subtraction sunsets on January 1, 2020. Enacted in 2007, the Manufactured Dwelling Park Closure Credit is a \$5,000 refundable tax credit available to owners of a manufactured dwelling where the manufactured dwelling was the owner's principal residence and the dwelling park is being closed and the rental agreement is being terminated because of the exercise of eminent domain by order of a federal, state or local agency or by the landlord. This tax credit sunsets on January 1, 2020.

**Bill Summary:** House Bill 2664-A would have extended to January 1, 2026, the sunset of the subtraction from taxable income, the amount of taxable gain of an individual or corporation that sells a manufactured dwelling park to certain entities. The measure would have also extended, to January 1, 2026, the refundable \$5,000 personal income tax credit available to owners of a manufactured dwelling where the manufactured dwelling park is being closed and the rental agreement is being terminated.

House Bill 2164-A was enacted and extends manufactured dwelling park capital gain subtraction for six years.

## HOUSING

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### [House Bill 2700](#)

**Not Enacted**

#### **Multi-Unit Housing Property Tax Exemption**

**Chief Sponsors:** Reps. Nosse, Noble; Sen. Dembrow

**Committees:** House Human Services and Housing, House Revenue

**Background and Current Law:** Local jurisdictions in Oregon are authorized to offer property tax exemption programs to attract development of multiple-unit housing. Programs are required to preserve, construct, add, or convert existing units at rental or purchase prices that are within reach of a broad range of the general public. The multi-unit housing property tax exemption is considered integral to the development of affordable housing in many communities.

**Bill Summary:** House Bill 2700 would have extended the property tax exemption for multi-unit housing from 2022 to 2032.

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### [House Bill 2725](#)

**Not Enacted**

#### **Vertical Housing Development Zone Programs**

**Chief Sponsors:** Rep. Evans

**Committees:** House Human Services and Housing

**Background and Current Law:** In 2017, the Legislative Assembly shifted administration of Vertical Housing Development Zone Programs (VHDZ) to the local level to increase flexibility and shorten approval times. Previously the program was administered by Oregon Housing and Community Services (OHCS). VHDZ encourages the building of mixed-use commercial and residential developments in areas designated by communities through a partial property tax exemption. The exemption depends on the number of residential floors on a project with a maximum property tax exemption of 80 percent over 10 years. An additional property tax exemption on the land may be given if at least some of the residential housing is for low-income persons (80 percent of area median income or below).

**Bill Summary:** House Bill 2725 would have required a city or county to approve all proposed vertical housing development projects that met statutory requirements and additional criteria adopted by the city or county. The measure would have allowed judicial review of project certifications and denials. It would have also required the city or county to send a copy of the certifications to the county assessor within 30 days of certification.



### [House Bill 2802-A](#)

**Not Enacted**

#### **Grant Program to Assist Low-income Families with Unsafe Housing Conditions**

**Chief Sponsors:** Rep. Marsh

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

**Background and Current Law:** Homes, particularly if poorly maintained, raise a number of health concerns ranging from lead-based paint, radon, and carbon monoxide poisoning, to mold from water leaks or excess moisture. Unintentional exposure and household injuries can result. Identifying and eliminating home health hazards can help individuals and families maintain health and wellness. Examples include proper weatherization, removal of lead-based paint, installation of smoke and radon detectors, and decluttering stairways and walkways. The Community Action Partnership of Oregon, delivers federal antipoverty programs in Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program, State Department of Energy Weatherization Program, and others.

**Bill Summary:** House Bill 2802-A would have appropriated \$15 million in General Fund dollars and established a grant program to assist low-income households with unsafe housing conditions through repair and rehabilitation, administered by Oregon Housing and Community Services (OHCS). The measure also required 50 percent of grants be distributed by the network of Community Action Agencies and created a program to address home health hazards and authorized OHCS to make no-interest loans to eligible entities.

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### [House Bill 2812](#)

**Effective Date:** January 1, 2020

#### **Home Ownership Assistance Account Income Limitations**

**Chief Sponsors:** Reps. Keny-Guyer, Meek; Sen. Manning Jr.

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

**Background and Current Law:** The Oregon Housing Fund consists of six separate accounts that correspond to programs administered by Oregon Housing and Community Services (OHCS): the Housing Development and Guarantee Account, the Emergency Housing Account, the Home Ownership Assistance Account, the Farmworker Housing Development Account, the General Housing Account, and the Wildfire Damage Housing Relief Account. Funds in the Home Ownership Assistance Account are currently used to support low and very low-income families and individuals with homeownership; however, "low income" and "very low income" are defined terms that limit the use of funds to support families at or below 50 percent of the area median income, and at or below 80 percent of the area median income, respectively.

**Bill Summary:** House Bill 2812 allows funds in the Home Ownership Assistance Account to be used more broadly, in support of home ownership by households with below area median incomes.

**Oregon Laws 2019:** Chapter 88



## HOUSING

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### [House Bill 2893](#)

Not Enacted

#### **Establishes Advisory Committee on Manufactured Homes**

**Chief Sponsors:** Rep. Marsh

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

**Background and Current Law:** Manufactured homes are an important source of affordable housing. Manufactured homeowners face unique challenges: it is more difficult to obtain traditional financing for a manufactured home than other single-family dwellings, and those who reside in manufactured dwellings often own or rent the dwelling but do not own the land the dwelling sits on in a mobile home park. In recent years, the number of mobile home parks in Oregon (and nationally) has shrunk due to conversion and redevelopment for other uses. According to Oregon Housing and Community Services, from 2001-2015, 104 manufactured home parks closed, displacing approximately 6,800 individuals and 4,000 spaces.

**Bill Summary:** House Bill 2893 would have created an advisory committee on manufactured housing to address issues of concern to manufactured home parks and homeowners, within Oregon Housing and Community Services (OHCS).

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### [House Bill 2894-A](#)

Not Enacted

[\(see House Bill 2895\)](#)

#### **Loan Program to Replace Outdated Manufactured Homes**

**Chief Sponsors:** Reps. Marsh, G Smith; Sen. Hansell

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

**Background and Current Law:** Manufactured homes are a significant source of affordable housing. It can be more difficult to obtain traditional financing to purchase a manufactured home than other single-family dwellings. In 2015, the average cost for a new single-wide manufactured dwelling in Oregon was \$50,200; \$83,600 for a double-wide. In 2017, according to Oregon Housing and Community Services (OHCS), there were 170,000 manufactured homes in Oregon representing approximately 11 percent of the total housing stock.

**Bill Summary:** House Bill 2894-A would have appropriated \$2 million from the General Fund and created a loan program to assist individuals with replacing older and less energy efficient manufactured dwellings. The measure would have capped loan amounts at \$35,000 per individual.

## HOUSING

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### [House Bill 2895-A](#)

**Not Enacted**

[\(see House Bill 2894\)](#)

### **Grants to Decommission and Dispose of Outdated Manufactured Homes**

**Chief Sponsors:** Reps. Marsh, G Smith; Sen. Hansell

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

**Background and Current Law:** According to Oregon Housing and Community Services (OHCS), Oregon had 170,000 manufactured homes as of 2017; home to over 285,000 residents. The federal Environmental Protection Agency (EPA) reports that manufactured homes that old often contain hazardous building materials, such as lead-based paints, pipe, and solder that were commonly used in interior and exterior building materials prior to 1978. Approximately 55 percent of Oregon's existing stock of mobile homes were built prior to 1980. Asbestos-containing materials are also found in roofing, siding, and flooring in manufactured homes built prior to the 1970s. Hazardous materials present safety and economic issues when deconstructing and recycling mobile homes. Labor is required for disassembly, hazardous materials require transportation for disposal at landfills, and there may be abatement costs.

**Bill Summary:** House Bill 2895-A would have appropriated \$500,000 from the General Fund to establish a grant program to fund deconstruction and disposal of qualified manufactured homes. Also see House Bill 2894

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### [House Bill 2896-A](#)

**Not Enacted**

[\(see House Bill 2894-A](#) and [House Bill 2895-A\)](#)

### **Loan Preservation and Affordability Program for Mobile Homes**

**Chief Sponsors:** Reps. Marsh, G Smith; Sen. Hansell

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

**Background and Current Law:** Manufactured homes are an important source of affordable housing. Individuals and families that reside in manufactured dwellings or mobile homes often own or rent the dwelling but do not own the land the dwelling sits on in a mobile home park. In recent years, mobile home parks in Oregon (and nationally) have been redeveloped and converted to other uses. According to Oregon Housing and Community Services (OHCS), from 2001-2015, 104 manufactured home parks closed, losing approximately 4,000 spaces and displacing approximately 6,800 individuals. Preservation of manufactured dwelling parks can require capital to buy and replace aging infrastructure or abandoned or dilapidated structures. Since 2006, OHCS's park preservation program has preserved 13 parks for a total of 722 units.

**Bill Summary:** House Bill 2896-A would have appropriated \$3 million from the General Fund to establish a loan program for nonprofit corporations to support the preservation and affordability of manufactured dwelling parks.

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### [House Bill 2916](#)

**Effective Date:** June 17, 2019

## **Transitional Housing Restrictions**

**Chief Sponsors:** Reps. Marsh, Bonham

**At the request of:** League of Oregon Cities

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

**Background and Current Law:** Transitional housing generally refers to temporary accommodations that provide additional services, such as reintegration and employment support for individuals successfully released from incarceration, or residential treatment settings for individuals with behavioral health concerns or supported camps for individuals experiencing homelessness. Municipalities in Oregon are currently authorized to provide transitional housing in the form of campgrounds within their urban growth boundaries for persons who lack permanent housing but for whom there is no available low-income alternative. Currently, such sites may consist of separate yurt structures; are required to provide parking and walkways; may provide other services such as telephone, water, toilets, showers, and laundry; and the municipality is authorized to limit the duration of a resident's stay. Current law also limits these campgrounds to being sited on no more than two parcels within a municipality. Facilities, if any, are regulated by provisions governing state recreational areas; and Oregon's 2017 Transitional Housing Standard (model building codes available for adoption by municipalities) contains suggested construction standards for their establishment.

**Bill Summary:** House Bill 2916 lifts the limitation on the number of transitional housing camps established within an urban growth boundary. It also expands the allowed use of such housing to include sheltering individuals who lack safe accommodations. The expressed intent is that such housing is temporary and may include yurts, huts, tents, and other fabric and similar structures. Additional changes to the transitional housing camp statutes are made.

**Oregon Laws 2019:** Chapter 411

## HOUSING

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### [House Bill 2933](#)

Effective Date: May 6, 2019

## Housing as Workforce Development for Eastern Oregon Border Region

**Chief Sponsors:** Rep. Findley

**Committees:** House Economic Development, Senate Housing

**Background and Current Law:** House Bill 2012 (2017) established the seven-member Eastern Oregon Border Economic Development Board, appointed by the Governor, to formulate and implement plans and practices for strategic investment in workforce and economic development in the Eastern Oregon Border Economic Development Region. This is one of seven measures (Senate Bill 875 and House Bills 2453, 2454, 2455, 2456, 2457, and 2933) introduced this session to address priorities of the Board.

**Bill Summary:** House Bill 2933 makes the development of residential housing necessary to attract and keep employees in the Eastern Oregon Border Economic Development Region part of the “workforce development” purposes and activities of the Eastern Oregon Border Economic Development Board. The measure also authorizes the Oregon Business Development Department to enter into intergovernmental agreements to administer the Eastern Oregon Border Economic Development Board Fund and updates the Board’s statutes.

**Oregon Laws 2019:** Chapter 72

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### [House Bill 2997](#)

Effective Date: January 1, 2020

## Inclusionary Zoning and Continuing Care Retirement Communities

**Chief Sponsors:** Rep. Williamson

**At the request of:** City of McMinnville Affordable Housing Task Force

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

**Background and Current Law:** Inclusionary zoning refers to land-use regulations that direct a certain amount of housing development be made available to people of low and moderate incomes. Oregon law prohibits local governments from engaging in inclusionary zoning practices, but the legislature enacted Senate Bill 1533 in 2016 to create an exception to encourage the development of affordable housing. Senate Bill 1533 allowed local governments to impose land use regulations and permit conditions that effectively set the sale or rental price to a particular class or group of people, but only for new multi-family structures of 20 units or more meeting certain requirements. Developers may also opt-out of compliance by paying a fee.

**Bill Summary:** House Bill 2997 exempts continuing care retirement communities (CCRCs) from inclusionary zoning requirements that may be imposed by local governments. The measure requires CCRCs to record covenants to operate all units as CCRC units and requires any units offered or converted for residential sale or rent to comply with inclusionary zoning consistent with that imposed by local government on new multi-family structures.

**Oregon Laws 2019:** Chapter 412

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## HOUSING

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### [House Bill 3116](#)

Effective Date: June 20, 2019

#### Commercial Property Assessed Clean Energy Program

**Chief Sponsors:** Rep. Keny-Guyer; Sen. Fagan

**Committees:** House Human Services and Housing, Senate Business and General Government

**Background and Current Law:** Current law establishes the priority for applying proceeds from sales of foreclosed properties to pay delinquent taxes, corresponding penalties and fees, and costs and expenses for property maintenance and related legal actions. If the county has a population of at least 650,000, proceeds from a foreclosure sale must be used to fund certain housing assistance for youth and families with children. Multnomah County is currently the only county in Oregon with a population over 650,000. Multnomah County operates a Commercial Property Assessed Clean Energy (CPACE) program to finance energy efficiency and seismic improvements in commercial buildings. The program uses a benefits assessment, similar to a tax assessment, to finance eligible improvements, which the property owner pays for using energy savings for a finance period of up to 20 years. Under current statute, Multnomah County CPACE lenders are not treated as a lienholder when a property that received CPACE financing is foreclosed and liquidated.

**Bill Summary:** House Bill 3116 adds to the prioritized list of required uses of proceeds from sales of foreclosed properties, for counties with a population of 650,000 or more, a requirement to repay properly noticed local government liens against such properties for utilities improvements or seismic rehabilitation.

**Oregon Laws 2019:** Chapter 443

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### [House Bill 3349-A](#)

**Not Enacted**

#### Mortgage Interest Deduction

**Chief Sponsors:** Reps. Keny-Guyer, Fahey, Hernandez; Sens. Fagan, Steiner Hayward, Golden

**Committees:** House Human Services and Housing, House Revenue

**Background and Current Law:** The mortgage interest deduction is an itemized deduction that exists in federal income tax statute and is applicable for Oregon tax purposes due to Oregon's connection to the definition of federal taxable income. The deduction allows taxpayers to reduce their taxable income by deducting the amount of mortgage interest paid during the tax year that is considered acquisition indebtedness with respect to any qualified residence of the taxpayer. Business expenses are allowed as a deduction if the expense is an ordinary and necessary expense paid to maintain business operations. Deductible business interest expenses can include mortgage interest paid.

**Bill Summary:** House Bill 3349-A would have disallowed, for purposes of personal income taxation, mortgage interest deduction for residence other than taxpayer's principal residence and would have phased out allowable deduction for interest for principal residence based on taxpayer's federally adjusted gross income. The measure would have required the Oregon Housing Stability Council to develop policies to distribute moneys to promote affordable home ownership options and for programs that prevent homelessness. The limitations would have applied to tax years beginning on or after January 1, 2019.

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### [House Bill 3359-A](#)

**Not Enacted**

#### **Vacation Occupancy Task Force**

**Chief Sponsors:** Rep. Keny-Guyer

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

**Background and Current Law:** Oregon has recently seen an increase in vacation rentals in coastal and other tourist areas whereby a furnished apartment, house, or professionally managed resort-condominium complex is rented out on a temporary basis as an alternative to a hotel.

**Bill Summary:** House Bill 3359-A would have established the Vacation Occupancy Task Force to study and make recommendations on the regulation of vacation occupancies, including how vacation occupancies impact the availability and affordability of housing and impact the economic development of communities with significant tourism.

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### [House Bill 3406](#)

**Not Enacted**

#### **Rural System Development Charges Program**

**Chief Sponsors:** Rep. Lewis

**Committees:** House Human Services and Housing

**Background and Current Law:** System Development Charges (SDCs) are one-time fees charged on new development, and certain types of redevelopment, to help pay for existing and planned infrastructure to serve the development. SDCs are one means of financing growth available to local governments. State law authorizes local governments (cities, counties and special districts) to assess SDCs and specifies how, when, and for what improvements they can be imposed, and provides guidelines on the calculation and modification of SDCs. Depending on the project, SDCs may increase a project's budget substantially.

**Bill Summary:** House Bill 3406 would have required the Oregon Housing and Community Services Department (OHCS) and the Oregon Housing Stability Council to develop and implement the Rural System Development Charges Program. The measure outlined criteria for a housing project to receive funds from the program, including that it be for affordable multifamily housing and would have established the Rural System Development Charges Fund within the State Treasury. The measure would have appropriated \$750,000 from the General Fund, for deposit into the Rural System Development Charges Fund, for the biennium beginning July 1, 2019, with a sunset of June 30, 2027.

House Bill 3406 would have required Oregon Housing and Community Services (OHCS) and the Oregon Housing Stability Council to develop and implement the Rural System Development Charges Program to pay the system development charges for rural affordable multi-family housing. The measure would have appropriated \$750,000 from the General Fund to support the program.

## 2019 SUMMARY OF LEGISLATION

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# HUMAN SERVICES

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# HUMAN SERVICES

## MEASURES

<b>Abuse, Reporting, and Investigations</b>	Enacted	SB 26, SB 415, SB 804, SB 832, SB 917, HB 2033, HB 2464
	Not Enacted	SB 653, SB 921, HB 2969, HB 2994, HB 3178, HB 3179, HB 3180, HB 3191, HB 3208, HB 3383
<b>Behavioral and Mental Health</b>	Enacted	SB 22, SB 167, SB 177, SB 707
	Not Enacted	SB 173, SB 174, SB 918
<b>Child Care</b>	Enacted	SB 491, SB 813, HB 2346, HB 3394
	Not Enacted	HB 2348, HB 2349, HB 2608, HB 3041
<b>Deaf, Deaf-Blind, and Hard of Hearing</b>	Enacted	HB 3205
	Not Enacted	HB 3206
<b>Juvenile Dependency and Delinquency</b>	Enacted	SB 15, SB 171, SB 181, SB 278, SB 475, SB 924, HB 2568
	Not Enacted	SB 264, SB 745, HB 2332, HB 2337, HB 2570, HB 2805, HB 3041
<b>General Human Services</b>	Enacted	SB 1, SB 19, SB 809, SB 994
	Not Enacted	SB 221, SB 737, SB 790, SB 814, SB 833, SB 964, SB 1036, HB2131, HB 2139, HB 2151, HB 2245, HB 2310, HB 2508, HB 2626, HB 2639, HB 2771, HB 2802, HB 3028, HB 3170
<b>Intellectual, Developmental, and Physical Disabilities</b>	Enacted	SB 20, SB 163, SB 176, SB 491, SB 492, SB 493, SB 1039
	Not Enacted	SB 274, HB 2947, HB 2963, HB 3000, HB 3122, HB 3270



<b>Long-term Care and Aging</b>	Enacted	SB 31, SB 178, SB 1035, HB 2524, HB 2908, HB 3413
	Not Enacted	SB 30, SB 175, SB 179, HB 2569, HB 2963, HB 3170, HB 3270, HB 3342
<b>Self Sufficiency</b>	Enacted	HB 3183
	Not Enacted	SB 727, HB 2032

Picture: Jamison Park, Multnomah County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 1	Requires the System of Care Advisory Council to submit six reports to an interim committee of the Legislative Assembly related to youth, and to the Governor: 1. A report on strengthening the service continuum;	May 1, 2020
	2. A description of the Children's System Data Dashboard;	June 1, 2020
	3. A status report on the plan for a coordinated state system of care;	June 1, 2020
	4. Recommendations to resolve implementation barriers and challenges;	September 15, 2020
	5. Recommendations regarding opportunities for funding; and	February 1, 2021
	6. Details of comprehensive, long-range plan for coordinated system of care.	September 15, 2021
SB 171	Directs Department of Human Services and Oregon Health Authority to submit a joint report regarding out-of-state placements to interim committees of Legislative Assembly relating to children.	September 1, 2019

SB 669	Requires Department of Human Services to make recommendations to the Legislative Assembly on methods for assessing and monitoring services provided by home care workers.	February 1, 2021
HB 2346	Requires Early Learning Division to submit the first report on existing child care subsidy programs to the Task Force on Access to Quality Affordable Child Care as outlined in House Bill 2346	December 31, 2019 and June 30, 2020
HB 2568	Directs Department of Administrative Services to report on Court Appointed Special Advocates' Volunteer Programs	July 1, 2020 and September 15, 2020

### [Senate Bill 1](#)

**Effective Date:** January 1, 2020

[\(see Senate Bill 221\)](#)

## **Children and Youth with Specialized Needs**

**Chief Sponsors:** Sen. Courtney

**At the request of:** Governor Kate Brown, Chief Justice Martha L. Walters

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Children and Youth with Specialized Needs Work Group was formed in January of 2018 by the Governor, the President of the Senate, and the Chief Justice of the Supreme Court, to address unique challenges faced by children with distinctive mental or behavioral health needs who come to the attention of different systems (such as the juvenile justice system, the child welfare system, or the health care system).

**Bill Summary:** Senate Bill 1 is a product of the Children and Youth with Specialized Needs Work Group. The measure establishes a System of Care Advisory Council (Council) to improve the effectiveness and efficacy of state and local systems of care that provide services to youth. The measure directs the Council to develop and maintain a state system of care policy and a comprehensive, long-term plan for a coordinated state system of care that encompasses public health, child welfare, education, health systems, juvenile justice, and services and supports for mental and behavioral health and people with intellectual or developmental disabilities. The Council is required to submit a series of reports to the Governor and the Legislative Assembly regarding barriers to implementation, and to recommend legislation to establish a single statewide system of accountability and take advantage of funding opportunities. Finally, Senate Bill 1 allows the Oregon Health Authority, the Oregon Youth Authority, and the Department of Human Services to contract for interdisciplinary assessment teams to provide services to youth; increase statewide capacity; and prioritize evaluation, assessment, and stabilization services provided to youth in specific circumstances. Senate Bill 221 allocates moneys from the General Fund for the implementation of Senate Bill 1.

**Oregon Laws 2019:** Chapter 616

### [Senate Bill 15](#)

Effective Date: January 1, 2020

#### **Compliance Monitoring Authority of the Youth Development Council**

**At the request of:** Governor Kate Brown for Department of Education

**Committees:** Senate Human Services, Senate Judiciary, House Judiciary

**Background and Current Law:** First enacted in 1974, the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) was reauthorized in December 2018. The JJDPA requires each state to create a State Advisory Group that is principally responsible for monitoring and supporting a state's progress in addressing the core requirements of the JJDPA. The Oregon Legislative Assembly established the Youth Development Council (YDC) in 2012 to assist the Oregon Education Investment Board (OEIB) in the assessment and coordination of the state's investments in programs that help school age children and youth succeed and stay out of the juvenile justice system. The YDC assists with the development of education policy and supports community and school-based services and programs for youth ages 6 to 24 that focus on crime prevention, educational success, and reducing high-risk behaviors.

**Bill Summary:** Senate Bill 15 permits the Youth Development Council to promulgate rules, and pursuant to those rules, identify facilities in which juveniles are detained for data collection and inspection to fulfill its duty to oversee Oregon's Juvenile Justice and Delinquency Prevention Act advisory group.

**Oregon Laws 2019:** Chapter 256

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### [Senate Bill 19](#)

Effective Date: January 1, 2020

#### **Department of Human Services Omnibus Bill**

**At the request of:** Governor Kate Brown for Department of Human Services

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Department of Human Services (DHS) and the Oregon Health Authority (OHA) operate programs providing adult foster homes for individuals in need. Independent providers for the aging and people with disabilities and developmental disabilities are personal support workers, individuals who are paid as contractors, or self-employed individuals. Eligibility criteria for individuals with intellectual or developmental disabilities to receive services from DHS are highly specific. The DHS Office of Developmental Disability Services does not have distinct enforcement authority regarding nonresidential service providers.

**Bill Summary:** Senate Bill 19 is the omnibus bill for DHS. The measure requires DHS and OHA to adopt program-specific licensing regulations applicable to the adult foster homes they administer. It adds independent providers who serve children or adults with developmental disabilities to the list of mandatory reporters. The measure also modifies definitions for both "developmental disability" and "intellectual disability" consistent with federal definitions, authorizes DHS to impose civil penalties for violations of programs or service delivery within its scope of responsibility, and specifies the use of funds collected for such violations. Finally, Senate Bill 19 changes the name of the Volunteer Program Donated Fund Account to the Donated Fund Account and clarifies the use of funds consistent with current practice.

**Oregon Laws 2019:** Chapter 455

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### [Senate Bill 20](#)

**Effective Date:** January 1, 2020

#### **Services for Children and Adults with Developmental Disabilities**

**At the request of:** Governor Kate Brown for Department of Human Services

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

**Background and Current Law:** The Office of Developmental Disability Services provides services through Community Developmental Disabilities Providers and brokerages. Community Developmental Disabilities Providers are authorized to deliver services to any eligible child or adult in any service setting; brokerages are allowed to deliver some services to some eligible adults and are not allowed to deliver any services to children.

**Bill Summary:** Senate Bill 20 consolidates eligibility for services to children and adults with developmental disabilities and provides more uniform access by eliminating the definition of "adult" and referring instead to "individuals." It modifies other definitions, including definitions of "self-determination" and "community living setting." The measure requires the Department of Human Services to use case management entities and to contract with support service brokerages and with each community developmental disabilities program concerning the provision of services.

**Oregon Laws 2019:** Chapter 276

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### [Senate Bill 22](#)

**Effective Date:** January 1, 2020

#### **Standards for Identifying Behavioral Health Homes**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Patient-Centered Primary Care Home Program within the Oregon Health Authority (OHA) was created by House Bill 2009 in 2009. The purpose of this program is to define core attributes of patient-centered primary care homes and behavioral health homes to: ensure care is coordinated; promote consistency of services; establish a process to identify homes that satisfy core attributes; and develop uniform quality measures and policies that encourage the retention and growth of providers. OHA is required to convene work groups to make recommendations for best practices of school-based health centers, including certification of school-based health centers as patient-centered primary care homes.

**Bill Summary:** Senate Bill 22 clarifies the application of statutes governing patient-centered primary care homes and school-based health centers by distinguishing between primary care homes and behavioral health homes. The measure replaces "certification" with "identification" and makes corresponding conforming changes to prioritize use of funds to increase the number of school-based health centers identified as patient-centered primary care homes, rather than certified as patient-centered primary care homes.

**Oregon Laws 2019:** Chapter 536

### [Senate Bill 26](#)

**Effective Date:** June 13, 2019

#### **Oregon Health Authority Employment**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Human Services, House Health Care

**Background and Current Law:** The Oregon Health Authority (OHA) was established as a state agency in 2009 through House Bill 2009. The director of OHA, or a designee of the director, is authorized to appoint, suspend, or discharge any employee.

**Bill Summary:** Senate Bill 26 requires an OHA employee to be discharged if a claim that they have physically or sexually abused a patient or client is substantiated.

**Oregon Laws 2019:** Chapter 357

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### [Senate Bill 30](#)

**Not Enacted**

#### **Placements for Protected Adults with Guardians**

**At the request of:** Governor Kate Brown for Long Term Care Ombudsman

**Committees:** Senate Human Services

**Background and Current Law:** Guardians of protected adults are currently permitted to make or change the placement of the protected adult in a mental health treatment facility, a nursing home, or another residential facility. To make this placement, a guardian must file with the court and serve a statement to the protected adult declaring the intent to make a move or placement change at least 15 days in advance of the change. The notice provided to the protected adult must inform them how to object and the court must schedule a hearing on any objection it receives. If a guardian determines that the move must occur in less than 15 days to protect the immediate health, welfare, or safety of the protected adult or others, the statement must so state and must be filed and served with as much advance notice as possible but not more than two judicial days after the move has occurred. Guardians are also permitted to move a protected adult prior to a hearing on an objection.

**Bill Summary:** Senate Bill 30 would have prohibited guardians from moving adult protected persons without prior court approval, and it would have clarified the process for changing a protected person's placement.

### Senate Bill 31

**Effective Date:** January 1, 2020

#### **High-Risk Teams for Highly Vulnerable Adults**

**At the request of:** Governor Kate Brown for Long Term Care Ombudsman

**Committees:** Senate Human Services, Senate Judiciary, House Judiciary

**Background and Current Law:** In 2014, the Oregon Public Guardian and Conservator (OPGC) was established within the Office of the Long Term Care Ombudsman. The OPGC is tasked with providing guardianship and conservatorship services for persons who do not have relatives or friends willing or able to provide those services and who lack the resources to hire a professional fiduciary.

**Bill Summary:** Senate Bill 31 allows the OPGC to establish both county and statewide high-risk teams. The teams are charged with discussing situations in which highly vulnerable adults are at risk for serious harm, or are currently experiencing harm, and to identify available options for addressing the safety risk. Teams must have a written protocol, including a policy to keep all information and records acquired by the team confidential, except in cases in which it is disclosed to a specific individual who can prevent or lessen a serious threat to the health or safety of the person or public.

**Oregon Laws 2019:** Chapter 96

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### Senate Bill 163

**Effective Date:** September 29, 2019

#### **Achieving a Better Life Experience Program Costs**

**At the request of:** State Treasurer Tobias Read

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Achieving a Better Life Experience (ABLE) Act of 2014 allows states to create tax-advantaged savings programs for eligible people with disabilities. ABLE accounts are intended to supplement benefits currently provided by Social Security, Medicaid, employers, and private insurance. The ABLE savings program is treated the same as a qualified tuition program, such as a 529 savings plan, making the two savings programs compatible. In 2015, Senate Bill 777 enabled the Oregon 529 Savings Board to implement an ABLE program.

**Bill Summary:** Senate Bill 163 allows the Oregon 529 Savings Board to collect fees for applications, accounts, or administration to defray the costs of the ABLE program.

**Oregon Laws 2019:** Chapter 511



### [Senate Bill 167](#)

**Effective Date:** January 1, 2020

## **Rights of Consumers of Mental Health Services**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, Senate Judiciary, House Human Services and Housing

**Background and Current Law:** The Mental Health Services Bill of Rights was enacted in 1993 (Senate Bill 354). Since that time, the way mental health services receive public funding has left many providers uncovered by the definitions in those statutes. This, in turn, leaves individuals in their care unprotected by the Mental Health Services Bill of Rights. Senate Bill 1540 (2018) updated the definitions in the mandatory abuse reporting and investigation statutes that govern mental health service provisions to include providers that had been left uncovered by the changes in public financing of mental health services.

**Bill Summary:** Senate Bill 167 aligns definitions in the Mental Health Services Bill of Rights with the newly updated mandatory reporting and investigations definitions to ensure that its protections are guaranteed to all individuals receiving publicly funded mental health services.

**Oregon Laws 2019:** Chapter 236

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### [Senate Bill 171](#)

**Effective Date:** July 23, 2019

## **Residential Care for Children and Youth**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The federal Family First Prevention Services Act (Family First) was signed into law as part of the Bipartisan Budget Act on February 9, 2018. It provides an option to states to use federal funds for services that prevent children from being removed from their families and placed in substitute care. Family First limits funding for children who are placed in a setting that is not a foster family home unless the setting is a qualified residential treatment program (QRTP).

**Bill Summary:** Senate Bill 171 authorizes the Department of Human Services (DHS) to place children or wards in QRTPs and aligns the child welfare system's use of QRTPs consistent with Family First. It prohibits DHS from placing a child or ward in a congregate care residential setting that is not a child-caring agency or hospital, except in specified settings. The measure includes time limits for placements of children or wards in: non-QRTP residential care agencies or shelter care homes; non-QRTP homeless, runaway, or transitional living shelters; and placements serving adjudicated youth or youth served by the Oregon Youth Authority or county juvenile departments. Senate Bill 171 requires DHS to ensure that each child placed in a QRTP has an assessment completed within 30 days and that the courts order approval or disapproval of the placement within 60 days. If the court orders disapproval, DHS is to move the child to a placement consistent with the court's order within 30 days. Senate Bill 171 also addresses out-of-state placement reporting.

**Oregon Laws 2019:** Chapter 619

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### [Senate Bill 173](#)

**Not Enacted**

#### **Behavioral Health Needs of Seniors and Persons with Disabilities**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services

**Background and Current Law:** According to the World Health Organization, approximately 15 percent of adults age 60 and older suffer from a mental health disorder. In 2015, the Oregon Health Authority reported that the highest suicide rate in the state occurred among men age 85 and older, and the state had the highest rate of hospitalization for opioid-related issues in the nation for those age 65 and older.

**Bill Summary:** Senate Bill 173 would have appropriated \$10 million from the General Fund to the Oregon Health Authority to enhance behavioral health programs and supports for seniors and individuals with disabilities.

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### [Senate Bill 174](#)

**Not Enacted**

#### **Center for Excellence on Behavioral Health for Older Adults and People with Disabilities**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services

**Background and Current Law:** According to the World Health Organization, approximately 15 percent of adults age 60 and older suffer from a mental health disorder. In 2015, the Oregon Health Authority reported that the highest suicide rate in the state occurred among men age 85 and older, and the state had the highest rate of hospitalization for opioid-related issues in the nation for those age 65 and older.

**Bill Summary:** Senate Bill 174 would have appropriated \$2 million from the General Fund to the Department of Human Services to collaborate with the Oregon Health Authority to establish a Center for Excellence on Behavioral Health for Older Adults and People with Disabilities. The measure would have required the Center to: promote behavioral health of older adults and people with disabilities, identify and emphasize relevant programs, research, technology and policy issues; and provide relevant leadership, best practices, support and training.

### Senate Bill 175

**Not Enacted**

#### **Access to Mental Health, Substance Abuse, and Long Term Care Programs**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services

**Background and Current Law:** The Oregon Health Authority offers programs and services related to health, including mental health services, addiction services, and programs for individuals with co-occurring disorders. The Department of Human Services administers a range of long term care programs and services that help people who can no longer meet their own daily needs.

**Bill Summary:** Senate Bill 175 would have directed the Oregon Health Authority and the Department of Human Services to convene a stakeholder group to develop programmatic and policy recommendations for creating seamless access to mental health services, drug and alcohol treatment services, and long term care services and supports. The measure would have required the stakeholder group to include consumers and advocates for consumers of such services and supports.

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### Senate Bill 176

**Effective Date: January 1, 2020**

#### **Equal Access to Fuel Dispensing Services**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, Senate Environment and Natural Resources, House Human Services and Housing

**Background and Current Law:** The Americans with Disabilities Act requires self-serve gas stations to provide equal access to individuals with disabilities by providing refueling assistance upon request without additional charge and by providing notice (such as signs) to consumers indicating how to obtain assistance. Oregon prohibited self-service at retail fueling stations until 2015, when House Bill 3011 was passed allowing consumers to serve themselves between the hours of 6:00 p.m. and 6:00 a.m. in counties with populations of less than 40,000 residents. In 2017, House Bill 2482 passed allowing self-service 24 hours per day in those counties and requiring gas stations that also sold goods and services to provide an attendant to dispense fuel between the hours of 6:00 a.m. and 6:00 p.m.

**Bill Summary:** Senate Bill 176 requires service stations with attendants, in counties where self-service gasoline is allowed, to provide equal access to dispensing services to individuals with disabilities without additional charge and requires conspicuous notice of such service.

**Oregon Laws 2019:** Chapter 237

### [Senate Bill 177](#)

**Effective Date:** September 29, 2019

#### **Hospice Programs and Palliative Care**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, Senate Health Care, House Health Care

**Background and Current Law:** Palliative care is patient- and family-centered medical care that focuses on the quality of life of seriously ill patients and their families. Palliative care addresses the physical, social, and spiritual needs of a patient while facilitating patient control, access to information, and choice. Palliative care can include discussion of treatment goals and available treatment options, as well as pain and symptom management. Palliative care is most often provided in hospitals, but can be provided in homes, nursing homes, and other outpatient settings. Hospice care similarly addresses the comprehensive needs of patients and families but is offered when life expectancy is measured in months or weeks. Hospice care is most commonly provided in the patient's home.

**Bill Summary:** Senate Bill 177 allows stand-alone hospice programs to provide palliative care without an in-home care agency license.

**Oregon Laws 2019:** Chapter 238

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### [Senate Bill 178](#)

**Effective Date:** January 1, 2020

#### **Election for Hospice Treatment**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, House Health Care

**Background and Current Law:** An “advance directive” is a document that contains health care instructions and/or grants of authority, such as designating a representative to make health care decisions, or power of attorney, on behalf of an incapacitated person. Life-sustaining health care decisions may be made on behalf of an incapacitated person with a terminal condition, pursuant to an advance directive and/or by authorized individuals, such as a guardian, appointed or designated health care representative, the person's spouse, the person's parent or adult child, and/or attending health care providers.

**Bill Summary:** Along with other life-sustaining treatment decisions that may be made on behalf of an incapacitated person without an advance directive, Senate Bill 178 allows an authorized health care representative to elect hospice treatment.

**Oregon Laws 2019:** Chapter 239

### [Senate Bill 179-A](#)

**Not Enacted**

#### **Palliative Care Program**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, Senate Health Care, Joint Ways and Means

**Background and Current Law:** Palliative care is patient-centered and family-centered medical care that optimizes a patient's quality of life by anticipating, preventing, and treating the suffering caused by serious illness. The care involves addressing the patient's physical, social, and spiritual needs, as well as facilitating the patient's authority, access to information, and choice. Palliative care includes but is not limited to: discussing a patient's goals for treatment; discussing the treatment options that are appropriate for the patient; and comprehensive pain and symptom management.

**Bill Summary:** Senate Bill 179-A would have required the Oregon Health Authority to establish and administer a program to provide palliative care services and support the provision of home- and community-based end of life care. The measure would have specified program criteria, contingent on approval from the Centers for Medicare and Medicaid Services.

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### [Senate Bill 181](#)

**Effective Date: June 27, 2019**

#### **Child-Caring Agencies that are County Programs**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** Child-Caring Agencies (CCAs) are private agencies providing day treatment for children with emotional disturbances, adoption placement services, residential care (including foster care or residential treatment for children), outdoor youth programs, and other similar care or services for children. CCAs are licensed by the Department of Human Services (DHS). There are eight types of CCAs: residential care; foster care agencies; outdoor youth programs; homeless and runaway shelters or transitional living programs; academic boarding schools; therapeutic boarding schools; day treatment; and adoption agencies. County programs providing care or services to children are not CCAs.

**Bill Summary:** Senate Bill 181 includes county programs that provide care or services to children in the custody of DHS or the Oregon Youth Authority (OYA) to the definition of child-caring agencies for the purpose of placing children in foster homes. The measure defines "county program" as any county-operated program that provides care or services to children in the custody of DHS or OYA, excluding any local juvenile detention facility that receives state services provided and coordinated by the Department of Corrections. The measure also modifies the reporting requirements of county juvenile departments to juvenile courts regarding youth offenders in the care of the juvenile department.

**Oregon Laws 2019:** Chapter 513

### [Senate Bill 221-A](#)

**Not Enacted**

[\(see Senate Bill 1 and House Bill 5026\)](#)

### **Supports for Children and Youth with Specialized Needs**

**At the request of:** Governor Kate Brown for the Office of the Governor

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Children and Youth with Specialized Needs Work Group was formed in January of 2018 by the Governor, the President of the Senate, and the Chief Justice of the Supreme Court, to address unique challenges faced by children with distinctive mental or behavioral health needs who come to the attention of different state systems (such as the juvenile justice system, the child welfare system, or the health care system).

**Bill Summary:** Senate Bill 221-A was a product of the Children and Youth with Specialized Needs Work Group. The measure would have appropriated General Fund dollars to the Oregon Health Authority for intensive in-home behavioral health care for children and for statewide implementation of crisis and transition services; and to the Department of Human Services for implementation of the federal Family First Prevention Services Act, for therapeutic foster care, and to enhance services for children with intellectual or developmental disabilities who may also have behavioral health needs. These appropriations were included in House Bill 5026.

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### [Senate Bill 264](#)

**Not Enacted**

### **Community-Based Youth Development Programs**

**Chief Sponsors:** Sen. Olsen

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Youth Development Division (YDD) in the Oregon Department of Education provides services to school-age children and youths up to 24 years of age to support educational success, with a focus on crime prevention and reducing high-risk behaviors. According to YDD, 17,506 Oregon youths ages 16 to 21 do not have a high school diploma or GED and are not enrolled in school.

**Bill Summary:** Senate Bill 264 would have appropriated \$1 million from the General Fund to YDD for grants to community-based youth development programs.

### [Senate Bill 274](#)

**Not Enacted**

#### **Developmental Disability Program Support Services**

**Chief Sponsors:** Sen. Manning Jr.

**At the request of:** Oregon Support Services Association

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** A support service brokerage is an entity that contracts with the Department of Human Services (DHS) to provide or arrange for support services for adults with developmental disabilities. According to DHS, 7,643 adults were enrolled in brokerage services with the Office of Developmental Disability Services as of September 2018. Under current statute, community developmental disabilities providers are able to deliver services to any eligible child or adult in any service setting; brokerages are able to deliver some services to some eligible adults and are not able to deliver any services to children.

**Bill Summary:** Senate Bill 274 would have expanded eligibility for developmental disability brokerage services to provide services to individuals who are 14 to 17 years of age.

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### [Senate Bill 278](#)

**Effective Date:** January 1, 2020

#### **Rent Guarantee Program Eligibility**

**Chief Sponsors:** Sen. Taylor; Rep. Piluso

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

**Background and Current Law:** In 2017, House Bill 2724 directed Oregon Housing and Community Services (OHCS) to develop and implement the Rent Guarantee Program to provide tenants from low-income households with training certification to achieve successful tenancy. Rent Well is the recognized tenant education course taught by certified instructors throughout the Portland metropolitan area that helps participants be successful renters. Topics covered in the course include understanding landlord expectations, budgeting, effective communication with landlords and neighbors, maintaining a rental unit, and successful move-in and move-out procedures. Participants include individuals who have poor or no credit, past evictions, no rental history, or a criminal history and who are low-income, at risk of homelessness, or currently homeless. When a participant completes the Rent Well course, they receive a certificate to present to landlords when applying for rental housing. Landlords that accept Rent Well tenants can register for the Rent Well Landlord Guarantee Fund, which may cover damages, unpaid rent, or eviction costs.

**Bill Summary:** Senate Bill 278 extends eligibility for the Rent Guarantee Program under OHCS to individuals between 16 and 27 years of age who were wards of the juvenile court within the past 10 years. The measure also removes the requirement that providers enter information into the homeless management information system maintained by OHCS and clarifies that the reports required by providers must include information regarding the number of program-eligible tenants participating in the program.

**Oregon Laws 2019:** Chapter 243



### [Senate Bill 415](#)

**Effective Date:** January 1, 2020

#### **Mandatory Reporters of Child Abuse**

**Chief Sponsors:** Sen. Beyer; Rep. Lively

**Committees:** Senate Human Services, House Education

**Background and Current Law:** Oregon law specifically lists individuals who are required to report abuse as "mandatory reporters." Senate Bill 622 (2015) included home care workers and personal support workers in the list of mandatory reporters. Other mandatory reporters include physicians, dentists, school employees, health care professionals, members of the clergy, attorneys, and child care providers.

**Bill Summary:** Senate Bill 415 adds school district board members, public charter school governing body members, and employees of the Oregon Department of Education to the list of mandatory reporters.

**Oregon Laws 2019:** Chapter 176

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### [Senate Bill 475](#)

**Effective Date:** January 1, 2020

#### **Students in Foster Care**

**Chief Sponsors:** Sen. Gelser; Rep. Stark

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

**Background and Current Law:** According to the Department of Human Services, 11,645 children spent at least one day in foster care in Oregon in 2017. Of these children, 6,938 were school-aged. An abbreviated school day is any school day during which a student receives instruction or education services for fewer hours than other students who are in the same grade and school.

**Bill Summary:** Senate Bill 475 authorizes school districts to provide an abbreviated school day program to a student in foster care if the school district provided specified information and the foster parent had an opportunity to meaningfully engage in the decision.

**Oregon Laws 2019:** Chapter 295



### [Senate Bill 490](#)

**Effective Date:** August 9, 2019

#### **Individuals Prohibited from Providing Child Care**

**Chief Sponsors:** Sen. Gelser; Rep. Lively

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

**Background and Current Law:** Child care providers must be licensed, registered, or certified with the Office of Child Care (OCC) within the Early Learning Division of the Department of Education. Child care facilities include day nurseries, nursery schools, child care centers, certified or registered family childcare homes, or similar entities operating under any name. All staff and individuals who may have unsupervised access to children must enroll in the Central Background Registry (registry) administered by the OCC. Applicants to the registry undergo a background check to determine if they are permitted on the premises.

**Bill Summary:** Senate Bill 490 expands the list of individuals prohibited from providing child care for five years to include those who have a suspended certification, registration, or enrollment in the registry and those whose certification or registration has been revoked or denied under specified circumstances. The measure permanently prohibits individuals from providing child care or enrolling in the registry who are required to report as sex offenders or who have been the subject of a substantiated report of child abuse in which the victim suffered serious harm or death in any state. Senate Bill 490 also requires individuals who have been the subject of a founded or substantiated report of child abuse to apply and enroll in the registry prior to providing child care and requires the OCC to remove individuals from the registry who are prohibited from enrolling. Finally, the measure authorizes the OCC to impose civil penalties for violations.

**Oregon Laws 2019:** Chapter 679

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### [Senate Bill 491](#)

**Effective Date:** January 1, 2020

#### **Housing for Individuals with Developmental Disabilities**

**Chief Sponsors:** Sen. Gelser; Reps. Piluso, Stark

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Community Housing Trust, administered by the Department of Human Services (DHS) and commonly referred to as the Fairview Trust, was established in 1999 through Senate Bill 405. It was funded through the sale of land following closure of the Fairview Training Center in 2000, where intellectually and developmentally disabled persons had been institutionalized since 1908. The majority of sale proceeds used to fund the Fairview Trust (95 percent) are currently required to be held in an interest-bearing account in perpetuity. The remaining five percent of sale proceeds, plus interest on the corpus of the trust, are required to be used to support community housing for individuals with intellectual or developmental disabilities.

**Bill Summary:** Senate Bill 491 transfers unobligated Fairview Trust funds and the responsibility to use said funds for Fairview Trust purposes to the Oregon Community Foundation (Foundation). The measure also directs the Foundation to report to DHS annually concerning the use of funds and the remaining balance, and to pay DHS for any unauthorized expenditures. Finally, Senate Bill 491 directs the Oregon Council on Developmental Disabilities to appoint an advisory committee to advise and consult with the Foundation in making expenditures and includes requirements for representation on the advisory committee.

**Oregon Laws 2019:** Chapter 551

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### [Senate Bill 492](#)

**Effective Date:** June 27, 2019

#### **Support for Parents with Disabilities**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** It is the current policy of the State of Oregon to provide appropriate reunification services to parents and guardians to support the safe return of their children in most situations.

**Bill Summary:** Senate Bill 492, allowing for some necessary differences, extends the same opportunity to benefit from, or participate in, reunification services to parents and guardians with disabilities.

**Oregon Laws 2019:** Chapter 514

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### [Senate Bill 493](#)

**Effective Date:** January 1, 2020

#### **Oregon Human Rights Commission**

**Chief Sponsors:** Sen. Gelser; Rep. Piluso

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

**Background and Current Law:** The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 provides funding for the creation of councils at the state level to advocate for and protect individuals with disabilities. In matters of alleged rights violations, the Department of Human Services (DHS) is currently required to promote dispute resolution. Senate Bill 834 (2017) directed DHS to develop a proposal for the creation of an independent human rights commission dedicated to the dignity and basic rights of individuals with intellectual and developmental disabilities. DHS convened a work group and collaborated on a proposal that included goals and purposes for a human rights commission distinct from existing work groups, systems, processes, and stakeholder groups. Senate Bill 493 is the result of the DHS work group process.

**Bill Summary:** Senate Bill 493 establishes the Oregon Human Rights Commission (Commission) within DHS to safeguard the dignity and basic human rights of individuals who have an intellectual or developmental disability. The measure specifies membership of the Commission and directs it to establish a statewide regional advisory committee system to conduct informational hearings concerning violations of the rights of individuals who have an intellectual or developmental disability. The measure also requires the Commission to receive reports of rights violations and authorizes it to request and receive information relevant to complaints.

**Oregon Laws 2019:** Chapter 296

### [Senate Bill 653](#)

**Not Enacted**

#### **Investigations of Reports of Suspected Child Abuse and Parental Rights**

**Chief Sponsors:** Sens. Boquist, Linthicum

**At the request of:** Brittany Ruiz

**Committees:** Senate Human Services

**Background and Current Law:** According to the Department of Human Services (DHS), a total of 84,233 reports of suspected child abuse were made in federal fiscal year 2018 (October 1, 2017 to September 30, 2018) and of them, 36,460 were investigated. Children who cannot safely remain at home enter foster care, and 3,579 children entered foster care in federal fiscal year 2018.

**Bill Summary:** Senate Bill 653 would have prohibited DHS from disclosing unfounded records and reports related to child abuse investigations to certain entities. It would have also required DHS, hospitals, and other entities to record any interviews with a parent or child regarding allegations of abuse and to make the recordings available to the parent, child, or their attorneys. The measure would have directed law enforcement to provide a copy of the report to the person making the report and the alleged victim within seven days of completion. Senate Bill 653 would have directed DHS to obtain the consent of the parent, guardian, or juvenile court prior to giving certain medical care or a haircut to a child in protective custody under 14 years of age.

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### [Senate Bill 669](#)

**Effective Date:** January 1, 2020

#### **In-Home Assistance with Daily Living Activities**

**Chief Sponsors:** Sen. Monnes Anderson

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** An in-home care agency provides services necessary to assist individuals with daily needs. In-home care agencies must obtain a license from the Oregon Health Authority (OHA) prior to providing services, and licenses must be renewed annually. As part of the licensing and renewal process, OHA is required to conduct on-site inspections of services provided by each in-home care agency once every three years.

**Bill Summary:** Senate Bill 669 makes changes to the licensing, inspection, and regulation of in-home care agencies. The measure directs OHA to establish training requirements for the workers who provide in-home care services and authorizes OHA to deny or revoke the license of an in-home care agency for failure to comply with the training requirements or employment and wage laws. The measure also accelerates OHA's on-site inspection cycle of in-home care agencies from once every three years to once every two years.

**Oregon Laws 2019:** Chapter 680

### Senate Bill 707

Effective Date: September 29, 2019

#### Youth Suicide Intervention and Prevention Advisory Committee

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Human Services, House Health Care

**Background and Current Law:** According to the Oregon Health Authority (OHA), suicide was the second leading cause of death among 10- to 24-year-olds in Oregon in 2016. There were 97 youth suicides in 2014. House Bill 4124 (2014) mandated a five-year Youth Suicide Intervention and Prevention Plan and created the position of Youth Suicide Intervention and Prevention Coordinator within OHA.

**Bill Summary:** Senate Bill 707 establishes a Youth Suicide Intervention and Prevention Advisory Committee to advise OHA on suicide intervention and prevention for 10- to 24-year-olds. The measure requires OHA to provide staffing and appoint specified members that reflect cultural, linguistic, geographic, and economic diversity. The measure also directs the Youth Suicide Intervention and Prevention Coordinator to consult with the advisory committee to update the Youth Suicide Intervention and Prevention Plan, and to include recommendations for administrative and legislative changes to address service gaps in the Coordinator's annual report to the Legislative Assembly.

**Oregon Laws 2019:** Chapter 341

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### Senate Bill 727-A

**Not Enacted**

#### Supplemental Nutrition Assistance Program

**Chief Sponsors:** Sen. Roblan; Reps. Stark, Marsh

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Supplemental Nutrition Assistance Program (SNAP) is a federally funded program which offers nutrition assistance to low-income individuals and families. In January 2019, the Department of Human Services (DHS) provided SNAP benefits to 355,628 families for a total of 609,327 individuals. According to the Food and Nutrition Service of the US Department of Agriculture, there are currently 3,327 Oregon retailers participating in the SNAP program.

**Bill Summary:** Senate Bill 727-A would have appropriated \$3 million from the General Fund to DHS to contract with a nonprofit organization to implement and administer a program for SNAP benefit recipients to help them purchase locally grown fruits and vegetables from participating farmer's markets, farm share sites, and food outlets. The measure would have required the nonprofit to provide low-income populations with greater access to fresh, locally grown foods and would have established relationships with participating sellers. Senate Bill 727-A also would have required the program to match amounts spent on eligible foods and directed the contracted nonprofit to review program outcomes, including the impact on the purchase of locally grown fruits and vegetables, and report its findings no later than December 31, 2021.

### [Senate Bill 737](#)

**Not Enacted**

#### **Tax Exemptions for Affordable Housing**

**Chief Sponsors:** Sen. Manning Jr

**Committees:** Senate Human Services, Joint Tax Expenditures

**Background and Current Law:** Across Oregon and the nation, property tax abatement is used by local governments as a tool to encourage the development of affordable housing. This tax exemption helps expand the number of housing units that are available and supports extending affordable rents to low-income residents. There are several criteria that jurisdictions may elect that developers must meet in order to receive abatement, such as: the occupants of the housing have low-income, as defined; lands being held must be designated for development as low income housing; the housing must be rental housing; the developer must be a nonprofit or tax-exempt entity or, if not, the benefit of the property tax savings must be reflected in lower rent. In 2018, House Bill 4028 extended the sunset of the property tax exemption for newly constructed low-income rental housing from January 1, 2010 to July 1, 2020.

**Bill Summary:** Senate Bill 737 would have extended the sunset of the property tax exemption for low-income rental housing to July 1, 2030.

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### [Senate Bill 745-A](#)

**Not Enacted**

#### **Access to Transition Services for Foster Youth**

**Chief Sponsors:** Sen. Gelser; Reps. Keny-Guyer, Hayden

**At the request of:** Oregon Foster Youth Coalition

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Independent Living Program (ILP) provides training and classes to youth in foster care to prepare them to live independently. According to the Department of Human Services (DHS), there are currently 39 ILP providers, and 1,357 youth received ILP services in 2017. Current law requires DHS to ensure that case planning for foster youth who have reached age 14 addresses their needs and goals for a successful transition to adulthood.

**Bill Summary:** Senate Bill 745-A would have required DHS to conduct annual in-person case planning meetings with every foster youth age 14 or older. The measure would have required DHS to inform them about their eligibility for ILP services and provide access to transition services during case planning meetings. The measure would have appropriated \$8,500,000 General Fund dollars to DHS for ILP services for eligible foster youth.

### [Senate Bill 790](#)

**Not Enacted**

#### **Individual Development Accounts**

**Chief Sponsors:** Sens. Gelser, Knopp; Reps. Lively, McLane

**Committees:** Senate Human Services, Joint Tax Expenditures

**Background and Current Law:** The Oregon Investment Account Initiative was created in 1999. It aims to alleviate poverty by matching funds in savings accounts, called individual development accounts (IDAs), with funds drawn from various private resources. To qualify for an individual development account and participate in the initiative, an applicant's household must fit within the definition of "lower income." Oregon Housing and Community Services and the Department of Revenue provide oversight.

**Bill Summary:** Senate Bill 790 would have increased the amount of the tax credit up to 100 percent of a taxpayer's donation to fiduciary organizations for distribution to IDAs and raised the total amount available for tax credits to \$15 million.

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### [Senate Bill 795-A](#)

**Not Enacted**

#### **Oregon Deaf and Hard of Hearing Program**

**Chief Sponsors:** Sens. Monnes Anderson, Manning Jr.

**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** The Department of Human Services' Oregon Deaf and Hard of Hearing Services Program (ODHHS) is a resource for all Oregonians, aimed at improving the quality of life for deaf and hard of hearing people and their families. ODHHS coordinates requests for sign language interpreter/real-time captioner services. In 2016, ODHHS issued the "Community-Based Needs Assessment of Oregon's Deaf and Hard of Hearing Communities" that included 12 findings for consideration to improve services for Oregon's deaf and hard of hearing communities.

**Bill Summary:** Senate Bill 795-A would have expanded and clarified the responsibilities of the ODHHS.

### [Senate Bill 804](#)

Effective Date: May 24, 2019

#### **Child Abuse Reporting Requirements**

**At the request of:** Senate Committee on Human Services

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

**Background and Current Law:** When the Department of Human Services (DHS) or a law enforcement agency receive information about suspected child abuse, they are currently required to notify each other in the county where the report was received.

**Bill Summary:** Senate Bill 804 requires DHS to notify the law enforcement agency in the county where the abuse allegedly occurred, where the child resides, or where the reporter came into contact with the child or alleged perpetrator, rather than in the county where the report was received. The measure also requires law enforcement agencies to notify DHS of reports of suspected child abuse using the child abuse reporting hotline.

**Oregon Laws 2019:** Chapter 181

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### [Senate Bill 809](#)

Effective Date: January 1, 2020

#### **Fitness Determinations for Providing Direct Care Services**

**Chief Sponsors:** Sen. Gelser; Rep. Gorsek

**Committees:** Senate Human Services, Senate Rules, Joint Ways and Means, House Rules

**Background and Current Law:** Oregon law prohibits using public funds to employ individuals with certain criminal histories in capacities that involve direct contact with recipients of support services or residential care. The Department of Human Services (DHS), the Oregon Health Authority (OHA), home health agencies, and in-home care agencies conduct background checks on employees of residential facilities, adult foster homes, workers registered with the Home Care Commission, providers and volunteers in contact with patients in home health and in-home care agencies, and any individual paid by public funds who is in contact with recipients of support services or residential care. DHS and OHA are also required to notify employers and employees in writing of any records of substantiated abuse committed by an employee of a home health agency, in-home care agency, adult foster home, or residential facility, regardless of whether criminal charges were filed.

**Bill Summary:** Senate Bill 809 requires DHS and OHA to adopt rules with specified conditions prescribing criteria for fitness determinations about individuals who provide direct care services. The measure also provides due process via contested case hearings for individuals to challenge fitness evaluations. Senate Bill 809 requires DHS and OHA to conduct a fitness determination for any employee or potential employee of specified entities who has a record of substantiated abuse and to notify employers of the outcome.

**Oregon Laws 2019:** Chapter 517



### [Senate Bill 813](#)

Effective Date: June 6, 2019

#### Investigations of Child Care Facilities

**Chief Sponsors:** Sen. Gelser

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

**Background and Current Law:** Child care providers must be licensed, registered, or certified with the Office of Child Care (OCC) within the Early Learning Division (ELD) of the Department of Education. Child care facilities include day nurseries, nursery schools, child care centers, certified or registered family child care homes, or similar entities that care for children operating under any name. All child care staff and any individual who may have unsupervised access to children (e.g., adults living in the home, volunteers, maintenance staff, and office staff) are subject to a background check and are required to enroll in the Central Background Registry maintained by the OCC. The OCC is authorized to conduct on-site investigations of child care facilities if illegal child care is alleged and to conduct such investigations if there is a serious complaint.

**Bill Summary:** Senate Bill 813 requires the OCC to make reasonable attempts to identify any facility about which it receives a complaint if the complaint includes enough detail to determine the identity of a child, provider, owner, operator, employee, or specific information about the facility itself. The measure also allows the Early Learning Council, which oversees the ELD, to adopt a definition of "serious complaint" by rule and requires the definition to include notifications or reports of alleged child abuse received by the OCC.

**Oregon Laws 2019:** Chapter 266

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### [Senate Bill 814](#)

Not Enacted

#### Voluntary Adoption Options

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Human Services

**Background and Current Law:** The Permanency Program within the Department of Human Services (DHS) facilitates the selection and finalization of adoption and guardianship as permanency options for children in foster care when it is no longer in their best interest to return to the care of their biological parents. DHS also provides regulatory oversight and processing of all adoptions filed in Oregon for children who are placed in voluntary adoption. A closed adoption means that there is no contact between the birth family and the adoptive family, and an open adoption means that the birth family and the adoptive family meet and often remain in each other's lives.

**Bill Summary:** Senate Bill 814 would have directed DHS to provide information about voluntary adoption options to parents or legal guardians prior to the termination of their parental rights. The measure would have prohibited DHS from referring a parent or a legal guardian to the same social worker assigned to a prospective adoptive parent. It also would have required notice prior to taking an infant up to 30 days old into protective custody. Finally, Senate Bill 814 would have modified authority of licensed child-caring agencies to place children in foster or adoptive homes to include the required notice.



### [Senate Bill 832](#)

Effective Date: July 15, 2019

#### Critical Incident Review Teams

**Chief Sponsors:** Sens. Gelser, Wagner; Rep. Stark

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** Oregon law requires the Department of Human Services (DHS) to assign a Critical Incident Review Team (CIRT) to investigate certain cases within 24 hours of determining that a child may have died from abuse or neglect. A CIRT's primary goal is to review the case and develop recommendations to improve the child welfare system and prevent future incidents. A CIRT is assigned if the fatality occurred when the child was in DHS custody, or when the child was the subject of a recent child protective services assessment. According to DHS, 14 CIRTs were assigned in 2018 and seven were assigned in 2017.

**Bill Summary:** Senate Bill 832 declares the purpose of CIRTs and directs DHS to assign a CIRT upon becoming aware of a critical incident as defined in the measure. The measure modifies the composition of CIRTs to allow a local citizen review board member as well as a legislator to be included. Senate Bill 832 also requires every CIRT to submit a final written report to DHS and requires reports to contain specified information. The measure directs DHS to publish certain information regarding the CIRT, as well as its report, on its website. Senate Bill 832 allows DHS to redact the final report only to the extent necessary to comply with state and federal laws governing confidential information.

**Oregon Laws 2019:** Chapter 555

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### [Senate Bill 833](#)

Not Enacted

[\(see Senate Bill 994\)](#)

#### Releasing Children from Protective Custody

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Human Services

**Background and Current Law:** A child may be taken into protective custody when: the child's conditions or surroundings reasonably appear to jeopardize the child's welfare; a court has ordered that the child be taken into protective custody; or, when it reasonably appears that the child has run away from home. Unless a court has ordered that the child be taken into protective custody, or if the welfare of the child or others may be jeopardized, the child must be released to the custody of their parent or other responsible person.

**Bill Summary:** Senate Bill 833 would have defined a noncustodial parent as a relative caregiver subject to criminal records checks prior to releasing a child from protective custody into their care. The measure was modified and included in Senate Bill 994.

### [Senate Bill 905](#)

Effective Date: July 1, 2019

#### **Foster Children School District Assignment**

**At the request of:** Senate Committee on Education

**Committees:** Senate Education, Senate Rules, House Rules

**Background and Current Law:** In 2017, 7,831 Oregon children were in foster care on an average daily basis. A child may enter foster care through an involuntary or voluntary placement. Oregon law provides that a child with involuntary placement should attend their original school unless it is in the best interest of the child to enroll in another school district. In the case of a voluntary placement, Oregon law is silent on where the child should go to school.

**Bill Summary:** Senate Bill 905 creates a general rule that children who are voluntarily placed with a public or private agency by their parent or guardian are to attend school in the district in which they are placed. The bill provides an exception to allow children to attend school in the district where their parents or guardians reside when the placement is within 20 miles of the school, a plan exists for the child to return home, it is in the best interests of the child to attend the school, and the child would prefer to remain in the school district.

**Oregon Laws 2019:** Chapter 561

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### [Senate Bill 917](#)

Effective Date: January 1, 2020

#### **Disclosures of Information by Providers of Care**

**Chief Sponsors:** Sen. Gelser; Rep. Lively

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

**Background and Current Law:** Reports of abuse or mistreatment by a medical provider can be made to the Oregon Medical Board, and reports regarding long term care providers can be made to the Long Term Care Ombudsman. Similarly, the Residential Facilities Ombudsman investigates complaints for individuals living in homes licensed or certified for intellectual and/or developmental disabilities or mental health conditions, and reports of suspected child abuse may be made to the Department of Human Services hotline. If criminal conduct is suspected, it may also be reported to law enforcement.

**Bill Summary:** Senate Bill 917 prohibits employers who provide care to children, youth, individuals with disabilities, or older adults, from interfering with employees' good faith disclosures of information regarding abuse or mistreatment, violations of licensing or certification, criminal activity, violations of state or federal laws, or practices threatening the health and safety of recipients of care. The measure specifies actions that constitute interference with such disclosures and deems such interference an unlawful employment practice. Senate Bill 917 also authorizes the revocation or suspension of permission to operate a facility providing care and permits civil penalties for violations.

**Oregon Laws 2019:** Chapter 381

### [Senate Bill 918](#)

Effective Date: January 1, 2020

#### Notifications of Youth Suicides

**Chief Sponsors:** Sens. Gelser, Wagner

**Committees:** Senate Human Services, House Health Care

**Background and Current Law:** According to the Oregon Health Authority (OHA), suicide was the second leading cause of death among 10- to 24-year-olds in Oregon in 2016. Senate Bill 561 (2015) directed OHA to develop a plan for improved communication and data sharing about youth suicide and to be a central resource for local mental health authorities. The resulting communication plan involves OHA providing technical assistance and resources to each local mental health authority regarding local pathways, sharing information, and responding to suspected youth suicides. The plan requires local mental health authorities to inform OHA of supportive actions for individuals affected by suspected youth suicides within seven days of each death.

**Bill Summary:** Senate Bill 918 expands on the information sharing about youth suicide by directing local mental health authorities to notify other local entities that have had contact with a person aged 24 or younger who is suspected to have committed suicide, if the local health authority was informed of the death by a third party. Entities include public or private schools and universities, county juvenile departments, community developmental disabilities programs, child welfare agencies, substance use disorder programs, and any other organization or person identified as being necessary to receive the notification. Senate Bill 918 requires the notification to include the name, date of birth, and date of death, and other information not otherwise protected from public disclosure, and includes a definition of "third-party notification."

**Oregon Laws 2019:** Chapter 471

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### [Senate Bill 921](#)

Not Enacted

#### Mandatory Reporters of Child Abuse

**Chief Sponsors:** Sens. Hansell, Manning Jr.

**Committees:** Senate Human Services, Senate Judiciary

**Background and Current Law:** Oregon law specifically lists individuals who are required to report abuse as "mandatory reporters." Senate Bill 622 (2015) included home care workers and personal support workers on the list of mandatory reporters. Other mandatory reporters include physicians, dentists, school employees, health care professionals, members of the clergy, attorneys, and child care providers. Computer technicians and individuals who process photographic images are required to report sexually explicit content they discover that involves children. Reports of this kind must be made to law enforcement, the National Center for Missing and Exploited Children via its CyberTipline, or to the Department of Human Services (DHS).

**Bill Summary:** Senate Bill 921 would have added hotelkeepers and innkeepers to the list of mandatory reporters. The measure also would have required computer technicians and individuals who process photographic images to immediately report sexually explicit content involving children to law enforcement, the CyberTipline, and DHS in the manner required pursuant to Oregon's mandatory reporting laws.

### [Senate Bill 924](#)

Effective Date: June 13, 2019

#### Placements for Children and Youth in Protective Custody

**Chief Sponsors:** Sen. Manning Jr.

**Committees:** Senate Human Services, Senate Judiciary, House Judiciary

**Background and Current Law:** A child may be taken into protective custody when: the child's conditions or surroundings reasonably appear to be such as to jeopardize the child's welfare; the juvenile court has ordered that the child be taken into protective custody; or, it reasonably appears that the child has run away from home. Children who are placed in substitute care, children who have run away, and youth offenders can all be taken into protective custody. Shelter care is a home or other facility suitable for the safekeeping of a child taken into temporary custody, and detention is a placement for the detention of children pursuant to a judicial commitment or order. Current law allows children in protective custody to be placed in shelter care or detention facilities.

**Bill Summary:** Senate Bill 924 modifies the juvenile code to clarify that children taken into protective custody in dependency cases and Oregon children who have run away from home cannot be placed in detention facilities. It also clarifies that out-of-state runaways must be placed in the least restrictive setting, which may include detention. Finally, it requires counties to report to the Youth Development Council the frequency and duration for which runaways and youth offenders are placed in detention.

**Oregon Laws 2019:** Chapter 382

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### [Senate Bill 938](#)

Not Enacted

#### Funding Construction of Veterans' Home

**Chief Sponsors:** Sen. Heard; Reps. Evans, Leif

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

**Background and Current Law:** There are currently two Veterans' Homes in Oregon that provide qualifying veterans with long term care: one in The Dalles and one in Lebanon. Oregon law provides for two more. Admittance to a Veterans' Home is a benefit that honorably discharged veterans have earned, that extends to their spouses and to the parents of individuals who died serving in the US Armed Forces.

**Bill Summary:** Senate Bill 938 would have authorized the State Treasurer to issue general obligation bonds under Article XI-Q of the Oregon Constitution to produce \$17.5 million in net proceeds for the Oregon Department of Veterans' Affairs (ODVA) to construct a veterans' home in Roseburg, Oregon.

### [Senate Bill 964-A](#)

**Not Enacted**

#### **Strong Families, Resilient Neighborhoods**

**Chief Sponsors:** Sen. Winters; Reps. Boles, Evans

**Committees:** Senate Human Services, Joint Tax Expenditures

**Background and Current Law:** Recent research by the Oregon Health and Science University revealed Oregon neighborhoods where children were ten times more likely to experience maltreatment and enter substitute care. Strong Families, Resilient Neighborhoods is a community-based project in Marion County designed to promote the positive development of children, strengthen families, and build resilient neighborhoods by integrating health care, supportive affordable housing, early learning education, and social services.

**Bill Summary:** Senate Bill 964-A would have directed the Department of Human Services to establish and collaborate with an advisory committee to create a pilot program in at least three regions of the state, and offer a tax credit to encourage specified contributions that support the achievement of stated goals and the development of strategies for targeted communities and populations.

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### [Senate Bill 994](#)

**Effective Date: January 1, 2020**

[\(see Senate Bill 833\)](#)

#### **Releasing Children from Protective Custody**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** A child may be taken into protective custody when: the child's conditions or surroundings reasonably appear to jeopardize the child's welfare; a court has ordered that the child be taken into protective custody; or when it reasonably appears that the child has run away from home. Unless a court has ordered that the child be taken into protective custody, or if the welfare of the child or others may be jeopardized, the child must be released to the custody of their parent or other responsible person.

**Bill Summary:** Senate Bill 994 requires the person who receives the child into protective custody to request a criminal records check from the Department of Human Services (DHS) on the noncustodial parent and all adults in the home prior to releasing the child to the noncustodial parent. The measure also requires DHS to comply with such requests and adopt rules consistent with the requirements of the Department of State Police for use of the Law Enforcement Data System.

**Oregon Laws 2019:** Chapter 631

### [Senate Bill 1035-A](#)

**Not Enacted**

#### **Services and Supports for Unpaid Caregivers**

**At the request of:** Senate Committee on Human Services

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** Many people in need of care or assistance prefer to receive services at home for as long as possible. Often, this is also the most cost-effective and best option for those patients.

**Bill Summary:** Senate Bill 1035-A would have required the Oregon Health Authority (OHA), in collaboration with the Department of Human Services (DHS) and an advisory committee convened by DHS, to design a limited benefits package for low-income individuals age 55 or older who have a chronic illness or disabling condition, or under age 55 who have been diagnosed with dementia. The benefits package would have included up to \$500 per month in supports or services for unpaid caregivers, as well as services appropriate to maintain the recipient's current level of in-home care. The measure would have required an application for approval from the Centers for Medicare and Medicaid Services to secure federal financial participation.

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### [Senate Bill 1036](#)

**Not Enacted**

#### **Ombudsmen and Advocates**

**At the request of:** Senate Committee on Human Services

**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** An ombudsman is an official appointed to advocate on behalf of others and investigate complaints. The Office of the Long Term Care Ombudsman (LTCO) is an independent state agency that serves long term care facility residents through complaint investigation, resolution, and advocacy for improvements in care. The mission of the LTCO is to enhance the quality of life, improve the level of care, protect the individual's rights, and promote the dignity of each person residing in a long term care facility. Within the LTCO is the Long Term Care Ombudsman, the Oregon Public Guardian and Conservator, and the Residential Facilities Ombudsman.

**Bill Summary:** Senate Bill 1036 would have established a Foster Child Ombudsman and a Foster Parent Ombudsman, as well as an Office of Oregon Ombudsmen and Advocates to provide administrative support to all ombudsmen offices, including the Long Term Care Ombudsman, Residential Facilities Ombudsman, and the Oregon Public Guardian and Conservator. The measure would have modified the duties and powers of the Long Term Care Ombudsman, Residential Facilities Ombudsman, and the Oregon Public Guardian and Conservator, and allowed ombudsmen access to records necessary to investigate complaints, subject to specific conditions. Senate Bill 1036 would have established advisory committees for LTCO and for the ombudsmen, and entitled members of advisory committees to compensation and expenses.

### [Senate Bill 1039](#)

Effective Date: January 1, 2020

## Health Care Advocates for Individuals with Intellectual or Developmental Disabilities

**Chief Sponsors:** Sen. Monnes Anderson

**Committees:** Senate Human Services, House Health Care

**Background and Current Law:** Oregon law allows individuals to designate a health care representative to make health care decisions when they are unable to direct their own care. An “advance directive” is a document that contains health care instructions and/or grants of authority, such as designating a representative to make health care decisions, or power of attorney, on behalf of an incapacitated person. Life-sustaining health care decisions may be made on behalf of an incapacitated person with a terminal condition, pursuant to an advance directive and/or by authorized individuals, such as a guardian, appointed or designated health care representative, the person's spouse, the person's parent or adult child, and/or attending health care providers.

**Bill Summary:** Senate Bill 1039 authorizes the appointment of a health care advocate to make health care decisions for someone who has an intellectual or developmental disability, who receives services through an individualized written service plan, and who does not have a guardian or a health care representative. The measure specifies appointment requirements, restrictions on the scope of decision making, and the rights of the patient for whom the health care advocate has been appointed.

**Oregon Laws 2019:** Chapter 447

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### [House Bill 2032-B](#)

Not Enacted

## Temporary Assistance for Needy Families Pilot Programs

**At the request of:** Governor Kate Brown for Department of Human Services

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

**Background and Current Law:** The Temporary Assistance for Needy Families (TANF) program provides cash assistance to low-income families with children. Cash assistance is intended to help meet a family's basic needs for items such as food, clothing, shelter, and utilities. Most cash benefits in Oregon are issued via an Electronic Benefit Transfer card, known as the Oregon Trail Card.

**Bill Summary:** House Bill 2032-B would have created pilot programs to support TANF recipients including a housing pilot, a mental health and behavioral health pilot, and an education and training pilot. The measure set out goals, eligibility criteria, procedures, expectations, and reporting requirements for each pilot.



### [House Bill 2033](#)

Effective Date: January 1, 2020

#### **Educational Requirements for Child Welfare Caseworkers**

**At the request of:** Governor Kate Brown for Department of Human Services

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

**Background and Current Law:** The Department of Human Services (DHS) houses the child abuse investigation and intervention (also known as child protective services or CPS), foster care, and adoption assistance programs. CPS-trained caseworkers across the state listen to reports of abuse, assess situations, and prepare safety plans to assist children and families. CPS staff work closely with law enforcement agencies and other members of multidisciplinary teams in each county to assess child abuse reports. CPS and law enforcement agencies have a shared legal responsibility for taking child abuse reports and responding to them.

**Bill Summary:** House Bill 2033 reduces minimum educational requirements for child welfare caseworkers from a bachelor's degree to an associate degree plus additional training related to the field of human services, and mandates that caseworkers who have a degree in a field that is not human-services related must complete sufficient human services-related coursework and training as determined by rule.

**Oregon Laws 2019:** Chapter 153

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### [House Bill 2131](#)

**Not Enacted**

#### **Employment-Related Dependent Care Expenses**

**At the request of:** House Interim Committee on Revenue

**Committees:** House Human Services and Housing

**Background and Current Law:** The purpose of the Working Family Household and Dependent Care Credit (WFHDC) is to help low to moderate-income families pay for dependent care while they are working or looking for work. To qualify, the taxpayer's adjusted gross income must be less than the limit set for the household size, and the taxpayer must have qualifying household or dependent care expenses. A qualifying dependent can include a child under the age of 13, a disabled spouse, or another disabled person in certain circumstances.

**Bill Summary:** House Bill 2131 would have modified the income limits for joint tax filers for the Working Family Household and Dependent Care Credit and prescribed the amount of expenses for which the credit could be claimed.



### [House Bill 2139](#)

**Not Enacted**

[\(see House Bill 2164-A\)](#)

#### **Earned Income Tax Credit Extension**

**At the request of:** House Interim Committee on Revenue

**Committees:** House Human Services and Housing

**Background and Current Law:** The Earned Income Tax Credit (EITC) benefits working people with low to moderate incomes, particularly those with children, by reducing the amount of tax owed and potentially providing a refund.

**Bill Summary:** House Bill 2139 would have extended the sunset for the Earned Income Tax Credit from 2020 to 2026.

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### [House Bill 2151](#)

**Not Enacted**

[\(see House Bill 2452\)](#)

#### **Homestead Property Tax Deferral Extension**

**At the request of:** House Interim Committee on Revenue

**Committees:** House Human Services and Housing, House Revenue

**Background and Current Law:** Qualified disabled or senior citizens who own and occupy their principal dwellings (with some exceptions) can borrow money at six percent interest from the State of Oregon to pay their property taxes. The Oregon Department of Revenue administers this program and becomes a security interest holder until the loan is repaid in full, usually from proceeds upon sale of the property.

**Bill Summary:** House Bill 2151 would have extended the sunset on the homestead property tax deferral program for seniors and people with disabilities from 2021 to 2031.

### [House Bill 2245](#)

**Not Enacted**

#### **Temporary Assistance for Needy Families Savings Reinvestments**

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

**Committees:** House Human Services and Housing

**Background and Current Law:** The Temporary Assistance for Needy Families program (TANF) provides cash assistance to low-income families with children while they strive to become self-sufficient. Cash assistance is intended to meet a family's basic needs for items such as food, clothing, shelter and utilities. Most cash benefits in Oregon are issued via an Electronic Benefit Transfer (EBT) card. This is also known as the Oregon Trail Card. There are different programs within the Job Opportunity and Basic Skills program (JOBS). Most people who receive TANF are required to participate in the JOBS program, which provides activities and components tailored to help individuals achieve self-sufficiency.

**Bill Summary:** House Bill 2245 would have required the Department of Human Services (DHS) to use any savings in TANF resulting from policy changes, improvement of the economy, or other factors, to increase the amount of cash grants paid to participating families or increase investments in the Job Opportunity and Basic Skills program.

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### [House Bill 2310-A](#)

**Not Enacted**

#### **Prosperity 1,000 Pilot Program**

**Chief Sponsors:** Reps. Reardon, G Smith

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

**Background and Current Law:** Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) is a federal program administered by the US Department of Agriculture that supports employment and training activities for individuals and families who are receiving SNAP food benefits. SNAP E&T provides the flexibility to combine education, training, and support services for low-income and low-skilled people. In addition to receiving formula-based SNAP E&T program grants, states may request additional reimbursement grants such as SNAP 50/50 for innovative direct program expenses and wrap-around support services. State, local, or philanthropic sources must fund 50 percent of the total cost in order to be eligible for the 50 percent federal reimbursement.

**Bill Summary:** House Bill 2310-A would have established the Prosperity 1,000 Pilot Program to provide career coaching, occupational training, and job placement services for at least 1,000 low-income job seekers who reside in areas of concentrated poverty across the state. Local workforce development boards would have administered the program in partnership with the Department of Human Services and State Workforce and Talent Development Board.

### [House Bill 2332-A](#)

**Not Enacted**

#### **Oregon Child Foster Care Advisory Commission**

**Chief Sponsors:** Rep. Stark; Sen. Gelser

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

**Background and Current Law:** In 2016, House Bill 4080 established the Oregon Child Foster Care Advisory Commission to study issues within the Oregon foster care system and advise the Governor and the Department of Human Services (DHS) on those issues and create accountability.

**Bill Summary:** House Bill 2332-A would have appropriated General Funds to the Governor's Child Foster Care Advisory Commission for compensation and reimbursement for travel and other expenses, modified membership, and required DHS to provide staff support.

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### [House Bill 2337](#)

**Not Enacted**

#### **Foster Parent Ombudsman**

**Chief Sponsors:** Rep. Stark; Sen. Gelser

**Committees:** House Human Services and Housing

**Background and Current Law:** An ombudsman is an official appointed to answer customer questions and investigate complaints regarding state program administration and practices. There are various state Ombudsmen positions, located in different agencies, designed to serve different populations. Those positions include ombudsmen for: long term care, self-sufficiency programs, aging and disability programs, child welfare, and children in foster care.

**Bill Summary:** House Bill 2337 would have established the Foster Parent Ombudsman (Ombudsman) within the Department of Human Services (DHS) and appointed by the Governor. The measure prescribed duties including assisting foster parents and maintaining a foster parent hotline. It would have provided immunity from liability for foster parents acting in good faith and allowed the Ombudsman to appoint local representatives.

### [House Bill 2346](#)

Effective Date: July 23, 2019

#### **Task Force on Access to Quality Affordable Child Care**

**Chief Sponsors:** Rep. Power

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

**Background and Current Law:** A 2018 study by the Oregon Child Care Research Partnership at Oregon State University found that 12 percent of infants and toddlers in Oregon have access to a regulated child care slot.

**Bill Summary:** House Bill 2346 establishes a 17-member Task Force on Access to Quality Affordable Child Care to study why eligible families are not using child care subsidies and to make recommendations on how to encourage eligible families to use the subsidies. The measure appropriates \$235,857 from the General Fund to the Early Learning Division to study and prepare a report on existing child care subsidy programs in Oregon.

**Oregon Laws 2019:** Chapter 586

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### [House Bill 2348-A](#)

**Not Enacted**

#### **Pilot Program to Improve Rural Access to Child Care**

**Chief Sponsors:** Rep. Power

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

**Background and Current Law:** Oregon's Department of Human Services (DHS) operates the Employment-Related Day Care (ERDC) program, helping eligible low-income families pay for child care. ERDC is a subsidy program in which eligible families pay part of the cost for child care services. The subsidy depends on the family's income, size, and amount the child care provider charges. According to DHS, the ERDC seeks to improve the availability of quality child care in Oregon, and to develop resources for parents and child care providers.

**Bill Summary:** House Bill 2348-A would have created a pilot program in rural areas to improve access to and affordability of child care. The bill would have required DHS to meet federal recommendations for income eligibility and market access for employment-related child care and reduce subsidy recipient copayments to no more than seven percent of household income.

### [House Bill 2349](#)

**Not Enacted**

#### **Child Care Provider Training Program**

**Chief Sponsors:** Rep. Power

**Committees:** House Human Services and Housing

**Background and Current Law:** The Early Learning Division (ELD), part of the Oregon Department of Education, administers programs such as Oregon Pre-Kindergarten, Early Head Start, Great Start, Healthy Start, Relief Nurseries, and the new “mixed” delivery preschool program. ELD is also responsible for child care provider licensing, subsidies, monitoring, and training.

**Bill Summary:** House Bill 2349 would have established a statewide child care provider business training program to be implemented by ELD. The measure would have required that the program include training, technical assistance, guidance in providing culturally appropriate care, and outreach support. House Bill 2349 would have appropriated an unspecified amount of General Fund to ELD for small grants to assist child care providers in providing quality services.

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### [House Bill 2464](#)

**Effective Date: September 29, 2019**

#### **Child Abuse Multidisciplinary Intervention Program**

**At the request of:** House Interim Committee on Judiciary

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

**Background and Current Law:** The Child Abuse Multidisciplinary Intervention (CAMI) Program funds regional service providers to support multidisciplinary teams and child abuse intervention centers through: 1) assistance with difficult or complex child abuse medical assessments, 2) education, and 3) training.

**Bill Summary:** House Bill 2464 makes technical corrections regarding Child Abuse Multidisciplinary Intervention Programs, modifies relating terminology, expands eligible grant recipients, and directs the administrator of the program to establish, by rule, minimum facility standards and minimum forensic interview training standards consistent with national standards.

**Oregon Laws 2019:** Chapter 141

### [House Bill 2508-A](#)

**Not Enacted**

#### **Funding for Refugee Resettlement Services**

**Chief Sponsors:** Rep. Piluso

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

**Background and Current Law:** The Refugee Case Services Project (RCSP) is a public/private partnership between the Department of Human Services (DHS) and Refugee Resettlement Agencies (RRAs). For up to eight months after they arrive in the United States, the RCSP assists refugees in the Portland metropolitan area, since most refugees in Oregon initially resettle in that area. If a refugee resettles outside the Portland metropolitan area, they may seek assistance from programs administered by their local DHS office (including cash assistance and the Supplemental Nutrition Assistance Program (SNAP)), while referrals are made to locally contracted entities for employment services and to the Oregon Health Authority (OHA) for health insurance coverage.

**Bill Summary:** House Bill 2508-A would have appropriated \$2 million General Fund dollars to the Department of Human Services for refugee resettlement agency grants with \$200,000 of these funds distributed to a culturally responsible employment service provider selected by DHS.

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### [House Bill 2524](#)

**Effective Date:** May 14, 2019

#### **Notification of Long Term Care Ombudsman Program**

**Chief Sponsors:** Reps. Doherty, McKeown

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

**Background and Current Law:** The Long Term Care Ombudsman (LTCO) program is an independent state agency that serves long term care facility residents through complaint investigation, resolution, and advocacy for improvement in resident care. Program staff work with a statewide network of over 180 volunteers who work in their own communities. The services of the LTCO are free and available to residents, families, facility staff, and the general public. The Residential Facilities Ombudsman (RFO) program is also part of an independent state agency.

**Bill Summary:** House Bill 2524 requires long term care facilities, residential facilities, and adult foster homes to provide residents with information regarding the availability of the LTCO and its services.

**Oregon Laws 2019:** Chapter 117

### [House Bill 2568](#)

Effective Date: January 1, 2020

#### **Court Appointed Special Advocates Program Review**

**Chief Sponsors:** Reps. Nathanson, Stark

**Committees:** House Human Services and Housing, Senate Judiciary

**Background and Current Law:** Court Appointed Special Advocates (CASA) are volunteers appointed by courts to advocate on behalf of abused and neglected children. They investigate, examine, and recommend the best options to a court for a child to be safe, have a permanent home, and to thrive. CASAs spend most of their time interviewing people involved in the child's life and the case, including teachers, foster parents, attorneys, caseworkers, counselors, parents, medical professionals, and family members to determine the facts and circumstances of the child's situation. CASA supervisors provide guidance and support to volunteers for the duration of each case. In 2017, the legislature passed House Bill 2600, transferring the CASA program from the Oregon Volunteers Commission for Voluntary Action and Service to the Department of Administrative Services (DAS).

**Bill Summary:** House Bill 2568 requires DAS to study CASA Volunteer Programs and make recommendations to the Legislative Assembly to address operational issues.

**Oregon Laws 2019:** Chapter 110

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### [House Bill 2569](#)

**Not Enacted**

#### **Long Term Care Registry, Universal Pin Number**

**Chief Sponsors:** Rep. Nathanson

**Committees:** House Human Services and Housing

**Background and Current Law:** Long term care refers to a wide range of services provided to help people who can no longer meet their own daily needs. Services can be provided in a person's home, helping the person stay independent and safe. People needing long term care can choose from a range of facility-based living options, including adult foster care homes, assisted living and residential care facilities, and nursing facilities. The Oregon Department of Human Services (DHS) regulates long term care facilities and long term care workers. Since 2015 DHS has operated the Long Term Care Registry (LTCR) as a tool for providing a ready-to-work registry of individuals eligible to work in long term care positions throughout the state of Oregon.

**Bill Summary:** House Bill 2569 would have directed DHS to assign exactly one universal pin number to each person listed on the Long Term Care Registry and would have provided direction on the utilization of long term care worker fingerprints. The measure would have prohibited the sharing of fingerprint cards and records of certain long term care and home care workers with the Federal Bureau of Investigation.

### [House Bill 2570](#)

**Not Enacted**

#### **Funding for Court Appointed Special Advocates (CASA)**

**Chief Sponsors:** Reps. Nathanson, G Smith, Noble, Stark; Sens. Hansell, Gelser

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

**Background and Current Law:** Court Appointed Special Advocates (CASA) are designated in every judicial proceeding in juvenile court, and in every case involving an abused or neglected child. They may be represented by an attorney, file pleadings, and request hearings, examine and cross-examine witnesses. They advocate for the child and operate at the court's discretion, and may investigate the case, bring matters to the court's attention, ensure that others fulfill their obligations to the child, and monitor court orders for compliance and modification.

**Bill Summary:** House Bill 2570 would have appropriated \$8.3 million from the General Fund to the Oregon Department of Administrative Services to support and expand the CASA Volunteer Program by recruiting and training a larger and more diverse group of advocates.

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### [House Bill 2608](#)

**Not Enacted**

#### **Employment-Related Day Care Program Payment Standards**

**Chief Sponsors:** Rep. Hayden

**Committees:** House Human Services and Housing

**Background and Current Law:** Oregon's Department of Human Services (DHS) operates the Employment-Related Day Care program (ERDC), which helps eligible low-income families pay for child care. The ERDC is a subsidy program in which eligible families still pay part of the cost for child care services, and the subsidy depends on the family's income, size, and amount the child care provider charges.

**Bill Summary:** House Bill 2608 would have created a standard for DHS payments to child care providers in counties where the unemployment rate is higher than the average unemployment rate for Oregon.



### [House Bill 2626-A](#)

**Not Enacted**

#### **Expansion of Special Supplemental Nutrition Program for Women, Infants and Children (WIC)**

**Chief Sponsors:** Rep. Sanchez

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

**Background and Current Law:** The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in Oregon is administered by the Oregon Health Authority (OHA). Federal grants through the United States Department of Agriculture Food and Nutrition Service provide supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk. WIC is not an entitlement program; rather, it is a federal grant program for which Congress authorizes a specific amount of funds each year.

**Bill Summary:** House Bill 2626-A would have expanded eligibility for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) to include mothers of children up to 12 months old.

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### [House Bill 2639-A](#)

**Not Enacted**

#### **Expansion of Special Supplemental Nutrition Program for Women, Infants and Children (WIC) to School Age Children**

**Chief Sponsors:** Rep. Sanchez

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

**Background and Current Law:** The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in Oregon is administered by the Oregon Health Authority (OHA). Federal grants through the United States Department of Agriculture Food and Nutrition Service provide supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk. WIC is not a federal entitlement program as Congress authorizes a specific amount of funds each year.

**Bill Summary:** House Bill 2639-A would have expanded eligibility of WIC to children five years of age or older who have not yet begun attending school per the attendance requirements in Oregon law.

### [House Bill 2771](#)

**Not Enacted**

#### **International Custody Dispute Education Program for Judges**

**Chief Sponsors:** Reps. McLain, Hernandez; Sens. Manning Jr., Gelser

**Committees:** House Human Services and Housing

**Background and Current Law:** To be a judge in Oregon, a person must be a member of the Oregon State Bar (OSB). OSB members must complete a minimum of 45 continuing legal education (MCLE) credit hours in each three-year reporting period. There are requirements for the type of credits that must be earned from subject areas that include: ethics, practical skills, access to justice, child abuse and elder abuse reporting, mental health / substance use, and access to justice. The MCLE rules are administered by the Board of Governors (BOG) of the OSB and may be modified by the BOG subject to approval by the Oregon Supreme Court. The Judicial and Leadership Education Committee and the Juvenile Court Improvement Program (both within the Oregon Judicial Department) plan and vet additional legal education opportunities specifically for judges.

**Bill Summary:** House Bill 2771 would have directed the State Court Administrator to implement an education program for state judges focused on issues that arise in international custody disputes.

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### [House Bill 2802-A](#)

**Not Enacted**

#### **Grant Program to Assist Low-income Families with Unsafe Housing Conditions**

**Chief Sponsors:** Rep. Marsh

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

**Background and Current Law:** Homes, particularly if poorly maintained, raise a number of health concerns ranging from lead-based paint, radon, and carbon monoxide poisoning, to mold from water leaks or excess moisture. Unintentional exposure and household injuries can result. Identifying and eliminating home health hazards can help individuals and families maintain health and wellness. Examples include proper weatherization, removal of lead-based paint, installation of smoke and radon detectors, and decluttering stairways and walkways. The Community Action Partnership of Oregon delivers federal antipoverty programs in Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program, State Department of Energy Weatherization Program, and others.

**Bill Summary:** House Bill 2802-A would have appropriated \$15 million in General Fund dollars and established a grant program to assist low-income households with unsafe housing conditions through repair and rehabilitation, administered by Oregon Housing and Community Services (OHCS). The measure also required 50 percent of grants be distributed by the network of Community Action Agencies, created a program to address home health hazards, and authorized OHCS to make no-interest loans to eligible entities.

### [House Bill 2805](#)

**Not Enacted**

#### **Task Force on Oregon Youth Aging out of Foster Care**

**Chief Sponsors:** Reps. Boles, Helt

**Committees:** House Human Services and Housing

**Background and Current Law:** Youth aging out of foster care experience difficulties in finding stable and affordable housing and vulnerabilities from homelessness. Foster youth experience obstacles, such as family and educational instability, mental health issues, and lack of mentorship at a much higher rate than the general youth population. Foster youth aging out of foster care also have access to a limited amount of state resources.

**Bill Summary:** House Bill 2805 would have established the Oregon Youth Aging Out of Foster Care Task Force to develop recommendations for housing youth ages 16 to 22 as they age out of foster care.

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### [House Bill 2908-A](#)

**Not Enacted**

#### **Oregon Project Independence Statewide Expansion Study**

**Chief Sponsors:** Reps. Evans, Drazan

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

**Background and Current Law:** Oregon Project Independence (OPI) provides preventive, in-home services and supports to a diverse population of eligible individuals to reduce the risk of more costly, out-of-home placement and to promote self-determination and aging-in-place. This program benefits consumers who need long-term services and supports and who are not Medicaid recipients. OPI serves individuals who are 60 years of age or older, and individuals of any age with Alzheimer's disease or a related disorder. A 2014 pilot program added eligibility for individuals with disabilities ages 19 through 59 who live in specific counties (Benton, Clatsop, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Tillamook, Umatilla, Washington, and Yamhill).

**Bill Summary:** House Bill 2908-A would have required the Department of Human Services (DHS), which administers Oregon Project Independence (OPI), to collaborate with area agencies to study the feasibility of expanding OPI statewide. The bill would have required a study and report including projected case numbers, a projected timeline for expansion, and DHS resource needs.

### [House Bill 2947](#)

Not Enacted

[\(see Senate Bill 20\)](#)

### Independent Living Options for Persons with Developmental Disabilities

**Chief Sponsors:** Reps. Keny-Guyer, Sanchez

**Committees:** House Human Services and Housing

**Background and Current Law:** The Department of Human Services (DHS) provides services to adults and children with intellectual and/or developmental disabilities. Those services range from providing supports to assist an individual to live in his or her own home or with family or friends, to 24-hour comprehensive services. Currently the law requires DHS to present to a qualifying adult at least three appropriate placement setting options, including at least two different types of residential settings.

**Bill Summary:** House Bill 2947 would have required DHS to include options for independent living when presenting other placement options to persons with developmental disabilities eligible for such services and provide initial and ongoing training to case managers to ensure managers are aware of all available placement options.

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### [House Bill 2963](#)

Not Enacted

### Safety for At-risk Older Adults and People with Disabilities

**Chief Sponsors:** Reps. DB Smith, G Smith, Keny-Guyer

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

**Background and Current Law:** Gatekeeper programs train employees to recognize and refer at-risk older adults and people with disabilities to the Aging and Disability Resource Connection (ADRC) of Oregon. These programs provide basic training to postal workers, meter readers, financial institutions, emergency responders, social service agencies, and others on how to recognize warning signs and make a referral to the ADRC. Staff with ADRC arrange for a follow-up call, visit, or appropriate referral to check on the referred individual and provide necessary support.

**Bill Summary:** House Bill 2963 would have appropriated \$2 million to the Department of Human Services for the development of gatekeeper programs statewide to involve local communities in the safety and support of seniors and people with disabilities.

### [House Bill 2969-A](#)

**Not Enacted**

#### **Evaluation of Trauma-informed Practices and Policies in Oregon**

**Chief Sponsors:** Rep. Marsh; Sen. Taylor

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

**Background and Current Law:** Recent research has improved the understanding of how emotional neglect and exposure to trauma and toxic stress can affect the way children perceive and interact with their world during childhood. Trauma experienced by children, in particular, can impact brain development, and unhealthy patterns of perception and interaction can persist into adulthood and be passed on to subsequent generations. Treatment in early childhood may combat the impacts of adverse childhood experiences. In addition, addressing a child's brain development is more effective and less costly than addressing issues later in life.

**Bill Summary:** House Bill 2969-A would have appropriated \$325,000 in General Funds to the Oregon Department of Administrative Services to contract with an academic research-based nonprofit organization with expertise in trauma-informed practices and outreach capabilities to recommend changes to existing trauma-informed practices and policies in Oregon.

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### [House Bill 2994](#)

**Not Enacted**

#### **Mandatory Reporting of Child Abuse in Schools**

**Chief Sponsors:** Reps. Noble, Doherty

**Committees:** House Human Services and Housing

**Background and Current Law:** Mandatory reports of child abuse can be made by contacting law enforcement or the Department of Human Services (DHS). The two agencies then cross-report.

**Bill Summary:** House Bill 2994 would have created a third option for mandatory reporters by allowing school boards to designate a school district employee to receive reports of abuse.

### [House Bill 3000](#)

**Not Enacted**

#### **Oregon Supplemental Income Program Eligibility**

**Chief Sponsors:** Rep. Noble

**At the request of:** Jacki Harris

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

**Background and Current Law:** The Oregon Supplemental Income Program (OSIP), administered by the Department of Human Services (DHS), provides low-income aged and disabled Oregonians with cash and medical benefits through a state and federally funded program that offers financial, acute, and long term care. Eligibility for OSIP is determined using various income-means tests and resource requirements.

**Bill Summary:** House Bill 3000 would have directed DHS to deduct medically necessary guardianship service expenses from a protected person's income when calculating OSIP eligibility.

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### [House Bill 3028-A](#)

**Not Enacted**

#### **Earned Income Tax Credit Allowances**

**Chief Sponsors:** Reps. Reardon, Keny-Guyer

**Committees:** House Human Services and Housing, House Revenue

**Background and Current Law:** The Earned Income Tax Credit (EITC) is a benefit for working people who meet certain qualifications and who have low to moderate income. Like other tax credits, the EITC reduces the amount of tax owed and may give the recipient a refund. The federal Internal Revenue Service sets qualifying criteria for the EITC, including filing status, qualifying children, and income limits.

**Bill Summary:** House Bill 3028-A would have increased the percentage of federal EITC allowable as credit against Oregon personal income tax from eight to 12 percent, or up to 18 percent for taxpayers with qualifying children. House Bill 3028-A would have additionally extended the sunset for the EITC and applied the increased and additional percentages to tax years before January 1, 2026.

### [House Bill 3041](#)

**Not Enacted**

#### **Child Care for Foster Children**

**Chief Sponsors:** Rep. Helt

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

**Background and Current Law:** Foster parents and relative caregivers provide love and support to children in foster care. Children in foster care often have special challenges and needs. Training, certification, and continuing education requirements must be met before an individual can become a foster parent or relative caregiver, and funds are available to help offset financial burdens. The base payment varies depending on the age of the child, ranging from \$693 to \$795 per month. There is an additional stipend to help working foster parents with the cost of child care, of up to \$375 a month for each child under the age of six. Currently, a foster parent claiming the child care stipend must pay for the care out-of-pocket and submit an invoice for reimbursement on a monthly basis.

**Bill Summary:** House Bill 3041 would have directed the Department of Human Services to develop a program that provides direct payments to third-party child care providers for children in foster care.

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### [House Bill 3122](#)

**Not Enacted**

#### **Centers for Independent Living Funding**

**Chief Sponsors:** Rep. Nosse

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

**Background and Current Law:** Centers for Independent Living (CILs) are private, nonprofit organizations run by people with disabilities that provide independent living services through a peer-mentoring model. CILs serve individuals with a disability that substantially limits their ability to function independently, and offer five core services: information and referral, independent living skills training, peer counseling, individual and systems advocacy, and life transition assistance. Thirteen of Oregon's 36 counties are currently without CIL services.

**Bill Summary:** House Bill 3122 would have required the Department of Human Services to include incremental increases of General Fund dollars in its biennial agency budget request so that by June 30, 2029, no less than \$40 million would be available to support CILs.

### [House Bill 3170](#)

Not Enacted

[\(see House Bill 5050\)](#)

#### Farm Direct Nutrition Programs

**Chief Sponsors:** Rep. Meek; Sen. Thomsen

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

**Background and Current Law:** The Oregon Farm Direct Nutrition Program provides eligible low-income seniors and Women, Infants, and Children (WIC) Program families with a check to purchase fresh, locally grown fruits, vegetables, and cut herbs from authorized farmers selling directly to consumers.

**Bill Summary:** House Bill 3170 would have made a General Fund appropriation to the Oregon Health Authority for the Senior Farm Direct Nutrition Program and the WIC Farm Direct Nutrition Program.

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### [House Bill 3178](#)

Not Enacted

[\(see House Bill 3180-A\)](#)

#### Child Abuse Assessment and Intervention

**Chief Sponsors:** Reps. Keny-Guyer, Noble, Williams, Helt

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

**Background and Current Law:** In 2005, the Legislative Assembly passed House Bill 2221, which created the Child Abuse Multidisciplinary Intervention (CAMI) Program within the Department of Justice. The CAMI Program funds Regional Service Providers to support multidisciplinary teams (MDTs) in each county under the leadership of the local district attorney. The CAMI Program also distributes funds directly to five nonprofit child abuse intervention centers to provide specialized regional assistance to the MDTs.

**Bill Summary:** House Bill 3178 would have established the Child Abuse Assessment Account and appropriated \$6 million from the General Fund to provide grants to regional and community assessment centers. The bill would have also modified the authority of the Advisory Council on Child Abuse Assessment to deposit contributions into the CAMI Account and the Child Abuse Assessment Account.



### [House Bill 3179](#)

**Not Enacted**

[\(see House Bill 3180-A\)](#)

### **Oregon Child Abuse Prevalence Study**

**Chief Sponsors:** Reps. Keny-Guyer, Noble, Helt, Wilde

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

**Background and Current Law:** The Center for the Prevention of Abuse and Neglect (Center) was established in 2012 within the University of Oregon College of Education to address child abuse and neglect prevention in Lane County. In 2018, the Center performed the pilot Oregon Child Abuse Prevalence Study (OCAPS) on high school students in Lane County. The pilot study made findings of reported incidences of sexual assault (29%), physical abuse (52%), intimate partner violence (77%), and other adverse childhood experiences (83%).

**Bill Summary:** House Bill 3179 would have appropriated \$1 million from the General Fund to the Department of Human Services for distribution to the Center for OCAPS.

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### [House Bill 3180-A](#)

**Not Enacted**

[\(see House Bill 3178](#) and [House Bill 3179\)](#)

### **Child Abuse Assessment and Education Funding**

**Chief Sponsors:** Reps. Keny-Guyer, Williams, Helt, Noble; Sen. Knopp

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

**Background and Current Law:** In 2005, the Legislative Assembly passed House Bill 2221, which created the Child Abuse Multidisciplinary Intervention (CAMI) Program within the Department of Justice. The CAMI Program funds Regional Service Providers to support multidisciplinary teams (MDTs) in each county under the leadership of the local district attorney and five nonprofit child abuse intervention centers to provide specialized regional assistance to the MDTs. The Center for the Prevention of Abuse and Neglect (Center) was established in 2012 within the University of Oregon College of Education to address child abuse and neglect prevention in Lane County. In 2018, the Center performed the pilot Oregon Child Abuse Prevalence Study (OCAPS) on high school students in Lane County. In 2015, the Legislative Assembly passed Senate Bill 856, which required school district boards to adopt educational programs to teach children how to recognize, escape, and report sexual abuse.

**Bill Summary:** House Bill 3180-A would have established the Child Abuse Assessment Account and appropriated \$6 million from the General Fund to provide grants to regional and community assessment centers. The bill would have modified the authority of the Advisory Council on Child Abuse Assessment to deposit contributions into the CAMI Account and the Child Abuse Assessment Account. House Bill 3180-A would have also appropriated \$1 million from the General Fund to the Department of Human Services for distribution to the Center for OCAPS. The bill would have also appropriated General Fund moneys to the Department of Education to develop curricula related to child safety.

### [House Bill 3183](#)

Effective Date: July 23, 2019

#### Temporary Assistance for Needy Families Program

**Chief Sponsors:** Rep. Keny-Guyer

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

**Background and Current Law:** The Temporary Assistance for Needy Families (TANF) program provides cash assistance to low-income families with children while they strive to become self-sufficient. Cash assistance is intended to meet a family's basic needs such as food, clothing, shelter, and utilities. In 2007, the Legislative Assembly passed House Bill 2469, which redesigned the TANF statutes. Due to funding, caseloads, and other changing program dynamics, that redesign work has been suspended in each biennium.

**Bill Summary:** House Bill 3183 removes the requirements made by House Bill 2469 (2007) and requires the Department of Human Services (DHS) to administer the TANF program consistent with federal regulation and provide specified types of assistance. The bill establishes the State Family Pre-Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI) program within DHS to assist TANF-eligible families that qualify for federal SSI and SSDI benefits. House Bill 3183 authorizes DHS to assist with educational tuition and fees for TANF parents who enroll in an educational institution as an allowable work activity. The bill also allows DHS to provide up to 12 months of post-TANF aid to a family that becomes ineligible due to employment or increased hours of work.

**Oregon Laws 2019:** Chapter 602

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### [House Bill 3191-A](#)

Not Enacted

#### Child Welfare Service Employees

**Chief Sponsors:** Rep. Mitchell

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

**Background and Current Law:** The Department of Human Services (DHS) Office of Child Welfare is responsible for fielding and responding to reports of potential child abuse or neglect, securing appropriate alternative placements when children must be removed from the home, and assisting local courts with custody decisions. An audit by the Secretary of State in January 2018 found that management failures and high caseloads within the Office of Child Welfare jeopardized the safety of some of the state's most vulnerable children and made 24 recommendations to DHS to address the challenges.

**Bill Summary:** House Bill 3191-A would have required DHS to improve job training of new and current child welfare services employees and develop a plan to incentivize employees to continue their education and obtain advanced degrees by providing tuition and cost reimbursement. The bill would have also required DHS to provide any child welfare caseworker the opportunity to meet regularly with an immediate supervisor to establish or adjust priorities when the worker's caseload exceeded the reported model.

### [House Bill 3205](#)

Effective Date: January 1, 2020

#### Telecommunication Devices Access Program

**Chief Sponsors:** Rep. Williamson; Sen. Thomsen

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** In recognition of the large number of people in the state who are not able to utilize telecommunication equipment due to the inability to hear or speak well enough, or due to other disabilities, the Legislative Assembly established the Telecommunication Devices Access Program (TDAP) in 1987. The program, administered by the Public Utility Commission (PUC) with consultation of an advisory committee, purchases and distributes assistive communication equipment to persons who are deaf, deaf-blind, hard of hearing, or speech impaired, to be used in conjunction with the program's telecommunications relay service.

**Bill Summary:** House Bill 3205 requires the PUC to expand the TDAP to include providing communication facilitator services to persons who are deaf-blind.

**Oregon Laws 2019:** Chapter 113

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### [House Bill 3206](#)

Not Enacted

#### Deaf-Blind Support Service Providers

**Chief Sponsors:** Rep. Williamson; Sen. Thomsen

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

**Background and Current Law:** Support service providers (SSPs) are specially trained individuals who act as a link between individuals who are deaf-blind and their environment by providing visual information and communication facilitation. Individuals are considered deaf-blind when a combination of hearing and vision impairment causes severe communication, developmental, and other needs that require significant adaptation.

**Bill Summary:** House Bill 3206 would have required the Department of Human Services (DHS) to administer a statewide program to make SSPs available to individuals who are deaf-blind. The bill would have required DHS to provide funding and technical assistance for training SSPs and to convene a stakeholder advisory committee to advise DHS in the development of program policies.

### [House Bill 3208-A](#)

**Not Enacted**

#### **Child Welfare Service Reports**

**Chief Sponsors:** Reps. Nathanson, Stark; Sen. Prozanski

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

**Background and Current Law:** The Department of Human Services (DHS) Office of Child Welfare is responsible for fielding and responding to reports of potential child abuse or neglect, securing appropriate alternative placements when children must be removed from homes, and assisting local courts with custody decisions.

**Bill Summary:** House Bill 3208-A would have directed DHS, in consultation with the Oregon Health Authority and the Oregon Youth Authority, to study and develop two- and five-year plans for comprehensive funding for child welfare services, ensure adequate in-state services for children's therapeutic care, and request sufficient funding for high-level staff. The bill would have also directed DHS to study state laws relating to child abuse investigations and make recommendations for legislation to allow DHS to adopt, by rule, a child in care abuse investigation framework consistent with national models. House Bill 3208-A would have additionally required DHS to provide investigation assistance to child abuse investigators beginning January 1, 2020.

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### [House Bill 3270-A](#)

**Not Enacted**

#### **Adult Foster Home Resident Limits**

**Chief Sponsors:** Rep. Meek

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

**Background and Current Law:** Adult foster homes (AFHs) are single-family residences that offer 24-hour care in a home-like setting. A wide variety of residents are served in AFHs, from those needing only room, board, and minimal personal assistance to those residents needing full personal care, or skilled nursing care with the help of community-based registered nurses. Currently, AFHs can only serve five or fewer residents.

**Bill Summary:** House Bill 3270-A would have required the Department of Human Services (DHS) to administer a pilot program of adult foster homes licensed to care for older adults and people with disabilities to provide care to up to seven adults. The measure would have also required DHS to provide the Long Term Care Ombudsman with a list of participating AFHs, with the Ombudsman in turn ensuring that residents were informed about assistance from the Ombudsman. The measure would have mandated DHS to report to interim committees of the Legislative Assembly on the pilot program no later than September 15, 2022. The pilot program would have sunset on January 2, 2024.

### [House Bill 3342-A](#)

**Not Enacted**

#### **Plant-Based Diets in Hospitals and Long Term Care Facilities**

**Chief Sponsors:** Rep. Wilde; Sen. Wagner

**Committees:** House Human Services and Housing, Senate Health Care

**Background and Current Law:** There are many different types of plant-based diets. One of the most common is vegan, which typically excludes all animal products and by-products, such as meat, eggs, milk, and honey. Other plant-based diets are less strict about the consumption of animal products and more focused on eating whole foods while minimizing the consumption of highly processed foods and drinks, added sugars, and animal-derived products.

**Bill Summary:** House Bill 3342-A would have required hospitals and long term care facilities to make available to patients and residents plant-based meals because of allergies, intolerances, preferences, religious needs, or by request. The measure would have mandated the Department of Corrections (DOC) make available to all inmates a plant-based meal option any time a meal is served. The measure clarified that a plant-based meal is also known as a vegan meal, for the purposes of the bill.

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### [House Bill 3383](#)

**Not Enacted**

#### **Community-Based Child Welfare Services Pilot Project**

**Chief Sponsors:** Reps. Noble, Piluso, Stark; Sen. Steiner Hayward

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

**Background and Current Law:** The Children's Bureau of Administration for Children and Families within the US Department of Health and Human Services conducts Child and Family Services Reviews (CFSRs), which are periodic reviews of state child welfare systems. They aim to achieve three goals: ensuring conformity with federal child welfare requirements; determining what is actually happening to children and families when they are engaged in child welfare services; and assisting states in helping children and families achieve positive outcomes. Recently, the CFSRs have called for child welfare systems to engage the community based on demonstrations that community-based approaches improve both child and system outcomes.

**Bill Summary:** House Bill 3383 would have directed the Department of Human Services (DHS) to develop and implement a pilot program for the delivery of community-based child welfare services by Yamhill County.

## HUMAN SERVICES

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### [House Bill 3394](#)

**Effective Date:** September 29, 2019

#### **Office of Child Care Resource and Referral System**

**Chief Sponsors:** Rep. Lively

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

**Background and Current Law:** Child care facilities include day nurseries, nursery schools, child care centers, certified or registered family child care homes, or similar entities operating under any name. Child care providers must be licensed, registered, or certified with the Office of Child Care (OCC) within the Early Learning Division (ELD) of the Department of Education. The Early Learning Council (ELC) is the governing body overseeing the ELD. The OCC is required to implement a resource and referral system to provide training and technical assistance for child care providers; referrals for parents or guardians seeking child care; and recruitment of qualified individuals to meet the child care needs of a community.

**Bill Summary:** House Bill 3394 clarifies the requirements of the OCC resource and referral system. The measure also requires resource and referral entities to match funds as required by the ELC by rule.

**Oregon Laws 2019:** Chapter 148

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### [House Bill 3413](#)

**Effective Date:** June 25, 2019

#### **Long Term Care Ombudsman**

**Chief Sponsors:** Reps. Williams, G Smith, Keny-Guyer

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

**Background and Current Law:** The Office of the Long Term Care Ombudsman is an independent state agency that serves long term care facility residents through complaint investigation, resolution, and advocacy for improvement in resident care. Ombudsman services are free and available to residents, families, facility staff, and the general public. Trained and certified staff and volunteer ombudsmen respond to a wide variety of resident concerns, including problems with resident care, medications, billing, lost property, meal quality, evictions, guardianships, dignity and respect, and care plans. The program serves residents in nursing facilities, residential care facilities, assisted living facilities, continuing care facilities, and adult foster care homes.

**Bill Summary:** House Bill 3413 authorizes the Long Term Care Ombudsman to hire up to 10 deputy ombudsmen as necessary to perform the duties of the ombudsman.

**Oregon Laws 2019:** Chapter 504

## 2019 SUMMARY OF LEGISLATION

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# JUDICIARY

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## JUDICIARY MEASURES

<b>Animals</b>	Enacted	SB 638, HB 2500
	Not Enacted	SB 723
<b>Business Entities</b>	Enacted	SB 359, SB 360, HB 2598
	Not Enacted	-none-
<b>Civil Actions</b>	Enacted	SB 113, SB 290, SB 369, SB 421, SB 474, HB 2096, HB 2596, HB 3216, HB 3293
	Not Enacted	SB 728, SB 843, SB 1040, HB 2014, HB 2882, HB 3164
<b>Courts</b>	Enacted	SB 596, SB 597, SB 708, SB 729, SB 783, SB 873, SB 977, HB 2013, HB 2240, HB 2400, HB 2480, HB 3008
	Not Enacted	SB 473, SB 757, SB 858, HB 2238, HB 2239, HB 2241, HB 2244, HB 2258, HB 2771, HB 3360, HB 3388
<b>Crimes</b>	Enacted	SB 509, SB 577, SB 581, SB 596, SB 962, SB 1013, HB 2328, HB 2393, HB 2428
	Not Enacted	HB 2299, HB 2338, HB 2797, HB 2959
<b>Criminal Procedures</b>	Enacted	SB 321, SB 362, SB 375, SB 596, SB 59, SB 962, SB 1002, HB 2399, HB 2462, HB 2480, HB 2932, HB 3201, HB 3224
	Not Enacted	HB 2615, HB 3145, HJR 10
<b>Data Information and Privacy</b>	Enacted	SB 577, SB 684, HB 2395, HB 2401, HB 2514
	Not Enacted	SB 703, SCR 4, HB 2842, HB 2866



<b>Domestic Relations</b>	Enacted Not Enacted	SB 318, SB 363, SB 385, SB 1011 SB 371, SB 736, HB 2771
<b>Education</b>	Enacted Not Enacted	HB 3077, HB 3415 SB 912-A, SB 971-A
<b>Elections</b>	Enacted Not Enacted	-none- SB 952
<b>Employment and Labor Regulation</b>	Enacted Not Enacted	SB 358, SB 423, SB 424, SB 576, SB 725, SB 775, HB 2472, HB 2589 SB 279, SB 357, SB 379, SB 383, SB 773, HB 2046, HB 2230, HB 3338
<b>Fiduciary and Protective Proceedings</b>	Enacted Not Enacted	SB 31, SB 361, SB 376, HB 2601 SB 681, SB 682, SB 891
<b>Firearms</b>	Enacted Not Enacted	HB 2013 SB 1040, HB 3388
<b>Incarceration</b>	Enacted Not Enacted	SB 269, SB 488, SB 495, SB 498, SB 924, HB 2515, HB 2631, HB 3146, HB 3249, HB 3289 HB 2230, HB 3300
<b>Juveniles</b>	Enacted Not Enacted	SB 924, SB 1008, HB 2227, HB 2489, HB 3077, HB 3261 SB 299, SB 912, HB 3047
<b>Mental and Behavioral Health</b>	Enacted Not Enacted	SB 24, SB 25, SB 184, SB 297, SB 373, SB 375, SB 973, HB 2400 SB 378, SB 762, SB 763
<b>Post Prison and Reentry</b>	Enacted Not Enacted	SB 388, SB 420, SB 775, SB 975, HB 2045, HB 2631, HB 3064 SB 773, SB 992, HB 3164

<b>Probate</b>	Enacted Not Enacted	HB 3006, HB 3007, HB 3008 SB 843
<b>Public Records</b>	Enacted Not Enacted	HB 2051, HB 2353, HB 2430 HB 2431
<b>Real Property and Housing</b>	Enacted Not Enacted	SB 11, SB 873, HB 2285, HB 2459, HB 2466, HB 2485 SB 380
<b>Regulated Substances</b>	Enacted Not Enacted	SB 185, SB 420, SB 582 SB 111, SB 379, SB 591, SB 965
<b>Sexual Assault and Domestic Violence</b>	Enacted Not Enacted	SB 269, HB 2625, HB 3117, HB 3293, HB 3415 SB 606, SB 912, HB 2657, HB 2750
<b>Vehicles and Transportation</b>	Enacted Not Enacted	SB 396, SB 421, SB 509, SB 548, SB 759, SB 797, SB 810, SB 998, SB 999, HB 2471, HB 3005 SB 7, SB 965, HB 2614, HB 3335, HB 3336, HB 3337

Picture: Supreme Court Building, Marion County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 269	Directs the Oregon Department of Corrections to forward a final Prison Rape Elimination Act (PREA) audit report for each correctional facility for women to the interim committees related to judiciary.	No later than the February 1 following federally required final audit.
SB 577	Directs the Oregon Criminal Justice Commission to analyze bias crime data received from law enforcement agencies and report its findings to the Legislative Assembly	July 1, 2021
SB 962	Directs certifying agencies to report annually to Criminal Justice Commission beginning June 1, 2021. Directs the Criminal Justice Commission to submit report to interim committees of Legislative Assembly related to judiciary.	January 2, 2023
SB 973	Directs the Improving People's Community-based Treatment, Supports, and Services Grant Review Committee to submit a report by January 1 of each odd-numbered year to the Legislative Assembly on costs to state government avoided as a result of the program and any increased costs to local government. Directs the committee to submit an annual report on the outcome measures or results of evaluations of the program to the interim committees on health and judiciary and to the Governor.	No later than January 1 of each off-numbered year.
HB 2625	Directs Oregon State Police to study how Department resources addressing the investigation of missing and murdered Native American women can be increased and to report back to the Legislative Assembly.	September 15, 2020
HB 2631	Directs Department of Corrections and Criminal Justice Commission to evaluate the pilot program established by HB 2631 and report the results to an interim committee of the legislature related to corrections.	September 15, 2021

HB 3289	Directs Criminal Justice Commission to study the manner, means, costs, and barriers to providing health care at local and regional correctional facilities in counties across Oregon and to report the findings of the study to the Legislative Assembly.	September 15, 2020
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### [Senate Bill 7](#)

**Not Enacted**

#### **Blood Alcohol Limit for Driving and Boating**

**Chief Sponsors:** Sens. Courtney, Steiner Hayward

**Committees:** Senate Judiciary

**Background and Current Law:** Under current Oregon law, a person can be found guilty of driving under the influence of intoxicants (DUI) if the person drives a vehicle while that person: 1) has a .08 percent or more of alcohol in their blood by weight; 2) is under the influence of alcohol, cannabis, other controlled substances, or inhalants; or 3) is under the influence of any combination of alcohol, cannabis, other controlled substances, or inhalants. The alcohol level in the person's blood is determined by testing the individual's breath, blood, or urine. Similarly, a person may not operate, propel, or be in physical control of a boat while under the influence of alcohol, cannabis, or other controlled substances, which can be shown by evidence of a .08 percent blood alcohol level or higher.

**Bill Summary:** Senate Bill 7 would have lowered the percent blood alcohol level that could be used to show the intoxication of a vehicle driver or boat operator from .08 percent to .05 percent.

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### [Senate Bill 11](#)

**Effective Date: January 1, 2020**

#### **Redemption Right Notices**

**Chief Sponsors:** Sens. Monnes Anderson, Gelser

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** When real property enters a judicial foreclosure, a homeowner has 180 days after the sale of the property in which to pay the outstanding amount owed and regain the property. Owners beginning the foreclosure process may sell the redemption right to a third party. When the property is sold, it may be for a price that is higher than the amount owed. The redemption rights do not transfer to the buyer, resulting in a situation in which a third party may both retain the excess funds from the sale and hold the property for 180 days post-sale.

**Bill Summary:** Senate Bill 11 requires notice be given to a potential seller noting that the person may be giving up the redemption rights and the right to surplus funds. Similar warnings must be posted on the sheriff's website prior to sale of the property and be included in the complaint to foreclose a residential trust deed.

**Oregon Laws 2019:** Chapter 309

### [Senate Bill 24](#)

**Effective Date:** July 15, 2019

#### **Aid and Assist Reform**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Judiciary, House Judiciary, Conference Committee

**Background and Current Law:** The average daily population of defendants committed to the Oregon State Hospital (OSH) for the purpose of restoring their fitness to proceed and for a fitness to proceed evaluation has increased steadily from 109 in January 2012, to 259 in January 2019.

**Bill Summary:** Senate Bill 24 makes changes to the fitness to proceed process by requiring courts to consider alternatives for a defendant who does not require a hospital level of care and only allowing for the commitment to OSH of persons who have committed misdemeanors when a hospital level of care is necessary. The measure requires review hearings where the court must consider alternative placements and dispositions at seven-day intervals for any individual found to be unfit and placed in custody while awaiting services.

**Oregon Laws 2019:** Chapter 538

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### [Senate Bill 25](#)

**Effective Date:** June 11, 2019

#### **Fitness to Proceed Evaluation Process**

**At the request of:** Governor Kate Brown for Oregon Health Authority

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Criminal proceedings against a defendant who is unable to aid in their own defense are suspended until the defendant is fit to proceed. Defendants have a constitutional right to transfer to the Oregon State Hospital (OSH) within seven days for a fitness to proceed evaluation. Reports suggest that defendants with mental health issues currently wait between three to six weeks for evaluations. An interim work group identified the need for efficient record collection and order delivery to facilitate timely evaluations.

**Bill Summary:** Senate Bill 25 requires entities to release a defendant's medical records within five days of the court order, or within 15 days for specified public entities. It allows OSH to file forensic evaluations electronically and requires the court to provide any rehabilitative service order to the appropriate provider by the end of the next business day.

**Oregon Laws 2019:** Chapter 311

### [Senate Bill 31](#)

Effective Date: January 1, 2020

#### High-Risk Teams

**At the request of:** Governor Kate Brown for Long Term Care Ombudsman

**Committees:** Senate Human Services, Senate Judiciary, House Judiciary

**Background and Current Law:** In 2014, the Oregon Public Guardian and Conservator (OPGC) was established within the Office of Long Term Care Ombudsman. The OPGC is tasked with providing guardianship and conservatorship services for persons who do not have relatives or friends willing or able to provide those services and who lack the resources to hire a professional fiduciary.

**Bill Summary:** Senate Bill 31 allows the OPGC to establish both county and statewide high-risk teams. The teams are charged with discussing situations in which highly vulnerable adults are at risk for serious harm, or are currently experiencing harm, and to identify available options for addressing the safety risk. Teams must have a written protocol, including a policy to keep all information and records acquired by the team confidential, except in cases in which it is disclosed to a specific individual who can prevent or lessen a serious threat to the health or safety of the person or public.

**Oregon Laws 2019:** Chapter 96

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### [Senate Bill 111-A](#)

Not Enacted

#### Wine Labels and Taxation

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

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Oregon law requires the label on a bottle of wine to precisely and clearly indicate the contents of the bottle and not mislead on age, composition, quantity, or quality.

**Bill Summary:** Senate Bill 111-A would have required the Oregon Liquor Control Commission (OLCC) to develop standards for wine labeling, including use of appellation of origin. The measure would have allowed OLCC to assess a fine and develop a fine schedule based on the number of prior occurrences and severity of the conduct.

### [Senate Bill 113](#)

Effective Date: January 1, 2020

#### Attorney Fees in Actions Against Vehicle Dealers

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

**Committees:** Senate Judiciary, Senate Rules, House Rules

**Background and Current Law:** Current statute provides a cause of action against a vehicle dealer and the dealer's surety if the dealer engages in fraud, or otherwise violates the vehicle code in relation to vehicle registration, vehicle permits, the transfer or alteration of vehicles, or the regulation of vehicle dealers.

**Bill Summary:** Senate Bill 113 authorizes civil actions against vehicle dealers and awards attorney fees for violations relating to delayed title transfer, delayed notice of transfer, and failure to furnish the certificate of title within 90 days of transfer.

**Oregon Laws 2019:** Chapter 543

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### [Senate Bill 184](#)

Effective Date: January 1, 2020

#### Involuntary Medication to Ensure Fitness to Proceed

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** Senate Judiciary; House Judiciary

**Background and Current Law:** If a defendant is unable to aid in their own defense, the proceeding against the defendant is suspended until the defendant has gained, or regained, their "fitness to proceed." The U.S. Supreme Court has articulated standards by which an individual can be involuntarily medicated to help them gain, or regain, their fitness to proceed. In a 2014 decision, the Oregon Supreme Court rearticulated and applied those requirements in an Oregon case.

**Bill Summary:** Senate Bill 184 codifies the requirements announced by the U.S. and Oregon Supreme Courts. Additionally, it adds commitment of an extremely dangerous person with mental illness to the list of commitment statutes a court may consider if criminal charges are dismissed where fitness to proceed has been raised.

**Oregon Laws 2019:** Chapter 318



### [Senate Bill 185](#)

**Effective Date:** June 4, 2019

#### **Tobacco Master Settlement Agreement**

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In 1998, Oregon and 45 other states settled a long-running claim against the four largest tobacco manufacturers for smoking-related claims. Statutory items related to the settlement are found at ORS 323.800-806 and are referred to as the Master Settlement Agreement (MSA).

**Bill Summary:** Senate Bill 185 addresses the voluntary closing of an account by allowing a manufacturer to assign the interest earned by funds in an escrow account to the state. The measure requires that such assignments, if properly executed, are irrevocable and must be deposited into the Tobacco Settlement Fund Account. Additionally, it requires distributors of tobacco products to certify to the Attorney General that a distributor has purchased cigarettes or roll-your-own tobacco directly from the manufacturer or importer prior to affixing a stamp to packages of cigarettes or roll-your-own tobacco.

**Oregon Laws 2019:** Chapter 240

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### [Senate Bill 269](#)

**Effective Date:** January 1, 2020

#### **Sexual Assault in Correctional Facilities**

**Chief Sponsors:** Sen. Olsen

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The Prison Rape Elimination Act (PREA) allows the U.S. Department of Justice to establish national standards for all prisons, jails, lock-ups, and detention facilities which are designed to eliminate sexual assaults and sexual misconduct involving persons in state custody. Each of the Oregon Department of Corrections (DOC) facilities receives a national audit every three years to verify compliance with PREA standards.

**Bill Summary:** Senate Bill 269 requires DOC to forward a final PREA audit report for each correctional facility for women to the interim committees related to judiciary no later than the February 1 following a final audit report.

**Oregon Laws 2019:** Chapter 323

### [Senate Bill 279-A](#)

**Not Enacted**

#### **Student Loan Servicers**

**Chief Sponsors:** Sens. Taylor, Bentz, Knopp, Roblan; Rep. Power

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** As of 2018, analysts report there are over 44 million Americans with student loan debt, totaling \$1.5 trillion. Billing and processing payments for student loans are handled by a variety of loan servicers and are largely unregulated at the state level.

**Bill Summary:** Senate Bill 279-A would have required student loan servicers to obtain a license from the Department of Consumer and Business Services (DCBS). The measure would have given DCBS authority to regulate student loan servicers and provided a variety of requirements for a servicer before they could do business in Oregon. Additionally, the measure would have required the Higher Education Coordinating Commission to establish and operate a student loan counseling program for students.

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### [Senate Bill 290](#)

**Effective Date: January 1, 2020**

#### **Volunteer Firefighters**

**Chief Sponsors:** Sens. Hansell, Johnson

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In the 2018 fire season, the Oregon Department of Forestry reports that 1,055 wildfires in the state burned over 75,000 acres, with 219 fires caused by lightning and 836 caused by human activity. Responders to wildfires may include state employees, local firefighters, contracted wildfire crews, and local agencies.

**Bill Summary:** Senate Bill 290 extends civil liability protection for injuries to person or property that arise from an individual's voluntary efforts to fight wildfire on private cropland, pasture, or rangeland.

**Oregon Laws 2019:** Chapter 245

### [Senate Bill 297](#)

Effective Date: January 1, 2020

#### Civil Commitment from Indian Country

**Chief Sponsors:** Sen. Hansell

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Under current Oregon law, tribes cannot directly commit individuals in Indian country to the Oregon Health Authority. The statute that provides a process for tribal judges to make emergency civil commitments for individuals in Indian country, triggering the commitment process in circuit court, is limited in scope to those tribes where the state does not have civil jurisdiction. In Oregon, those are the Confederated Tribes of Warm Springs and the Burns Paiute Tribe.

**Bill Summary:** Senate Bill 297 allows judges of federally recognized tribes to initiate civil commitment proceedings and to utilize the procedures for emergency civil commitment in Indian country.

**Oregon Laws 2019:** Chapter 247

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### [Senate Bill 299-A](#)

Not Enacted

#### Health Care for Juveniles Awaiting Adjudication in Detention

**Chief Sponsors:** Sens. Hansell, Fagan

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Federal law prohibits the use of federal Medicaid moneys to fund health or mental health services for detained youth awaiting adjudication. In Oregon, when a youth is placed in detention, their Medicaid benefits must be suspended.

**Bill Summary:** Senate Bill 299-A would have prohibited denial of medical assistance for youth held in detention pending adjudication. The measure also required the Oregon Health Authority (OHA) to seek Medicaid to support the coverage of those children by July 1, 2022, and required OHA, juvenile department directors, and the Oregon Youth Authority to study barriers to the provision of health care to those children.

## [Senate Bill 318](#)

Effective Date: January 1, 2020

### Order of Equal Parenting Time

**Chief Sponsors:** Sen. Thatcher

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** After parents have separated or dissolved their marriage, they may devise their own parenting plan that defines each parent's parenting time and responsibilities. When parents are unable to devise a parenting plan, or when either parent so requests, the court must develop the parenting plan based on the best interest of the child and the safety of the parties.

**Bill Summary:** Senate Bill 318 allows the court to develop a parenting plan that orders equal parenting time. It also clarifies that when a court denies a request for equal parenting time, it must enter written findings describing why that arrangement is not in the best interest of the child or endangers the safety of the parties.

**Oregon Laws 2019:** Chapter 288

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## [Senate Bill 321](#)

Effective Date: January 1, 2020

### Post-conviction DNA Testing Procedure Modernization

**Chief Sponsors:** Sens. Thatcher, Prozanski; Reps. Piluso, McLane

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Oregon law provides any person convicted of a crime the opportunity to seek post-conviction relief by moving the court for additional or new DNA testing of evidence. No individual in Oregon has been exonerated under this statute.

**Bill Summary:** Senate Bill 321 modifies the process by which a person can initiate post-conviction DNA testing, provides a manner through which petitioner can access records from the initial conviction, provides a process by which the proceeding can be dismissed without prejudice, removes the requirement that a motion for post-conviction relief include a prima facie showing of actual innocence, creates both a mandatory standard and a permissive standard under which the court can order post-conviction DNA testing, and directs the Oregon State Police to compare any unidentified DNA profile discovered by post-conviction testing with the Combined DNA Index System when certain requirements are met and provide those findings to the petitioner.

**Oregon Laws 2019:** Chapter 368

### [Senate Bill 357-A](#)

**Not Enacted**

#### Legal Aid Services

**At the request of:** Senate Interim Committee on Judiciary for Board of Governors of the Oregon State Bar

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** The Oregon State Bar is responsible for establishing the Legal Services Program to provide legal services without charge to low-income individuals. Each biennium, the State Court Administrator distributes a fixed funding amount to the Oregon State Bar in eight quarterly installments of equal amounts. This fixed amount was last adjusted in 2011.

**Bill Summary:** Senate Bill 357-A would have increased the allocation of civil court fees into the Legal Services Program by over \$3 million and provided details on the timing and manner of distributions of funds. Additionally, the measure would have required the Oregon State Bar to provide methods of evaluation of legal services providers and support efforts to improve public access to the court system.

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### [Senate Bill 358](#)

**Effective Date: September 29, 2019**

#### Oregon State Bar

**At the request of:** Senate Interim Committee on Judiciary for Board of Governors of the Oregon State Bar

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The Oregon State Bar (OSB) was established in 1935 to license and discipline lawyers, regulate the practice of law, and provide services to bar members and the public. The organization lists over 14,000 individuals admitted to practice law in Oregon.

**Bill Summary:** Senate Bill 358 removes a prohibition on OSB from charging membership fees to attorneys who have been admitted to practice law in Oregon for more than 50 years. It clarifies provisions relating to data sharing between the Department of Revenue and OSB and redirects the Board of Governors of the OSB to carry out the executive functions of the bar while transferring the authority to adopt, alter, amend, or repeal bylaws from the Board to OSB.

**Oregon Laws 2019:** Chapter 248

### [Senate Bill 359](#)

**Effective Date:** January 1, 2020

#### **Defective Corporate Actions**

**At the request of:** Senate Interim Committee on Judiciary for Oregon State Bar Business Law Section

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Oregon has over 451,000 private corporations registered through the Oregon Secretary of State's office and had 5,000 new business filings in December 2018. In addition, nearly 33,000 active nonprofit corporations operate in Oregon. In some cases, a business may be started without following the careful procedures outlined in the Oregon Revised Statutes, and at a later time, errors may come to light. Some errors may be corrected through action by the board of directors, but the statutes do not provide a clear process for correcting defective corporate actions.

**Bill Summary:** Senate Bill 359 provides an extensive process for later approval or ratification of defective corporate actions.

**Oregon Laws 2019:** Chapter 325

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### [Senate Bill 360](#)

**Effective Date:** May 24, 2019

#### **Nonprofit Corporations Act Update**

**At the request of:** Senate Interim Committee on Judiciary for Oregon State Bar Nonprofit Organizations Law Section

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The Nonprofit Corporations Act, Chapter 65 of the Oregon Revised Statutes, was adopted in 1989 and governs the formation and procedures of nonprofit corporations created and operating in Oregon.

**Bill Summary:** Senate Bill 360 modifies the Nonprofit Corporation Act in a number of ways in order to modernize governance and process for nonprofits. The measure allows meetings to occur and board actions to be taken via e-mail, so long as there is a valid e-mail address for every director on the board and the board follows the procedures outlined in the measure. The measure addresses shell corporations and extends personal liability to officers, directors, employees, or agents of a nonprofit corporation who cause a loss of money or property through a shell corporation. Additional changes include clarifying the hierarchy of authority between Articles, Bylaws, and other documents; adding a new method for converting from a corporation with voting members to a corporation without voting members; and clarifying the voting rights of members.

**Oregon Laws 2019:** Chapter 174

### [Senate Bill 361](#)

**Effective Date:** January 1, 2020

#### **Prudent Investor Rule**

**At the request of:** Senate Interim Committee on Judiciary for Oregon State Bar Sustainable Futures Section

**Committees:** Senate Judiciary, Senate Rules, House Rules

**Background and Current Law:** A trustee who invests and manages money on behalf of beneficiaries must adhere to the prudent investor rules. A prudent investor must exercise reasonable care, skill, and caution in considering investments and financial management. Additionally, trustees must consider all relevant circumstances around the trust.

**Bill Summary:** Senate Bill 361 allows a trustee to consider additional factors within the role of a prudent investor, such as the intent, desire, or personal values of the settlor or the beneficiaries, including the desire to have the investments managed with socially responsible or sustainable investment strategies.

**Oregon Laws 2019:** Chapter 546

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### [Senate Bill 362](#)

**Effective Date:** January 1, 2020

#### **Notice of Mental Defense**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Current statute requires a criminal defendant to provide notice of their intent to use an insanity defense at time the defendant pleads not guilty, or at any time before trial if the defendant can show just cause for the delay. In a 2017 case, the Oregon Court of Appeals held that a defendant merely had to show just cause for not filing the notice at the time of arraignment and could wait up to the day of trial to provide the notice. The court acknowledged that this interpretation would make trial preparation extremely difficult for the state, but the current language of the statute compelled the result.

**Bill Summary:** Senate Bill 362 requires a defendant in a criminal case to file notice of an intent to pursue an insanity defense at least 45 days before trial unless a court finds good cause for failure to do so.

**Oregon Laws 2019:** Chapter 326

### [Senate Bill 363](#)

**Effective Date: September 29, 2019**

## **Modifying Child Support Orders**

**At the request of:** Senate Interim Committee on Judiciary for the Division of Child Support of the Department of Justice

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The Division of Child Support (DCS) may suspend enforcement of an order of child support while an action to modify, terminate, satisfy, vacate, or set aside an order is pending and continued collection would result in overpayment or when collection would impair the ability of an obligor who has physical custody to provide for the child.

**Bill Summary:** Senate Bill 363 allows the child support administrator to suspend enforcement or hold collected money to provide a possible refund, reallocation, or redistribution when there is an action pending to modify, terminate, satisfy, vacate, or set aside a support order. It also allows DCS to collect overpayments sent to a person or entity, allows for the full range of recovery methods for overpayment, and allows for the recoupment of overpayment by retaining future payments either through agreement or by default.

**Oregon Laws 2019:** Chapter 290

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### [Senate Bill 369](#)

**Effective Date: January 1, 2020**

## **Substantial Completion of Construction Projects**

**At the request of:** Senate Interim Committee on Judiciary for American Institute of Architects

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** An action against a person arising from the construction, alteration, or repair of any improvement to real property must be commenced within ten years of substantial completion or abandonment of the project if the project is a small commercial or residential structure. ORS 12.135 defines substantial completion as the date when the contractee accepts, in writing, that the property has reached a state of completion when it may be used or occupied for its intended purpose.

**Bill Summary:** Senate Bill 369 includes two additional occurrences that could be defined as substantial completion of a project. Under the measure, substantial completion can include the date when a public body issues a certificate of occupancy or the date when the owner uses or occupies the improvement for its intended purpose.

**Oregon Laws 2019:** Chapter 327



[Senate Bill 371-A](#)

Not Enacted

**Child's Attorney in Domestic Relation Case**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Under current law, the court may, upon its own or the motion of a party, appoint counsel for a child in a custody dispute. If the request for counsel is made by a child, the court must appoint an attorney. Under this provision, a reasonable fee may be charged against the parties, but public funds cannot be used to compensate the attorney. The law is silent as to how these attorneys are identified, the qualifications they must possess, and the standards under which they practice.

**Bill Summary:** Senate Bill 371-A would have created a pilot program to provide qualified and compensated court-appointed counsel in all disputed domestic relations cases in three counties.

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[Senate Bill 373](#)

**Effective Date: September 29, 2019**

**Oregon Psychiatric Security Review Board Record Protection**

**At the request of:** Senate Interim Committee on Judiciary for Disability Rights Oregon

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** When an adult commits a felony and is found by the courts to be Guilty Except for Insanity, the court is likely to place the individual under the jurisdiction of the Oregon Psychiatric Security Review Board (PSRB). The PSRB monitors the progress of individuals under its jurisdiction and maintains current medical, social, and criminal history of those individuals. PSRB records are public records for the purposes of Oregon's public records laws. Medical and correctional records are typically exempt from disclosure.

**Bill Summary:** Senate Bill 373 incorporates records in the possession of the PSRB into the disclosure exemptions for medical and correctional records.

**Oregon Laws 2019:** Chapter 328

### [Senate Bill 375](#)

**Effective Date:** January 1, 2020

#### **Notice of Guilty Except Insane Consequence**

**At the request of:** Senate Interim Committee on Judiciary for Disability Rights Oregon

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** A person is guilty except for insanity, if, as a result of mental disease or defect at the time of engaging in criminal conduct, the person lacks substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law. A court can place a person determined to be guilty except for insanity under the supervision of the Psychiatric Security Review Board (PSRB), discharge the person, or conditionally release the person after making certain findings. An adult found guilty, but for insanity, is initially sent to the Oregon State Hospital or a secure intensive community inpatient facility but can later be conditionally released or discharged from the jurisdiction of the PSRB.

**Bill Summary:** Senate Bill 375 requires the court to inform a defendant at the time of his or her plea to guilty except for insanity, of consequences of that plea.

**Oregon Laws 2019:** Chapter 329

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### [Senate Bill 376](#)

**Effective Date:** January 1, 2020

#### **Protective Proceeding Notices**

**At the request of:** Senate Interim Committee on Judiciary for Disability Rights Oregon

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. Current law requires notice of the petition for guardianship be sent to specific individuals, including the proposed protected person, but there is no notice required when the guardian is appointed.

**Bill Summary:** Senate Bill 376 requires notice of the appointment of the guardian to be sent by the newly appointed guardian to a list of interested persons, including the protected person themselves. It also requires a guardian to initiate termination of the guardianship or explain to the court when the guardian indicates the guardianship may not need to continue.

**Oregon Laws 2019:** Chapter 77

### Senate Bill 378-A

**Not Enacted**

#### **Study on Timeliness of Fitness to Proceed Evaluations**

**At the request of:** Senate Interim Committee on Judiciary for Disability Rights Oregon

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Criminal proceedings against a defendant who is unable to aid in their own defense are suspended until the defendant is fit to proceed. Defendants have a constitutional right to transfer to the state hospital within seven days for a fitness to proceed evaluation. Reports suggest that defendants with mental health issues currently wait between three to six weeks for evaluations.

**Bill Summary:** Senate Bill 378-A would have required the Criminal Justice Commission, in collaboration with Disability Rights Oregon, the Oregon Health Authority, and the Oregon Justice Department, to conduct a study identifying barriers to the timely completion of fitness to proceed evaluations.

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### Senate Bill 379-A

**Not Enacted**

#### **Employer Drug Testing**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Judiciary

**Background and Current Law:** Under ORS 659A.315, an employer may not prohibit an employee or prospective employee from using tobacco products during nonworking hours. However, an employer can prohibit the off-duty use of other products legal in Oregon, including alcohol and marijuana.

**Bill Summary:** Senate Bill 379-A would have prohibited employers from restricting the use of marijuana, alcohol, and other products legal in Oregon by their employees or prospective employees during nonworking hours. However, the measure would have allowed an employer to prohibit or otherwise restrict use if: 1) the restriction related to a bona fide occupational qualification; 2) the restriction related to health and safety; 3) the business was a federal contractor receiving grants subject to the federal Drug-Free Workplace Act; 4) the employer was required by federal law or regulation to test for use; 5) the employee was subject to a collective bargaining agreement that prohibited use; 6) the employee fit within the statutory definition of public safety personnel, emergency service provider, or licensed health care professional; 7) the employee operates a public transit vehicle or taxi; or 8) the employee performs job functions that involved a risk of injury to others, including the operation of heavy machinery or equipment. Finally, employers would have retained the ability to impose restrictions that related to an employee's performance of work while impaired.

### [Senate Bill 380](#)

**Not Enacted**

#### Trust Deed Filing

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** A trust deed is an instrument that gives an interest in real property to a trustee to secure the performance of an obligation that the grantor of the trust deed owes to a beneficiary. Under Oregon law, if a beneficiary wishes to foreclose on a mortgage through a nonjudicial foreclosure process, the transfer or assignment of the interest to a new beneficiary must be recorded in the county records in the county in which the real property is located prior to beginning the foreclosure process.

**Bill Summary:** Senate Bill 380 would have prohibited counties from filing a lawsuit, if the suit is based upon the designation of the grantee or beneficiary, or upon lack of presenting the trust deed for recording in the county. The measure would have prohibited counties from charging a fee for instruments that transfer an interest in a trust deed but are not presented for recording.

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### [Senate Bill 383-A](#)

**Not Enacted**

#### Arbitration Awards

**At the request of:** Senate Interim Committee on Judiciary

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

**Background and Current Law:** Many state and local government employees, including law enforcement officers, are subject to the Public Employee Collective Bargaining Act (PECBA). Resolution of disputes over conditions and terms of a contract under PECBA may be resolved through binding arbitration.

**Bill Summary:** Senate Bill 383-A would have required an arbitrator, who makes a finding of misconduct consistent with the law enforcement agency's finding of misconduct, to impose the same disciplinary action that was imposed by the agency, so long as the discipline was done pursuant to a discipline guide or matrix that was adopted by the agency as a result of collective bargaining.

### [Senate Bill 385](#)

**Effective Date:** January 1, 2020

## **Child Custody Alternative Dispute Resolution**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Current statute provides a process for family court mediation when custody, parenting time, or visitation is contested. The purpose of that process is to reach a workable settlement of any contested issues that would otherwise be litigated. For that reason, those statutes require the mediator to report to the court any agreement the parties have reached at the conclusion of the mediation but, if no agreement is reached, prohibit the mediator from reporting anything other than the fact that the parties reached no agreement to the court. The mediator may not provide any recommendations to the court without the written consent of parties.

**Bill Summary:** Senate Bill 385 creates an informal alternative dispute resolution process where, if during the conference, the parties do not reach an agreement, the conference officer can develop a stipulated agreement on any resolved issues and/or make recommendations to the court on the contested issues.

**Oregon Laws 2019:** Chapter 293

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### [Senate Bill 388](#)

**Effective Date:** June 13, 2019

## **Record Expunction Upon Gubernatorial Pardon**

**At the request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Article V, Section 14 of the Oregon Constitution grants the Governor the authority to grant reprieves, commutations, and pardons after conviction. The Governor must, within 10 days of granting a pardon, file all papers related to that pardon with the Secretary of State where they are kept as public records open to public inspection. After a pardon has been granted, there is no process in place to ensure that the pardoned individual's record of conviction is sealed.

**Bill Summary:** Senate Bill 388 provides a process for sealing the records of an individual's conviction after a gubernatorial pardon, provides provision for victim notification and input into the pardon process, and requires district attorneys to provide certain records to the Governor's office after the submission of a pardon application.

**Oregon Laws 2019:** Chapter 369

[Senate Bill 396](#)

Effective Date: January 1, 2020

**Towing of Illegally Parked Vehicles from Fuel Stations**

**Chief Sponsors:** Sen. Bentz

**At the request of:** Ralph Poole

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Under ORS 98.830, a private property owner can have an abandoned vehicle towed from his or her property 72 hours after affixing notice of the pending tow to that vehicle. The property owner must also fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and contains a statement confirming that the property owner has complied with the 72-hour notice requirement. The same statute also provides that the tower removing the vehicle is entitled to a lien on that vehicle and is immune from civil liability. However, immunity does not extend to loss, damage, or injury caused by the tower's negligent or willful actions.

**Bill Summary:** Senate Bill 396 allows the owner or operator of a fuel dispensary to tow an abandoned vehicle that is blocking or hindering access to a fuel pump two hours after affixing notice to the vehicle. The fuel dispensary owner must still fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and states that the vehicle is interfering with the fuel dispensary's business by blocking the fuel pump. It also provides that a tower removing a vehicle under these circumstances is entitled to a lien on the towed vehicle and is granted the same limited civil liability immunity as towers operating under the 72-hour rule.

**Oregon Laws 2019:** Chapter 330

### [Senate Bill 420](#)

**Effective Date:** January 1, 2020

## **Expungement of Marijuana Convictions**

**Chief Sponsors:** Sen. Frederick

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In 2014, Oregon voters passed Ballot Measure 91, which allowed for the creation of a recreational marijuana market. Under Ballot Measure 91 and subsequent legislation passed by the Legislative Assembly, members of the public can grow, sell, and consume marijuana subject to certain conditions. Such activity had previously been illegal, unless for authorized medical purposes.

**Bill Summary:** Senate Bill 420 allows a person convicted of marijuana possession, delivery, and manufacturing offenses that are no longer crimes under current law to apply to have his or her conviction set aside. To be eligible, the offense must have occurred before July 1, 2015. The measure exempts the person filing for the set aside from any otherwise applicable fees and removes the standard requirement that the individual provide fingerprints and undergo a background check. Senate Bill 420 also requires the individual filing for the set aside to file notice with the prosecuting attorney's office and gives the prosecuting attorney 30 days to contest the requested set-aside if the office believes the person's conviction is for an ineligible offense. Finally, if the court does find that the individual is eligible, it requires the court to seal the records of the conviction and provide notice to Department of Corrections and other relevant agencies.

**Oregon Laws 2019:** Chapter 459

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### [Senate Bill 421](#)

**Effective Date:** September 29, 2019

## **Personal Injury Protection Benefits Reimbursement**

**At the request of:** Sens. Frederick, Taylor

**Committees:** Senate Judiciary, Senate Rules, House Rules

**Background and Current Law:** Current Oregon law allows a provider of personal injury protection insurance to be reimbursed for payments made by the insurer on behalf of a person. The amount of recovery is limited to the total amount of benefits paid that exceed the damages suffered by the person. A person is not required to reimburse an insurer for more than the amount paid in benefit.

**Bill Summary:** Senate Bill 421 prohibits an insurer from receiving reimbursement unless the person receives full compensation for their injuries from an action or settlement and the reimbursement is paid from the excess amount of recovery.

**Oregon Laws 2019:** Chapter 460

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### [Senate Bill 423](#)

**Effective Date: September 29, 2019**

#### **Law Enforcement Officers Psychological Screening**

**Chief Sponsors:** Sens. Frederick, Manning Jr; Reps. Lewis, Noble, Piluso

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The minimum statewide qualifications for employment as a law enforcement officer are established in rule by the Department of Public Safety Standards and Training (DPSST). Currently, Oregon Administrative Rule 259-008-0010 lists several standards for employment, such as citizenship, education, criminal records, and physical health.

**Bill Summary:** Senate Bill 423 prohibits law enforcement agencies from hiring officers unless the officers have undergone a psychological screening to determine the officer's fitness to serve as a law enforcement officer. The measure calls for DPSST to develop standards by rule but requires that all screenings be administered by a licensed mental health professional.

**Oregon Laws 2019:** Chapter 78

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### [Senate Bill 424](#)

**Effective Date: January 1, 2020**

#### **Law Enforcement Wellness Policies**

**Chief Sponsors:** Sen. Frederick; Reps. Lewis, Noble, Piluso

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Several studies show that law enforcement officers have higher stress levels than the general population and correspondingly higher levels of stress-related diseases. A wellness policy for law enforcement officers and their families in Bend, Oregon, has shown a 27 percent reduction in on-the-job injuries and a reduction of 77 percent of time-loss days after implementation of the program.

**Bill Summary:** Senate Bill 424 requires law enforcement agencies to establish mental health wellness policies relating to policework.

**Oregon Laws 2019:** Chapter 79



### [Senate Bill 473](#)

**Not Enacted**

#### **Juror Fees**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Under current Oregon law, a juror may receive \$10 per day for the first two days of jury service in a circuit court and \$25 per day for third and subsequent days. Jurors must also be reimbursed \$0.08 per mile or for public transportation expenses for each day's attendance at court.

**Bill Summary:** Senate Bill 473 would have increased the fees paid to jurors to \$22.07 per day and \$0.545 per mile.

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### [Senate Bill 474](#)

**Effective Date:** June 20, 2019

#### **Parents' Access to Wrongful Death Damages and Inheritance**

**Chief Sponsors:** Sen. Gelser; Rep. Stark

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Under current law, a parent who has abandoned or neglected to provide for a child may receive damages resulting from that child's wrongful death action. A recent wrongful death case involving a child who died while in state foster care brought attention to this issue. Each of the child's parents was awarded \$130,000 in damages, even though there were years of allegations of maltreatment, and at the time of her death, the child had been removed from the parents' care.

**Bill Summary:** Senate Bill 474 prohibits parents who have neglected to provide proper care and maintenance or willfully deserted their child from receiving damages from a wrongful death action regarding that child and provides a process by which interested parties can assert their right to a parent's forfeited damages.

**Oregon Laws 2019:** Chapter 461

### [Senate Bill 488](#)

**Effective Date:** July 15, 2019

#### **Immunizations for Adults in Custody**

**Chief Sponsors:** Sens. Gelser, Monnes Anderson; Rep. Williamson

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Oregon law is silent on the provision of influenza vaccinations for adults in the custody of the Department of Corrections (DOC) and local correctional facilities. Current rules state that “immunization and preventative treatment shall be made available to inmates [in DOC custody] as medically indicated.” In January of 2018, approximately 300 of 1,645 inmates at the Coffee Creek Correctional Facility were immunized against the flu. In the following months, the flu spread through the facility and one inmate died from organ failure caused by influenza with staph superinfection.

**Bill Summary:** Senate Bill 488 requires the Department of Corrections to offer each individual in their physical custody an immunization against the influenza virus.

**Oregon Laws 2019:** Chapter 550

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### [Senate Bill 495](#)

**Effective Date:** January 1, 2020

#### **Inmate Extraction with Canines**

**At the request of:** Disability Rights Oregon

**Chief Sponsors:** Sen. Gelser; Rep. Williamson

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Six states, including Oregon, allow the use of police canines to forcibly remove individuals in custody from their cells. While the Department of Corrections does not use canines to extract individuals in custody from their cells, news reports indicate that one Oregon county has used canines to extract individuals as recently as last year. Oregon state law is silent as to whether the use of canines in correctional facilities constitutes “physical force” or “physical punishment.”

**Bill Summary:** Senate Bill 495 prohibits correctional facilities from using canines to extract a person in custody from a cell while allowing for their use for tracking, contraband apprehension, quelling a disturbance, preventing escape, or addressing an immediate health or safety risk.

**Oregon Laws 2019:** Chapter 333

### [Senate Bill 498](#)

**Effective Date:** July 1, 2019

#### **Correctional Telephone Commissions**

**Chief Sponsors:** Sen. Gelser; Rep. Williamson

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In August 2013, the Federal Communications Commission (FCC) capped per-minute correctional telephone rates but those rates were struck down by a federal court in 2017. The Oregon Department of Corrections (DOC) currently collects approximately \$4.6 million in commissions each year from its telephone service provider contract: a flat fee of \$3 million, plus a percentage of the revenue when the calls exceed certain projections. This funding is used for purposes other than the provision of phone services including the Inmate Welfare Fund.

**Bill Summary:** Senate Bill 498 prohibits DOC from entering into contracts with telephone service providers in which DOC receives a fee or commission. It also limits the fee or commission that an inmate telephone service provider may provide to a local or regional correctional facility and prescribes the deposit and use of those funds.

**Oregon Laws 2019:** Chapter 335

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### [Senate Bill 509](#)

**Effective Date:** January 1, 2020

#### **Unlawfully Transporting Hay**

**At the request of:** Oregon Farm Bureau

**Chief Sponsors:** Sens. Johnson, Roblan; Rep. Reschke

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Current law requires anyone hauling more than 20 bales of hay on a public highway to have possession of a transportation certificate signed by the producer or the agent of the producer. Failure to do so is considered a crime and is a Class C misdemeanor. This requirement originally assisted in preventing the theft of hay bales that, at the time, generally weighed 75-90 pounds. Theft of bales was prevalent due to their size, weight, and ease of access. Today, the average hay bale weighs typically 1,000 pounds and requires specialized equipment in the field to move. The change in industry, proponents of the measure say, has eliminated the need for additional regulation on the transport of hay designed to prevent theft.

**Bill Summary:** Senate Bill 509 repeals ORS 164.815, the crime of unlawfully transporting hay.

**Oregon Laws 2019:** Chapter 80

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### [Senate Bill 548-A](#)

**Not Enacted**

#### **State Board of Towing**

**Chief Sponsors:** Sens. Riley, Manning Jr.; Rep. Sprenger

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Oregon does not have a state agency tasked with overseeing the towing industry, which has led to confusion about where consumer complaints against towers should be directed and which agency should investigate those complaints. The Oregon Department of Justice has had an ongoing towing work group to address these issues.

**Bill Summary:** Senate Bill 548-A would have created a State Board of Towing within the Oregon Department of Transportation (ODOT) and would have established a nine-member Board to be appointed by the Governor. The Board would have been composed of four towers, a representative from the insurance industry, an individual from the Oregon State Police (OSP) tow program, a chief of police, a consumer advocate, and a member of the public. Additionally, the measure would have directed the Board to appoint an administrative officer, granted the Board rulemaking authority, and empowered the Board to investigate consumer complaints, penalize violations, and order the removal of a tower from the OSP rotation list. Funding for the Board would have been drawn from the State Board of Towing Account to be established within the State Treasury.

### [Senate Bill 576](#)

**Effective Date:** May 24, 2019

## **Campus Security Officer Regulation—Kaylee’s Law**

**Chief Sponsors:** Sens. Prozanski, Knopp; Reps. Barker, Helt

**At the request of:** Crystal and Jamie Sawyer, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Oregon Student's Association, Deschutes County District Attorney John Hummel, Attorney General Ellen Rosenblum

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Oregon's seven public universities are given statutory authority to establish police departments and commission sworn police officers. The universities may also commission special campus security officers who have stop-and-frisk and probable cause arrest authority but are not considered police officers and may not carry firearms. Other institutions of higher education utilize private security professionals for security services on campus. These private security professionals are certified by the Department of Public Safety Standards and Training (DPSST) and undergo 14 hours of training prior to receiving certification. On July 24, 2016, a campus security officer employed by Central Oregon Community College in Bend, Oregon, kidnapped, sexually assaulted, and killed Kaylee Sawyer. The officer utilized his security vehicle, tools, and uniform to commit his crimes.

**Bill Summary:** Senate Bill 576, Kaylee's Law, requires nationwide background checks of all individuals employed as campus security, whether as a private security officer on a community college or private campus, or a special campus safety officer on a university campus. The measure also requires campus security vehicles to have GPS, dispatch, or video recording and such data be kept for 90 days. Use of accessories or tools that would confuse with law enforcement are prohibited, such as red and blue light bars, bumpers, and cages. Additionally, the measure removes the stop-and-frisk authority of special campus security officers.

**Oregon Laws 2019:** Chapter 152

### [Senate Bill 577](#)

**Effective Date:** July 15, 2019

#### **Bias Crimes**

**At the request of:** Attorney General Ellen Rosenblum

**Chief Sponsors:** Sens. Frederick, Prozanski, Manning Jr; Rep. Power

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Current statute defines a crime of intimidation based on the number of bad actors and their motives; a reflection of the heightened focus on white supremacist groups prevalent in the 1980s.

**Bill Summary:** Senate Bill 577 renames the crime of intimidation as bias crime and shifts the analysis towards the nature of the harm and use and threat of violence in addition to the motives behind the crime of violence. The measure includes gender identify as a motivating factor for a bias crime, requires law enforcement agencies to develop and implement standardized data collection for bias crimes, and requires the Department of Justice to provide specified victim services and training including a “hate crimes hotline” dedicated to assisting victims of bias crimes. The measure directs the Oregon Criminal Justice Commission to analyze bias crime data collected by law enforcement agencies and report its findings to the Legislative Assembly no later than July 1, 2021.

**Oregon Laws 2019:** Chapter 553

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### [Senate Bill 581](#)

**Effective Date:** January 1, 2020

#### **Unmanned Aircraft Systems**

**Chief Sponsors:** Sen. Prozanski

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In 2016, the Legislative Assembly created a Class A violation for the reckless operation of an unmanned aircraft system (UAS), which includes using a UAS to recklessly direct a laser at an aircraft while the aircraft is in the air, crash into an aircraft while the aircraft is in the air, or prevent the takeoff or landing of an aircraft.

**Bill Summary:** Senate Bill 581 elevates the violation to a Class A misdemeanor if the action is done knowingly or intentionally or is a second or subsequent conviction for recklessly operating a UAS. The measure also directs the court to declare the UAS used in an offense to be contraband and order the UAS to be forfeited upon a person's second or subsequent conviction. Finally, the measure directs an educational institution to register as a user of UAS with the Oregon Department of Aviation prior to operation of a UAS in the airspace over this state and specifies that individual UAS are not required to be registered.

**Oregon Laws 2019:** Chapter 337

### [Senate Bill 582](#)

Effective Date: January 1, 2020

#### Marijuana Exportation Agreements

**Chief Sponsors:** Sen. Prozanski; Rep. Helm

**Committees:** Senate Judiciary, House Rules

**Background and Current Law:** Under ORS 475B.227(2), importing or exporting marijuana to or from Oregon is prohibited. Depending on the severity and amount of marijuana transferred, a violation of the statute is a Class B violation, a Class A misdemeanor, or a Class C felony.

**Bill Summary:** Senate Bill 582 authorizes the Governor to make agreements with other states regarding the coordination and enforcement of licensed marijuana-related businesses. It also allows for the transportation and delivery of marijuana across state lines by marijuana producers, wholesalers, and researchers as authorized by the relevant agreements. Additionally, Senate Bill 582 requires the agreements to include enforceable public health, safety, and labeling standards; systems to regulate and track marijuana items; and that items delivered to Oregon must be tested, packaged, and labeled in compliance with current law. Finally, Senate Bill 582 includes a provision stating that the legislation does not become operative until federal law is amended to allow for the interstate transfer of marijuana or the United States Department of Justice issues an opinion or memorandum stating that the Department will allow or tolerate the interstate transfer of marijuana. If such an event occurs, the Oregon Liquor Control Commission must notify the Judiciary Committees and Legislative Counsel.

**Oregon Laws 2019:** Chapter 464

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### [Senate Bill 591](#)

Not Enacted

#### Wine Label Violations

**Chief Sponsors:** Sens. Prozanski, Roblan, Winters; Reps. Barker, Holvey, Noble

**At the request of:** Oregon Winegrowers Association

**Committees:** Senate Judiciary

**Background and Current Law:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) regulates American Viticultural Areas (AVAs). In order to specify a particular AVA on a wine label, at least 85 percent of the grapes in the wine must be grown in that AVA. An AVA may cross a state boundary. Under Oregon law, the label on a bottle of wine must precisely and clearly indicate the contents of the bottle and not mislead on age, composition, quantity, or quality.

**Bill Summary:** Senate Bill 591 would have made it an unlawful trade practice to violate wine compliance statutes, deceptive labeling statutes, minimum standards for wine established by rule, or any brand or label requirements for wine established by rule.

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### [Senate Bill 596](#)

**Effective Date:** January 1, 2020

## **Evidence of Prostitution Resulting from Crime Reporting**

**Chief Sponsors:** Sens. Taylor, Hansell; Rep. Stark

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** A person commits the crime of prostitution if the person engages in, or offers or agrees to engage in, sexual conduct or sexual contact in return for a fee. If a person engaged in the crime of prostitution were the victim of or witness to the commission of a crime, then that individual could expose themselves to prosecution if they were to disclose their engagement in the act of prostitution while reporting the crime to law enforcement.

**Bill Summary:** Senate Bill 596 extends protection from criminal liability for prostitution when an individual is reporting the commission of specified felonies.

**Oregon Laws 2019:** Chapter 179

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### [Senate Bill 597](#)

**Effective Date:** January 1, 2020

## **Indictments**

**Chief Sponsors:** Sen. Taylor; Rep. Stark

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** When a person is indicted, current law requires that the indictment include a statement of the acts constituting the offense, the name of the victim, and list the names of witnesses examined before the grand jury.

**Bill Summary:** Senate Bill 597 authorizes the use of a pseudonym, initials, or other signifier, in lieu of the name of the victim in the indictment or as a witness if the victim testifies to the grand jury. When this occurs, the measure requires that a separate document containing the names be filed under seal and provided to the defendant at arraignment.

**Oregon Laws 2019:** Chapter 338



### [Senate Bill 606-A](#)

**Not Enacted**

#### **Domestic Violence**

**Chief Sponsors:** Sen. Winters

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Domestic violence is a pattern of behavior in which one person in a relationship attempts to exert control over another. It can take many forms, including physical, sexual, emotional, or economic abuse. Abuse can include threatening, putting someone down, or making them afraid, even if there is no physical violence. Abuse often worsens over time. The Women's Foundation of Oregon reports that over a third of Oregon women have experienced intimate partner violence. According to the Oregon Department of Human Services, domestic violence is a contributing factor in approximately one-third of all child welfare cases, and approximately 40 percent of abuse cases involving seniors or people with disabilities. Domestic violence contributes to one in four of all Oregon violent deaths.

**Bill Summary:** Senate Bill 606-A would have created a committee within the Oregon Criminal Justice Commission dedicated entirely to the study of domestic violence prevention and education.

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### [Senate Bill 638](#)

**Effective Date:** January 1, 2020

#### **Laboratory Animal Adoption**

**Chief Sponsors:** Sen. Steiner Hayward; Rep. Greenlick

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In Oregon, several research facilities use animals in their research, including Oregon Health and Science University, Oregon State University, and the University of Oregon. According to 2017 data from the United States Department of Agriculture, there are approximately 8,000 mammals used for scientific research in Oregon, including several dozen dogs and cats.

**Bill Summary:** Senate Bill 638 requires that dogs and cats used in laboratory research be offered for adoption after the conclusion of the research unless health and safety concerns or research needs prevent the facility from doing so. The measure also provides research facilities immunity from civil liability that results from the good faith transfer of the animals to shelters. Finally, Senate Bille 638 requires nonpublic research facilities to make annual reports to the Secretary of State on the number of dogs and cats used in research or released to shelters, exempts those reports from public disclosure except in aggregate form, and provides definitions.

**Oregon Laws 2019:** Chapter 374

### [Senate Bill 681-A](#)

**Not Enacted**

#### **Supported Decision-Making Agreements**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary

**Background and Current Law:** A supported decision-making agreement is an agreement made between two or more persons in which one person agrees to help the other with tasks like gathering documents, understanding the consequences of a decision, and communicating decisions. These agreements are becoming popular as an alternative to guardianship.

**Bill Summary:** Senate Bill 681-A would have provided statutory parameters for use of supported decision-making agreements.

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### [Senate Bill 682-A](#)

**Not Enacted**

#### **Attorneys in Guardianship Proceeding**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary

**Background and Current Law:** Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. The appointment of a guardian or conservator occurs after a petition is filed and a court finds that the person who is the subject of the proceedings lacks capacity to make decisions on his or her own behalf.

**Bill Summary:** Senate Bill 682-A would have established a pilot program in three counties to provide counsel for proposed protected persons or persons already under guardianship when the person requests counsel, an objection is made or filed, the court visitor recommends counsel, or the court deems the person needs counsel.

### [Senate Bill 684](#)

Effective Date: January 1, 2020

#### Data Breaches

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In 2017, a single data breach exposed the names, social security numbers, dates of birth, and in some cases, driver license numbers of 143 million Americans, with 209,000 individuals having their credit card numbers stolen. In response to that breach, a work group was formed to begin revising and updating Oregon's Consumer Identity Theft Protection Act.

**Bill Summary:** Senate Bill 684 provides a mechanism for third-party vendors, such as data storage companies, to notify covered entities when a breach of personal information has occurred, updates what information is considered protected information so that it includes a user name or other identifier, in combination with other methods of authenticating an account or identifying a consumer, and updates the notice provisions for entities covered by federal privacy laws.

**Oregon Laws 2019:** Chapter 180

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### [Senate Bill 703](#)

Not Enacted

#### Protection of Personal Health Information

**Chief Sponsors:** Sen. Prozanski; Reps. Gomberg, Holvey

**At the request of:** Hu-manity.co

**Committees:** Senate Judiciary

**Background and Current Law:** The Health Insurance Portability and Accountability Act (HIPAA) was enacted in 1996 and requires covered entities, such as health care plans and health care providers, to safeguard an individual's health data and provides instances in which health care data can be disclosed.

**Bill Summary:** Senate Bill 703 would have established the right for an individual to assert a property interest in their health information and prohibited any commercial disclosure from one entity to another of a person's health data, including de-identified data, without the person's signed authorization. The measure would have allowed a person to request compensation in exchange for the release and made failure to comply, or discrimination against a person who does not sign an authorization or asks for compensation, an unlawful trade practice.

### [Senate Bill 708](#)

Effective Date: January 1, 2020

#### Prevailing Party Fees

**Chief Sponsors:** Sen. Gelser

**At the request of:** Jaime Carleton

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** A complainant may bring a civil action for the violation of a protective order or damages against a person who engages in repeated and unwanted contact with the complainant or a member of that complainant's immediate family if it is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact and the unwanted contact caused the victim reasonable apprehension regarding their personal safety. At the time the petition is filed, the court, upon a finding of probable cause based on the allegations in the petition, must enter a temporary court's stalking protective order prohibiting contact. The petition and the temporary order are served to the respondent with an order requiring the respondent to personally appear before the court to show cause why the temporary order should not be continued for an indefinite period. If, after a hearing, the court does not uphold the temporary protection order, current statute allows for courts to order prevailing party fees against the petitioner of the protection order.

**Bill Summary:** Senate Bill 708 requires courts to make a finding that a petition was filed with malicious intent before ordering prevailing party fees.

**Oregon Laws 2019:** Chapter 342

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### [Senate Bill 723-B](#)

Not Enacted

#### Coyote Hunting Contests

**Chief Sponsors:** Sens. Dembrow, Golden

**Committees:** Senate Judiciary, Senate Rules, House Rules

**Background and Current Law:** Under ORS 610.002, coyotes are defined as predatory animals. The Oregon Department of Fish and Wildlife (ODFW) estimates that there are approximately 300,000 coyotes in Oregon. Coyotes are not a protected species, and the hunting of coyotes is not regulated by ODFW. Coyotes can be killed on an owner's land without a hunting permit and on public land with a permit. There is currently no limit on the number of coyotes that can be killed by a single individual or during a single hunting contest or other event.

**Bill Summary:** Senate Bill 723-B would have prohibited individuals or groups from conducting or participating in coyote hunting contests or events for prizes. It would have made a violation of the prohibition a Class A violation and would have required that the remains of coyotes killed during such contests be turned over to ODFW.

### [Senate Bill 725](#)

Effective Date: September 29, 2019

#### Background Checks of Individuals Who Provide Care

**Chief Sponsors:** Sen. Taylor; Rep. Nathanson

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The Department of Human Services (DHS) determines the fitness of persons under consideration for employment by entities that provide care or placement services, or licenses or certifies others to provide care or placement services for children, elders, and dependent persons. If the person has a conviction or pending indictment for specified crimes, the person cannot be employed in a way that would put them into contact with vulnerable populations or facilities housing them. If a person has a conviction for other crimes, DHS performs a fitness determination and may consider previous criminal convictions.

**Bill Summary:** Senate Bill 725 prohibits DHS from considering criminal convictions that are more than 10 years old, arrests without conviction, certain marijuana offenses, and participation in deferred sentences or diversion programs. It also prohibits DHS from considering a conviction for Driving Under the Influence of Intoxicants if it is a single conviction and over five years have passed since the conviction.

**Oregon Laws 2019:** Chapter 423

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### [Senate Bill 728](#)

Not Enacted

#### Unlawful Trade Practices

**Chief Sponsors:** Senate Committee on Judiciary

**At the request of:** Danny Lang

**Committees:** Senate Judiciary

**Background and Current Law:** The Unlawful Trade Practices Act (UTPA) was enacted by the Oregon Legislative Assembly in 1971. The UTPA defines and prohibits various unfair and deceptive trade practices. While the UTPA authorizes the Attorney General or district attorneys to bring suit, it also authorizes a right of action for individuals in certain instances. Currently, insurance trade practices are regulated in ORS Chapter 746 and are not subject to the UTPA.

**Bill Summary:** Senate Bill 728 would have added insurance to the categories of goods and services subject to the UTPA and made unfair claim settlement practices subject to the UTPA.

### [Senate Bill 729](#)

Effective Date: January 1, 2020

#### Elder Abuse Restraining Orders

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The Elderly Persons and Persons With Disabilities Abuse Prevention Act (EPDAPA) is a type of restraining order that can be obtained by an elderly person, a person with a disability, or the guardian for a person, to prevent abuse. Residents 65 years of age or older and residing in a nursing facility cannot obtain an elder abuse restraining order.

**Bill Summary:** Senate Bill 729 removes the reference to the abuse reporting for residents of long term care nursing facilities, thereby allowing that population access to use of the EPDAPA.

**Oregon Laws 2019:** Chapter 93

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### [Senate Bill 736](#)

Not Enacted

#### Redefining Custody, Joint Custody, and Parenting Time

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary

**Background and Current Law:** In the 2016 interim, the Senate Committee on Judiciary convened a work group composed of advocates, expert practitioners, judges, and affected stakeholders to explore concerns related to Oregon custody and parenting time statutes. The work group surveyed current Oregon law and practice, state statutes nationwide, relevant case law, and academic research on best practices for child custody and parenting-time disputes and decisions. One issue identified by that work group was that Oregon law does not provide comprehensive definitions of custody, joint custody, or parenting time.

**Bill Summary:** Senate Bill 736 would have provided comprehensive definitions of custody, joint custody, and parenting time and made conforming changes to the affected statutes.

### [Senate Bill 757-A](#)

**Not Enacted**

#### **Tax Appeals**

**Chief Sponsors:** Sen. Roblan

**At the request of:** Association of Oregon Counties

**Committees:** Senate Judiciary

**Background and Current Law:** In 1995, the legislature created the magistrate division of the tax court. A person who is dissatisfied with a decision of the Department of Revenue is entitled to a hearing before the magistrate division but is also provided a process to appeal to the Oregon Tax Court. Caselaw directs that a separate complaint must be filed by a defendant who disagrees with any portion of a decision of a Tax Court Magistrate, even if the other party had already filed an appeal.

**Bill Summary:** Senate Bill 757-A would have specified that any party named as a defendant in an appeal before the tax court could have included one or more counterclaims in the responsive pleadings.

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### [Senate Bill 759](#)

**Effective Date: June 11, 2019**

#### **Salvage Auction Vehicle Liens and Titles**

**Chief Sponsors:** Sen. Monnes Anderson

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Under Oregon law, many vehicle businesses are entitled to liens on the vehicles in their possession under certain circumstances. For example, vehicle repair shops and towers may attach liens to secure payment for services rendered. Meanwhile, when a vehicle changes ownership, the title must be transferred, which can be difficult if the previous owner cannot be located or is unresponsive.

**Bill Summary:** Senate Bill 759 provides that a national auction company specializing in disposing of totaled vehicles can place a lien on a vehicle that the auction company possesses and stores on its property. It also provides that the auction company may title the vehicle in its name if the vehicle is unclaimed after 30 days. The auction company may also title the vehicle in the name of the insurance company or 501(c)(3) charitable organization that directed the auction company to take possession of the vehicle, either after the vehicle was donated or declared to have been totaled.

**Oregon Laws 2019:** Chapter 344

### [Senate Bill 762](#)

Not Enacted

#### Involuntary Holds

**At the request of:** Work Group to Decriminalize Mental Illness

**Committees:** Senate Judiciary

**Background and Current Law:** Under current Oregon law, a person may be held in a hospital or facility for mental health treatment if a licensed independent practitioner believes the person is dangerous to self or to any other person and needs emergency care or treatment for mental illness. Currently, the period for involuntary detention is for not more than five judicial days following admission. In a handful of other states, this period can be over two weeks.

**Bill Summary:** Senate Bill 762 would have extended Oregon's five-day detention period to 15 days and would have provided a process for the person to seek immediate judicial review.

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### [Senate Bill 763](#)

Not Enacted

#### Civil Commitment

**At the request of:** Work Group to Decriminalize Mental Illness

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** A person may be involuntarily committed to the Oregon Health Authority for treatment upon a court finding, by clear and convincing evidence, that the person has a mental illness which causes the person to be a danger to "self or others," or is unable to provide for basic personal needs. State law is silent on the definition of "self or others."

**Bill Summary:** Senate Bill 763 would have defined "dangerous to self or others" to mean likely to inflict serious physical harm upon self or another person within the next 30 days and allowed courts to consider past behaviors.



[Senate Bill 773](#)

Not Enacted

**Criminal Background Criteria used by Professional Licensing Boards**

**Chief Sponsors:** Sens. Dembrow, Frederick, Winters; Rep. Sanchez

**Committees:** Senate Judiciary

**Background and Current Law:** The State of Oregon does not have a general business license. However, many occupations and business activities require special licenses, permits or certifications from state agencies or boards. Cities and counties may require a license for businesses operating in their jurisdictions.

**Bill Summary:** Senate Bill 773 would have required professional licensing boards to identify and report criteria in their certification process that is specific to an applicant's criminal background or character.

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[Senate Bill 775](#)

Effective Date: January 1, 2020

**Criminal Records Checks**

**Chief Sponsors:** Sens. Dembrow, Frederick, Winters; Rep. Sanchez

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** An authorized agency or district may conduct a preliminary fitness determination if the agency, district, or qualified entity is hiring or appointing an individual on a preliminary basis. As part of that fitness determination, an agency may request a criminal record check.

**Bill Summary:** Senate Bill 775 requires that any state agency requesting a criminal background check for the purposes of determining an employee's fitness must do so through the Oregon State Police.

**Oregon Laws 2019:** Chapter 424

### [Senate Bill 783](#)

**Effective Date:** January 1, 2020

#### **Elder Abuse Proceedings**

**Chief Sponsors:** Sen. Taylor; Rep. Bonham

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Current Oregon law provides that a person commencing a civil action for the abuse of a vulnerable person must serve a copy of their complaint to the Attorney General within 30 days after the action is commenced. In a 2016 Oregon Court of Appeals case, a plaintiff's claim was dismissed for failure to provide timely notice to the Attorney General.

**Bill Summary:** Senate Bill 783 removes the requirement that notice be filed prior to proceeding with a claim and instead requires it to be filed before a final judgment for a plaintiff may be entered.

**Oregon Laws 2019:** Chapter 345

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### [Senate Bill 797](#)

**Effective Date:** June 11, 2019

#### **Vehicle Auction Consignments**

**Chief Sponsors:** Sen. Monnes Anderson

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** ORS 822.060 contains a list of consumer protections related to vehicle consignments. These protections include prohibitions on taking consignments from an individual who is not either the registered owner of a vehicle or a vehicle dealer, taking a vehicle from a security interest holder who has not first completed a repossession action with documentary proof, or taking a vehicle without having the terms of the consignment agreement in writing.

**Bill Summary:** Senate Bill 797 provides that wholesale vehicle auction companies and national auction companies specializing in totaled vehicles do not have to comply with the requirements and prohibitions contained in ORS 822.060 so long as the auction company is taking the vehicle from a non-retail consignor, such as a bank or consignment company.

**Oregon Laws 2019:** Chapter 346

### [Senate Bill 810](#)

**Effective Date:** January 1, 2020

#### **Vulnerable Motorcycle and Moped Riders**

**Chief Sponsors:** Sen. Gelser

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** ORS 801.608 establishes a list of individuals who are vulnerable users of a public way. This list includes, among others, pedestrians, highway workers, bicyclists, and individuals operating farm equipment. There are two Oregon statutes that penalize harm specifically caused to vulnerable users of a public way. Under ORS 163.160(1)(c), a person commits assault in the fourth degree if that individual, while driving, causes serious physical injury to a vulnerable user while acting with criminal negligence. Meanwhile, ORS 811.135(3)(a-b) increases the penalty for persons convicted of careless driving that seriously injures or kills a vulnerable user. In addition to fines, it requires that the defendant complete a traffic safety course and perform between 100 and 200 hours of community service as directed by the court.

**Bill Summary:** Senate Bill 810 adds moped and motorcycle riders to the list of vulnerable users of a public way.

**Oregon Laws 2019:** Chapter 349

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### [Senate Bill 843](#)

**Not Enacted**

#### **Small Estate Affidavit**

**Chief Sponsors:** Sen. Thatcher

**Committees:** Senate Judiciary

**Background and Current Law:** Oregon's probate code allows a simplified probate process for smaller estates. To use the small estate process, the fair market value of all assets of the estate must be no more than \$275,000, with no more than \$200,000 of that value derived from real property. This value was last increased in 2005.

**Bill Summary:** Senate Bill 843 would have increased the total fair market value of an estate eligible to use the small estate affidavit process from \$275,000 total to \$650,000 and increase the amount of the estate that can be real property from \$200,000 to \$500,000.

### [Senate Bill 858](#)

**Not Enacted**

#### **Law Libraries**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary

**Background and Current Law:** In order to enter into an agreement to provide law library services with the Judicial Department, law library association, or corporation to provide law library services, a county must have a population of at least 700,000 inhabitants.

**Bill Summary:** Senate Bill 858 would have removed the population floor required for agreements to provide law library services, thus allowing all counties to enter into such agreements.

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### [Senate Bill 873](#)

**Effective Date:** January 1, 2020

#### **Records of Eviction**

**Chief Sponsors:** Sens. Fagan, Frederick

**At the request of:** Troy Pickard

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** An action for forcible entry and wrongful detainer (FED) is the process for evicting a tenant from a property. The record of the eviction can remain public and may prohibit the person from securing another place to live or obtaining credit for several years.

**Bill Summary:** Senate Bill 873 creates a no-filing-fee process for setting aside an order of eviction if the court finds that one of three situations is present: 1) at least five years have passed since the eviction and the applicant has satisfied all money awards; 2) the judgment was stipulated by the parties and terms have been complied with and all money awards satisfied; or, 3) the judgment was in favor of the applicant. The measure also provides a process for a plaintiff in an eviction proceeding to challenge the set-aside.

**Oregon Laws 2019:** Chapter 351

### [Senate Bill 891](#)

**Not Enacted**

#### **Guardianship Hearings**

**Chief Sponsors:** Sen. Dembrow; Rep. Hayden

**Committees:** Senate Judiciary

**Background and Current Law:** Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. Under current law, a court may require a hearing in a guardianship proceeding when an objection is filed, but a hearing is not required in most cases.

**Bill Summary:** Senate Bill 891 would have required a hearing on any petition for appointment of a fiduciary by the Oregon Public Guardian and Conservator or a county public guardian and conservator. The measure also would have required appointment of counsel for the proposed protected person in such hearings, unless the person is already represented or objects to appointment of counsel.

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### [Senate Bill 924](#)

**Effective Date: June 13, 2019**

#### **Prohibiting Detention of Child Welfare Wards**

**Chief Sponsors:** Sen. Manning Jr

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Under the Interstate Compact for Juveniles (ICJ), Oregon must be able to, when necessary, detain out-of-state runaways. Oregon laws governing delinquency detention do not otherwise allow for the detention of youth who have only committed status offenses or are only under the juvenile court's dependency jurisdiction. Nonetheless, portions of Oregon's statutes contain provisions that appear to allow children taken into protective custody pursuant to a dependency case, including those who have run away from their homes, to be placed in detention.

**Bill Summary:** Senate Bill 924 modifies the juvenile code to clarify that children taken into protective custody in dependency cases and Oregon children who have run away from home cannot be placed in detention facilities.

**Oregon Laws 2019:** Chapter 382

### [Senate Bill 962](#)

Effective Date: January 1, 2020

#### Victims of Certain Crimes

**Chief Sponsors:** Sen. Taylor; Reps. Barker, Williamson, Helt

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** The U nonimmigrant visa (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U visa with the passage of the Victims of Trafficking and Violence Protection Act in October 2000. The Act was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity.

**Bill Summary:** Senate Bill 962 codifies procedural requirements for certifications of U visas and provides uniform data collection requirements and centralized analysis to ensure equitable distribution of U visa certifications.

**Oregon Laws 2019:** Chapter 472

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### [Senate Bill 965](#)

Not Enacted

#### Non-Controlled Substances and DUIs

**At the request of:** Oregon District Attorneys Association

**Committees:** Senate Judiciary

**Background and Current Law:** Under current Oregon law, a person can be found guilty of driving under the influence of intoxicants (DUI) if the person drives a vehicle while that person: 1) has a .08 percent or more of alcohol in their blood by weight; 2) is under the influence of alcohol, cannabis, other controlled substances, or inhalants; or 3) is under the influence of any combination of alcohol, cannabis, other controlled substances, or inhalants. However, an individual will not be guilty of DUI if it is shown that the person's intoxication was caused by a product other than alcohol, cannabis, a controlled substance, or an inhalant, even if any of those substances are also present in the individual's system.

**Bill Summary:** Senate Bill 965 would have added drugs (as defined in ORS 475.005) when used in combination with intoxicating liquors, controlled substances, inhalants, or cannabis by a driver to intoxicating effect, to the list of substances that make an individual guilty of DUI. Senate Bill 965 would have also removed the current requirement that the prosecution include the allegation that the defendant was under the influence of a controlled substance or inhalant in the charging document if alleging that the defendant was driving under the influence of either a controlled substance or inhalant.

### [Senate Bill 973](#)

**Effective Date:** July 15, 2019

#### **Behavioral Health Pilot Programs**

**Chief Sponsors:** Senate Committee on Judiciary

**Committees:** Senate Health Care, Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Since 2018, Oregon has been working with the Council of State Governments' Justice Center team to develop an investment program for behavioral health services.

**Bill Summary:** Senate Bill 973 establishes the Improving People's Access to Community-based Treatment, Supports and Services Program within the Criminal Justice Commission. The purpose of this program is to provide grants to counties, Oregon's federally recognized tribal nations, and regional consortiums to strengthen supports and services for people with serious mental illness and substance addictions with the aim of reducing arrests, incarcerations, emergency room visits, and State Hospital admissions.

**Oregon Laws 2019:** Chapter 563

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### [Senate Bill 975](#)

**Effective Date:** January 1, 2020

#### **Reduction of Marijuana Convictions**

**Chief Sponsors:** Sen. Frederick

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In 2014, Oregon voters passed Ballot Measure 91, which allowed for the creation of a recreational marijuana market. Under Ballot Measure 91 and subsequent legislation passed by the Legislative Assembly, members of the public can grow, sell, and consume marijuana subject to certain conditions. Such activity had previously been illegal, unless for authorized medical purposes.

**Bill Summary:** Senate Bill 975 allows an individual convicted of a marijuana offense to request a reduction of the offense classification if the crime has since been: 1) reduced from a felony to a misdemeanor, 2) reduced from a felony to a violation, 3) reduced from a higher level felony to a lower level felony, or 4) reduced from a higher level misdemeanor to a lower level misdemeanor so long as the individual has completed his or her sentence. It provides that the person requesting the reduction is not required to pay otherwise applicable fees. Additionally, Senate Bill 975 requires the individual filing for the set-aside to file notice with the prosecuting attorney's office and gives the prosecuting attorney's office 30 days to contest the requested reduction if the office believes the person's conviction is not eligible for an offense reduction. Finally, if the court does find that the individual is eligible for a reduction, it requires the court to amend the original judgment.

**Oregon Laws 2019:** Chapter 473

### [Senate Bill 977](#)

**Effective Date:** June 17, 2019

#### **Oregon Courts**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** A Justice of the Peace is an elected county official who presides over a justice court. Justice courts may hear cases involving violations, small claims, and evictions. Additionally, with the exception of metro-area counties and certain frontier counties, circuit court judges must be residents of the court district in which they would serve.

**Bill Summary:** Senate Bill 977 repeals statutes referencing the "form of justice's undertaking" and "qualifications of sureties." It also allows justices of the peace to be appointed in Prineville, the county seat of Crook County. Additionally, the measure allows for the election or appointment of circuit court judges from judicial districts adjacent to the district for which a judge is needed.

**Oregon Laws 2019:** Chapter 426

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### [Senate Bill 992-A](#)

**Not Enacted**

#### **Pilot Program on Recidivism and Housing**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** In 2016, Lane County was awarded \$1,300,000 in grants to develop a "housing first" model to study housing outcomes and criminal re-offense rates. The partnership of local service providers and Lane County Parole and Probation is called The Way Home, which is seeking additional funding to support and expand the program.

**Bill Summary:** Senate Bill 992-A would have created a pilot program through the Criminal Justice Commission to provide housing and wraparound services to recently released offenders who are at high or medium risk of re-offending.



[Senate Bill 998](#)

Effective Date: January 1, 2020

**Bicycles at Intersections**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, Senate Rules, House Rules

**Background and Current Law:** Under current Oregon law, individuals riding bicycles on public roads are treated like other vehicles and must stop at intersections controlled by stop signs or flashing red lights before proceeding through the intersection. Several other states, including Idaho, allow bicyclists to treat stop signs or flashing red lights as yield signs and proceed through the intersection if the bicyclist takes certain precautions.

**Bill Summary:** Senate Bill 998 allows a bicyclist approaching an intersection regulated by a stop sign or flashing red light at a safe speed to proceed through that intersection or make a turn without stopping. It also makes both improper entry into an intersection controlled by a stop sign and improper entry into an intersection controlled by a flashing red light a Class D traffic violation. A violation occurs when a bicyclist fails to yield to traffic within the intersection or to traffic that is approaching so close as to constitute an immediate hazard; disobeys a police officer or flagger; fails to exercise care to avoid an accident; or fails to yield the right of way to a pedestrian.

**Oregon Laws 2019:** Chapter 683

### [Senate Bill 999](#)

Effective Date: January 1, 2020

## Consent for DUI Testing

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In Oregon, an individual operating a vehicle on a public road is deemed to have given implied consent to an otherwise lawful breath, urine, or blood test if the person is arrested under suspicion of driving a vehicle while intoxicated. If a suspect refused to provide a sample, evidence of that refusal could be used against the suspect in court. Recently in *State v. Banks* (364 Or. 332, 2019), the Oregon Supreme Court found that the act of refusing to provide a sample after an arrest can be either an act of noncooperation or an invocation of that individual's constitutional protections against self-incrimination. If a court determines that the refusal is an invocation of a constitutional right, then that defendant's refusal cannot be used against him or her in court.

**Bill Summary:** Senate Bill 999 creates a bifurcated process for a police officer to request a suspect's consent and cooperation for a breath, urine, or blood test when the officer arrests the suspect under suspicion of driving under the influence. First, the officer will ask the suspect to consent to the breath, urine, or blood test and explain the rights and consequences associated with the test. If the suspect refuses to consent to the test, the officer can then ask the suspect to physically cooperate with the test, either after the officer has requested and received a warrant from a judge or under one of several exceptions to the warrant requirement contained in current law. At the same time, the officer will inform the suspect of the administrative penalties for failing to cooperate. If the defendant still refuses to provide a sample, evidence of the suspect's refusal to cooperate can be used against the suspect in court, though not evidence of the suspect's initial refusal to give consent.

**Oregon Laws 2019:** Chapter 475

### [Senate Bill 1002](#)

**Effective Date:** January 1, 2020

#### **Sentencing**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In cases in which it appears that the interest of the public in the effective administration of criminal justice would thereby be served, the district attorney may engage in plea discussions for the purpose of reaching a plea agreement. A plea agreement is an agreement between the defendant and the prosecutor in a criminal case where a defendant avoids trial for the certainty of the plea agreement. A plea agreement often contains dismissal of charges or an agreed sentence in return for a guilty or no contest plea. Sometimes these plea agreements can involve waiver of certain rights, such as the right to Alternative Incarceration Programs or waiver of the right to a preliminary hearing.

**Bill Summary:** Senate Bill 1002 prohibits district attorneys from requiring a defendant to waive their right to eligibility for any reductions in terms of incarceration when they receive a sentence that includes imprisonment in the Department of Corrections.

**Oregon Laws 2019:** Chapter 684

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### [Senate Bill 1008](#)

**Effective Date:** September 29, 2019

#### **Juvenile Justice Reform**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Ballot Measure 11, passed by Oregon voters in 1994, requires mandatory minimum sentences for specific serious crimes and requires young people ages 15, 16, and 17 charged with those offenses to be automatically prosecuted and sentenced in adult court. During the 2017-18 interim, the Senate Committee on Judiciary convened a work group to examine the treatment of youth under Measure 11 and found that changes were necessary to ensure justice for victims, effectively protect the public, hold juvenile offenders accountable, and provide opportunities for reformation and rehabilitation that reduce recidivism and promote a productive citizenry.

**Bill Summary:** Senate Bill 1008 ends the automatic prosecution of 15-, 16- and 17-year-olds as adults for Measure 11 offenses, authorizes conditional release hearings for youth offenders under specified circumstances, and prohibits the imposition of a life sentence on youth offenders.

**Oregon Laws 2019:** Chapter 634

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[Senate Bill 1011](#)

Effective Date: January 1, 2020

**Spousal Support Obligations after Spouse Receiving Payment Attempts Murder of Payee Spouse**

**At the request of:** Alex E. Gavriilidis and Brad Litchfield

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** When ordering compensatory spousal support in an annulment, dissolution, or separation, a court must consider a number of factors. Generally, a spouse seeking to modify or terminate a spousal support award must demonstrate a substantial change in economic circumstances. Failure to do so is a bar to any change in the underlying support award.

**Bill Summary:** Senate Bill 1011 allows the court to deny spousal support or any insurance benefit when the receiving spouse has been convicted of attempted murder or conspiracy to commit murder of the paying spouse. It also clarifies that a conviction for the attempted murder or conspiracy to commit the murder qualifies as a change in circumstances sufficient to trigger reconsideration of support provision.

**Oregon Laws 2019:** Chapter 354

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[Senate Bill 1013](#)

Effective Date: September 29, 2019

**Redefining Aggravated Murder**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary; House Rules

**Background and Current Law:** In 1984, two companion ballot measures were enacted that allow for a sentence of death when a defendant has committed aggravated murder. Since 1984, the definition of aggravated murder has been legislatively changed on at least two occasions as have the required jury findings.

**Bill Summary:** Senate Bill 1013 redefines the crime of aggravated murder, reclassifies the current definition of aggravated murder as Murder in the First Degree, and renames the crime of Murder to Murder in the Second Degree. It also clarifies that attempted aggravated murder and attempt of any degree of murder are Class A felonies. Finally, Senate Bill 1013 removes future dangerousness as a factor for the jury to determine when deciding whether to sentence a defendant convicted of aggravated murder to death and requires the state to prove beyond a reasonable doubt that the defendant should receive the death penalty.

**Oregon Laws 2019:** Chapter 635

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### [Senate Bill 1040-A](#)

**Not Enacted**

#### **Liability for Discharge of Bullets in Rock Quarries**

**Chief Sponsors:** Sen. Thatcher; Rep. Post

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In June, homeowners in Marion County experienced bullets entering their homes and property. The bullets likely came from firearms discharged in a rock quarry across the river in Polk County.

**Bill Summary:** Senate Bill 1040-A would have attached liability on an owner, operator, or lessee of an active rock quarry or mine located in Polk County, adjacent to the Willamette River, and across the river from the City of Keizer, for any injury arising from bullets discharged on that property that stray off the property. Liability would have also attached if the owner failed to take reasonable measures to prevent further stray bullets from leaving the property after receiving notice that bullets had strayed. The measure also attached liability to the person who discharged the firearm from the property.

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### [Senate Concurrent Resolution 4](#)

**Not Adopted**

#### **Cybersecurity Risk Management Policies**

**Chief Sponsors:** Sen. Linthicum

**Committees:** Senate Judiciary, House Rules

**Background and Current Law:** Recent data breaches in Oregon agency records have exposed personal information of Oregonians.

**Bill Summary:** Senate Concurrent Resolution 4 would have recognized the goals of the state to promote broadband services and encourage and facilitate projects and businesses that improve Oregon's Internet infrastructure and connectivity. The resolution declared the policy of the State of Oregon is to promote, facilitate, and encourage activities, initiatives, projects, and businesses that improve the security of data and electronic communications, and to increase the awareness of cybersecurity risks and the need for proactive cybersecurity risk management for the benefit of Oregon's commercial, educational, governmental, and individual users.

### [House Bill 2013](#)

**Effective Date:** June 4, 2019

#### **Court Orders**

**Chief Sponsors:** Rep. Williamson; Sens. Burdick, Prozanski

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Oregon law prohibits individuals convicted of qualifying misdemeanors against a family member or subject to specified court orders from knowingly possessing firearms or ammunition. A person subject to an order under this statute must have had actual notice and opportunity to be heard in a hearing on the order.

**Bill Summary:** House Bill 2013 eliminates the requirement that a person be present in court for an order restricting the possession of firearms to be enforceable. The measure states that an order is valid if a person has received notice of the opportunity to request a hearing in which to be heard and the person did not request a hearing. House Bill 2013 also establishes protocols to dispossess individuals of firearms when a court has made findings associated with a conviction or court order described in the measure prohibiting an individual from possessing firearms.

**Oregon Laws 2019:** Chapter 201

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### [House Bill 2014](#)

**Not Enacted**

#### **Noneconomic damages**

**Chief Sponsors:** Rep. Piluso; Sen. Fagan

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Noneconomic damages are subjective nonmonetary losses, including pain, mental suffering, emotional distress, injury to reputation, loss of care, comfort and companionship, and interference with normal activities aside from employment. In 2016, an Oregon Supreme Court case limited the recovery of all noneconomic damages to \$500,000.

**Bill Summary:** House Bill 2014 would have removed the \$500,000 cap on noneconomic damages arising out of claims for bodily injury and retained the cap for claims arising out of wrongful death.

### [House Bill 2045](#)

**Effective Date:** June 20, 2019

#### **Sex Offender Registration**

**At the request of:** Governor Kate Brown for State Board of Parole and Post-Prison Supervision

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** House Bill 2549 (2013) directs the Department of Corrections (DOC) to develop and administer a sex offender risk assessment to determine the statistical likelihood of future offense prior to an individual's release from custody or within 60 days of being placed on community supervision. The measure also directs DOC to classify all sex offenders who were required to report before the implementation of the system, as well as those required to report in the future. The legislative assembly extended the deadline for implementation of the risk assessment in 2015 and then again in 2017.

**Bill Summary:** House Bill 2045 extends the deadline for classifying existing sex offenders to December 1, 2026, aligns state reporting requirements with similar federal regulations, and requires specified information be forwarded to the Department of State Police when a person has also waived their right to a hearing or has failed to appear at a hearing.

**Oregon Laws 2019:** Chapter 430

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### [House Bill 2046](#)

**Not Enacted**

#### **Trooper staffing levels**

**At the request of:** Governor Kate Brown for Oregon State Police

**Committees:** House Judiciary

**Background and Current Law:** The Oregon State Police (OSP) enforces traffic laws, investigates crimes, conducts forensic analysis, provides background checks, and collects and distributes law enforcement data. OSP also regulates gaming, the handling of hazardous materials and fire codes, maintains the sex offender registry, and enforces fish, wildlife, and natural resource laws. In 2016, OSP had 8 troopers per 100,000 persons. In the 1970's, there were nearly 30 troopers per 100,000 people.

**Bill Summary:** House Bill 2046 would have required OSP to bring patrol trooper staffing levels up to 15 troopers per 100,000 state residents by 2030.

[House Bill 2051](#)

Effective Date: September 29, 2019

**SafeOregon Tip Line Information Disclosure**

**At the request of:** Governor Kate Brown for Oregon State Police

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** The Oregon State Police contracts with a vendor to provide a 24-hour school-safety reporting program, called the "SafeOregon Tip Line."

**Bill Summary:** House Bill 2051 specifies that information shared by a person making a tip is not subject to disclosure under Oregon's public records laws unless it is in the public's interest to disclose it. Personally identifiable data is given an exemption from disclosure regardless of the circumstances.

**Oregon Laws 2019:** Chapter 130

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[House Bill 2096](#)

Effective Date: September 29, 2019

**Ethics Commission Attorney Fees**

**At the request of:** Governor Kate Brown for Oregon Government Ethics Commission

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Currently, in a contested case hearing or appeal of decision, a person who prevails against the Oregon Government Ethics Commission is awarded attorney fees at the conclusion of the contested case or appeal.

**Bill Summary:** House Bill 2096 makes the award of attorney fees discretionary if the court finds in favor of a petitioner and allows the court to withhold attorney fee awards in whole or in part from a prevailing party if the court finds that the Commission proved that its actions were substantially justified or that special circumstances exist that would make an award of attorney fees unjust.

**Oregon Laws 2019:** Chapter 116



[House Bill 2227](#)

Effective Date: January 1, 2020

**Mandatory Reporters of Suspected Child Abuse**

**Chief Sponsors:** Rep. Barker; Sen. Prozanski

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Any public or private official must immediately report suspected child abuse when the official has reasonable cause to believe that a child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.

**Bill Summary:** House Bill 2227 identifies animal control officers as public officials, thereby extending to them the duty to report child abuse.

**Oregon Laws 2019:** Chapter 137

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[House Bill 2230](#)

Effective Date: January 1, 2020

**Department of Corrections Nursing Overtime**

**Chief Sponsors:** Reps. Schouten, Nosse

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Oregon law creates restrictions on the amount of mandatory overtime nursing staff in a hospital may be required to work. Specifically, hospital nursing staff may not be required to work: beyond any agreed-upon prearranged shift; more than 48 hours in any hospital-defined work week; more than 12 hours in a 24-hour period; or during the 10-hour period immediately following the 12th hour worked in any 24-hour period. Exceptions to the rule include unannounced staff vacancies and emergency situations.

**Bill Summary:** House Bill 2230 provides restrictions on the amount of mandatory overtime nursing staff at Department of Corrections facilities may be required to work that mirror restrictions for hospital nursing staff and provide specific exceptions.

**Oregon Laws 2019:** Chapter 582

### [House Bill 2238](#)

**Not Enacted**

#### Judicial Salaries

**At the request of:** Chief Justice Martha L. Walters for Judicial Department and Oregon Circuit Court Judges Association

**Committees:** House Committee on Judiciary

**Background and Current Law:** According to the National Center for State Courts, as of July 1, 2018, Oregon ranks near the bottom of the 50 states for judicial salaries at all levels of courts. In particular, Oregon is ranked 46th of 51 jurisdictions for compensation of judges in courts of general jurisdiction. For Supreme Court justices, Oregon ranks 38th nationally.

**Bill Summary:** House Bill 2238 would have amended the process for determining judicial salaries and would have required an adjustment every two years to make judicial salaries a percentage of the salary of the U.S. District Court judicial salary.

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### [House Bill 2239](#)

**Not Enacted**

#### Judges in Judicial Districts

**At the request of:** Chief Justice Martha L. Walters for Judicial Department

**Committees:** House Judiciary

**Background and Current Law:** Oregon's courts of general jurisdiction are the circuit courts, which are organized into 27 judicial districts with 173 judges serving in those districts.

**Bill Summary:** House Bill 2239 would have increased the number of judges in 12 of the 27 judicial districts, bringing the total number of judges serving in circuit courts to 187.

### [House Bill 2240](#)

Effective Date: September 29, 2019

#### Central Violations Bureau

**At the request of:** Chief Justice Martha L. Walters for Judicial Department

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Currently, courts may establish a Violations Bureau with authority over any violation. A clerk of a local Violations Bureau accepts written appearances, waivers of trial, pleas of no contest, and payments for violations.

**Bill Summary:** House Bill 2240 authorizes the State Court Administrator to establish a centralized Violations Bureau and allows circuit courts to send violations to the Central Violations Bureau.

**Oregon Laws 2019:** Chapter 60

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### [House Bill 2241-A](#)

Not Enacted

#### Court Technology Fees

**At the request of:** Chief Justice Martha L. Walters for Judicial Department

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** The Chief Justice may establish reasonable fees for access to electronic documents on the Oregon Judicial Case Information Network (OJCIN). Currently, the fee schedule charges a flat \$150 non-refundable set-up fee and a monthly user fee, which can range from \$25 per month to \$200 per month, depending on the size of the law firm. Each account also has a \$15 user profile fee. Data resellers are treated separately from law firms or general access accounts and pay a \$1,500 - \$2,075 base rate per month and a \$250 user profile fee.

**Bill Summary:** House Bill 2241-A would have authorized the Chief Justice to charge reasonable fees of public bodies for electronic filing services. Moneys collected from public bodies would have been deposited into the State Court Technology Fund.

### [House Bill 2244-A](#)

**Not Enacted**

#### **CourtCare Funding**

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

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** CourtCare is a program available in some Oregon circuit courts that provides child care within courthouses, allowing parents or guardians to leave children in a safe environment without exposing them to potentially traumatic courtroom proceedings.

**Bill Summary:** House Bill 2244-A would have expanded the current CourtCare pilot programs to include Jackson County and would have appropriated \$370,000 from the General Fund for continued operation of the pilot programs through January 2, 2023. The measure also would have created the Task Force on CourtCare to study and recommend a long-term funding source for statewide CourtCare programs.

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### [House Bill 2258-A](#)

**Not Enacted**

#### **Family Dependency Treatment Courts**

**At the request of:** Governor Kate Brown for Office of the Governor

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** In 2017, 11,645 children spent at least one day in foster care; over 65 percent of those children entered foster care because a parent had a drug or alcohol abuse problem. Family Dependency Treatment Courts (FDTC) are for families where a parent's substance abuse problem has been cause for child welfare intervention and their purpose is to guide child-welfare-involved families into treatment with intensive judicial supervision.

**Bill Summary:** House Bill 2258-A would have directed the Oregon Judicial Department (OJD) to develop and support a FDTC Pilot Program in Coos, Deschutes, Douglas, and Marion Counties. It also would have required OJD to collect data and report outcomes on the FDTC program to the legislature on a biannual basis.

### [House Bill 2285](#)

Effective Date: January 1, 2020

#### Receivership Proceedings

**Chief Sponsors:** Rep. Witt; Sen. Hansell

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Receivership is a legal process in which a court may appoint an entity to manage the affairs of another entity. Cities and counties may be appointed as receiver of abandoned or derelict property that poses a health or safety hazard. Upon appointment of a receiver after proper notice and findings, the receiver may take possession and control of the property, enter, modify, or terminate leases or rental agreements, and take other actions to abate the hazard posed by the property.

**Bill Summary:** House Bill 2285 allows a city or county to obtain a judgment against a property for costs incurred in abating the hazard in lieu of undertaking a receivership. Additionally, the measure clarifies receivership proceedings and reporting and notice requirements for residential properties that a city or county determine are threats to public health, safety, or welfare.

**Oregon Laws 2019:** Chapter 191

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### [House Bill 2299](#)

Not Enacted

#### Crime of Fleeing or Attempting to Elude a Police Officer

**Chief Sponsors:** Reps. Post, Noble, Barker

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** A person commits the crime of fleeing or attempting to elude a police officer if the person attempts to flee or elude after a clearly identifiable police officer signals to bring the vehicle to a stop.

**Bill Summary:** House Bill 2299 would have created enhanced penalties for individuals who commit the crime of attempting to elude an officer and, while fleeing in a vehicle, drive in a residential, business, or school zone, or exceed a posted speed limit by 30 miles per hour. The mandatory time of imprisonment would have increased for individuals with previous convictions for fleeing or attempting to elude a police officer. The maximum sentence of imprisonment a person could have received under House Bill 2299 was 90 days jail for three or more convictions.

### [House Bill 2328](#)

Effective Date: January 1, 2020

#### Unauthorized Use of a Vehicle

**Chief Sponsors:** Reps. Barker, Alonso Leon, Bynum, Lewis, Nosse, Piluso, Williamson; Sens. Monnes Anderson, Prozanski, Dembrow, Knopp

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** In prosecutions for the unlawful use of a vehicle, the state 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 Court of Appeals has concluded that certain fact patterns "require the stacking of inferences to the point of speculation."

**Bill Summary:** House Bill 2328 reduces the required mental state and allows a conviction for the unlawful use of a vehicle if the state proves beyond a reasonable doubt that the defendant "is aware of and consciously disregards a substantial and unjustifiable risk" that the owner does not consent to the use of the vehicle. A passenger who knew that the owner of the vehicle did not consent to its use and rode in the vehicle may also be subject to unlawful use of a vehicle.

**Oregon Laws 2019:** Chapter 530

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### [House Bill 2338](#)

Not Enacted

#### Oregon Criminal Justice Commission

**Chief Sponsors:** Reps. Stark, Williamson; Sen. Prozanski

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** This year the Oregon sentencing guidelines are 30 years old. In the intervening three decades since the creation of Oregon's guidelines, many different models and approaches have been developed across the country. The Federal Grid is much more expansive than Oregon's particularly as it relates to offense leveling.

**Bill Summary:** House Bill 2338 would have directed the Oregon Criminal Justice Commission to conduct a study on criminal sentencing outcomes and present a report on its findings to interim committees of the Legislative Assembly related to judiciary.

### [House Bill 2353](#)

**Effective Date:** June 4, 2019

#### **Public Records**

**Chief Sponsors:** Rep. Power; Sens. Dembrow, Gelser

**Committees:** House Judiciary, Senate Business and General Government

**Background and Current Law:** Under Oregon law, every person has the right to inspect any public record of a public body in this state, subject to exemptions. Unless otherwise expressly provided by statute, the custodian of any public record must furnish proper and reasonable opportunities for inspection and examination of the records. A public body must respond to a written public records request as soon as practicable and without unreasonable delay.

**Bill Summary:** House Bill 2353 allows the Attorney General, a district attorney, or a court, when it finds that a public body responded to a request with undue delay or failed to respond to the request, to order a fee waiver or reduction and may require the public body pay a \$200 penalty to the requester.

**Oregon Laws 2019:** Chapter 205

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### [House Bill 2393](#)

**Effective Date:** January 1, 2020

#### **Dissemination of Intimate Images**

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Current statute prohibits disclosure of an intimate, identifiable image through an internet website without consent from the subject. It does not prohibit the dissemination of intimate images through other means, including texting or personal device applications.

**Bill Summary:** House Bill 2393 makes it a crime to disseminate intimate images without consent of the subject or specified images of minors, regardless of the method of transmission. The measure creates a private right of action for the person, or the parents or guardian of the person depicted in the image, and caps liability for the defendant at \$5,000 per plaintiff.

**Oregon Laws 2019:** Chapter 304

### [House Bill 2395](#)

**Effective Date:** January 1, 2020

#### **Smart Device Protection**

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** “Smart” features allow devices to communicate with the Internet to send or receive data, and are increasingly common in consumer goods. According to the Federal Bureau of Investigation, cyber actors actively search for and compromise vulnerable smart devices for use as proxies or intermediaries for Internet requests to route malicious traffic for cyberattacks and computer network exploitation.

**Bill Summary:** House Bill 2395 requires smart device manufacturers to equip the connected device with reasonable security features. The features should protect information that the connected device collects, contains, stores, or transmits from access, destruction, modification, use, or disclosure that the consumer does not authorize. Failure to build in reasonable security would be a violation of Oregon’s consumer protection law enforced by the Attorney General.

**Oregon Laws 2019:** Chapter 193

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### [House Bill 2399](#)

**Effective Date:** January 1, 2020

#### **Criminal Procedure**

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Criminal procedure is the process for adjudicating criminal violations. Oregon’s criminal procedure statutes are updated as necessary to ensure consistency and resolve procedural issues.

**Bill Summary:** House Bill 2399 updates several provisions of Oregon’s criminal procedure statutes. The measure includes appeals from the grant of a pre-trial demurrer in the list of state appeals expedited to a higher court. The measure also resolves inconsistent handling of post-conviction relief actions by requiring the Oregon Department of Justice (DOJ) to assume responsibility for cases where the petitioner has been released from prison and is now on post-prison supervision, and clarifies unclear provision related to post-conviction relief. Finally, the measure increases the presumed dollar amount of stolen property from \$50 to \$100 to align with the dollar amount for Theft III violations.

**Oregon Laws 2019:** Chapter 399



### [House Bill 2400](#)

**Effective Date:** June 17, 2019

#### **Late Notice of Appeal for Civil Commitments**

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** In criminal appeals, defendants can file a motion for late appeal if they have missed the 30-day deadline to file an appeal. The same timelines and standards apply to a motion for a late appeal in delinquency, dependency, and post-conviction relief cases. Under current law, individuals who are civilly committed have a statutory right to appeal, but there is no provision allowing for a motion for late appeal.

**Bill Summary:** House Bill 2400 creates a timeline and process for late appeal in civil commitment cases consistent with those found in criminal and juvenile cases.

**Oregon Laws 2019:** Chapter 400

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### [House Bill 2401](#)

**Effective Date:** June 11, 2019

#### **Profiling**

**At the request of:** Attorney General Ellen Rosenblum

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** The 2017 Legislative Assembly enacted House Bill 2355, which intended to collect data on peace officers' discretionary detentions of pedestrians. However, ORS 131.930(3) inadvertently limited the collection of data to discretionary detentions that result in law enforcement actions other than probable cause searches in which nothing was found.

**Bill Summary:** House Bill 2401 removes the limiting language and expands the scope of discretionary detentions of pedestrians that officers are required to report, aligning the statute with the intent of the original legislation.

**Oregon Laws 2019:** Chapter 305

### [House Bill 2428](#)

**Effective Date:** September 29, 2019

#### **Public Indecency**

**Chief Sponsors:** Reps. Lewis, Sprenger

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** A person commits the crime of public indecency if while in, or in view of, a public place, the person performs an act of sexual intercourse; an act of oral or anal sexual intercourse; or an act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person. The act of masturbation in, or in view of, a public place is not encompassed by the conduct prohibited by the statute if the act does not expose the genitals of the person.

**Bill Summary:** House Bill 2428 includes the act of public masturbation in the crime of public indecency.

**Oregon Laws 2019:** Chapter 65

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### [House Bill 2430](#)

**Effective Date:** January 1, 2020

#### **Public Records Advisory Council**

**Chief Sponsors:** Rep. Power; Sens. Prozanski, Thatcher

**At the request of:** Public Records Advisory Council

**Committees:** House Judiciary, Senate Business and General Government

**Background and Current Law:** Senate Bill 106 (2017) established the office of the Public Records Advocate (PRA) and the Public Records Advisory Council (PRAC). The PRA is nominated by the PRAC and appointed by the Governor and provides public records training and dispute resolution services for disputes arising from a request to inspect or receive copies of public records. The PRAC meets at least twice annually to consider issues related to public records and make recommendations to enhance transparency. The PRAC was set to sunset on January 1, 2021.

**Bill Summary:** House Bill 2430 removes the sunset date of the PRAC and establishes two-year terms for PRAC members other than the PRA.

**Oregon Laws 2019:** Chapter 107

### [House Bill 2431-A](#)

**Not Enacted**

#### Public Records Report

**Chief Sponsors:** Rep. Power; Sens. Prozanski, Thatcher

**At the request of:** Public Records Advisory Council

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Current statute requires a public body to complete its response to a written public records request as soon as practicable and without undue delay.

**Bill Summary:** House Bill 2431-A would have required each state agency to submit a report to the Attorney General, the Public Records Advocate, and the public records subcommittee of the Legislative Counsel Committee on or before March 1 of each year with the number of requests for records received by the agency, the number of requests for records for which the agency had not completed its response within the statutory requirements or had not been completed within 60 days of the request, and the number of requests for a fee waiver or reduction that the agency has both granted and denied.

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### [House Bill 2459](#)

**Effective Date:** January 1, 2020

#### Lienholder Statements

**At the request of:** House Interim Committee on Judiciary for Oregon State Bar Debtor-Creditor Law Section

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Multiple entities may hold liens on a property. In some instances, one lienholder may attempt to gather information on the amount of a senior lien so that it can be paid off. However, various state and federal laws may prohibit disclosure of that information, making it more difficult for a junior lienholder to obtain information on how to pay off a more senior lien.

**Bill Summary:** House Bill 2459 sets up a process allowing a person or agent of a person holding a lien to request an itemized statement from another lienholder.

**Oregon Laws 2019:** Chapter 140

### [House Bill 2462](#)

**Effective Date:** January 1, 2020

#### **Justice-involved Servicemembers**

**At the request of:** House Interim Committee on Judiciary for Oregon State Bar Military and Veterans Law Section

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** There are over 20 million veterans in the U.S., making up less than 10 percent of the total population. A study in 2012 found that nine percent of Iraq and Afghanistan war veterans became involved in the criminal justice system upon returning home. Veterans of any age account for approximately eight percent of the prison and jail population.

**Bill Summary:** House Bill 2462 requires courts to inform defendants that servicemember status may make a defendant eligible for treatment programs, specialty courts, or mitigated sentencing. The measure allows the defendant to notify the court of the defendant's status as a servicemember and prohibits the use of status as a servicemember as an aggravating factor for sentencing purposes.

**Oregon Laws 2019:** Chapter 86

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### [House Bill 2466](#)

**Effective Date:** January 1, 2020

#### **Homeowner Associations**

**At the request of:** House Interim Committee on Judiciary for Oregon Condominium Working Group

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Current statute requires a homeowner or condominium owner association board to keep financial records sufficient for accounting purposes. If annual assessments are over \$75,000, the association must produce a financial statement for review by an independent auditor.

**Bill Summary:** House Bill 2466 requires homeowner and condominium owner associations to maintain a fidelity bond against computer fraud or fund transfer fraud for all persons with access to association funds. The amount of funds must be at least equal to the funds in the association account and federal bonds held by the association. The measure also provides a mechanism to waive the requirement.

**Oregon Laws 2019:** Chapter 66

### [House Bill 2471](#)

**Effective Date:** January 1, 2020

#### **Parking Violation Hearing Fees**

**At the request of:** House Interim Committee on Judiciary

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Under current law, cities may impose fines for violating city ordinances, including ordinances related to parking. If a city issues a ticket for a parking violation, the defendant may enter a plea of "guilty" or "no contest" and pay the fine, or enter a plea of "not guilty" and set a date for trial. In many jurisdictions, a defendant can also offer a written plea and explanation to the court to have the charge dismissed or the fine reduced. Some cities in Oregon require that a bail amount be paid before the court can set a trial date or consider a written explanation.

**Bill Summary:** House Bill 2471 prohibits a court from requiring a defendant to pay the full fine amount or a bail amount before the defendant may request a trial or submit a written explanation to the court for parking violations.

**Oregon Laws 2019:** Chapter 67

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### [House Bill 2472](#)

**Effective Date:** September 29, 2019

#### **Sexual Offense Therapy**

**At the request of:** House Interim Committee on Judiciary for Oregon Sexual Assault Task Force

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** The Sex Offender Treatment Board (SOTB) was established in 2017 to provide oversight of and establish standards of practice for all professionals providing sexual abuse specific treatment services in Oregon.

**Bill Summary:** House Bill 2472 closes loopholes that have allowed professionals without the agreed upon expertise and training to provide treatment services to individuals convicted of sexual crimes by ensuring all professionals providing treatment services are required to complete the same training and receive the same oversight.

**Oregon Laws 2019:** Chapter 68

### [House Bill 2480](#)

**Effective Date:** June 11, 2019

#### **Hearsay**

**At the request of:** House Interim Committee on Judiciary

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. The Oregon Court of Appeals held that an out-of-court translation of a non-English speaker's statements to a third party constitutes hearsay because the interpreter's translation constitutes an assertion of the English meaning of the original translation.

**Bill Summary:** House Bill 2480 provides an exception to the hearsay rule when the interpreter is present at trial and subject to cross examination, allowing the underlying statement to be introduced as non-hearsay if it was otherwise admissible but for the interpretation of the statement.

**Oregon Laws 2019:** Chapter 306

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### [House Bill 2485](#)

**Effective Date:** January 1, 2020

#### **Condominium Association Governance**

**At the request of:** House Interim Committee on Judiciary for Oregon Condominium Working Group

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Oregon law governing condominiums is found in Chapter 100 of the Oregon Revised Statutes. In order to form a condominium association, a declaration must be properly filed with the Real Estate Agency. Additional governance for condominiums comes from the bylaws.

**Bill Summary:** House Bill 2485 provides an update to numerous sections of Chapter 100 and creates processes for adopted restated declarations, restated assignments of use of limited common elements, and restated bylaws.

**Oregon Laws 2019:** Chapter 69

[House Bill 2500](#)

Effective Date: January 1, 2020

**Veterinary Care of Abused Animals**

**Chief Sponsors:** Rep. Wilde

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Individuals and veterinarians who provide care for a domestic animal suspected of having been injured by abuse do not currently have a means to recover their costs for delivering care. “Domestic animal” is defined as an animal, other than livestock or equines, that is owned or possessed by a person.

**Bill Summary:** House Bill 2500 creates a private right of action for recovery of expenses incurred by an individual for veterinary care of an abused domestic animal. The right of action created by this bill does not apply to equine or livestock. The existence of a criminal action is not required in order for an individual to file a civil claim under House Bill 2500.

**Oregon Laws 2019:** Chapter 161

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[House Bill 2514](#)

Effective Date: January 1, 2020

**Student Privacy**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Judiciary, Senate Education

**Background and Current Law:** Current statute requires any hearing held by a district school board on matters pertaining to, or examination of, confidential medical records of a student, including that student's educational program, shall be held in private.

**Bill Summary:** House Bill 2514, expands this requirement to include hearings that pertain to, or examine, any confidential records of a student, not only medical records.

**Oregon Laws 2019:** Chapter 196

### [House Bill 2515](#)

Effective Date: January 1, 2020

#### **Correctional Facilities Provision of Menstrual Products**

**Chief Sponsors:** Reps. Doherty, Piluso

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Current law is silent on whether correctional and detention facilities must provide menstruation products to individuals in their care. On August 1, 2017, the Federal Bureau of Prisons issued a new policy requiring that all female inmates have access to a range of menstruation products.

**Bill Summary:** House Bill 2515 directs lockup facilities, local correctional facilities, regional correctional facilities, Oregon Department of Corrections, juvenile detention facilities, and the Oregon Youth Authority to provide individuals in their care with a range of sanitary menstruation products.

**Oregon Laws 2019:** Chapter 489

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### [House Bill 2589](#)

Effective Date: May 6, 2019

#### **Employment Discrimination**

**Chief Sponsors:** Reps. Power, Nosse; Sen. Taylor

**Committees:** House Committee on Judiciary, Senate Committee on Judiciary

**Background and Current Law:** Oregon law prohibits discrimination against individuals with disabilities in employment and requires employers to make reasonable accommodations for those with disabilities.

**Bill Summary:** House Bill 2589 updates language relating to sexual orientation as it applies to employment discrimination. The measure clarifies that sexual orientation is not considered a physical or mental impairment and that an individual does not have a disability solely by reason of that individual's sexual orientation.

**Oregon Laws 2019:** Chapter 71



### [House Bill 2598](#)

**Effective Date:** January 1, 2020

#### **Stewardship Trusts**

**Chief Sponsors:** Rep. Fahey

**Committees:** House Revenue, House Judiciary, Senate Judiciary

**Background and Current Law:** One type of trust currently allowed in Oregon is a noncharitable purpose trust. Such trusts may be created without a definite beneficiary and may not continue to exist for more than 90 years.

**Bill Summary:** House Bill 2598 allows the establishment of a stewardship trust. The stewardship trust allows an entity to continue on after the retirement or death of members of the entity, such as shareholders in a corporation, while preserving the values and goals of the original members.

**Oregon Laws 2019:** Chapter 162

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### [House Bill 2601](#)

**Effective Date:** January 1, 2020

#### **Guardianship Proceedings**

**Chief Sponsors:** Reps. Nathanson, Piluso; Sens. Prozanski, Wagner

**Committees:** House Human Services and Housing, House Judiciary, Senate Judiciary

**Background and Current Law:** Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another.

**Bill Summary:** House Bill 2601 limits a guardian's ability to restrict a protected person's contacts to situations in which the guardian determines it is necessary to avoid unreasonable harm to the person's health, safety, or well-being. It provides a process for challenging a restriction. Additionally, the measure adopts the standards of practice from the National Guardianship Association into Oregon's statutes, including requiring that guardians should use a substitute judgment standard for decision-making.

**Oregon Laws 2019:** Chapter 198

### [House Bill 2614](#)

**Not Enacted**

#### **Traffic Fine Suspensions**

**Chief Sponsors:** Reps. Williamson, Barker

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Under ORS 809.210, a court can order the suspension of an individual's driving privileges if that individual fails to pay court fines related to a driving offense or fails to meet a requirement ordered in lieu of a fine. The suspension will stay in place for 20 years unless the individual presents a reinstatement notice from the court to DMV showing that the individual: 1) has paid the fine in full; 2) is making payments following a court-approved payment plan; 3) is enrolled in a pre-apprentice program; or 4) is a registered apprentice. As of January 1, 2019, individuals who have had their driving privileges suspended for failure to pay traffic-related fines or for failing to appear at a court proceeding are eligible to apply for a hardship permit, which allows suspended individuals to drive for certain specific purposes, such as for work or medical treatment.

**Bill Summary:** House Bill 2614 would have removed the authority of courts to impose driving privilege suspensions based on an individual's failure to pay traffic-related court fines or meet requirements ordered in lieu of fines.

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### [House Bill 2615](#)

**Not Enacted**

#### **Nonunanimous Jury Verdicts in Criminal Trials**

**Chief Sponsors:** Rep. Williamson

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Oregon is the only state in the United States that allows for nonunanimous jury verdicts in criminal trials.

**Bill Summary:** House Bill 2615 would have removed the statutory authority for nonunanimous jury verdicts in criminal trials.

### [House Bill 2625](#)

**Effective Date:** May 14, 2019

#### **Missing Native American Women**

**Chief Sponsors:** Rep. Sanchez; Sens. Hansell, Riley, Roblan

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Murder is the third leading cause of death among American Indian and Alaska Native women. The 2018 Urban Indian Health Institute Report on Missing and Murdered Indigenous Women & Girls reported in 2016 that there were 5,712 cases of murdered and missing indigenous women and girls, which took place at similar rates on reservations and in urban areas. Of these 5,712 cases, only 116 were logged into the Department of Justice (DOJ) database.

**Bill Summary:** House Bill 2625 requires Oregon State Police (OSP) to study how OSP resources addressing the investigation of these missing and murdered Native American and Alaskan women can be increased and to report back to the Legislative Assembly by September 15, 2020.

**Oregon Laws 2019:** Chapter 119

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### [House Bill 2631](#)

**Effective Date:** June 25, 2019

#### **Coffee Creek Legal Services Pilot Program**

**Chief Sponsors:** Rep. Sanchez

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Individuals in Oregon have no right to civil legal services, and incarcerated individuals have limited access to attorneys and resources to engage in civil legal work. Federal regulations prohibit legal services organizations, such as Legal Aid Services of Oregon, from providing civil legal services to incarcerated individuals. The Oregon Justice Resource Center, working in partnership with Red Lodge Transition Services and using grant funds, provides limited civil legal services to women at the Coffee Creek Correctional Facility.

**Bill Summary:** House Bill 2631 directs the Department of Corrections (DOC) to create and evaluate a pilot program that would assign three full-time attorneys to Coffee Creek Correctional Facility to work with incarcerated women to address legal issues related to their community reentry and reintegration.

**Oregon Laws 2019:** Chapter 481

### [House Bill 2657-A](#)

**Not Enacted**

#### **Violence Prevention**

**Chief Sponsors:** Reps. Salinas, Stark; Sens. Wagner, Fagan, Taylor

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Oregon has one of the highest rates of domestic and sexual violence in the nation, with approximately 1 million women and girls affected in their lifetime. At least one in six men in Oregon experience sexual violence. Youth who experience dating or sexual violence have higher rates of suicidal thoughts and other health consequences such as anxiety and depression, difficulty concentrating, and a loss of hope. Prevention programs promote healthy relationships, teach bystander intervention skills, and promote change in social norms and the prevention of sexual harassment, sexual assault, and dating and interpersonal violence.

**Bill Summary:** House Bill 2657-A would have created a funding program dedicated to comprehensive violence prevention education.

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### [House Bill 2750](#)

**Not Enacted**

#### **Interactions with Persons who have Experienced Trauma**

**Chief Sponsors:** Reps. Marsh, Noble, Sprenger, Piluso; Sens. Prozanski, Winters

**At the request of:** Oregon Association Chiefs of Police, Oregon State Sheriffs' Association

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Victims of a violent crime often experience a traumatic or high-stress neurological response that inhibits the victim's ability to recount details of the incident. Law enforcement officers trained in trauma-informed interviewing techniques can help a trauma victim process the experience and facilitate the collection of accurate evidence. Trauma-informed training and awareness provides officers with an understanding of what responses are consistent with a person who is experiencing trauma and how to appropriately support that individual.

**Bill Summary:** House Bill 2750 would have created funding to train Oregon law enforcement agencies to implement interview and response techniques consistent with identified best practices when interacting with victims of trauma.

### [House Bill 2771](#)

**Not Enacted**

#### **International Custody Dispute Education Program for Judges**

**Chief Sponsors:** Reps. McLain, Hernandez; Sens. Manning Jr., Gelser

**Committees:** House Human Services and Housing

**Background and Current Law:** To be a judge in Oregon, a person must be a member of the Oregon State Bar (OSB). OSB members must complete a minimum of 45 continuing legal education (MCLE) credit hours in each 3-year reporting period. There are requirements for the type of credits that must be earned from subject areas that include: ethics, practical skills, access to justice, child abuse and elder abuse reporting, mental health/substance use, and access to justice. The MCLE rules are administered by the Board of Governors (BOG) of the OSB and may be modified by the BOG subject to approval by the Oregon Supreme Court. The Judicial and Leadership Education Committee and the Juvenile Court Improvement Program (both within the Oregon Judicial Department) plan and vet additional legal education opportunities specifically for judges.

**Bill Summary:** House Bill 2771 would have directed the State Court Administrator to implement an education program for state judges focused on issues that arise in international custody disputes.

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### [House Bill 2797](#)

**Not Enacted**

#### **Homicide Resulting from Controlled Substance Offense**

**Chief Sponsors:** Rep. Barker; Sen. Johnson

**Committees:** House Judiciary

**Background and Current Law:** The mandatory minimum sentences currently in place for the crime of unlawful delivery or manufacture of a controlled substance are generally triggered by type and quantity of the substance possessed or manufactured. There is no minimum sentence for an individual found to have manufactured or delivered a controlled substance that contributes to the death of an individual.

**Bill Summary:** House Bill 2797 would have created a new enhancement factor triggering a mandatory minimum sentence for any person found to have manufactured or delivered controlled substances that contributed to the death of an individual consuming them.

### [House Bill 2842](#)

**Not Enacted**

#### **Amendment of Birth Records**

**Chief Sponsors:** Rep. Nearman

**At the request of:** Bob Weaver

**Committees:** House Judiciary

**Background and Current Law:** Current statute provides guidance on amending records of live birth. In adoption proceedings, the State Registrar of the Center for Health Statistics may replace a record of live birth and substitute it for the original. The original and all evidence submitted with the request or court order for replacement is then placed under seal and is not subject to inspection. These records may be unsealed only upon court order or when requested by an agency operating a voluntary adoption registry.

**Bill Summary:** House Bill 2842 would have required the Center for Health Statistics to enter the name of each parent on an original record of live birth upon request of the individual, if the parents are determined by a court or by administrative division and the original record was sealed but later unsealed.

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### [House Bill 2849](#)

**Effective Date:** January 1, 2020

#### **Protective Custody of Children**

**Chief Sponsors:** Reps. Sanchez, Noble; Sen. Gelser

**Committees:** House Judiciary; Joint Ways and Means

**Background and Current Law:** Current Oregon law allows a child to be taken into protective custody without a court order when the conditions or surroundings appear to jeopardize the child's welfare. This standard is at odds with case law applying the Fourth and Fourteenth Amendments of the U.S. Constitution.

**Bill Summary:** House Bill 2849 provides new standards for when a child may be taken into protective custody without a court order, specifically when there is reasonable cause to believe that there is an imminent threat of severe harm, the child has run away from home, or there is an imminent threat that the child will be removed from the jurisdiction of the court before steps can be taken to assess and protect the child. The measure provides a standard for Indian children that is in line with the Indian Child Welfare Act (ICWA), allowing removal only when necessary to prevent imminent physical damage or harm to the child.

**Oregon Laws 2019:** Chapter 594

### [House Bill 2866](#)

**Not Enacted**

#### **Required Actions with Respect to Personal Information of Resident Individuals**

**At the request of:** American Civil Liberties Union, Oregon Citizens' Utility Board, Oregon Student Public Interest Research Group

**Committees:** House Judiciary

**Background and Current Law:** According to a Pew Research survey, 91 percent of adults believe that consumers have lost control over how personal information is collected and used by companies. Many operators of commercial websites and online services collect personal information from Oregonians, including information on health, finances, location, politics, religion, sexual orientation, and shopping habits. Many operators share this information with third parties, including advertisers and data brokers.

**Bill Summary:** House Bill 2866 would have required entities engaging in data collection to provide clear disclosures to and receive express consent from individuals about the breadth of collection and scope of use of the data they intend to collect. The measure would have prohibited companies from offering incentives to individuals who consent to the use of their data or penalties to those who do not.

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### [House Bill 2882](#)

**Not Enacted**

#### **Contamination by Genetically Engineered Organisms**

**Chief Sponsors:** Reps. Helm, Marsh, Sanchez, Wilde; Sen. Golden

**Committees:** House Judiciary; House Rules

**Background and Current Law:** A genetically modified organism (GMO) is an organism that has some genetic changes produced through laboratory techniques, including manipulation of genetic material or introduction of modified genetic material into the organism. GMO crops may be produced to be resistant to pesticides and herbicides, to combat disease and parasites, or to increase nutritional value. Several countries ban producing or importing GMO crops due to the possibility of accidental contamination of standard crops with GMO products.

**Bill Summary:** House Bill 2882 would have created an avenue for a person to sue the patent holder of a GMO product if the GMO product is found on land without permission.

[House Bill 2932](#)

Effective Date: June 20, 2019

**Immigration Status of Criminal Defendants**

**Chief Sponsors:** Reps. Hernandez, Williamson, Power; Sens. Manning Jr, Dembrow

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Oregon law requires courts to inform a defendant, prior to allowing entry of a plea, that a conviction of a crime may result in deportation or exclusion from admission into the United States for non-citizens.

**Bill Summary:** House Bill 2932 gives a defendant additional time to enter a plea decision after being informed of possible adverse immigration consequences and prohibits inquiry into a defendant's citizenship status at any time during a criminal proceeding.

**Oregon Laws 2019:** Chapter 437

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[House Bill 2959](#)

Not Enacted

**Offensive Littering**

**At the request of:** League of Oregon Cities

**Committees:** House Judiciary

**Background and Current Law:** In a 2018 case, the Oregon Court of Appeals found that the crime of offensive littering does not encompass urine and urination.

**Bill Summary:** House Bill 2959 would have amended the crime of offensive littering to include the act of discharging human waste to the crime of offensive littering.



### [House Bill 3005](#)

Effective Date: July 1, 2019

#### Interlock Ignition Device Oversight

**At the request of:** Oregon Department of Transportation

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** In 2017, the Legislative Assembly passed House Bill 2638, which set standards for the installation and maintenance of interlock ignition devices (IIDs). These devices are installed in a person's vehicle after that individual is convicted of driving under the influence of intoxicants (DUI) or enters a DUI diversion program. The IID prevents a person from starting his or her vehicle if the device detects the presence of alcohol in the person's breath. The presence of alcohol also triggers a negative report from the device, which goes to the device service center and ultimately to the court. IIDs are provided and installed by private companies with oversight from the Oregon Department of Transportation (ODOT). This oversight authority will transfer from ODOT to Oregon State Police (OSP) on July 1, 2019.

**Bill Summary:** House Bill 3005 defines and clarifies the responsibilities of an IID manufacturer's representative and an IID service center, and changes the percent blood alcohol level needed to trigger a negative report from .00 to .02 to conform with national best practice standards. It also clarifies the background check standards for IID technicians, expands OSP's ability to assess fees to fund the program, and directs OSP to develop a process by which an individual can contest a negative report.

**Oregon Laws 2019:** Chapter 200

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### [House Bill 3006](#)

Effective Date: January 1, 2020

#### Probate of Estates With No Known Assets

**At the request of:** Oregon Law Commission Probate Modernization Work Group

**Committees:** House Judiciary; Senate Judiciary

**Background and Current Law:** Probate is a legal proceeding to settle an estate or carry out the provisions of a will. Sometimes a probate proceeding must be opened in order to give a personal representative authority to manage an estate, even though no assets will be distributed through the estate.

**Bill Summary:** House Bill 3006 removes several required processes in the probate of an estate with no known assets and provides processes for completing the required steps should assets be discovered. Additionally, the measure allows a personal representative to file a statement in lieu of a full accounting upon the consent of all heirs and devisees.

**Oregon Laws 2019:** Chapter 414

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### [House Bill 3007](#)

**Effective Date:** January 1, 2020

#### **Probate of Small Estates**

**At the request of:** Oregon Law Commission Probate Modernization Work Group

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Probate is a legal proceeding to settle an estate or carry out the provisions of a will. Oregon's probate code allows a simplified probate process for smaller estates. Currently, to use the small estate process, the fair market value of all assets of the estate must be no more than \$275,000, with no more than \$200,000 of that value derived from real property.

**Bill Summary:** House Bill 3007 modifies the process for probate of small estates.

**Oregon Laws 2019:** Chapter 165

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### [House Bill 3008](#)

**Effective Date:** January 1, 2020

#### **Probate Involving Wrongful Death Claims**

**At the request of:** Oregon Law Commission Probate Modernization Work Group

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Probate is a legal proceeding to settle an estate or carry out the provisions of a will.

**Bill Summary:** House Bill 3008 establishes a standardized process for probate of estates that include a wrongful death or personal injury claim. The measure requires court approval of any settlement of a wrongful death or personal injury claim by the personal representative. The measure waives certain requirements on the personal representative when the probate is opened for the sole purpose of pursuing a wrongful death claim and no other assets are discovered, such as obtaining a bond, filing accountings, filing inventories, and notifying creditors.

**Oregon Laws 2019:** Chapter 166

### [House Bill 3047](#)

**Not Enacted**

#### **Financial Responsibility for Dependency Summons**

**Chief Sponsors:** Rep. Bonham

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Current law requires each party in a dependency case issuing a summons, or requesting the court to issue a summons, to bear the cost of service and associated costs. It provides an exception for the Department of Human Services (DHS), making the county responsible for the cost associated with a summons when DHS issues the summons or requests the court to issue the summons.

**Bill Summary:** House Bill 3047 would have required any party that issues summons or requests that the court issue summons, to bear the cost of the service of summons in a dependency proceeding.

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### [House Bill 3064](#)

**Effective Date:** January 1, 2020

#### **Criminal Justice Entities**

**Chief Sponsors:** Reps. Piluso, Williamson, Sanchez; Sens. Winters, Manning Jr.

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** The Criminal Justice Commission (CJC) allocates state and federal resources statewide for comprehensive criminal justice planning and policy development. Additionally, the CJC serves as the primary coordinating body for the acceptance, planning, and distribution of federal criminal justice funds leveraged to address the needs of the state criminal justice system.

**Bill Summary:** House Bill 3064 directs the CJC to determine if counties currently receiving project funding are demonstrating progress toward the goal of reducing prison usage as laid out by the Justice Reinvestment Act passed in 2013. For counties that are not meeting their goals, the CJC will either put the county on an improvement plan with specific goals or discontinue funds.

**Oregon Laws 2019:** Chapter 598

### [House Bill 3077](#)

**Effective Date:** July 1, 2020

#### **Updating School Sexual Harassment Policies**

**Chief Sponsors:** Rep. Salinas; Sen. Gelser

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** In 1997, the Legislative Assembly enacted statutes creating policies for sexual harassment reporting and investigation in Oregon's K-12 schools. Those requirements were modernized with the passage of House Bill 4150 (2018).

**Bill Summary:** House Bill 3077 builds on the legislature's previous work on K-12 sexual harassment reporting and investigation policy requirements by adopting a new definition of harassment, clarifying certain aspects of the reporting and investigation process, and requiring the provision of resources and support to individuals who report sexual harassment.

**Oregon Laws 2019:** Chapter 442

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### [House Bill 3117](#)

**Effective Date:** May 22, 2019

#### **Obtaining Court Orders to Prohibit Contact**

**Chief Sponsors:** Rep. Nosse; Sen. Taylor

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Current law allows a victim of abuse to apply for and receive an emergency protection order if: the petitioner has been a victim of qualifying abuse by a family or household member within the 180 days before filing the order; the petitioner is in imminent danger of further abuse; and, the respondent represents a credible threat to the physical safety of the petitioner or the petitioner's child. If there is a contested hearing after the issuance of the emergency order, the petitioner must demonstrate the same immanency that was required on issuance. A recent decision by the Oregon Court of Appeals found that a victim who had not experienced additional abuse after moving out of the respondent's home and in with her parents, failed to demonstrate she was in imminent danger of further abuse.

**Bill Summary:** House Bill 3117 eliminates the imminent danger requirement when a court is considering continuing an existing protection order.

**Oregon Laws 2019:** Chapter 144

### [House Bill 3145](#)

**Not Enacted**

#### **Public Defense Reform**

**At the request of:** Rep. Jennifer Williamson

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** Under the U.S. Constitution, states have an obligation to provide effective counsel for criminal defendants. A 2018 study of Oregon's public defense systems found the state has created an attorney compensation plan that pits appointed lawyers' financial self-interest against the due process rights of their clients and is prohibited by national public defense standards.

**Bill Summary:** House Bill 3145 would have established a Task Force on Public Defense to review requirements and best practices related to the delivery and oversight of public defense services and make recommendations to the Legislative Assembly for achieving effective public defense counsel throughout Oregon.

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### [House Bill 3146](#)

**Effective Date:** January 1, 2020

#### **Changes Term Inmate to "Adult in Custody"**

**At the request of:** Rep. Jennifer Williamson

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** The Department of Corrections (DOC) averages just under 15,000 individuals in its care and custody at any point in time. Approximately 95 percent of those individuals will return to the community after incarceration, with approximately 440 individuals released each month. Over the course of the last seven years, DOC has focused its efforts on the successful reentry of individuals after incarceration. Part of that work has been to provide reformation and treatment in a normalized environment and a humane manner. Oregon policymakers and DOC officials believe that changing the term inmate to "adult in custody" will humanize those sentenced to DOC.

**Bill Summary:** House Bill 3146 Replaces the term "inmate" with "adult in custody" throughout the Oregon code.

**Oregon Laws 2019:** Chapter 213

### [House Bill 3164-A](#)

**Not Enacted**

#### **Holistic Defense Pilot Program**

**Chief Sponsors:** Reps. Sanchez, Williamson; Sen. Dembrow

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** In recent years, holistic public defense has arisen as a national best practice. This practice model is based on a belief that the most effective form of criminal defense representation addresses not just the criminal case, but also the collateral consequences of criminal justice involvement, such as employment, public housing, child custody, immigration status, and any underlying issues that may have factored into the defendant's involvement in the criminal justice system. Currently, Metropolitan Public Defender Services, the largest public defender nonprofit in Oregon, hosts a small Community Law Division. The program serves past and current clients of Metropolitan Public Defender Services Criminal Division and clients of established community partners to provide holistic representation.

**Bill Summary:** House Bill 3164-A would have created a two-year pilot program to address the civil legal needs of Metropolitan Public Defender Services' clients including housing, family law, public benefits, financial obligations, consumer debt, and expungement.

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### [House Bill 3201](#)

**Effective Date: June 20, 2019**

#### **Deferred Resolution of Criminal Charges**

**Chief Sponsors:** Reps. Hernandez, Williamson, Power; Sens. Manning Jr, Dembrow

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Oregon law currently allows for the requirement that a defendant, prior to entering a diversion agreement, plead guilty to or stipulate to certain facts establishing guilt to a criminal charge. A diversion agreement carries the understanding that if the defendant fulfills the obligations of the program described therein, the criminal charges will be dismissed with prejudice. Upon violation of a term or condition of the agreement, the court may enter an adjudication of guilt and a conviction may be entered.

**Bill Summary:** House Bill 3201 prohibits agreements for certain diversions from containing requirements that the defendant admit guilt or facts that establish the defendant's guilt. The measure instead provides that a defendant will agree to waive certain trial rights that would otherwise be available upon termination of a diversion agreement.

**Oregon Laws 2019:** Chapter 445

### [House Bill 3216](#)

**Effective Date:** January 1, 2020

#### **Summoning a Police Officer**

**Chief Sponsors:** Rep. Bynum; Sens. Manning Jr, Frederick

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** A person commits the crime of initiating a false report if the person knowingly initiates a false alarm or report that is transmitted to a law enforcement or emergency agency. The crime of initiating a false report does not encompass elements relating to the impact on an individual contacted by law enforcement because of a person initiating a false report.

**Bill Summary:** House Bill 3216 establishes the right to seek a civil remedy against a person who purposefully causes an individual to be contacted by law enforcement if it is proven that the intent was to unfairly and negatively impact the individual being contacted.

**Oregon Laws 2019:** Chapter 415

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### [House Bill 3224](#)

**Effective Date:** January 1, 2020

#### **District Attorney Policies**

**Chief Sponsors:** Reps. Piluso, Williamson

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Currently, there is no requirement that district attorneys (DAs) establish, maintain, or make public any formal or informal policies within their offices relating to prosecutorial decision-making. There is wide variation from county to county relating to charging policies or procedures and their availability to the public.

**Bill Summary:** House Bill 3224 requires all DAs to develop and maintain written policies about the core functions of their office and it requires that those policies be posted on the DA's website.

**Oregon Laws 2019:** Chapter 446

### [House Bill 3249](#)

**Effective Date:** January 1, 2020

#### **Communications with Legal Clients**

**Chief Sponsors:** Reps. Williamson, McLane

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** All visitor logs of corrections facilities are currently subject to inspection under public records law. A representative of an inmate's lawyer, under ORS 40.225, means one employed to assist the lawyer in the rendition of professional legal services. The statute protects a client's privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client between the client's lawyer or a representative of the lawyer.

**Bill Summary:** House Bill 3249 extends this privilege to specifically include visitations between an adult in custody and their lawyer or a lawyer's representative while in custody at a correctional facility.

**Oregon Laws 2019:** Chapter 169

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### [House Bill 3261](#)

**Effective Date:** January 1, 2020

#### **Juvenile Custodial Interrogation Recording**

**Chief Sponsors:** Reps. Gorsek, Piluso

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** In 2017, The Legislative Assembly enacted House Bill 3242, which required police officers to record custodial interviews of youth under 18 years of age in law enforcement facilities in connection with investigations into acts that would constitute a felony if committed by an adult.

**Bill Summary:** House Bill 3261 requires a peace officer equipped with a body camera to record custodial interviews with youth under 18 years of age in the course of investigating acts that would constitute felony and misdemeanor crimes if committed by an adult, regardless of where the interview occurs.

**Oregon Laws 2019:** Chapter 216



### [House Bill 3289](#)

**Effective Date: September 29, 2019**

#### **Study of Jail Conditions**

**At the request of:** Rep. Jeff Barker

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Recent news reports have found Oregon jails (called local correctional facilities) to be under-resourced and failing to provide the medical and mental health care their populations require. Additionally, there is no consistent data on jail practices, populations, or the health care services they provide. These reports correlate the under-funding of jails to an increase in inmate deaths, the most common cause being suicide.

**Bill Summary:** House Bill 3289 directs the Criminal Justice Commission (CJC) to study policies, procedures, and data collection practices for local correctional facilities. It requires the CJC to study the manner, means, costs, and barriers to providing health care at local and regional correctional facilities across Oregon. It also repeals statutes which require sheriffs to receive and keep federal prisoners.

**Oregon Laws 2019:** Chapter 147

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### [House Bill 3293](#)

**Effective Date: June 20, 2019**

#### **Civil Action for Sexual Assault**

**At the request of:** Rep. Jeff Barker

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Under Oregon law, if a person under the age of 18 is abused, including sexually assaulted, the statute of limitations for a civil action does not run until either the person reaches 40 years of age or within five years of the person discovering the causal connection between the abuse and the injury. Like other actions for injury to a person, adults who have been sexually assaulted must bring an action within two years.

**Bill Summary:** House Bill 3293 extends the statute of limitations for actions on adult sexual assault to five years from the date the person discovers, or reasonably should have discovered through the exercise of reasonable care, the causal relationship between the assault and an injury.

**Oregon Laws 2019:** Chapter 448

### [House Bill 3300-A](#)

**Not Enacted**

#### **Gender-Responsive Correctional Programming**

**At the request of:** Rep. Jeff Barker

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** At the 2019 Criminal Justice Commission (CJC) Justice Reinvestment Summit, national experts presented on the importance of providing trauma-informed and gender-responsive systems and programming for incarcerated women as a means to reducing recidivism. Since the early 2000s, the YWCA of Greater Portland has hosted a program for incarcerated women at Coffee Creek Correctional Facility called the Family Preservation Project (FPP) which provides targeted support to incarcerated mothers. Research conducted in 2014 found that participants in the FPP were more likely to be parenting post-incarcerated and that their children had better outcomes than mothers and families who did not participate in the FPP.

**Bill Summary:** House Bill 3300-A would have directed the Department of Corrections, in collaboration with CJC, to create a pilot program establishing the Center for Incarcerated Parents and Their Children at the Coffee Creek Correctional Facility.

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### [House Bill 3335](#)

**Not Enacted**

#### **Interference with Public Transit**

**Chief Sponsors:** Rep. Hernandez

**Committees:** House Judiciary

**Background and Current Law:** Under ORS 166.116, the crime of interfering with public transportation is entering or remaining unlawfully on a public transit vehicle or in a public transit station. This is a Class C misdemeanor. The act becomes a Class A misdemeanor if the person enters or remains unlawfully and has had three or more previous convictions for entering or remaining unlawfully.

**Bill Summary:** House Bill 3335 would have eliminated from the definition of the crime of interfering with public transportation the act of intentionally or knowingly entering or remaining unlawfully in or on a public transit vehicle or public transit station.

### [House Bill 3336](#)

**Not Enacted**

#### **Giving False Information**

**Chief Sponsors:** Rep. Hernandez

**Committees:** House Judiciary

**Background and Current Law:** Under ORS 162.385 it is a crime to give a false or fictitious name to a police officer in connection with a warrant or citation. Additionally, under ORS 807.620, it is a crime to give a false or fictitious name to a police officer who is enforcing a motor vehicle law. A violation of either statute is a Class A misdemeanor.

**Bill Summary:** House Bill 3336 would have provided that it is not a violation of either ORS 162.385 or 807.620 for a person to give a preferred name to a police officer instead of providing his or her legal name. A preferred name was defined as one that the person regularly uses: 1) for the purpose of gender expression; 2) to avoid risks to personal safety; 3) for professional or official purposes; or 4) as a nickname or Anglicized form of the name on the person's government-issued identification documents.

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### [House Bill 3337](#)

**Not Enacted**

#### **Mass Transit Fair Checks**

**Chief Sponsors:** Reps. Hernandez, Bynum

**Committees:** House Judiciary

**Background and Current Law:** Under ORS 267.320, Mass Transit Districts can assess charges and fees on individuals who use the services provided by the districts. In addition, Mass Transit Districts can commission police officers for the enforcement of district ordinances, including those related to the collection of fees. Mass Transit Districts in Oregon include TriMet, Salem Area Mass Transit District (Cherriots), and Lane Transit District (LTD).

**Bill Summary:** House Bill 3337 would have prohibited police officers from conducting or participating in any efforts to determine whether an individual has paid a charge, fee, or toll imposed by a mass transit district.

### [House Bill 3338](#)

**Not Enacted**

#### **Public University Police Officers**

**Chief Sponsors:** Rep. Hernandez

**Committees:** House Judiciary

**Background and Current Law:** The State Board of Higher Education may, at the request of a public institution under its control, authorize the institution to establish a police department and commission one or more employees as police officers. A police department established under this section has all of the authority and immunity of a municipal police department of this state. The University of Oregon, Oregon Health and Science University, and Portland State University have armed police departments.

**Bill Summary:** House Bill 3338 would have limited the authority of campus police officers from carrying firearms outside of designated areas.

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### [House Bill 3360](#)

**Not Enacted**

#### **Court Facilities Improvement Funding**

**Chief Sponsors:** Reps. DB Smith, Wallan

**At the request of:** Rep. Barker

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** The Oregon Courthouse Capitol Construction and Improvement Fund was established in 2013 to provide bond funding for courthouses that have significant structural defects that present threats to human health and safety. The State Treasurer may issue up to \$15 million in Article XI-Q bonds for these projects. These funds may only be used for courthouses with significant structural defects, replacement of courthouses when new construction is more cost-effective than repairing the courthouse, or if the courthouse is co-located with other state offices.

**Bill Summary:** House Bill 3360 would have allowed the use of such funds for remodeling, renovation, or expansion of courthouse facilities if the Chief Justice determines that issuing bonds for such repairs is necessary or desirable.

### [House Bill 3388](#)

**Not Enacted**

#### Judicial Salaries

**Chief Sponsors:** Reps. Gorsek, McLane, Helt, Noble, Power, Williamson; Sens. Prozanski, Girod, Knopp, Roblan

**At the request of:** Chief Justice Martha L. Walters, Oregon Circuit Court Judges Association

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** According to the National Center for State Courts (NCSC), as of July 1, 2018, Oregon ranks near the bottom of the 50 states for judicial salaries at all levels of courts. In particular, Oregon is ranked 46th of 51 jurisdictions for compensation of judges in courts of general jurisdiction. For Supreme Court justices, Oregon ranks 38th nationally.

**Bill Summary:** House Bill 3388 would have amended the process for determining judicial salaries and requires an adjustment every two years to make judicial salaries a percentage of the salary of U.S. District Court judicial salaries.

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### [House Bill 3415](#)

**Effective Date:** January 1, 2020

#### Higher Education Sexual Harassment Policies and Training

**Chief Sponsors:** Rep. Williamson

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Senate Bill 795 (2017) requires universities to provide student victims of sexual harassment and assault with written notification about their rights and options to empower survivors to make the choices best for them. The U.S. Department of Education recently published a notice of proposed rulemaking that would require universities to change some of their current policies and practices when responding to allegations of sexual harassment and assault. Specifically, the proposed rules would narrow the definition of harassment, limit jurisdiction, and omit constructive notice as a trigger for investigation.

**Bill Summary:** House Bill 3415 requires institutions of higher education to both adopt written policies and require certain individuals to participate in annual training on sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

**Oregon Laws 2019:** Chapter 451

[House Joint Resolution 10](#)

**Not Adopted**

**Unanimous Jury Verdicts in Criminal Trials**

**Chief Sponsors:** Rep. Williamson; Sens. Manning Jr, Prozanski

**Committees:** House Judiciary, House Rules

**Background and Current Law:** The Oregon Constitution provides that in all felony criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed and ten members of the jury may render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree murder, which shall be found only by a unanimous verdict of twelve jurors.

**Bill Summary:** House Joint Resolution 10 would have allowed verdicts in criminal trials by unanimous vote only.

## 2019 SUMMARY OF LEGISLATION

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# LABOR AND EMPLOYMENT

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# LABOR AND EMPLOYMENT MEASURES

<b>Collective Bargaining</b>	Enacted Not Enacted	SB 272, HB 2016, HB 2231, HB 3009 -none-
<b>General Labor and Employment</b>	Enacted Not Enacted	SB 270, HB 2992 SB 284, HB 2498, HB 2655, HB 2818
<b>Public Employment and Contracting</b>	Enacted Not Enacted	SB 479, HB 2216 SB 332-B
<b>Retirement Programs</b>	Enacted Not Enacted	SB 164, SB 1049, HB 2417, HB 2972 SB 187, SB 634-A, SB 768, SB 934, HB 2646, HB 2647, HB 2786-A, HB 2838-A, HB 2861-A
<b>Unemployment Insurance, Workers' Compensation, and Leave Laws</b>	Enacted Not Enacted	SB 507, SB 798, HB 2005, HB 2087, HB 2660, HB 2788 SB 722-A, HB 3022-A
<b>Wages, Hours, and Benefits</b>	Enacted Not Enacted	SB 123, SB 494, SB 519, HB 2398, HB 3193 SB 1026-A, HB 2408-A, HB 3374
<b>Working Conditions and Workplace Safety</b>	Enacted Not Enacted	SB 479, SB 726, HB 2341, HB 2593 -none-
<b>Workforce Development</b>	Enacted Not Enacted	-none- HB 2181-A, HB 2453

Picture: Tulip Farm, Clackamas County – [Gary Halvorson, Oregon State Archives](#)



# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2005	Directs Oregon Employment Department to report on its progress toward implementing the paid family and medical leave insurance program.	February 15, 2020; September 1, 2021; and once during each of the three biennia following July 1, 2023

### [Senate Bill 123](#)

**Effective Date:** January 1, 2020

#### **Pay Equity**

**At the Request of:** Senate Interim Committee on Workforce

**Committees:** Senate Workforce, Senate Rules, House Rules

**Background and Current Law:** In 2017, the Oregon Legislative Assembly passed the Equal Pay Act (HB 2005) making it an unlawful employment practice to discriminate between employees or applicants in compensation based on race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability, or age. The Act prohibits employers or prospective employers from using salary history to screen applicants or to determine compensation, or from acquiring their salary history unless the applicant chose to disclose their salary history.

**Bill Summary:** Senate Bill 123 modifies the requirements an employer must meet in order to avoid compensatory and punitive damages in a civil action alleging unlawful wage differentials. If the employee prevails and the court finds the employer completed an equal-pay analysis and made reasonable and substantial progress toward eliminating wage differentials, then the court must order the employer to eliminate the unlawful wage differential for the employee and award back pay or unpaid wages. The measure prohibits an employer's implementation of its equal-pay analysis to be considered an admission of liability in a civil action.

**Oregon Laws 2019:** Chapter 617

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### [Senate Bill 164](#)

**Effective Date:** January 1, 2020

#### **Oregon Retirement Savings Plan**

**At the Request of:** State Treasurer Tobias Read

**Committees:** Senate Workforce, House Business and Labor

**Background and Current Law:** In 2015, the Legislative Assembly enacted House Bill 2960 to create the seven-member Oregon Retirement Savings Board. In 2017, the Board created OregonSaves, a defined contribution retirement plan. Employers with 20 or more employees are required to automatically enroll their employees in OregonSaves if the employer does not offer a qualified retirement plan. Employees enrolled in OregonSaves make post-tax contributions to a Roth IRA, administered by the Oregon State Treasury. Currently, no enforcement process exists for ensuring compliance with the Board's requirements.

**Bill Summary:** Senate Bill 164 authorizes the Bureau of Labor and Industries (BOLI) to enforce the Board's rules governing retirement plans using BOLI's contested case process. The bill allows BOLI to accept complaints from employees no earlier than two years following the date by which an employer is required to register with OregonSaves.

**Oregon Laws 2019:** Chapter 149

### [Senate Bill 187](#)

**Not Enacted**

#### **Status of Judicial Marshals with PERS**

**At the Request Of:** Chief Justice Martha L. Walters for Judicial Department

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** In 2012, the Legislative Assembly authorized the Chief Justice to appoint staff to provide physical security in state court facilities. In 2015, the Legislative Assembly designated these judicial marshals as "peace officers" which authorized them to lawfully exercise certain powers, such as detaining individuals, subject to the personnel rules and policies established by the Chief Justice. The Legislative Assembly has determined that judicial marshals are not "police officers" for the purposes of the Public Employees Retirement System (PERS).

**Bill Summary:** Senate Bill 187 would have included current and future judicial marshals in the category of police officer for the purposes of PERS.

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### [Senate Bill 272](#)

**Effective Date: January 1, 2020**

#### **Prohibits Assistant Attorneys Generals from Strikes**

**Chief Sponsors:** Sen. Manning Jr.; Rep. Doherty

**Committees:** Senate Workforce, House Business and Labor

**Background and Current Law:** The Public Employee Collective Bargaining Act (PECBA), enacted in 1973, codifies the laws governing employment relations and public employers and employees, as well as private employers not subject to the jurisdiction of the National Labor Relations Board. Though they may be represented by a labor organization, it is unlawful for certain public safety and emergency personnel and deputy district attorneys to strike or recognize a picket line while in the performance of official duties. Instead, those employees engage in binding arbitration as provided by PECBA to resolve disagreements that have come to an impasse.

**Bill Summary:** Senate Bill 272 adds assistant attorneys general to the list of public employees prohibited from striking or recognizing a picket line due to collective bargaining disputes between labor and management.

**Oregon Laws 2019:** Chapter 242

### [Senate Bill 284](#)

**Not Enacted**

#### **Employer Collection of Biometric Data**

**At the Request of:** Sen. Monnes Anderson

**Committees:** Senate Workforce, Senate Judiciary

**Background and Current Law:** A patchwork of laws governs an employer's collection and use of biometric data. For example, employers must comply with federal confidentiality laws regarding information contained in medical files which may include biometric data. And federal and state laws prescribe how fingerprint data may be used and shared. Oregon does not specifically regulate an employer's storage, sharing, and retention of biometric data collected from its employees.

**Bill Summary:** Senate Bill 284 would have made it an unlawful employment practice for an employer to collect any information that could be used to identify employees through measurements of their biological characteristics.

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### [Senate Bill 332-B](#)

**Not Enacted**

#### **Veteran's Preference for Vacant Civil Service Positions**

**Chief Sponsors:** Sen. Baertschiger Jr.

**Committees:** Senate Workforce, House Business and Labor, Joint Ways and Means

**Background and Current Law:** Under current law, public employers must grant preference to a veteran who applies for a vacant civil service position or who seeks promotion if they meet the minimum and special qualifications and if they successfully complete an initial screening or examination, or successfully complete a test used to establish eligibility for the position. Current law also requires public employers to interview every veteran applicant who meets the minimum and special qualifications and who provides evidence that they have the transferable skills required or requested by the public employer.

**Bill Summary:** Senate Bill 332-B would have established a statutory process for scoring and ranking veterans and disabled veterans by applying preferences for initial screenings and for examinations. Senate Bill 332-B would also have allowed evidence of eligibility for a preference to include a certification of service showing an expected discharge within 120 days of submission of the certification.

### [Senate Bill 370](#)

**Effective Date:** June 6, 2019

#### **Employee Notification of I-9 Inspection**

**At the Request of:** Senate Interim Committee on Judiciary

**Committees:** Senate Workforce, House Business and Labor

**Background and Current Law:** Immigration and Customs Enforcement (ICE), a federal agency established in 2003, implements the Immigration Reform and Control Act of 1986. That Act requires employers to verify the identity and employment eligibility of their employees using the Employment Eligibility Verification Form I-9. Employers must notify at least three business days prior to an inspection of the forms by an officer of an authorized agency of the United States.

**Bill Summary:** Senate Bill 370 requires an employer within three business days of receiving a federal notice of inspection of I-9 forms to provide its employees with a notice regarding the upcoming inspection.

**Oregon Laws 2019:** Chapter 260

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### [Senate Bill 479](#)

**Effective Date:** September 29, 2019

#### **Public Employers and Workplace Harassment**

**Chief Sponsors:** Sens. Gelser, Knopp

**Committees:** Senate Workforce, House Judiciary

**Background and Current Law:** Oregon law makes it an unlawful employment practice for an employer to discriminate in wages or in the terms, conditions, or privileges of employment based on race, color, religion, sex, sexual orientation, national origin, marital status, age, expunged juvenile criminal record, person's service in a uniformed service, or disability. An aggrieved employee or applicant may file a complaint with the Bureau of Labor and Industries (BOLI) or may file a civil action in court. In general, an action relating to an unlawful employment practice must be filed within one year of the occurrence of the practice. Currently, no Oregon law explicitly requires a public employer to have written anti-discrimination policies.

**Bill Summary:** Senate Bill 479 requires public employers to have a written policy to prevent and investigate workplace harassment and contain information on how to report and pursue claims. The bill generally prohibits a public employer from requiring employees to enter into nondisclosure agreements having the effect of prohibiting them from disclosing workplace harassment or sexual assault. The bill also extends the statute of limitations for actions based on prohibited conduct from one to five years.

**Oregon Laws 2019:** Chapter 463

### [Senate Bill 494](#)

**Effective Date: September 29, 2019**

## **Abolishes Subminimum Wage for People Experiencing Disabilities**

**Chief Sponsors:** Sen. Gelser; Rep. Piluso

**Committees:** Senate Workforce, House Business and Labor

**Background and Current Law:** Employers who obtain a federal certification are authorized under Oregon and federal law to employ individuals experiencing disabilities at a subminimum wage. Since 1977, the Qualified Rehabilitation Facility (QRF) program, administered by the Oregon Department of Administrative Services (DAS), has promoted through public contracts employment opportunities for people experiencing disabilities. Currently, QRFs must employ persons experiencing disabilities for no less than 75 percent of their direct labor hours across the organization and for each line of business they provide.

**Bill Summary:** Senate Bill 494 prohibits the Bureau of Labor and Industries from establishing a subminimum wage for individuals experiencing disabilities and requires certified employers to phase in wage increases beginning July 1, 2020, until reaching minimum wage no later than July 1, 2023. Senate Bill 494 allows QRFs to phase in a reduction of direct labor hours to no less than 60 percent employment of persons experiencing disabilities by July 1, 2021.

**Oregon Laws 2019:** Chapter 371

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### [Senate Bill 507](#)

**Effective Date: September 29, 2019**

## **Workers' Compensation PTSD Coverage**

**Chief Sponsors:** Sens. Manning Jr., Beyer; Rep. Holvey

**Committees:** Senate Workforce, Senate Rules, House Rules

**Background and Current Law:** Workers' compensation insurance provides benefits to employees who suffer from an injury that occurs at work. The system provides benefits for an occupational disease that is caused by substances or activities to which the employee would not ordinarily be subjected or exposed to other than during work. The worker has the burden to prove that employment conditions were the major contributing cause of the disease except in certain circumstances. Current law provides a mental disorder is not a compensable disease unless the employment conditions producing the disorder exist in a real and objective sense and are not generally inherent in the working situation; the disorder is diagnosed by medical or psychological professionals; and clear and convincing evidence exists that the mental disorder arose out of and while employed.

**Bill Summary:** Senate Bill 507 creates a legal presumption that death, disability, or impairment of health is compensable under the workers' compensation system as an occupational disease for specified public safety officers following a diagnosis from a psychiatrist or psychologist, and who have been employed for at least five years or who experience a single traumatic event are eligible for the presumption. An employer is required to rebut the presumption by clear and convincing evidence.

**Oregon Laws 2019:** Chapter 372

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### [Senate Bill 519](#)

Effective Date: January 1, 2020

#### Garnishment

**Chief Sponsors:** Sen. Johnson

**At the Request of:** John Harper

**Committees:** Senate Workforce, House Business and Labor

**Background and Current Law:** Garnishment requires a debtor's employer to withhold an employee's earnings to pay a creditor using a statutory formula. The formula guarantees a minimum amount per paycheck to the debtor employee, while the creditor is entitled to a percentage of the employee's earnings until the debt is paid. The maximum amount of wages subject to garnishment is generally 25 percent of the employee's post-tax earnings so long as the employee is left with a minimum amount of \$218 per week after the garnishment.

**Bill Summary:** Senate Bill 519 increases the minimum amount guaranteed to an employee whose earnings are garnished.

**Oregon Laws 2019:** Chapter 263

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### [Senate Bill 634-A](#)

Not Enacted

#### PERS Inclusion of Public Charter School Employees Outside of Oregon

**Chief Sponsors:** Sen. Girod

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** The statutory definition of "salary," for purposes of the Public Employees Retirement System (PERS), excludes compensation paid to Oregon public employees residing and working outside of Oregon. In 2017, the Legislative Assembly enacted Senate Bill 201, allowing a limited group of employees hired by Oregon public universities who resided and worked outside of Oregon to receive PERS benefits.

**Bill Summary:** Senate Bill 634-A would have allowed public charter school employees who reside and work outside of Oregon to receive PERS benefits provided they were continuously employed in a qualifying position between August 29, 2003, and December 31, 2017; informed they were eligible for retirement benefits; and their employer made PERS contributions.

### [Senate Bill 722-A](#)

**Not Enacted**

## Unemployment Insurance During Federal Shutdown

**Chief Sponsors:** Sen. Courtney; Rep. Mitchell

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** A lapse of appropriation occurs when the federal government fails to enact appropriation bills or continuing resolutions to fund federal agencies and programs. During a lapse, essential workers must continue to work but do not receive a paycheck. The U.S. Department of Labor prohibits state unemployment insurance programs from using federal unemployment insurance money to pay benefits to essential federal workers required to work without pay.

**Bill Summary:** Senate Bill 722-A would have authorized the Director of the Employment Department to include essential federal workers and Coast Guard employees in the class of persons eligible to receive unemployment insurance benefits when a federal lapse of appropriation occurs.

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### [Senate Bill 726](#)

**Effective Date: September 29, 2019**

## Requires All Employers to Prevent Workplace Harassment

**Chief Sponsors:** Sens. Taylor, Knopp, Gelser; Reps. Salinas, Williamson

**Committees:** Senate Workforce, House Judiciary

**Background and Current Law:** Oregon law makes it an unlawful employment practice for an employer to discriminate based on race, color, religion, sex, sexual orientation, national origin, marital status, age, expunged juvenile criminal record, person's service in a uniformed service, or disability. An aggrieved employee or applicant may file a complaint with the Bureau of Labor and Industries (BOLI) or may file a civil action in court. In general, an action relating to an unlawful employment practice must be filed within one year of the occurrence of the practice. Currently, no Oregon law explicitly requires employers to have written anti-discrimination policies.

**Bill Summary:** Senate Bill 726 requires all Oregon employers to adopt written policies to reduce and prevent unlawful employment practices related to discrimination, including sexual harassment. The bill generally prohibits a public employer from requiring employees to enter into nondisclosure agreements having the effect of prohibiting them from disclosing workplace harassment or sexual assault. The bill also extends the statute of limitations for actions based on prohibited conduct from one to five years.

**Oregon Laws 2019:** Chapter 343



### [Senate Bill 768](#)

**Not Enacted**

#### **PERS Post-Retirement Work for Teachers**

**Chief Sponsors:** Sens. Monnes Anderson, Knopp, Roblan, Hansell

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** State government, public schools, community colleges, and many local governments (cities, counties, and special districts) participate in Public Employees Retirement System (PERS). If retirees wish to re-enter the workforce, their PERS benefit could be affected based on the plan they retired under, who their employer is, and how many hours they work per year. Any retiree who works for a private-sector or non-PERS covered employer may work unlimited hours without any impact on their level of retirement benefit. To address a labor shortage, the Legislative Assembly passed House Bill 3058 (2015), to allow a retiree to work an unlimited number of hours as a career and technical education (CTE) teacher without any loss of retirement benefits. In 2018, House Bill 4012 extended the sunset on the exemption to June 30, 2023.

**Bill Summary:** Senate Bill 768 would have eliminated the sunset for CTE teachers working unlimited hours and expanded the exemption to allow any teacher, including CTE teachers, to work unlimited hours for a school district or education service district. Senate Bill 1049 incorporates certain aspects of Senate Bill 768.

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### [Senate Bill 796](#)

**Effective Date: January 1, 2020**

#### **Family Leave**

**Chief Sponsors:** Sen. Gelser; Rep. Mitchell

**Committees:** Senate Health Care; House Business and Labor

**Background and Current Law:** The Oregon Family Leave Act (OFLA) provides unpaid, protected leave for Oregon employees. Leave types include parental leave, serious health condition leave, pregnancy disability leave, sick child leave, bereavement leave, and Oregon military family leave.

**Bill Summary:** Senate Bill 796 adds period of absence for the donation of a body part, organ, or tissue to the definition of "serious health condition" for the purposes of family leave protected by OFLA.

**Oregon Laws 2019:** Chapter 265

### [Senate Bill 934](#)

**Not Enacted**

#### **PERS Post-Retirement Work for Police and Corrections Employees**

**Chief Sponsors:** Sen. Heard; Reps. Smith DB, Hernandez, Doherty

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** State government, public schools, community colleges, and many local governments participate in PERS. If retirees wish to re-enter the workforce, their PERS benefit could be affected based on the plan they retired under, who their employer is, and how many hours they work per year. Any retiree who works for a private-sector or non-PERS covered employer may work unlimited hours without any impact on their level of retirement benefit. The hour limitations on employment do not apply to certain retired members, including those employed by a sheriff, the Oregon State Police, or a state or county correctional institution in a county with a population of fewer than 75,000 persons. The hour limitations also do not apply to a retired member employed by a municipal police department in a city with a population of fewer than 15,000 persons.

**Bill Summary:** Senate Bill 934 would have removed the hour limitations for retired members employed by a state or county correctional institution, or a municipal police department regardless of the population size of the county or city. Senate Bill 1049 incorporates certain aspects of Senate Bill 934.

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### [Senate Bill 1026-A](#)

**Not Enacted**

#### **Eliminating Overtime Exemption for Seafood Processors**

**At the Request of:** Sens. Heard, Johnson, Roblan; Reps. Gornberg, McKeown, Smith DB

**Committees:** Senate Workforce, Senate Rules

**Background and Current Law:** The payment of overtime is required by both federal and state laws. Oregon law requires most employers to pay overtime to eligible employees at a rate of one-and-a-half times the employee's regular pay for all hours worked beyond 40 in the workweek. Oregon House Bill 3458 (2017) modified overtime payment by employers in the manufacturing and food processing sectors to require calculation on both daily and weekly basis and payment of the larger of the two amounts. HB 3458 specifically exempted seafood processing employees from the weekly cap on hours but allowed them to continue to be eligible for both daily and weekly overtime.

**Bill Summary:** Senate Bill 1026-A would have repealed the overtime statute applicable to seafood processors, subjecting such processors to the same overtime requirements for food processors.

### [Senate Bill 1049](#)

**Effective Date:** June 11, 2019

## **Omnibus Changes to PERS to Lower Employer Contribution Rates**

**Chief Sponsors:** Sen. Courtney; Rep. Kotek

**Committees:** Joint Ways and Means

**Background and Current Law:** Approximately 900 state and local public employers participate in the Public Employees Retirement System (PERS). There are 367,853 members in PERS, with retirees accounting for 40 percent of membership, active non-retirees accounting for 48 percent, and inactive non-retirees making up the balance. Benefit levels vary depending on when the employee entered the system. Tier 1 covers members hired before January 1, 1996; Tier 2 covers members hired between January 1, 1996, and August 28, 2003; and Oregon Public Service Retirement Plan (OPSRP) covers those hired after August 28, 2003. The unfunded actuarial liability for the system is approximately \$26 billion.

**Bill Summary:** Senate Bill 1049 contains numerous provisions designed to reduce the employer contribution rates. Though many provisions modify the financing of PERS, the purpose of this summary is to focus on the provisions that modify employee benefits and contributions. First, the measure limits the salary used in the calculation of Final Average Salary to \$195,000. This cap applies to all membership levels and will be adjusted annually to reflect cost of living. Second, Senate Bill 1049 redirects a portion of the employee contribution from the Individual Account Program to partially fund the employee's pension plan. The amount of the redirect depends on the employee's membership level and salary. Third, the measure eliminates the limit on hours a retiree may work for a public employer, but the employer is required to continue making the employer's contribution while the retiree accrues no additional PERS benefit. Finally, the measure allows members with a choice of investment options for the money in their Individual Account Program. Though the effective date of the measure is June 11, 2019, the measure contains various operative and repeal dates.

**Oregon Laws 2019:** Chapter 355

### [House Bill 2005](#)

**Effective Date: September 29, 2019**

## **Paid Family and Medical Leave Insurance**

**Chief Sponsors:** Reps. Williamson, Alonso Leon, Bonham; Sens. Taylor, Knopp

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** Family and medical leave is protected time off from work to recover from a serious illness, care for a family member who is ill, or bond with a new child. More than half of Oregon workers are eligible for unpaid family and medical leave benefits under the federal Family and Medical Leave Act of 1993 (FMLA) and the Oregon Family Leave Act (OFLA). Other Oregon laws provide unpaid protected leave for employees to address events arising from domestic violence, sexual assault, stalking, and criminal harassment, and for an employee whose spouse is being deployed or on leave from deployment (Oregon Military Family Leave Act). However, neither Oregon nor federal law requires employers to pay employees for time on medical and family leave beyond the amount of vacation and sick leave accrued by the employee.

**Bill Summary:** House Bill 2005 creates an insurance program to provide employees with a portion of wages while on family, medical, or safety-related leave. The program will be administered by the Employment Department, which may contract with a third party for administration. Self-employed individuals and tribal government employers may opt into the program. Beginning January 2022, employers will pay 40 percent of contributions and employees will pay 60 percent, which combined cannot exceed one percent of the worker's wages. Employers with fewer than 25 employees are exempt from the obligation to pay their 40 percent share. If they opt to contribute, they may apply for a grant to offset the cost associated with a worker on leave. Beginning January 2023, employees will be eligible for 12 weeks of insurance benefits per, with an additional 2 weeks of benefits for pregnancy-related leave. An employee can take a total of 16 weeks a year under this program in any combination of paid leave and unpaid OFLA leave (18 weeks if pregnancy related leave is also taken). Benefits will be based on the worker's average weekly wage with a cap set at 120 percent of the state's average weekly wage (approximately \$1,215). Employees who have worked at least 90 days will have job protection when on leave. An employee may use vacation or sick time to supplement insurance, up to 100 percent of wages, with the employer's consent. An employer, with the Department's approval, may provide leave benefits through an equivalent plan. The measure establishes civil and criminal penalties for violations and provides the Department with collection tools. Local governments are preempted from establishing local requirements. There is appropriated, from the General Fund, nearly \$16 million for start-up costs that the Department must reimburse by January 2023.

**Oregon Laws 2019:** Chapter 700

### [House Bill 2016](#)

Effective Date: January 1, 2019

#### **Public Employee Collective Bargaining Act (PECBA)**

**Chief Sponsors:** Rep. Witt, Lively; Sens. Golden, Taylor

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** In 2018, the U.S. Supreme Court held that a state's collection of agency fees from nonconsenting public employees violates the First Amendment (*Janus v. AFSCME Council 31*, 138 S Ct 2448 (2018)). According to the Oregon Department of Justice, under *Janus*, public employers may not deduct agency fees from a nonmember's wages without the employee's affirmative consent.

**Bill Summary:** House Bill 2016 repeals the statute mandating that employees provide written notice to the public employer when authorizing or revoking payroll deductions for union dues or payment in-lieu-of-dues. The measure allows the employee to enter into an agreement with the labor organization to authorize deductions (which may be accomplished via telephone or in writing) and the agreement may also specify the manner of revocation. The measure also makes changes to the Public Employees Collective Bargaining Act regarding activities and compensation of designated representatives, union access to employees included in a bargaining unit, and union use of employer facilities and equipment.

**Oregon Laws 2019:** Chapter 429

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### [House Bill 2087](#)

Effective Date: January 1, 2020

#### **Civil Penalties for Workers' Compensation Violations**

**At the request of:** Governor Kate Brown for Department of Consumer and Business Services

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** The Department of Consumer and Business Services (DCBS) may impose a civil penalty of up to \$2,000 per violation and \$10,000 per year for violations related to workers' compensation statutes and rules that occur within any three-month period. DCBS has raised concerns that penalties were not incentivizing compliance.

**Bill Summary:** House Bill 2087 separates DCBS authority to impose civil penalties into three categories with three separate caps. The measure sets the maximum penalty against an employer or insurer at \$2,000 per violation and \$40,000 per year for inducing a worker to not file a claim. The maximum penalty against a self-insured employer, insurer, or service company is set at \$4,000 per violation and \$180,000 per year for failure to pay assessments or comply with statutes and rules. Finally, the measure sets the maximum penalty against an employer (not self-insured) or managed care organization at \$2,000 per violation and \$40,000 per year for failure to pay assessments or comply with statutes and rules.

**Oregon Laws 2019:** Chapter 7

### [House Bill 2181-A](#)

**Not Enacted**

[\(see Senate Bill 259\)](#)

### **Task Force on Maritime Sector Workforce Development**

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

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

**Background and Current Law:** According to the Oregon Employment Department, Oregon's maritime sector workforce totaled nearly 19,000 in 2017. The Task Force on Maritime Sector Workforce Development was created in 2017 to study and develop a description of maritime sector and maritime sector workforce in Oregon and to develop recommendations for the State Workforce and Talent Development Board to incorporate into the statewide workforce investment system plan.

**Bill Summary:** House Bill 2181-A would have established the Task Force on Maritime Sector Workforce Development to continue the work of the 2017 Task Force. The measure would also have required the State Workforce and Talent Development Board to study and analyze how to implement the recommendations of the Task Force and to report to the Legislative Assembly in 2020 and 2022.

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### [House Bill 2216](#)

**Effective Date: January 1, 2020**

### **Hiring Practices of Public Universities**

**Chief Sponsors:** Rep. Greenlick

**Committees:** House Business and Labor, Senate Education

**Background and Current Law:** In 2009, the legislature passed House Bill 3118 requiring public universities to interview at least one qualified minority candidate for a head coach or athletic director position. The law created an exception if the public university is not able to identify a minority applicant to interview for the position and established an affirmative defense to a claim of a violation if the public university acts in good faith. The Oregon law is based on the National Football League's "Rooney Rule" that requires league teams to interview minority candidates for head coaching and other senior football positions. House Bill 3118 (2009) included a sunset date of January 2, 2020.

**Bill Summary:** House Bill 2216 repeals the sunset date, making the interview requirement permanent.

**Oregon Laws 2019:** Chapter 190

### [House Bill 2231](#)

Effective Date: January 1, 2020

## Collective Bargaining for Health Care Interpreters

**Chief Sponsors:** Rep. Alonso Leon

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Health care interpreters provide communication services to people with limited English proficiency and typically contract with private companies that are under contract with the State of Oregon to provide interpreter services. Proficiency standards are set in statute for qualified and certified health care interpreters, and the Legislative Assembly has stated that it is the policy to require the use of certified or qualified health interpreters whenever possible.

**Bill Summary:** House Bill 2231 allows health care interpreters, paid by the State of Oregon, the right to collectively bargain as though they are public employees under the Public Employees Collective Bargaining Act (PECBA). The measure specifies that these interpreters are not for any other purpose to be considered employees of the State or any other public body.

**Oregon Laws 2019:** Chapter 157

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### [House Bill 2341](#)

Effective Date: January 1, 2020

## Reasonable Accommodation for Pregnancy-Related Conditions

**Chief Sponsors:** Rep. Power; Sen. Taylor

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Discrimination against a pregnant worker can be enforced as a violation of the prohibition to discriminate "because of sex" under ORS 659A.030. "Because of sex" is broadly defined; it includes, but is not limited to, because of pregnancy, childbirth, and related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions are to be treated the same for all employment-related purposes as other workers not so affected (ORS 659A.029). These protections apply to all employees regardless of the number of workers employed by an employer. Discrimination against a pregnant worker can also be enforced under Oregon's disability laws if the employer failed to provide reasonable accommodations. These protections apply to those who work for employers with at least six employees. There also are federal protections against sex discrimination and discrimination against persons with disabilities.

**Bill Summary:** House Bill 2341 clarifies the workplace protections for job applicants and workers who have limitations related to pregnancy, childbirth, or a related medical condition. Unless an undue hardship would result, employers with six or more employees must provide reasonable accommodations to known limitations related to pregnancy, childbirth, or other related conditions. The measure provides a private right of action for employee or job applicant alleging violations. The Bureau of Labor and Industries is directed to develop training and education materials for employers and employees.

**Oregon Laws 2019:** Chapter 139



### [House Bill 2398](#)

Effective Date: January 1, 2020

#### Wages for Charitable Gaming Operators

**At the request of:** Attorney General Ellen Rosenblum

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

**Background and Current Law:** Current Oregon law allows charitable organizations (those exempt from payment of federal taxes) to conduct bingo, lotto, and raffle games and Monte Carlo events under the regulation of the Department of Justice. Oregon law caps the compensation for operators at 200 percent of the federal minimum wage and for supervisors at 300 percent of the federal minimum wage, which is currently \$7.25 per hour.

**Bill Summary:** House Bill 2398 ties the statutory cap on compensation paid to operators and supervisors of charitable gaming events to the applicable Oregon minimum wage instead of the federal minimum wage. The Oregon minimum wage for the Portland urban growth boundary is \$12.50 as of July 1, 2019.

**Oregon Laws 2019:** Chapter 64

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### [House Bill 2408-A](#)

Not Enacted

#### Prevailing Wage Rate for Enterprise Zone Projects

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

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Under Oregon law, the hourly wage for the workers of any contractor performing a public works contract must be equal to or greater than the prevailing wage rate. The Bureau of Labor and Industries sets the prevailing wage rate based upon the specific trade and region where the workers perform the labor. Any project for construction, reconstruction, major renovation or painting that uses at least \$750,000 in public funds is subject to prevailing wage rate. Public funds are defined to exclude tax credits or tax abatements. Enterprise zones provide eligible businesses with a total exemption from property taxes for up to five years.

**Bill Summary:** House Bill 2408-A would have required prevailing wage rate be paid on projects in enterprise zones in which a property tax exemption has or will be received and in which total project cost is at least \$20 million.



### [House Bill 2417](#)

Effective Date: January 1, 2020

#### Death Benefits Under PERS

**At the request of:** House Interim Committee on Business and Labor for City of Eugene

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** If a Tier 1 or Tier 2 member of the Public Employees Retirement System (PERS) dies before retiring, the member's designated beneficiary will receive the amount in the member's pension account and the amount in the member's Individual Account Program (IAP) account. Members of PERS who began working after August 28, 2003, are members of the Oregon Public Service Retirement Plan (OPSRP). The spouse of an OPSRP member who dies prior to retirement will receive a death benefit that is the actuarial equivalent of 50 percent of the pension that would have been paid as a retirement benefit to the member and the amount in the IAP account.

**Bill Summary:** House Bill 2417 provides an alternative calculation of death benefit for the surviving spouse of a PERS member who dies before retiring. The alternative is equivalent to the death benefit under the OPSRP program.

**Oregon Laws 2019:** Chapter 487

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### [House Bill 2453](#)

Not Enacted

#### Eastern Oregon Border Region Workforce Plan

**Chief Sponsors:** Rep. Findley

**Committees:** House Economic Development

**Background and Current Law:** House Bill 2012 (2017) established the seven-member Eastern Oregon Border Economic Development Board, appointed by the Governor, to formulate and implement plans and practices for strategic investment in workforce and economic development in the Eastern Oregon Border Economic Development Region. This is one of seven measures (Senate Bill 875 and House Bills 2453, 2454, 2455, 2456, 2457, and 2933) introduced this session to address priorities of the Board.

**Bill Summary:** House Bill 2453 would have directed the Oregon Business Development Department to develop a workforce development plan for the Eastern Oregon Border Economic Development Region to communicate the workforce advantages of and opportunities in the western Treasure Valley and to encourage people to move to and work in the region.

### [House Bill 2498](#)

**Not Enacted**

#### **Independent Contractor Classification**

**Chief Sponsors:** Rep. Holvey

**Committees:** House Rules

**Background and Current Law:** ORS 670.600 provides a four-part test to determine whether an individual is an employee or an independent contractor. According to Oregon's Interagency Compliance Network, independent contractors are not subject to employment laws, rules, or protections provided to employees and improper classification can lead to unfair wage practices, increased business taxes, wrongful tax avoidance, and underfunded worker benefits. Similarly, the National Conference of State Legislatures notes that a business must withhold income, Social Security and Medicare taxes from employees' wages, pay unemployment taxes and provide employees with workers' compensation insurance coverage. These obligations do not extend to independent contractors.

**Bill Summary:** House Bill 2498 would have added a fifth part to the test to determine whether an individual is working as an independent contractor or as an employee, specifically whether the individual provides services for another person that are within the usual course of the other person's business.

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### [House Bill 2593](#)

**Effective Date: September 29, 2019**

#### **Expression of Milk in the Workplace**

**Chief Sponsors:** Reps. Power, Smith Warner, Williamson, Boshart Davis; Sen. Taylor

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Current Oregon law requires employers with 25 or more employees to allow an employee a 30-minute rest period to express milk during each four-hour period and specifies that the rest period be taken approximately in the middle of the work period. The employee is required, if feasible, to time the rest periods to express milk to coincide with rest periods and meal periods otherwise provided. The Fair Labor Standards Act does not place limits on the frequency and duration of rest periods to express milk. The federal provisions are limited to the first 12 months after the child's birth; Oregon law extends the provisions to 18 months. There is no requirement that the rest periods to express milk be paid when they extend beyond the time the employer is required to provide paid rest periods. An employer is not required to comply with the rest period to express milk if doing so would impose an undue hardship on the business.

**Bill Summary:** House Bill 2593 requires all employers to provide reasonable rest periods for employees to express milk as often and if needed for the child's first 18 months. The measure limits the undue hardship provision to employers who have 10 or fewer employees.

**Oregon Laws 2019:** Chapter 118

### [House Bill 2646](#)

Not Enacted

#### PERS Definition of Salary

**Chief Sponsors:** Rep. Gorsek

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Eligible employees of a participating employer in the Public Employees Retirement System who were hired after August 28, 2003, are members of the Oregon Public Service Retirement Plan (OPSRP). Employees hired prior to that date are either in the Tier 1 or Tier 2 plan. For OPSRP members, their pension benefit is based on salary. Statute defines salary to mean the remuneration paid to an active member in return for services to the participating public employer, including remuneration in the form of living quarters, board or other items of value, to the extent the remuneration is includable in the employee's taxable income under Oregon law.

**Bill Summary:** House Bill 2646 would have treated a housing allowance paid to a prison chaplain who is an OPSRP member as if it were includable in the member's taxable income under Oregon law.

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### [House Bill 2647](#)

Not Enacted

#### OHSU Police Officers in PERS

**Chief Sponsors:** Rep. Gorsek

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Public Employees Retirement System (PERS) members are classified as either General Service or Police and Fire (P&F). Employees classified as PERS P&F can retire at an earlier age and have a higher benefit factor used in calculating their retirement benefits. Employees of Oregon Health and Science University (OHSU) who are eligible for a retirement plan have a choice at the time of hire between enrolling in the University Pension Plan (UPP) or PERS. In 2013, the Legislative Assembly amended the definition of police officer for the purposes of PERS to include police officers commissioned by OHSU.

**Bill Summary:** House Bill 2647 would have allowed individuals currently employed as OHSU police officers who elected the UPP retirement plan prior to 2014, when membership in PERS P&F was not an option, to change their election and become a member of PERS P&F going forward.

### [House Bill 2655](#)

**Not Enacted**

#### Unlawful Employment Practices

**Chief Sponsors:** Reps. Gorsek

**Committees:** House Business and Labor

**Background and Current Law:** Under current Oregon law, an employer may not prohibit an employee or prospective employee from using tobacco products during nonworking hours. However, an employer may prohibit the use of other products legal in Oregon, including marijuana.

**Bill Summary:** House Bill 2655 would have prohibited employers from banning the use of marijuana and other products legal in Oregon by their employees or prospective employees during nonworking hours, unless the restriction relates to an employee's impairment at work, non-use of the product is a bona fide occupational qualification, or the restriction is included in the relevant collective bargaining agreement.

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### [House Bill 2660](#)

**Effective Date:** January 1, 2020

#### Eligibility for Unemployment Insurance Benefits

**Chief Sponsors:** Rep. Schouten; Sens. Dembrow, Frederick

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** The unemployment insurance (UI) program has special provisions applying to people who work for educational institutions, generally restricting employees from receiving UI benefits during school breaks, including summer break. Federal law affords little flexibility to states in applying those laws to employees performing instructional, research, or principal administrative work, but provides greater flexibility on their application to people who perform other types of services, such as bus drivers, janitorial workers, and school nurses.

**Bill Summary:** House Bill 2660 allows eligible, unemployed maintenance and janitorial employees of public and nonprofit educational institutions and institutions of higher education to receive unemployment benefits during summer breaks, customary vacation periods, and holiday recesses.

**Oregon Laws 2019:** Chapter 407

### [House Bill 2786-A](#)

**Not Enacted**

#### **Status of District Attorneys in PERS**

**At the request of:** Multnomah County Prosecuting Attorneys Association

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Public Employees Retirement System (PERS) members are classified as either General Service or Police and Fire (P&F). Employees classified as P&F under PERS statutes can retire at an earlier age and have a higher benefit factor used in calculating their retirement benefits. These enhanced benefits raise the costs of benefits members earn while in that status by four to five percent of payroll. Those costs increase further if existing General Service members move into P&F status.

**Bill Summary:** House Bill 2786-A would have reclassified district attorneys and deputy district attorneys as “police officers” under PERS statutes, making those members eligible for P&F benefits. The P&F benefits would have applied only to service performed on or after the measure’s effective date.

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### [House Bill 2788](#)

**Effective Date:** January 1, 2020

#### **Workers’ Benefit Fund Balance**

**At the request of:** Workers’ Compensation Management-Labor Advisory Committee

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** The Workers’ Benefit Fund supports return-to-work programs and cost-of-living adjustments to permanently and totally disabled workers and to the spouses and children of workers who died from an occupational injury or disease. Revenue comes from an assessment of 2.4 cents per hour worked that is shared equally by employers and workers. In 2014, the Legislative Assembly reduced the required balance of the Workers’ Benefit Fund from 12 months to six months of projected expenditures in response to issues with the solvency of several self-insured employer groups.

**Bill Summary:** House Bill 2788 requires the Department of Consumer and Business Services to increase the minimum fund balance of the Workers’ Benefit Fund from six months to twelve months of projected operating expenditures, and to report to the Workers’ Compensation Management-Labor Advisory Committee if the balance falls below that threshold.

**Oregon Laws 2019:** Chapter 494

### [House Bill 2818](#)

**Not Enacted**

#### **Age Discrimination**

**Chief Sponsors:** Reps. Piluso, Gomberg

**Committees:** House Business and Labor

**Background and Current Law:** A person claiming employment discrimination because of age may file a complaint with the Bureau of Labor and Industries or may file an action in court. In addition to two years back pay, costs, and reasonable attorney fees, a prevailing plaintiff may be awarded compensatory damages or \$200, whichever is greater, and punitive damages.

**Bill Summary:** House Bill 2818 would have prohibited employers from seeking the age of an applicant prior to making a conditional offer of employment or suggesting or implying an age preference in a recruitment unless age is a bona fide occupational qualification. The measure would have created a private right of action for harmed individuals.

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### [House Bill 2838-A](#)

**Not Enacted**

#### **PERS Post-Retirement Work for Police Officers**

**Chief Sponsors:** Reps. Doherty, Noble, Stark

**At the request of:** Oregon School Board Association

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Oregon's Public Employees Retirement System (PERS) enables public employers to provide their employees with retirement benefits. In general, a Tier 1 or Tier 2 retired PERS member working for a participating public employer can continue to receive retirement benefits if the total period of combined employment with one or more participating public employers does not total more than 1,039 hours in a calendar year. There are numerous exemptions to the limit on hours a retiree can work. Retirement benefit payments will cease for a retiree under the Oregon Public Service Retirement Plan (OPSRP) if they are employed in a qualifying position by a participating employer.

**Bill Summary:** House Bill 2838-A would have exempted retired police officers under PERS from post-retirement work limits when employed by a school district to provide law enforcement, security, or safety services. Senate Bill 1049 incorporates certain aspects of House Bill 2838-A.

### [House Bill 2861-A](#)

**Not Enacted**

#### **Individual Account Program of PERS**

**At the request of:** Rep. Paul Holvey

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** The Individual Account Program (IAP) of the Public Employees Retirement System includes over 250,000-member accounts for Tier 1, Tier 2, and Oregon Public Service Retirement Plan benefit plans. The IAP, an account-based plan nearly identical to a defined contribution plan, is funded with member contributions, which is six percent of a member's salary. Member funds are placed in a target-date fund, and members are not able to choose another investment strategy.

**Bill Summary:** House Bill 2861-A would have allowed members to choose their IAP investment strategy beginning January 1, 2020. Senate Bill 1049 incorporates certain aspects of House Bill 2861-A.

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### [House Bill 2972](#)

**Effective Date: June 25, 2019**

#### **Retirement of Employees of Harney County Health District**

**Chief Sponsors:** Rep. Findley

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Oregon's Public Employees Retirement System (PERS) enables public employers to provide their employees with retirement benefits. In general, a Tier 1 or Tier 2 retired PERS member working for a participating public employer can continue to receive retirement benefits if the total period of combined employment with one or more participating public employers does not total more than 1,039 hours in a calendar year. There are numerous exemptions to the limit on hours a retiree can work. Retirement benefit payments will cease for a retiree under the Oregon Public Service Retirement Plan if they are employed in a qualifying position by a participating employer.

**Bill Summary:** House Bill 2972 allows Tier 1 or Tier 2 retirees to work an unlimited number of hours without any loss of retirement benefits if they are employed by the Harney County Health District as a licensed, registered, or certified provider of health services. The measure also allows the Health District to offer retirement benefits that are an alternative to PERS.

**Oregon Laws 2019:** Chapter 496

### [House Bill 2992](#)

Effective Date: January 1, 2020

#### Noncompetition Agreements

**Chief Sponsors:** Rep. Noble

**At the request of:** Matt Rupert

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Under current Oregon law, a noncompetition agreement may not exceed 18 months from the date of an employee's termination. A noncompetition agreement is not enforceable unless four requirements are met: 1) employer informs the employee in a written employment offer received at least two weeks before employee's first day or the agreement is entered into upon a promotion; 2) the employee is engaged in administrative, executive, or professional level work; 3) the employer has a protectable interest; and 4) the employee's gross annual salary and commissions at the time of termination exceeds the median family income for a four-person family.

**Bill Summary:** House Bill 2992 requires an employer to provide a signed, written copy of the terms of the noncompetition agreement within seven days after an employee is terminated. The requirement applies to noncompetition agreements entered on or after the effective date of the measure.

**Oregon Laws 2019:** Chapter 121

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### [House Bill 3003](#)

Effective Date: January 1, 2020

#### Self-Insured Employers in Workers' Compensation Cases

**At the request of:** State Accident Insurance Fund

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Current law allows employers to self-insure to meet workers' compensation insurance requirements. These self-insured employers must deposit security with the Director of the Department of Consumer and Business Services (DCBS) that can be accessed to ensure mandatory payments are made. The amount of the security must be to secure any remaining liability from the period that the employer was self-insured. The security must remain on deposit for five years after the employer ceases to be self-insured. At the end of the five-year period, DCBS may accept a paid-up policy, provided the Director approves of the insurance coverage, covering this liability in lieu of any remaining security.

**Bill Summary:** House Bill 3003 allows DCBS to accept a paid-up insurance policy in lieu of a surety bond or other security from a former self-insured employer in the five-year period after the employer is no longer self-insured.

**Oregon Laws 2019:** Chapter 74



### [House Bill 3009](#)

Effective Date: June 20, 2019

#### Labor Union Representation Fees

**Chief Sponsors:** Reps. Piluso, Barker; Sen. Hansell

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** A 2018 decision by the U.S. Supreme Court found that public sector unions may not deduct agency dues and fees from an employee unless the employee clearly and affirmatively consents. The labor organization, serving as the exclusive representative, has the duty to represent all employees in the bargaining unit even if an employee is not a member of the union or does not pay a fair-share fee.

**Bill Summary:** House Bill 3009 allows the exclusive representative of police officers, sheriffs, and deputy sheriffs to charge employees who are not members of the union or not paying fair-share fees the reasonable fees and costs for representation that is unrelated to negotiation of a collective bargaining agreement.

**Oregon Laws 2019:** Chapter 439

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### [House Bill 3022](#)

Not Enacted

#### Workers' Compensation: Combined Conditions and Diagnostic Services

**Chief Sponsors:** Rep. Power; Sen. Dembrow

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

**Background and Current Law:** Workers' compensation insurance provides medical treatment and lost wages to employees for employment-related accidents or illnesses. Oregon employers are required to carry workers' compensation insurance or be self-insured, and most employees are eligible for benefits. Employers can purchase insurance from the State Accident Insurance Fund Corporation (a publicly owned nonprofit company), from a private insurance company or be self-insured.

**Bill Summary:** House Bill 3022 would have modified Oregon's workers' compensation statutes to describe the circumstances under which diagnostic services are compensable. The measure also would have assigned, in specified circumstances, the burden to the employer to prove that an otherwise compensable condition is no longer the major cause of need for treatment and disability.

### [House Bill 3120](#)

**Effective Date:** May 24, 2019

## **Unemployment Insurance Benefits for Victims of Intimidation**

**Chief Sponsors:** Reps. Hernandez, Bynum

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Generally, when an individual leaves employment for good cause or is laid off, the individual can file a claim to receive unemployment insurance benefits. The individual must seek and be willing to accept suitable employment. There are exceptions, including cases where the individual or a member of the individual's immediate family is, or could become, a victim of domestic violence, stalking, or sexual assault, and the individual leaves work or fails to apply for, or accept, suitable work in order to protect themselves or an immediate family member from domestic violence, stalking, or sexual assault that the individual reasonably believes will occur as a result of continued employment or acceptance of work.

**Bill Summary:** House Bill 3120 allows unemployment insurance benefits for an individual or a member of their immediate family who is, or could become, a victim of intimidation when the individual reasonably believes intimidation will occur because of working.

**Oregon Laws 2019:** Chapter 168

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### [House Bill 3193](#)

**Effective Date:** January 1, 2020

## **Construction Wage Claims**

**Chief Sponsors:** Rep. Fahey

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** The Bureau of Labor and Industries (BOLI) received approximately 1,200 employee wage claims in 2017, of which a disproportionately large share involved the construction industry. Contractors licensed by the Construction Contractors Board (CCB) must maintain a bond which can be accessed by employees with a claim of unpaid wages. Wage claimants can access up to \$4,000 in the Wage Security Fund if the business that owes the wages has ceased business and lacks enough assets to pay the claim.

**Bill Summary:** House Bill 3193 requires BOLI to notify CCB of valid wage claims filed against a licensee and establishes disciplinary actions CCB may take when notified of a final order by BOLI. The measure also raises the amount that a wage claimant can receive from the Wage Security Fund from \$4,000 to \$10,000.

**Oregon Laws 2019:** Chapter 444

### [House Bill 3252](#)

Effective Date: January 1, 2020

#### Right of Certain Employees of Oregon State Police to Collectively Bargain

**Chief Sponsors:** Reps. Williamson, Barker, Smith G

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** The Public Employee Collective Bargaining Act (PECBA) codifies the laws governing employment relations and public employers and employees in the state, counties, cities, school districts, transportation districts, and other local governments, as well as private employers not subject to the jurisdiction of the National Labor Relations Board. Employees that are not covered under the PECBA and who are prohibited from organizing include supervisory or managerial employees. Senate Bill 1518 (2014) modified the definition of "supervisory employee" to exclude firefighters who are prohibited from striking and who assign, transfer or direct the work of others but lack authority to hire, fire or impose economic discipline.

**Bill Summary:** House Bill 3252 excludes through January 1, 2026, certain employees of Oregon State Police from definition of "supervisory employee" for purposes of collective bargaining, which in effect gives them the right to collectively bargain.

**Oregon Laws 2019:** Chapter 146

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### [House Bill 3374](#)

Not Enacted

#### Salary Threshold for Exemption from Overtime Wages

**Chief Sponsors:** Rep. Marsh

**Committees:** House Business and Labor

**Background and Current Law:** Oregon statutes grant authority to the Commissioner of the Bureau of Labor and Industries to adopt rules prescribing minimum working conditions necessary to preserve the health of employees including overtime, meal breaks, rest periods, and maximum hours of work. The federal Fair Labor Standards Act also establishes overtime requirements. In general, an employer must pay 1.5 times the regular rate of pay for all hours exceeding 40 in a workweek. Both state and federal law exempt executive, managerial, and professional employees who meet a series of duties tests and a salary basis test.

**Bill Summary:** House Bill 3374 would have required overtime wages be paid to executive, managerial, and professional employees who are paid less than twice the minimum wage.

## 2019 SUMMARY OF LEGISLATION

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# LAND USE

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# LAND USE MEASURES

<b>Farm and Forest Lands</b>	Enacted	HB 2106, HB 2225, HB 2435, HB 2469, HB 2573, HB 2844, HB 3024, HB 3384
	Not Enacted	SB 943-A, HB 2315, HB 2355-A, HB 2456-B, HB 2919
<b>Land Use Board of Appeals</b>	Enacted	SB 8, HB 3272
	Not Enacted	HB 2357
<b>Land Use Planning</b>	Enacted	HB 2001, HB 2003, HB 2790
	Not Enacted	HB 2075-A, HB 2560, HB 2977, HB 3099-A
<b>Local Land Use</b>	Enacted	SB 2, SB 92, HB 2577, HB 2914
	Not Enacted	SB, 927, SB 929, HB 2109
<b>Rural Residential</b>	Enacted	-none-
	Not Enacted	SB 88-A, HB 2363
<b>Urban Lands</b>	Enacted	SB 534
	Not Enacted	SB 10, SB 334, HB 3018, HB 3226

Picture: Melrose Vineyard, Douglas County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2001	Directs Department of Consumer and Business Services to report on low-rise residential dwellings to the legislature.	January 1, 2020
HB 2003	Directs Oregon Housing and Community Services Department to report on findings of the regional housing needs analysis, housing stock estimates, housing shortage analysis, and estimates of housing needed to accommodate growth, to the legislature.	March 1, 2021
	Directs Department of Land Conservation and Development to provide an evaluative report of the regional housing needs analysis and housing shortage analysis as planning tools.	March 1, 2021

### [Senate Bill 2](#)

**Effective Date:** January 1, 2020

## **Eastern Oregon Economic Opportunity Sites**

**Chief Sponsors:** Sens. Courtney, Bentz, Hansell

**Committees:** Senate Environment and Natural Resources, House Agriculture and Land Use

**Background and Current Law:** Under Oregon law, cities and counties are required to prepare comprehensive land use plans that include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing issues and problems, and implementation measures. Plans must be done in accordance with state standards outlined in state law, statewide planning goals, and administrative rules.

**Bill Summary:** Senate Bill 2 authorizes certain counties in eastern Oregon that have adopted an economic opportunity analysis as part of a comprehensive plan to designate up to 10 sites outside an urban growth boundary, with a total size of not more than 50 acres, as potential sites for industrial or other employment uses without requiring an exception to any statewide land use planning goal related to agriculture, forest use, or urbanization.

**Oregon Laws 2019:** Chapter 170

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### [Senate Bill 8](#)

**Effective Date:** January 1, 2020

## **Supporting Development of Publicly Supported Housing**

**Chief Sponsors:** Sens. Courtney, Heard

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

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). Projects approved at the local level may be appealed to a specialized tribunal called the Land Use Board of Appeals (LUBA). Anyone who appears during proceedings at the local level, when project approval is being sought, may intervene and become a party on appeal, and LUBA may award attorney fees in some circumstances.

Publicly supported housing is defined as the development of five or more units of multi-family rental housing that receives or benefits from specified government assistance, with a number of exceptions for developments receiving local fee waivers or tax abatement; or that are part of a local inclusionary housing program; or that receive certain tenant-based or project-based rent subsidies or assistance

**Bill Summary:** Senate Bill 8 requires LUBA to order challengers to pay reasonable attorney fees and expenses to prevailing respondents on appeal who are the applicant or the local government, if the challenge is against a locally approved application to develop publicly supported housing.

**Oregon Laws 2019:** Chapter 221

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### Senate Bill 10

**Not Enacted**

## Encouraging Residential Development along Priority Transportation Routes

**Chief Sponsors:** Sen. Courtney

**Committees:** Senate Housing, Senate Rules

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Goal 12 concerns the provision of a safe, convenient transportation system, and during the 2017 regular legislative session, the legislature enacted a transportation funding bill to invest in improving statewide transit service. Such infrastructure investments stimulate corresponding development efforts along transportation routes.

**Bill Summary:** Senate Bill 10 defines “priority transportation corridors” for purposes of municipal limits on the density of residential development and prohibits the imposition of lower densities than stated in the measure, within urban growth boundaries, near such transportation. The measure also provides for corresponding height limits, parking requirements, and other reasonable restrictions that do not reduce density.

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### Senate Bill 88-A

**Not Enacted**

## Rural Residential Accessory Dwelling Units

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

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

**Background and Current Law:** Until 2017, Oregon county planning, zoning, and housing laws allowed the construction of an accessory dwelling unit (ADU) on land zoned for exclusive farm use or rural residential use only if the ADU would be used for farmworkers. In 2017, the Legislative Assembly enacted House Bill 3012, authorizing counties to allow a property owner in an area zoned for rural residential use to construct a new single-family dwelling, subject to certain conditions, and to convert a historic home on the same lot or parcel to an ADU.

**Bill Summary:** Senate Bill 88-A would have authorized a county to allow a property owner in a rural residential zone to construct one accessory dwelling unit under specified conditions.



### [Senate Bill 92](#)

**Effective Date:** January 1, 2020

#### **Annexations**

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

**Committees:** Senate Environment and Natural Resources, House Agriculture and Land Use

**Background and Current Law:** Annexation is the process of incorporating a piece of property into the boundaries of a city, making the property and those who live there eligible for services provided by the city. This action can be initiated by the city or by the property owner. Annexation is a locally driven process with guiding state statutes. ORS 222.750, known as the "island annexation statute," allows a city to annex a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5, following a properly noticed public hearing.

**Bill Summary:** Senate Bill 92 authorizes a city to provide for as much as a 20-year ramp-up to full taxation rate for property in an annexed territory and, for purposes of "island annexation," would allow the corporate boundaries of another city to constitute part of the boundary of the territory to be annexed.

**Oregon Laws 2019:** Chapter 315

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### [Senate Bill 334](#)

**Not Enacted**

#### **Supporting Development of Workforce Housing**

**Chief Sponsors:** Sen. Baertschiger, Jr.

**Committees:** Senate Housing, Senate Rules

**Background and Current Law:** Urban growth boundaries (UGBs) are set based upon where and how a city is projected to grow residentially, industrially, and commercially over a 20-year period. Cities develop according to their UGB. Often UGBs include farm, forest, and low-density residential development in unincorporated areas outside city limits, but unlike farm and forestland outside a UGB, areas within a UGB are intended for urban development. UGBs are set through a complicated, coordinated effort involving the concerned city, adjoining counties and special districts, and the participation of citizens and other interested parties in conformity with statewide land use planning goals.

**Bill Summary:** Senate Bill 334 would have provided a targeted deviation from the existing process of setting a UGB. Excluding high-value farmland and land designated for protection in an acknowledged comprehensive plan, Senate Bill 334 would have required local governments, upon petition by a landowner, to include land designated as urban reserves within its UGB if the provision of urban services was committed within two years; if the land was subject to covenants for a minimum of 60 years that allowed only workforce housing and commercial use as defined by the measure; and if the land was capable of being rezoned for such use consistent with land use planning goals that concern transportation.

### [Senate Bill 534](#)

Effective Date: January 1, 2020

#### Allowing Housing Development on Narrow Lots

**Chief Sponsors:** Sens. Baertschiger, Jr., Fagan, Heard

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

**Background and Current Law:** "Skinny lots" were first platted in the Portland area more than a century ago and average about 25-by-100 feet. Skinny houses designed for such lots are typically multi-storied, and range in size from 900 to about 1,500 square feet. Infill development on these narrow lots, within existing neighborhoods where infrastructure already exists, can result in homes with lower market values than larger single-story homes on 5,000 square foot or larger home sites, but comparable or higher in market value than alternatives like condominiums. Such homes may provide additional home ownership opportunities for buyers.

**Bill Summary:** So long as specified conditions are met concerning infrastructure, potential hazards, and certain statewide land use planning goals, Senate Bill 534 requires local governments to allow the development of at least one unit on each platted lot zoned for a single-family dwelling within the urban growth boundary of cities with populations greater than 25,000 beginning March 1, 2020.

**Oregon Laws 2019:** Chapter 623

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### [Senate Bill 927](#)

Not Enacted

#### Local Historic Resources Program

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

**Committees:** Senate Environment and Natural Resources, Senate Rules

**Background and Current Law:** The Oregon State Historic Preservation Office (SHPO) was established in 1967, a year after Congress passed the National Historic Preservation Act. Under federal and state laws, SHPO manages programs for individuals, organizations, and local governments to become involved in the protection of significant historic and cultural resources. The Oregon Parks and Recreation Department director is Oregon's designated State Historic Preservation Officer. SHPO accepts and submits nominations of historic properties in Oregon to the National Register of Historic Places, which is maintained by the National Park Service.

**Bill Summary:** Senate Bill 927 would have authorized a local government to adopt a historic resources program.

### [Senate Bill 929](#)

**Not Enacted**

#### **Historic Property Tax Credit**

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

**Committees:** Senate Environment and Natural Resources, Joint Tax Expenditures

**Background and Current Law:** As of July 2017, 35 states offered credits against state taxes to provide incentives for the rehabilitation of historic buildings. (State Tax Credits for Historic Preservation, National Trust for Historic Preservation, 2017) Oregon does not currently offer such a tax credit.

**Bill Summary:** Senate Bill 929 would have created a tax credit for historic property project contributions and provided rebates to property owners for expenses for rehabilitation and seismic retrofitting of historic properties. The measure would also have required the State Historic Preservation Officer to give priority to rebates for creating or preserving workforce housing and the seismic retrofitting of unreinforced masonry buildings.

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### [Senate Bill 943-A](#)

**Not Enacted**

#### **Allowing Parsonage at or next to Place of Worship**

**Chief Sponsors:** Sen. Heard; Rep. Leif

**Committees:** Senate Housing, House Agriculture and Land Use

**Background and Current Law:** A parsonage is typically a dwelling that is provided by a religious institution for its officiant to live in. In Oregon, wherever a nonresidential place of worship is allowed on real property, cities and counties must allow reasonable uses of the property for activities associated with the particular religious practice, such as weddings, worship, and instruction, and including residential housing. Such residential housing is allowed so long as: at least half of what is available is affordable to households with incomes up to 60 percent of the median family income in the area; the property is within the urban growth boundary; and the property is zoned for such use and otherwise compliant with land use regulations and other development criteria.

**Bill Summary:** Senate Bill 943-A would have added the development of a parsonage to the list of reasonable uses that cities and counties must allow where nonresidential places of worship are authorized and would have required the parsonage to be 2,500 square feet or less, within 300 feet of the place of worship if detached, and not on high-value farmland if it could be avoided.

### [House Bill 2001](#)

Effective Date: August 8, 2019

## Higher Density Residential Development Requirement

**Chief Sponsors:** Rep. Kotek

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

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC) which governs the Department of Land Conservation and Development (DLCD). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Zoning and regulation at the local level must be consistent with the relevant comprehensive plan and is used to encourage and discourage types of development. Typical local zoning can create discrete industrial, business, and residential areas, and exclusive residential zones that allow only detached, single-family homes are common.

The current lack of available, affordable housing inspired a number of approaches to increase the supply of housing of all kinds, particularly for households of modest means, including “middle housing.” Middle housing refers to housing that can accommodate more occupants than a single-family home, but less than a large multifamily complex, such as duplexes, row houses, cottage clusters, stacked flats, and accessory dwelling units.

**Bill Summary:** House Bill 2001 requires certain local jurisdictions to allow the development of middle housing, as defined by the measure, in areas currently zoned for single-family dwellings within their urban growth boundaries. The measure also addresses the conversion of existing single-family dwellings into middle housing.

Cities with populations of 10,000 or more are required to allow duplexes on lots or parcels zoned for single-family homes. Cities and counties within a metropolitan service district and cities with populations of 25,000 or more, must allow middle housing in areas zoned for single-family dwellings, and must allow duplexes on individual lots or parcels zoned for single-family homes. Cities within a metropolitan service district that have populations less than 1,000 are excluded, as are unincorporated lands and lands that lack sufficient access to urban services. Local jurisdictions are required to conform their comprehensive plans and land use regulations within a certain time frame or adopt model ordinances prepared by DLCD in consultation with the Department of Consumer and Business Services (DCBS). The measure also makes a number of adjustments related to how local jurisdictions currently calculate and report on housing development and future housing need. DLCD is required to provide technical assistance and is appropriated \$3,500,000.

To address the division of existing single-family homes, the measure requires DCBS to establish uniform standards for cities that provide for such division, into no more than four dwelling units each. Cities are required to approve or deny applications for such conversions within 15 business days, and must provide an administrative process for applicants to appeal denials within 30 business days.

Finally, the measure voids provisions in any recorded instruments affecting real property that are executed after its effective date, that allow the development of a single-family dwelling while prohibiting middle housing or an accessory dwelling unit.

**Oregon Laws 2019:** Chapter 639

### [House Bill 2003](#)

**Effective Date:** August 8, 2019

## **Housing Needs Analyses and Production Strategies**

**Chief Sponsors:** Rep. Kotek

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon's comprehensive land use planning system is based on a set of 19 Statewide Land Use Goals that express the state's land use policies. Goal 10, "Housing," specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. Goal 10 also prohibits local plans from discriminating against needed housing types.

**Bill Summary:** House Bill 2003 directs the Oregon Housing and Community Services Department (OHCS), the Department of Land Conservation and Development (DLCD), and the Oregon Department of Administrative Services, by September 1, 2020, to establish methodologies for calculating, and to conduct, regional housing needs analysis, and for each city and Metro: existing housing stock estimates, a housing shortage analysis, and an estimate of the number of housing units needed to accommodate anticipated population growth over the next 20 years. The measure directs the three agencies to submit two reports to the legislature by March 1, 2021: (1) a summary of the findings of the regional housing needs analyses, housing stock estimate, housing shortage analysis, and estimate of housing needed to accommodate growth; and (2) an evaluation of the regional housing needs analysis and housing shortage analysis as planning tools.

Cities with populations of 10,000 or more are required to develop and adopt a housing production strategy no later than one year after the city's deadline for completing a housing capacity analysis or no later than one year after the date scheduled by the Land Conservation and Development Commission (LCDC) following a housing capacity allocation to a city by a metropolitan service district. The measure specifies required contents and considerations for housing production strategies. Cities are required to submit adopted or amended housing production strategies to DLCD within 20 days, and House Bill 2003 authorizes DLCD to approve, conditionally approve, or remand the strategy within 120 days. The measure also directs LCDC to adopt criteria for reviewing and identifying cities with populations of 10,000 or more that have not sufficiently achieved needed housing production within their jurisdiction or implemented a housing production strategy, and allows DLCD to use those reviews to prioritize certain department actions to incentivize or ensure compliance. The measure requires DLCD adopt a schedule by which certain cities and metropolitan service districts must demonstrate sufficient buildable lands.

House Bill 2003 appropriates \$1 million to DLCD to provide technical assistance to local governments for implementation, and \$655,274 to OHCS for research, administration, and reporting.

**Oregon Laws 2019:** Chapter 640

### [House Bill 2075-A](#)

**Not Enacted**

#### **Development Readiness Program**

**At the request of:** Governor Kate Brown for Department of Land Conservation and Development

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon's statewide land use goals are achieved through local comprehensive plans. All Oregon cities and counties are responsible for adopting a local comprehensive plan, and for implementing zoning and land division ordinances to put the plan into effect. ORS 197.628 directs local governments to periodically revise their comprehensive plans and directs the Department of Land Conservation and Development (DLCD) to review local plans to ensure compliance with statewide goals. Currently, DLCD assists local governments by providing planning grants for technical assistance.

**Bill Summary:** House Bill 2075-A would have established the Development Readiness Program within DLCD and appropriated \$1,358,375 to directly assist local governments with land use goals relating to housing and economic development.

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### [House Bill 2106](#)

**Effective Date: June 20, 2019**

#### **Dog Training on Exclusive Farm Use Land**

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Oregon's Statewide Land Use Planning Goal 3, "Agricultural Lands," requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Farm uses allowed on EFU-zoned lands include: raising, harvesting, and selling crops; feeding, breeding, managing, and selling certain animals; and preparing, storing, and disposing of products and by-products raised on these lands. Certain nonfarm uses are also allowed on EFU-zoned lands.

**Bill Summary:** House Bill 2106 allows dog training classes or testing trials to be conducted in farm buildings that existed on or before January 1, 2019, rather than January 1, 2013 as currently required, for the purposes of permitted uses on EFU-zoned lands in Washington and Lane Counties. The measure also authorizes counties to approve no more than five additional one-year extensions for a residential development permit on agricultural or forest land outside of an urban growth boundary.

**Oregon Laws 2019:** Chapter 432

### [House Bill 2109](#)

**Not Enacted**

#### Island Annexation Voting Methodology

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** ORS 222.750, known as the "island annexation statute," allows a city, following a properly noticed public hearing, to annex a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5. If a city charter, ordinance, or resolution requires the city to conduct an election for annexation approval, ORS 222.750 requires that the city allow electors in the territory proposed to be annexed to vote in that election. Currently, a majority of combined votes in the city and territory to be annexed are required to approve annexation.

**Bill Summary:** House Bill 2109 would have specified voting methodology requirements for island annexations based on the acreage of the territory to be annexed. The measure would have required votes from the city and territory to be annexed to be counted separately to determine separate majorities if the territory to be annexed is 100 acres or more, and would have required votes to be combined as a single majority if the territory to be annexed is less than 100 acres.

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### [House Bill 2225](#)

**Effective Date:** January 1, 2020

#### Forest Template Dwellings

**Chief Sponsors:** Rep. Helm; Sen. Prozanski

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Forest template dwellings were authorized in 1993 (House Bill 3661) in areas with existing development and parcelization. ORS 215.750 allows for the establishment of a single-family dwelling in forest zones and some mixed farm-forest zones, provided that certain conditions are met within a 160-acre square "template" centered on the tract of the proposed dwelling. Required conditions include: at least three dwellings existed on parcels within the template on January 1, 1993; and between three and 11 parcels existed within the template on January 1, 1993, with the exact number of parcels dependent on the wood fiber production capability of the applicant's land and whether the land is located in eastern or western Oregon.

**Bill Summary:** House Bill 2225 defines "center of the subject tract," adds requirements for an allowable forest template dwelling, and implements the changes for three groupings of counties over three biennia.

**Oregon Laws 2019:** Chapter 433



### [House Bill 2315](#)

**Not Enacted**

#### **Division of Land for Noncommercial Open Space**

**Chief Sponsors:** Reps. Bonham, Helt, Zika

**At the request of:** The Nature Conservancy

**Committees:** House Agriculture and Land Use

**Background and Current Law:** In 2007, the Legislative Assembly enacted House Bill 2992, which allowed counties to approve land divisions in forest or mixed farm and forest zones that resulted in parcels smaller than minimum parcel size requirements if the proposed division was intended to allow public parks providers, open space providers, and not-for-profit land conservation organizations to purchase a resulting parcel. The term “purchase” currently restricts county land division authorizations and does not allow for property donations to these entities.

**Bill Summary:** House Bill 2315 would have allowed providers of public parks, providers of open space, and not-for-profit land conservation organizations to acquire, rather than purchase, parcels resulting from divisions of exclusive farm use land that do not meet minimum parcel size requirements.

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### [House Bill 2355-A](#)

**Not Enacted**

#### **Cider Businesses on Exclusive Farm Use Land**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use

**Background and Current Law:** In 2017, Senate Bill 677 established a cider business as a permitted use on land zoned for exclusive farm use or mixed farm and forest use. The measure, modeled on the winery statutes, established a 15-acre minimum orchard size for businesses producing less than 100,000 gallons of cider annually, and a 40-acre minimum orchard size for businesses producing at least 100,000 gallons of cider annually. The measure also specified the related uses allowed at such businesses and authorized up to 18 agritourism or other commercial events at these locations each calendar year.

**Bill Summary:** House Bill 2355-A would have allowed a cider business producing less than 100,000 gallons of cider annually that does not meet the existing 15-acre minimum orchard size requirement to be established as a permitted use on lands zoned for farm use if the cider business owns an on-site orchard of at least one acre, owns a farm tract of at least 20 acres that is used for other farm uses, and owns a dwelling that was constructed on or before January 1, 2020 that is sited on the farm tract.



### [House Bill 2357](#)

**Not Enacted**

#### **Land Use Appeal Standing**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use

**Background and Current Law:** ORS 197.830 allows individuals to petition the Land Use Board of Appeals (LUBA) to review land use or limited land use decisions, provided that person appeared before the local government, special district, or state agency hearing orally or in writing, and filed a notice of intent to appeal with LUBA.

**Bill Summary:** House Bill 2357 would have limited standing in appeals of land use or limited land use decisions to persons that reside or maintain business within 25 miles of certain local government or special district boundaries and testified orally in person before decision makers if there was a hearing opportunity available.

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### [House Bill 2363](#)

**Not Enacted**

#### **Redefinition of ‘Historic Home’ for Accessory Dwelling Units**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use

**Background and Current Law:** Current Oregon land use law does not allow new construction of an accessory dwelling unit (ADU) on land zoned for rural residential use. However, ORS 215.501 does allow a landowner to construct a new single-family dwelling if: a historic home is sited on the lot or parcel; the owner converts the historic home to an ADU upon completion of the new single-family dwelling; the ADU complies with all applicable laws and regulations; and the lot or parcel is at least two acres in size and not located in an urban reserve.

**Bill Summary:** House Bill 2363 would have redefined “historic home” to dwellings built before 1974 for the purpose of serving as an ADU to newly constructed homes on rural residential lands.

### [House Bill 2435](#)

**Effective Date:** January 1, 2020

## **Sunset Elimination for Guest Ranches on Exclusive Farm Use Land**

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

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 1997, the Legislative Assembly authorized guest ranches to operate on land zoned for exclusive farm use (EFU) to allow ranchers a means of generating supplemental income by providing ranching experiences to the public. The law limits guest ranches to providing a ranch experience that is incidental and accessory to an existing livestock operation, and establishes additional requirements for minimum acreage, quantity of overnight rooms, maximum floor area, food service, and activities. The most recent sunset expired on January 2, 2018. During the 2018 legislative session, the Legislative Assembly enacted House Bill 4031 to reauthorize the guest ranch use, subject to state and county approval or siting standards, and extended the sunset to April 15, 2020.

**Bill Summary:** House Bill 2435 eliminates the sunset on the law that allows guest ranches to be established on EFU-zoned lands in eastern Oregon and requires that new guest ranches sited on or after January 1, 2020 annually report to the county on livestock operations and guest ranch activities.

**Oregon Laws 2019:** Chapter 270

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### [House Bill 2456-B](#)

**Not Enacted**

## **Eastern Oregon Border Economic Development Region Rezoning Authority**

**Chief Sponsors:** Rep. Findley

**Committees:** House Agriculture and Land Use, House Revenue, Senate Finance and Revenue

**Background and Current Law:** In 2017, the Legislative Assembly enacted House Bill 2012, creating the Eastern Oregon Border Economic Development Region and Board to recommend policies and strategies to the Legislative Assembly for promoting workforce and economic growth. The Border Region is defined by rule as the area within 20 miles of the Oregon border with Idaho, that includes the cities of Ontario, Vale, and Nyssa. The Board was also charged with identifying specific laws, rules, and regulations that place workforce or economic development efforts in the Border Region at a competitive disadvantage compared to similar efforts in the border region of Idaho. House Bill 2456-B represents a recommendation by the Board to address a competitive disadvantage in workforce housing.

**Bill Summary:** House Bill 2456-B would have allowed Border Region counties that have established a review board to rezone certain exclusive farm use land for residential use.

### [House Bill 2469](#)

Effective Date: January 1, 2020

#### **Second Dwelling on Forestlands**

**At the request of:** House Interim Committee on Judiciary

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 1993, the Legislative Assembly declared that it is a state policy to provide certain owners of less productive forestland with the opportunity to build a dwelling on their land, while limiting siting and land division on more productive forestland. Counties are authorized to allow certain single-family dwellings to be established on forestlands, and to outline criteria for large tract, alternative, and other forestland dwellings.

**Bill Summary:** House Bill 2469 allows counties to approve a new single-family dwelling on forestlands near an existing dwelling for a relative of the owner who assists the owner with their forestry work, provided certain conditions are met.

**Oregon Laws 2019:** Chapter 271

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### [House Bill 2560](#)

**Not Enacted**

#### **Study of Technology Tower Impact on Aesthetics**

**Chief Sponsors:** Rep. Evans

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Technology towers are used for many types of electronic communication, including radio, cellular, emergency medical services, and global positioning satellite technology. The increase in demand for all manner of wireless connectivity over the past few decades has resulted in an increase in the number of technology towers built in Oregon and across the United States.

**Bill Summary:** House Bill 2560 would have directed the Department of Land Conservation and Development to study methods to mitigate the aesthetic impact of technology towers.

### [House Bill 2573](#)

**Effective Date:** January 1, 2020

## **Dwellings on High-Value Farmland for Cranberry Production**

**Chief Sponsors:** Reps. McKeown, DB Smith; Sen. Heard

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Land Conservation and Development Commission establishes a farm income standard to determine whether a dwelling may be allowed in conjunction with farm use. To qualify for a dwelling on high-value farmland, a farm operator must have earned at least \$80,000 in gross annual income from farm product sales in each of the last two years, in three of the last five years, or in an average of three of the last five years.

**Bill Summary:** House Bill 2573 requires that a county approve a primary dwelling on certain high-value farmland until January 2, 2022, provided that the operator earned at least \$40,000 in gross annual income from the sale of cranberries or cranberry products and agrees to record a deed prohibiting the use of the dwelling as a rental dwelling unit in perpetuity.

**Oregon Laws 2019:** Chapter 307

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### [House Bill 2577](#)

**Effective Date:** May 30, 2019

## **Delayed Island Annexation**

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** ORS 222.750, known as the "island annexation statute," allows a city to annex, following a properly noticed public hearing, a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5. In 2007, the Legislative Assembly enacted House Bill 2760, which provided a three- to ten-year waiting period from the time a city decided to annex an "island" territory to the finalization of the annexation. The delayed annexation waiting period applied to property zoned for residential use that was also in residential use when a city initiated annexation.

**Bill Summary:** House Bill 2577 requires the same three-year waiting period for annexation of property that is zoned to allow residential use as a permitted use and is in residential use when annexation is initiated, as property that is zoned for, and in, residential use.

**Oregon Laws 2019:** Chapter 197

### [House Bill 2790](#)

**Effective Date:** January 1, 2020

#### **Outdoor Mass Gatherings**

**At the request of:** Rep. Brian Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** An "outdoor mass gathering" is currently defined as an assembly of more than 3,000 persons that continues for more than one day but less than five days within any three-month period, and that is held primarily in open spaces and not in a permanent structure.

**Bill Summary:** House Bill 2790 allows counties to require a land use permit for an outdoor mass gathering and to authorize outdoor mass gatherings that are expected to exceed the allowable time; prohibits counties from requiring an outdoor mass gathering permit for events permitted under other statutes related to uses on lands zoned for exclusive farm use; allows a hearings officer, county planning commission, or county designee to approve or deny permit applications; expands the definition of outdoor mass gathering to provide adequate time for ingress and egress; and prohibits a county from requiring a land use permit for a gathering of 3,000 people or fewer, any part of which is outdoors.

**Oregon Laws 2019:** Chapter 408

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### [House Bill 2844](#)

**Effective Date:** January 1, 2020

#### **Micro-Processing Facilities on Exclusive Farm Use Land**

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Legislative Assembly has authorized counties to allow farm product processing facilities with processing areas smaller than 10,000 square feet that are in compliance with applicable siting standards to be a permitted use on lands zoned for exclusive farm use (EFU) in counties that adopted marginal lands provisions under ORS 215.213, and in nonmarginal lands counties under ORS 215.283. Counties are currently prohibited from applying siting standards in a manner that would prohibit the siting of these farm product processing facilities.

**Bill Summary:** House Bill 2844 authorizes counties to allow farm product processing facilities with processing areas smaller than 2,500 square feet to be a permitted use on EFU-zoned lands without regard to siting standards.

**Oregon Laws 2019:** Chapter 410

### [House Bill 2914](#)

Effective Date: May 30, 2019

## Washington County Employment Land of State Significance

**Chief Sponsors:** Rep. Sollman

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 2014, the Legislative Assembly enacted House Bill 4078, validating Metro's 2011 unanimously adopted Ordinance No. 11-1264B. The ordinance expanded the urban growth boundary (UGB) to fill a projected unmet need to maintain a 20-year supply of buildable land, and confirmed Washington County urban and rural reserve designations, with some exceptions. The 2014 measure, now ORS 195.144, included a provision that required that certain real property in Washington County be included within the UGB, designated as "employment land of state significance," and planned and zoned for employment use. The law also required that in its first UGB review in 2014, Metro could not count the employment capacity of those properties in its determination of the employment capacity of land within Metro.

**Bill Summary:** House Bill 2914 designates a narrower subset of Metro land as "employment land of state significance," to be planned and zoned for employment use.

**Oregon Laws 2019:** Chapter 199

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### [House Bill 2919](#)

**Not Enacted**

[\(see House Bill 3384\)](#)

## Nonconforming School Expansions to Contiguous Lands

**Chief Sponsors:** Reps. Nearman, Reschke

**Committees:** House Agriculture and Land Use

**Background and Current Law:** Oregon's Statewide Planning Goal 3, "Agricultural Lands," requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Common nonfarm uses authorized on EFU-zoned lands include: commercial activities in conjunction with farm uses; utility facilities necessary for public service; and certain road improvement projects, schools, community centers, churches, parks and playgrounds, and dwellings. Counties are responsible for planning and zoning, subject to approval by the Oregon Department of Land Conservation and Development.

**Bill Summary:** House Bill 2919 would have allowed schools on EFU-zoned land to expand to contiguous land owned by the school, and would also have allowed the expansion to occur without the conditional approval of a local government.

[House Bill 3384](#), which was enacted, allows school expansions on the tax lot on which the school was established, or on a tax lot contiguous to and under the same ownership on January 1, 2015 as the tax lot on which the school was established.

### [House Bill 2977](#)

**Not Enacted**

[\(see House Bill 2790\)](#)

## Outdoor Mass Gathering Ingress and Egress

**Chief Sponsors:** Rep. Smith Warner

**Committees:** House Agriculture and Land Use

**Background and Current Law:** An "outdoor mass gathering" is currently defined as an assembly of more than 3,000 persons that continues for more than one day (24 hours) but less than 5 days (120 hours) within any three-month period, and that is held primarily in open spaces and not in a permanent structure.

**Bill Summary:** House Bill 2977 would have expanded the definition of "outdoor mass gathering" to allow gatherings to continue beyond 120 hours for the purpose of providing adequate time for ingress and egress, provided that the gathering is located at least 60 miles away from an interstate highway.

[House Bill 2790](#), which was enacted, expands the definition of "outdoor mass gathering" to allow for ingress and egress and allows counties to require a land use permit in certain circumstances.

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### [House Bill 3018](#)

**Not Enacted**

[\(see Senate Bill 534\)](#)

## Skinny Lot Housing Development

**Chief Sponsors:** Rep. Barreto

**Committees:** House Agriculture and Land Use

**Background and Current Law:** Oregon's land use laws require that the state's 242 cities and 36 counties each adopt local comprehensive plans, zone land, administer land use regulations, and manage land use permits. All cities provide zoning for residential uses, and cities may further restrict the types of housing allowed to be built in those zones.

**Bill Summary:** House Bill 3018 would have required cities to allow construction of single-family dwellings on lots zoned to allow single-family dwellings within an urban growth boundary, with certain exceptions.

[Senate Bill 534](#), which was enacted, requires local governments to allow the development of at least one unit on each platted lot zoned for a single-family dwelling within the urban growth boundary of cities with populations greater than 25,000 beginning March 1, 2020. The measure requires specified conditions are met concerning infrastructure, potential hazards, and certain statewide land use planning goals.

### [House Bill 3024](#)

Effective Date: January 1, 2020

#### Replacement Dwellings on Exclusive Farm Use Land

**Chief Sponsors:** Reps. Zika, DB Smith

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Current law provides for alteration, restoration, or replacement of a lawfully established dwelling as a permitted use on lands zoned for exclusive farm use (EFU) and requires the lawfully established dwelling to have intact exterior walls, an intact roof structure, indoor plumbing connected to a sanitary waste disposal system, interior electric wiring, and a heating system. If the dwelling is being replaced, it must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. The dwelling must have been assessed as such for purposes of ad valorem taxation for the lesser of either the previous five property tax years or from the time the dwelling was erected and became subject to assessment, unless the dwelling had no value due to destruction or demolition.

**Bill Summary:** House Bill 3024 modifies requirements for a lawfully established dwelling in an EFU zone to be altered, restored, or replaced based on the status of the dwelling.

**Oregon Laws 2019:** Chapter 440

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### [House Bill 3099-A](#)

Not Enacted

#### Process for City Withdrawal from County Service District

**Chief Sponsors:** Reps. Bynum, Drazan

**Committees:** House Agriculture and Land Use, Senate Business and General Government

**Background and Current Law:** ORS 198.870 establishes processes for an individual who owns property within a territory annexed into a special district, or for electors of an area within a special district, to petition the county board for withdrawal of the property from the district. The law requires that the county board approve a petition if it has not been, is not, or would not be, feasible for the territory to receive service from the district. Similarly, the law requires that the county board deny a petition if it is, or would be, feasible for the territory to receive service from the district.

**Bill Summary:** House Bill 3099-A would have authorized a city that was annexed into a county service district to petition the county board for withdrawal from that district and required the city to call a city-only election on the question of the withdrawal, provided that the city was annexed into the district upon a city-only election. The measure would have also required that the governing bodies of the city and county service district negotiate and finalize an agreement for the equitable division and disposal of the district assets within 90 days following the effective date of a withdrawal.



### [House Bill 3226](#)

**Not Enacted**

#### **Development Across Lot Lines**

**Chief Sponsors:** Rep. Barreto; Sen. Hansell

**Committees:** House Agriculture and Land Use

**Background and Current Law:** ORS 227.290 gives city councils the authority to establish or alter building setback lines on private property adjacent to streets and other public ways. Currently, city ordinances vary with regard to setback requirements for multiple properties with multiple property lines under one ownership.

**Bill Summary:** House Bill 3226 would have required local governments to allow building across lot lines if an owner has recorded a covenant not to sell separately, and would have established conditions under which a covenant may be recorded.

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### [House Bill 3272](#)

**Effective Date:** January 1, 2020

#### **Land Use Board of Appeals Review Procedures**

**Chief Sponsors:** Reps. Meek, DB Smith, Reardon

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Land Use Board of Appeals (LUBA) was established by the Legislative Assembly in 1979, and has exclusive jurisdiction to review all land use decisions made by local governments and special districts. LUBA is governed by ORS Chapter 197, which specifies review procedures and scope, among other provisions.

**Bill Summary:** House Bill 3272 allows LUBA to establish a new deadline for the filing of a review petition if it denies a petitioner's objection to the record and to award reasonable attorney fees for motions filed without merit.

**Oregon Laws 2019:** Chapter 447

### [House Bill 3384](#)

**Effective Date:** June 17, 2019

## **Nonconforming School Expansion on Exclusive Farm Use Land**

**Chief Sponsors:** Rep. Wilde; Sen. Beyer

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 2009, the Legislative Assembly enacted House Bill 3099, which removed outright exclusive farm use (EFU) exceptions for schools. The legislation added a conditional exception for public or private schools that primarily serve rural residents from the area where the school is located. The legislation also allowed for the expansion of nonconforming public and private schools on EFU lands that existed on or before January 1, 2009, provided that the expansion occurs on the tax lot on which the use was established on or before January 1, 2009, or on a contiguous lot that was owned by the applicant on January 1, 2009, and that the applicant receives conditional approval from the county.

**Bill Summary:** House Bill 3384 allows public or private school expansions on the tax lot on which the school was established, or on a tax lot contiguous to, and under the same ownership on January 1, 2015 as, the tax lot on which the school was established. The measure also specifies that a county cannot deny a school expansion on EFU land based on certain rules or conditions related to capacity, density, or distance between structures.

**Oregon Laws 2019:** Chapter 416

## 2019 SUMMARY OF LEGISLATION

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# PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

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## PERS MEASURES

<b>Benefit Classification and Calculation</b>	Enacted	HB 2417, HB 2972
	Not Enacted	SB 187, SB 634-A, HB 2646, HB 2647, HB 2786-A, HB 2861-A,
<b>Reemployment</b>	Enacted	-none-
	Not Enacted	SB 768, HB 2838-A,
<b>Unfunded Liability</b>	Enacted	SB 1049,
	Not Enacted	SB 75, SB 705-A,

Picture: Pacific Coast, Tillamook County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving PERS enacted through legislation during the 2019 session.

### [Senate Bill 75](#)

**Not Enacted**

#### **PERS Employer Incentive Fund**

**At the request of:** Governor Kate Brown for Public Employees Retirement System

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** In 2018, the Oregon Legislative Assembly passed Senate Bill 1566 creating the Employer Incentive Fund (EIF) to encourage public employers to make extra one-time contributions to the Public Employees Retirement System (PERS). To qualify for EIF an employer must make an extra payment by July 1, 2023. For the first six months of the program, only employers whose unfunded actuarial liability is more than 200 percent of the employer's payroll may apply for EIF funds with any remaining funds available to all other employers thereafter.

**Bill Summary:** Senate Bill 75 would have allowed PERS to require employers to make an extra payment no later than September 30, 2021 and to shorten the one-time open application period from six months to ninety days. Parts of Senate Bill 75 were incorporated into Senate Bill 1049 (2019).

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### [Senate Bill 187](#)

**Not Enacted**

#### **Status of Judicial Marshals with PERS**

**At the request of:** Chief Justice Martha L. Walters for Judicial Department

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** In 2012, the Legislative Assembly authorized the Chief Justice to appoint staff to provide physical security in state court facilities. In 2015, the Legislative Assembly designated these judicial marshals as "peace officers" which authorized them to lawfully exercise certain powers, such as detaining individuals, subject to the personnel rules and policies established by the Chief Justice. The Legislative Assembly has determined that judicial marshals are not "police officers" for the purposes of the Public Employees Retirement System (PERS).

**Bill Summary:** Senate Bill 187 would have included current and future judicial marshals in the category of police officer for the purposes of PERS.

### [Senate Bill 634-A](#)

**Not Enacted**

#### **PERS Inclusion of Public Charter School Employees Outside of Oregon**

**Chief Sponsors:** Sen. Girod

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** The statutory definition of "salary," for purposes of the Public Employees Retirement System (PERS), excludes compensation paid to Oregon public employees residing and working outside of Oregon. In 2017, the Legislative Assembly enacted Senate Bill 201, allowing a limited group of employees hired by Oregon public universities who resided and worked outside of Oregon to receive PERS benefits.

**Bill Summary:** Senate Bill 634-A would have allowed public charter school employees who reside and work outside of Oregon to receive PERS benefits provided they were continuously employed in a qualifying position between August 29, 2003, and December 31, 2017; informed they were eligible for retirement benefits; and their employer made PERS contributions.

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### [Senate Bill 705-A](#)

**Not Enacted**

#### **PERS Port of Portland Side Account**

**Chief Sponsors:** Sen. Knopp

**At the request of:** Port of Portland

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** The Public Employees Retirement System (PERS) pension benefits are funded by a combination of participating employer contributions and earnings on invested funds. Participating employers can make advance lump sum contributions into a side account to offset future expenses. In 2018, the Legislative Assembly enacted Senate Bill 1566 creating the Employer Incentive Fund (EIF), which matches portions of an employer's side account not to exceed twenty-five percent of a qualifying lump sum payment. In addition, employers depositing advance lump sums of \$10 million or more in a side account can choose an amortization period of six, ten, sixteen, or twenty years.

**Bill Summary:** Senate Bill 705-A would have allowed an employer depositing \$10 million or more in a side account (currently only applicable to the Port of Portland) to choose the date on which its amortization period begins, until January 1, 2024.

### [Senate Bill 768](#)

**Not Enacted**

### **PERS Post-Retirement Work for Teachers**

**Chief Sponsors:** Sens. Monnes Anderson, Knopp, Roblan, Hansell

**Committees:** Senate Workforce, Joint Ways and Means

**Background and Current Law:** State government, public schools, community colleges, and many local governments (cities, counties, and special districts) participate in the Public Employees Retirement System (PERS). If retirees wish to re-enter the workforce, their PERS benefit could be affected based on the plan they retired under, who their employer is, and how many hours they work per year. Any retiree who works for a private-sector or non-PERS covered employer may work unlimited hours without any impact on their level of retirement benefit. To address a labor shortage, the Legislative Assembly passed House Bill 3058 (2015), to allow a retiree to work an unlimited number of hours as a career and technical education (CTE) teacher without any loss of retirement benefits. In 2018, House Bill 4012 extended the sunset on the exemption to June 30, 2023.

**Bill Summary:** Senate Bill 768 would have eliminated the sunset for CTE teachers working unlimited hours and would have expanded the exemption to allow any teacher, including CTE teachers, to work unlimited hours for a school district or education service district. Senate Bill 1049 (2019) incorporates certain aspects of Senate Bill 768.



### [Senate Bill 1049](#)

**Effective Date:** June 11, 2019

## **Omnibus Changes to PERS to Lower Employer Contribution Rates**

**Chief Sponsors:** Sen. Courtney; Rep. Kotek

**Committees:** Joint Ways and Means

**Background and Current Law:** Approximately 900 state and local public employers participate in the Public Employees Retirement System (PERS). There are 367,853 members in PERS, with retirees accounting for 40 percent of membership, active non-retirees accounting for 48 percent, and inactive non-retirees making up the balance. Benefit levels vary depending on when the employee entered the system. Tier 1 covers members hired before January 1, 1996; Tier 2 covers members hired between January 1, 1996, and August 28, 2003; and Oregon Public Service Retirement Plan (OPSRP) covers those hired after August 28, 2003. The unfunded actuarial liability for the system is approximately \$26 billion.

**Bill Summary:** Senate Bill 1049 (2019) contains numerous provisions designed to reduce the employer contribution rates. Though many provisions modify the financing of PERS, the purpose of this summary is to focus on the provisions that modify employee benefits and contributions. First, the measure limits the salary used in the calculation of Final Average Salary to \$195,000. This cap applies to all membership levels and will be adjusted annually to reflect cost of living. Second, Senate Bill 1049 (2019) redirects a portion of the employee contribution from the Individual Account Program to partially fund the employee's pension plan. The amount of the redirect depends on the employee's membership level and salary. Third, the measure eliminates the limit on hours a retiree may work for a public employer, but the employer is required to continue making the employer's contribution while the retiree accrues no additional PERS benefit. Finally, the measure allows members with a choice of investment options for the money in their Individual Account Program. Though the effective date of the measure is June 11, 2019, the measure contains various operative and repeal dates.

**Oregon Laws 2019:** Chapter 355

### [House Bill 2417](#)

Effective Date: January 1, 2020

#### Death Benefits Under PERS

**At the request of:** House Interim Committee on Business and Labor for City of Eugene

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** If a Tier 1 or Tier 2 member of the Public Employees Retirement System (PERS) dies before retiring, the member's designated beneficiary will receive the amount in the member's pension account and the amount in the member's Individual Account Program (IAP) account. Members of PERS who began working after August 28, 2003, are members of the Oregon Public Service Retirement Plan (OPSRP). The spouse of an OPSRP member who dies prior to retirement will receive a death benefit that is the actuarial equivalent of 50 percent of the pension that would have been paid as a retirement benefit to the member and the amount in the IAP account.

**Bill Summary:** House Bill 2417 provides an alternative calculation of death benefit for the surviving spouse of a Public Employees Retirement System member who dies before retiring. The alternative is equivalent to the death benefit under the OPSRP program.

**Oregon Laws 2019:** Chapter 487

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### [House Bill 2646](#)

Not Enacted

#### PERS Definition of Salary

**Chief Sponsors:** Rep. Gorsek

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Eligible employees of a participating employer in the Public Employees Retirement System who were hired after August 28, 2003, are members of the Oregon Public Service Retirement Plan (OPSRP). Employees hired prior to that date are either in the Tier 1 or Tier 2 plan. For OPSRP members, their pension benefit is based on salary. Statute defines salary to mean the remuneration paid to an active member in return for services to the participating public employer, including remuneration in the form of living quarters, board or other items of value, to the extent the remuneration is includable in the employee's taxable income under Oregon law.

**Bill Summary:** House Bill 2646 would have treated a housing allowance paid to a prison chaplain who is an OPSRP member as if it were includable in the member's taxable income under Oregon law.

### [House Bill 2647](#)

Not Enacted

#### OHSU Police Officers in PERS

**Chief Sponsors:** Rep. Gorsek

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Public Employees Retirement System (PERS) members are classified as either General Service or Police and Fire (P&F). Employees classified as PERS P&F can retire at an earlier age and have a higher benefit factor used in calculating their retirement benefits. Employees of Oregon Health and Science University (OHSU) who are eligible for a retirement plan have a choice at the time of hire between enrolling in the University Pension Plan (UPP) or PERS. In 2013, the Legislative Assembly amended the definition of police officer for the purposes of PERS to include police officers commissioned by OHSU.

**Bill Summary:** House Bill 2647 would have allowed individuals currently employed as OHSU police officers who elected the UPP retirement plan prior to 2014, when membership in PERS P&F was not an option, to change their election and become a member of PERS P&F going forward.

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### [House Bill 2786-A](#)

Not Enacted

#### Status of District Attorneys in PERS

**At the request of:** Multnomah County Prosecuting Attorneys Association

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Public Employees Retirement System (PERS) members are classified as either General Service or Police and Fire (P&F). Employees classified as P&F under PERS statutes can retire at an earlier age and have a higher benefit factor used in calculating their retirement benefits. These enhanced benefits raise the costs of benefits members earn while in that status by four to five percent of payroll. Those costs increase further if existing General Service members move into P&F status.

**Bill Summary:** House Bill 2786-A would have reclassified district attorneys and deputy district attorneys as “police officers” under PERS statutes, making those members eligible for P&F benefits. The P&F benefits would have applied only to service performed on or after the measure’s effective date.

## PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

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### [House Bill 2838-A](#)

Not Enacted

#### PERS Post-Retirement Work for Police Officers

**Chief Sponsors:** Reps. Doherty, Noble, Stark

**At the request of:** Oregon School Board Association

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Oregon's Public Employees Retirement System (PERS) enables public employers to provide their employees with retirement benefits. In general, a Tier 1 or Tier 2 retired PERS member working for a participating public employer can continue to receive retirement benefits if the total period of combined employment with one or more participating public employers does not total more than 1,039 hours in a calendar year. There are numerous exemptions to the limit on hours a retiree can work. Retirement benefit payments will cease for a retiree under the Oregon Public Service Retirement Plan (OPSRP) if they are employed in a qualifying position by a participating employer.

**Bill Summary:** House Bill 2838-A would have exempted retired police officers under PERS from post-retirement work limits when employed by a school district to provide law enforcement, security, or safety services. Senate Bill 1049 (2019) incorporates certain aspects of House Bill 2838-A.

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### [House Bill 2861-A](#)

Not Enacted

#### Individual Account Program of PERS

**At the request of:** Rep. Paul Holvey

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** The Individual Account Program (IAP) of the Public Employees Retirement System includes over 250,000 member accounts for Tier One, Tier Two, and Oregon Public Service Retirement Plan benefit plans. The IAP, an account-based plan nearly identical to a defined contribution plan, is funded with member contributions, which is six percent of a member's salary. Member funds are placed in a target-date fund, and members are not able to choose another investment strategy.

**Bill Summary:** House Bill 2861-A would have allowed members to choose their IAP investment strategy beginning January 1, 2020. Senate Bill 1049 (2019) incorporates certain aspects of House Bill 2861-A.

### [House Bill 2972](#)

Effective Date: June 25, 2019

## Retirement of Employees of Harney County Health District

**Chief Sponsors:** Rep. Findley

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Oregon's Public Employees Retirement System (PERS) enables public employers to provide their employees with retirement benefits. In general, a Tier 1 or Tier 2 retired PERS member working for a participating public employer can continue to receive retirement benefits if the total period of combined employment with one or more participating public employers does not total more than 1,039 hours in a calendar year. There are numerous exemptions to the limit on hours a retiree can work. Retirement benefit payments will cease for a retiree under the Oregon Public Service Retirement Plan if they are employed in a qualifying position by a participating employer.

**Bill Summary:** House Bill 2972 allows Tier 1 or Tier 2 retirees to work an unlimited number of hours without any loss of retirement benefits if they are employed by the Harney County Health District as a licensed, registered, or certified provider of health services. The measure also allows the Health District to offer retirement benefits that are an alternative to PERS.

**Oregon Laws 2019:** Chapter 496

## 2019 SUMMARY OF LEGISLATION

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# TRANSPORTATION

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# TRANSPORTATION MEASURES

<b>All-Terrain Vehicles</b>	Enacted Not Enacted	HB 2592 HB 2082
<b>Autonomous and Electric Vehicles</b>	Enacted Not Enacted	SB 1044 HB 2592, HB 2770
<b>Aviation</b>	Enacted Not Enacted	SB 54, HB 2402 -none-
<b>Bicycle and Pedestrian</b>	Enacted Not Enacted	SB 998, HB 2682 HB 2671
<b>Drivers and Motor Vehicles</b>	Enacted Not Enacted	SB 57, HB 2015, HB 2082, HB 2576, HB 3152 SB 666, SB 1033, HB 2915
<b>Motor Vehicle Fuels</b>	Enacted Not Enacted	-none- HB 3194
<b>Multimodal Transportation</b>	Enacted Not Enacted	-none- SB 59-A, HB 2284, HB 2304, HB 2970
<b>Parking</b>	Enacted Not Enacted	SB 107, SB 438 -none-

<b>Public Transit</b>	Enacted Not Enacted	SB 1053, HB 2603 HB 2219, HB 2541
<b>Ride Sharing</b>	Enacted Not Enacted	-none- HB 3023, HB 3379
<b>Roads and Highways</b>	Enacted Not Enacted	SB 528, SB 558, HB 2314, HB 2592, HB 3213 SB 443, SB 559, SB 560, SB 1021, HB 2702, HB 2846, HB 3209
<b>Taxes and Fees</b>	Enacted Not Enacted	SB 450, HB 2209, HB 2592, HB 2881 -none-
<b>Transportation Development</b>	Enacted Not Enacted	-none- SB 10, HB 2846, HB 2974

Picture: Covered Wagon, Baker County – [Gary Halvorson, Oregon State Archives](#)



# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2603	Directs the Oregon Department of Transportation to report on Amtrak train delays.	September 15, 2020
HB 3213	Directs each county selected to participate shall prepare two reports on its safety corridor pilot program and include recommendations for legislation.	September 15, 2022; September 15, 2024

### Senate Bill 10

**Not Enacted**

## Encouraging Residential Development along Priority Transportation Routes

**Chief Sponsors:** Sen. Courtney

**Committees:** Senate Housing, Senate Rules

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Goal 12 concerns the provision of a safe, convenient transportation system, and during the 2017 regular legislative session, the legislature enacted a transportation funding bill to invest in improving statewide transit service. Such infrastructure investments stimulate corresponding development efforts along transportation routes.

**Bill Summary:** Senate Bill 10 would have defined “priority transportation corridors” for purposes of municipal limits on the density of residential development and prohibited the imposition of lower densities than stated in the measure, within urban growth boundaries, near such transportation. The measure also would have provided for corresponding height limits, parking requirements, and other reasonable restrictions that do not reduce density.

### [Senate Bill 54](#)

**Effective Date:** January 1, 2020

#### **Civil Penalties for Landing Violations**

**At the request of:** Governor Kate Brown for Oregon Department of Aviation

**Committees:** Senate Business and General Government, Joint Transportation

**Background and Current Law:** The Oregon Department of Aviation (ODA) promotes, develops, and improves Oregon's aviation system. Current statute allows ODA and other public officials in charge of state-owned land to propose rules designating landing places for aircraft. Those rules must be approved by the State Aviation Board. Pedestrians and vehicles entering the runway are classified as a violation of ODA's landing rules; current statute does not establish a penalty for these violations. State airports with a control tower must report these violations to the Federal Aviation Administration. Repeat violations can jeopardize federal funding for that airport.

**Bill Summary:** Senate Bill 54 allows ODA to assess a civil penalty of up to \$2,500 for each violation of the landing rules and dedicates recovered penalty funds to the administration of the landing rules.

**Oregon Laws 2019:** Chapter 226

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### [Senate Bill 57](#)

**Effective Date:** June 11, 2019

#### **Miscellaneous Driver License and Motor Vehicle Statute Changes**

**At the request of:** Governor Kate Brown for Department of Transportation

**Committees:** Joint Transportation

**Background and Current Law:** The Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation is responsible for licensing drivers and maintaining driver and vehicle records. There are more than three million licensed drivers in the state, and DMV processes about 180,000 new licenses and 350,000 renewed licenses annually.

**Bill Summary:** Senate Bill 57 makes adjustments and technical changes to DMV statutes related to providing notice by means other than mailed materials for compliance with motor vehicle insurance, card expiration, implied consent hearings, suspension of driving privileges, and cancellation notices; noting change of address on driver licenses and identification cards; titles for vehicles with a title in junk status; and authority to seek out-of-state records for applicants.

**Oregon Laws 2019:** Chapter 312

### [Senate Bill 59-A](#)

**Not Enacted**

#### **Funding for Connect Oregon Program**

**At the request of:** Governor Kate Brown for Department of Transportation

**Committees:** Joint Transportation, Joint Ways and Means

**Background and Current Law:** The Connect Oregon program was created in 2005 and is funded by tax-exempt, lottery-backed bonds. The program provides grant funding for four categories: air, rail, marine, and bicycle and pedestrian projects. House Bill 2017 (2017) designated four specified projects to be funded through Connect Oregon for the 2017-19 biennium and provided \$30 million in lottery bond proceeds, as well as additional funding from the vehicle dealer privilege tax and bicycle excise tax, for those projects. Connect Oregon did not have a competitive grant process during the 2017-2019 biennium.

**Bill Summary:** Senate Bill 59-A would have authorized the State Treasurer to issue lottery bonds for the Connect Oregon Fund to generate \$50 million for competitive grants for transportation projects.

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### [Senate Bill 107](#)

**Effective Date: January 1, 2020**

#### **Utility Vehicle Parking**

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

**Committees:** Senate Business and General Government, House Energy and Environment

**Background and Current Law:** Quick response to natural gas leaks, downed power lines, and other emergencies by natural gas and electric utility workers helps ensure public safety. If a parking space is not readily available, responding technicians may be forced to park utility vehicles in a roadway or other location to investigate, mitigate, or remedy the emergency. Parking, stopping, or leaving a vehicle in roadways and other specified locations is a Class D traffic violation.

**Bill Summary:** Senate Bill 107 creates an exemption to violations of parking, stopping, or leaving a vehicle in a roadway for vehicles owned or operated by a natural gas or electric utility when immediate response is necessary, and the vehicle displays a sign denoting emergency responder status.

**Oregon Laws 2019:** Chapter 232

[Senate Bill 438](#)

Effective Date: January 1, 2020

**Disabled Parking in Residents Only Spaces**

**Chief Sponsors:** Sens. Frederick, Hansell; Rep. Marsh

**Committees:** Senate Business and General Government, Joint Transportation

**Background and Current Law:** Current statute allows a person displaying a disabled parking permit to park in certain locations without incurring penalties for which the vehicle would otherwise be subject.

**Bill Summary:** Senate Bill 438 adds parking spaces marked or signed by a road authority as reserved for residents to the list of places where a vehicle with a disabled parking permit can park without incurring penalty.

**Oregon Laws 2019:** Chapter 332

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[Senate Bill 443](#)

**Not Enacted**

**Vehicle Headlight Use**

**Chief Sponsors:** Sen. Boquist

**At the request of:** Lee Aswill

**Committees:** Senate Business and General Government, Senate Rules

**Background and Current Law:** Current statute requires drivers to use headlights bright enough to reveal persons and vehicles on the highway at a safe distance in advance of the vehicle when limited visibility conditions exist. Failure to use headlights when required is a Class B traffic violation.

**Bill Summary:** Senate Bill 443 would have required headlights to be used whenever a vehicle is driven on any public road.

[Senate Bill 450](#)

Effective Date: September 29, 2019

**Gas Tax Step Increase Conditions**

**Chief Sponsors:** Sen. Beyer

**At the request of:** League of Oregon Cities

**Committees:** Joint Transportation

**Background and Current Law:** House Bill 2017 (2017) established a series of step increases to Oregon motor fuel taxes. The first step increase of four cents, which took effect on January 1, 2018, raised the state gas tax from 30 cents per gallon to 34 cents per gallon. Three additional increases of two cents per gallon are scheduled to take effect in 2020, 2022, and 2024, if certain conditions are met. The conditions for 2022 and 2024 include a provision that neither increase may occur unless, "to the best knowledge of the [Oregon Transportation] Commission, all bodies scheduled to receive fuel tax revenue pursuant to this 2017 Act after the operative date of the increase are in compliance with ORS 279C.305 [...] or the Commission has requested from the Bureau [of Labor and Industries] confirmation of such compliance". A single entity out of compliance with this requirement, at the time of review, will prohibit the step increase in state fuel taxes from occurring.

**Bill Summary:** Senate Bill 450 revises the statutory language related to the fuel tax step increases scheduled for 2022 and 2024 to specify that if one or more contracting agencies scheduled to receive revenues from the increase are out of compliance with least-cost contracting requirements, the step increase will occur, but the out-of-compliance public body will not receive its portion of the increased revenues until it is deemed to be in compliance.

**Oregon Laws 2019:** Chapter 250

### [Senate Bill 528](#)

**Effective Date:** January 1, 2020

#### **Roadside Memorial Signs for Firefighters**

**Chief Sponsors:** Sen. Johnson; Rep. Witt

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

**Background and Current Law:** In 2011, the Legislative Assembly passed House Bill 3039, establishing the Roadside Memorial Fund to receive and appropriate moneys to the Oregon Department of Transportation (ODOT) to erect roadside memorial signs commemorating law enforcement officers killed in the line of duty. Signs are erected when a concurrent resolution recognizing the police officer is adopted by the legislature and ODOT receives funds to cover the cost of installation and maintenance. In 2013, House Bill 2708 was enacted, modeled after House Bill 3039, to include members of the Armed Forces killed in action.

**Bill Summary:** Senate Bill 528 includes firefighters killed in the line of duty, among those who may be recognized by a roadside memorial sign.

**Oregon Laws 2019:** Chapter 298

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### [Senate Bill 558](#)

**Effective Date:** January 1, 2020

#### **Highway Speeds in Residential Districts**

**At the request of:** Joint Committee on Transportation

**Committees:** Joint Transportation

**Background and Current Law:** Speed limits for most types of roads are set in statute. In 2017, the Legislative Assembly enacted House Bill 2682, which granted the City of Portland the authority to reduce, by five miles per hour, the posted speed limit on streets in residential districts within its jurisdiction. All other cities are required to make a formal request to the Oregon Department of Transportation (ODOT) to modify existing speed limits.

**Bill Summary:** Senate Bill 558 allows all cities and counties the authority to establish, by ordinance, a designated speed for highways within residential districts under their jurisdiction. The measure specifies that the designated speed must be five miles per hour lower than the statutory speed, the highway be in a residence district and not an arterial highway, and the road authority provide appropriate signage of the designated speed.

**Oregon Laws 2019:** Chapter 515

### [Senate Bill 559](#)

**Not Enacted**

#### **Fixed Photo Radar**

**At the request of:** Joint Committee on Transportation

**Committees:** Joint Committee on Transportation

**Background and Current Law:** House Bill 2621 (2015) authorized the City of Portland to operate fixed photo radar systems to detect speeding violations on highways where traffic crashes result in fatalities or serious injuries at a rate 25 percent higher than other highways with the same speed limit. The City of Portland currently operates fixed photo radar systems at eight locations and has reported a reduction in both speeding and top-end speeding following implementation of the program.

**Bill Summary:** Senate Bill 559 would have expanded authority to operate fixed photo radar to all cities and would have removed the sunset date on authority to do so.

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### [Senate Bill 560](#)

**Not Enacted**

#### **Photo Radar Use by All Cities**

**At the request of:** Joint Committee on Transportation

**Committees:** Joint Transportation

**Background and Current Law:** There are currently ten jurisdictions in Oregon authorized to operate photo radar to enforce speed limits on residential streets or in school zones under specified conditions. A 2015 report issued from the Oregon Department of Transportation shows that the cities using photo radar programs experienced an overall reduction in traffic crashes between 2005 to 2014. The City of Portland's 2017-18 report showed an overall decline in fatal crashes since the implementation of photo radar systems.

**Bill Summary:** Senate Bill 560 would have allowed all cities to operate photo radar systems.



### [Senate Bill 666](#)

**Not Enacted**

#### **Fees for Pacific Wonderland Registration Plates**

**Chief Sponsors:** Sen. Hansell

**Committees:** Joint Transportation

**Background and Current Law:** The Driver and Motor Vehicle Services Division issues vehicle registration plates required to legally operate a motor vehicle on Oregon roads. There are several options for registration plates, including “specialty plates” that have an additional fee that is transferred to a nonprofit organization. The Pacific Wonderland plate was created as a limited edition to celebrate Oregon’s sesquicentennial in 2009. The revenue generated by the additional fee is split evenly between the Oregon Historical Society and the Oregon State Capitol Foundation.

**Bill Summary:** Senate Bill 666 would have increased the fee for the Pacific Wonderland registration plate from \$100 to \$125. The measure would have directed the additional \$25 fee to the Trust for Cultural Development Board for issuing grants to county historical societies.

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### [Senate Bill 747](#)

**Not Enacted**

[\(see Senate Bill 1053\)](#)

#### **TriMet Crash Advisory Committee**

**Chief Sponsors:** Sens. Thomsen, Hansell; Reps. Piluso, G Smith

**Committees:** Joint Transportation

**Background and Current Law:** TriMet is Oregon’s largest transit provider, serving Multnomah, Washington, and Clackamas counties. The agency has operated buses and light rail in the Portland area and commuter rail service to connect Beaverton, Tigard, Tualatin, and Wilsonville. According to the federal Bureau of Transportation Statistics (BTS), nationwide in 2016 there were 80 reported fatalities from motor buses and 14 reported fatalities from light rail. BTS also reported 7,235 injuries from motor buses and 252 injuries from light rail in 2016. TriMet currently has six advisory committees on issues such as accessible transportation, accountability, and special transportation funding.

**Bill Summary:** Senate Bill 747 would have created the TriMet Crash Advisory Committee to review TriMet accidents involving injury or fatality, to review accidents, provide recommendations, and present findings to the Oregon Department of Transportation’s Transportation Safety Committee. Certain aspects of this measure were enacted with Senate Bill 1053.

[Senate Bill 998](#)

Effective Date: January 1, 2020

**Bicycle Entering Intersections without Stopping**

**At the request of:** Senate Committee on Judiciary

**Committees:** Senate Judiciary, Senate Rules, House Rules

**Background and Current Law:** Under current Oregon law, individuals riding bicycles on public roads are treated like other vehicles and must stop at intersections controlled by stop signs or flashing red lights before proceeding through the intersection. Several other states, including Idaho, allow bicyclists to treat stop signs or flashing red lights as yield signs and proceed through the intersection if the bicyclist takes certain precautions.

**Bill Summary:** Senate Bill 998 allows a bicyclist approaching an intersection regulated by a stop sign or flashing red light at a safe speed to proceed through that intersection or make a turn without stopping. It also makes both improper entry into an intersection controlled by a stop sign and improper entry into an intersection controlled by a flashing red light a Class D traffic violation. A violation occurs when a bicyclist fails to yield to traffic within the intersection or to traffic that is approaching so close as to constitute an immediate hazard; disobeys a police officer or flagger; fails to exercise care to avoid an accident; or fails to yield the right of way to a pedestrian.

**Oregon Laws 2019:** Chapter 683

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[Senate Bill 1021-A](#)

**Not Enacted**

**Interstate 5 Boone Bridge**

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

**Committees:** Joint Transportation, Joint Ways and Means

**Background and Current Law:** In 2018, the Oregon Department of Transportation (ODOT) adopted the Interstate 5 (I-5) Wilsonville Facility Plan. This region of I-5 is a primary route for regional, interstate, and international freight movement and connects the rest of the state to the Portland metropolitan area. The plan identified the need for seismic upgrades to the Boone Bridge. Over 129,000 vehicles per day pass through Wilsonville on I-5 and 62,000 cross the Boone Bridge going south. Between 2011 and 2015 there were 148 automobile accidents on this segment of the highway. Interstate 5 is considered a critical route for Oregon emergency response and is classified as a Tier 1 Seismic Lifeline route. ODOT performed a Phase 1 retrofit to the Boone Bridge in 1998, but the bridge will require a Phase II seismic retrofit to meet current standards.

**Bill Summary:** Senate Bill 1021-A would have allocated \$3.5 million to ODOT to study the design, cost, and preliminary engineering for seismic upgrades and auxiliary lanes on the Interstate 5 Boone Bridge.

### [Senate Bill 1033](#)

**Not Enacted**

#### **Identification Cards for Hearing Impaired Drivers**

**Chief Sponsors:** Sen. Thomsen; Rep. Williamson

**Committees:** Joint Transportation

**Background and Current Law:** In Oregon, vehicle owners are not required to disclose that they are deaf or hard of hearing. Several states, such as Michigan and Wisconsin, offer visor cards that can be placed on the sun visor to be used to assist with communication with law enforcement officers in the event of a traffic stop. The visor cards include information stating the driver is either deaf or hard of hearing, tips for communicating with the driver, and guidance on what to do if the driver is going to be arrested.

**Bill Summary:** Senate Bill 1033 would have created provisions for the Department of Transportation to include information that the vehicle owner is deaf or hard of hearing on the vehicle's registration card at the request of the registered owner. The measure prohibited the Department of Transportation from adding restrictions on obtaining a driver license or driver permit based on the applicant being deaf or hard of hearing.

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### [Senate Bill 1044](#)

**Effective Date:** January 1, 2020

#### **State-owned Electric Vehicles**

**Chief Sponsors:** Sen. Beyer; Rep. Reardon

**At the request of:** Oregon Environmental Council, Climate Solutions, Portland General Electric

**Committees:** Joint Transportation

**Background and Current Law:** Executive Order 17-21 established Oregon's goal of reaching 50,000 registered electric vehicles in the state by 2020. As of 2018, Oregon had approximately 22,280 registered electric vehicles and 1,272 public chargers. Under authority of House Bill 2017 (2017), the Department of Environmental Quality created the Oregon Clean Vehicle Rebate Program (OCVRP) to provide a cash rebate for the purchase or lease of battery electric vehicles and plug-in hybrid electric vehicles. The state has encouraged the proliferation of electric vehicles by partnering with California, Washington, and British Columbia to create the West Coast Electric Highway, which is a connected network of electric vehicle charging stations along Interstate 5. The corridor currently has 44 charging stations in Oregon. Oregon's electric vehicle strategy includes implementation of the OCVRP, expanding charging infrastructure, and increasing resources and information for the public.

**Bill Summary:** Senate Bill 1044 establishes goals to promote zero-emission vehicles, requires a biennial report from the Department of Energy assessing the progress of the state's zero-emission vehicle goals, and sets requirements for state agencies to purchase or lease zero-emission vehicles for its fleets.

**Oregon Laws 2019:** Chapter 565

[Senate Bill 1051](#)

Effective Date: September 29, 2019

**Oregon Climate Action Program Fuel Credits**

**Chief Sponsors:** Sens. Beyer, Dembrow; Rep. Power

**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** The 2019 Legislative Assembly considered the enactment of House Bill 2020, which would have established a statewide cap-and-trade program designed to reduce greenhouse gas emissions.

**Bill Summary:** If House Bill 2020 had been enacted, Senate Bill 1051 would have required the creation of a credit for people meeting certain income requirements to mitigate a carbon price indirectly paid to purchase motor vehicle fuel and a refund to certain people to mitigate a carbon price indirectly paid to purchase fuel for certain farming and forestry activities.

**Oregon Laws 2019:** Chapter 687

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[Senate Bill 1053](#)

Effective Date: January 1, 2020

**TriMet Crash Advisory Committee**

**Chief Sponsors:** Sens. Courtney, Thomsen

**Committees:** Senate Rules, House Rules

**Background and Current Law:** TriMet is Oregon's largest transit provider, serving Multnomah, Washington, and Clackamas counties. The agency has operated buses and light rail in the Portland area and commuter rail service to connect Beaverton, Tigard, Tualatin, and Wilsonville. According to the federal Bureau of Transportation Statistics (BTS), nationwide in 2016 there were 80 reported fatalities from motor buses and 14 reported fatalities from light rail. BTS also reported 7,235 injuries from motor buses and 252 injuries from light rail in 2016. TriMet currently has six advisory committees on issues such as accessible transportation, accountability, and special transportation funding.

**Bill Summary:** Senate Bill 1053 creates the TriMet Crash Advisory Committee to review TriMet accidents involving injury or fatality and present findings to the TriMet Board. The measure specifies that the TriMet Director may use an existing committee to fulfill this requirement.

**Oregon Laws 2019:** Chapter 632

### [House Bill 2015](#)

Effective Date: August 9, 2019

#### Equal Access to Roads Act

**Chief Sponsors:** Reps. Hernandez, Alonso Leon. McLain; Sen. Manning Jr, Roblan

**Committees:** Joint Transportation, Joint Ways and Means

**Background and Current Law:** Senate Bill 1080 (2008) required applicants for driver licenses, driver permits, and identification cards issued by Oregon Department of Transportation (ODOT) to provide proof of U.S. citizenship or lawful presence. The requirement was imposed to comply with the federal Real ID Act of 2005, which stipulates that identification cards issued by states that do not verify citizenship or proof of legal presence may not be used to enter certain federal facilities or board aircraft secured by the Transportation Safety Administration. The Legislative Assembly enacted Senate Bill 833 (2013) to create a new category of driver license that would not require compliance with the Real ID Act; however, that measure was defeated by referendum by Ballot Measure 88 (2014). Senate Bill 374 (2017) created a new category of driver license that complies with the last remaining requirements of the Real ID Act, for an additional fee; ODOT will begin issuing these new licenses on July 1, 2020.

**Bill Summary:** House Bill 2015 authorizes ODOT to issue, renew, or replace a non-commercial driver license, permit, or identification card without proof of citizenship or legal presence, effective January 1, 2021.

**Oregon Laws 2019:** Chapter 701

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### [House Bill 2082](#)

Not Enacted

#### Driver License Requirement to Operate All-Terrain Vehicles

**At the request of:** Governor Kate Brown for State Parks and Recreation Department

**Committees:** Joint Transportation

**Background and Current Law:** To lawfully operate an ATV on public lands, individuals must successfully complete an online safety course and obtain an ATV Safety Education Card; youth riders must also complete a hands-on training or evaluation course to obtain the safety education card. While a driver license is not required to operate an ATV on public lands, individuals with suspended or revoked driver licenses may not operate any class of ATV.

**Bill Summary:** House Bill 2082 would have required operators age 16 and older of specified ATVs to carry and present both an ATV Safety Education Card and valid driver license.

[House Bill 2209](#)

Effective Date: January 1, 2020

## High Hazard Oil Train Routes

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

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

**Background and Current Law:** In June 2016, a 96-car train carrying crude oil derailed in Mosier, Oregon, in the Columbia River Gorge. Sixteen of the cars derailed, resulting in a fire that burned for 14 hours and required the evacuation of approximately 100 nearby residents. Roughly 47,000 gallons of crude oil were released during the derailment; however, even though it occurred 600 feet from the Columbia River, only trace amounts of crude oil were discharged into the river. Most of the oil burned off, was absorbed into the soil, or was released into the town's wastewater treatment facility. The cause was determined by the railroad to be worn or damaged track infrastructure.

**Bill Summary:** House Bill 2209 requires railroads that own or operate high hazard train routes to: institute oil spill contingency plans and to have those plans reviewed and approved by the Department of Environmental Quality, and annually submit financial responsibility statements to the Department. The measure also outlines a triennial schedule for training for response to high hazard oil train spills. House Bill 2209 authorizes a gross revenue fee of up to 0.05 percent on railroads required to submit contingency plans, and a per-car fee of up to \$20 on oil tank rail cars entering into or originating in the state; both fees are scheduled to sunset January 2, 2027.

**Oregon Laws 2019:** Chapter 581

### [House Bill 2219](#)

**Not Enacted**

#### **Study of Commuter Rail Extension to Salem**

**Chief Sponsors:** Rep. Greenlick

**Committees:** Joint Transportation, Joint Ways and Means

**Background and Current Law:** Beginning in 2009, TriMet inaugurated a commuter rail service between Beaverton and Wilsonville, known as the Westside Express Service (WES), which operates during morning and afternoon commute hours with stops in Tigard and Tualatin. The WES utilizes independent, diesel-powered vehicles and operates on tracks owned by the Portland and Western Railroad.

**Bill Summary:** House Bill 2219 creates a Task Force on Extending the WES Commuter Line to Salem to study the efficacy and feasibility of extending service south to the Salem area.

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### [House Bill 2284](#)

**Not Enacted**

#### **Governance for Port of Newport**

**Chief Sponsors:** Rep. G Smith

**At the request of:** International Longshore and Warehouse Union

**Committees:** Joint Transportation

**Background and Current Law:** The Port of Newport district was formed in 1910. From the 1950s until 1982, private companies operated the Port; at that point, the Port issued General Obligation bonds to purchase the terminal, eventually managing the terminal in 1995. The Port of Newport supports commercial fishing fleets, cargo ship operations, research, and tourism activities, and includes a marina, RV park, public boat ramp, and hosts annual civic events. The Port is overseen by a five-member board responsible for setting policies and strategic direction.

**Bill Summary:** House Bill 2284 would have renamed the Port of Newport as the Oregon International Port of Newport. The governing board for the reorganized port would have consisted of five commissioners, appointed by the Governor and representing one of five constituencies: the fishing industry; longshore workers; the agriculture industry; the local chamber of commerce or other small business interest; and local community interests.

### [House Bill 2304-A](#)

**Not Enacted**

#### **Willamette Falls Locks Acquisition and Restoration Funding**

**Chief Sponsors:** Reps. Meek, Salinas, McLain; Sens. Wagner, Olsen

**Committees:** Joint Transportation, Joint Ways and Means

**Background and Current Law:** The Willamette Falls Canal was constructed in the 1870s to allow river traffic to navigate around the 40-foot, horseshoe-shaped basalt ridge between Oregon City and West Linn on the Willamette River. The locks were purchased by the U.S. Army Corps of Engineers in 1915 and were later placed on the National Register of Historic Places in 1974. After the locks were declared nonoperational in December 2011, the Legislative Assembly enacted Senate Bill 131 (2015), establishing the Willamette Falls Locks Task Force. The Task Force recommended Senate Bill 256 (2017), which created the Willamette Falls Locks Commission, the Willamette Falls Navigation Infrastructure Program, and the Willamette Falls Navigation Infrastructure Program Account.

**Bill Summary:** House Bill 2304 authorizes the State Treasurer to issue lottery bonds to produce net proceeds of \$14,222,200, to be transferred to the Department of Administrative Services to acquire and restore the operation of the Willamette Falls navigation canal and locks, either directly or by contract or agreement with public or private entities.

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### [House Bill 2314](#)

**Not Enacted**

#### **Motorcycle lane splitting**

**Chief Sponsors:** Reps. Wilson, Power, Post; Sens. Dembrow, Hansell

**Committees:** Joint Transportation

**Background and Current Law:** The term "lane splitting" refers to the practice of traveling by motorcycle or moped between adjacent lanes of traffic moving in the same direction to overtake and pass slower-moving vehicles in the two adjacent lanes. Oregon law prohibits driving between lanes of travel, designating it as a Class B violation. Currently, California is the only state that has legalized motorcycle lane splitting. Twelve other states have no traffic laws explicitly prohibiting the practice.

**Bill Summary:** House Bill 2314 would have allowed motorcycles and mopeds to travel between lanes of traffic under specified circumstances.



### [House Bill 2402](#)

Effective Date: September 29, 2019

#### Department of Aviation Grant Programs

**Chief Sponsors:** House Interim Committee on Transportation Policy

**Committees:** Joint Transportation

**Background and Current Law:** In 2015, the Legislative Assembly enacted House Bill 2075, which increased aircraft fuel taxes by two cents from January 1, 2016 to January 1, 2022. The Oregon Department of Aviation (ODA) receives five percent of revenues for administrative expenses. The remaining revenue is allocated as follows: 50 percent for aviation grants and match for Federal Aviation Administration grants; 25 percent for creating and maintaining commercial air services in rural areas; and 25 percent for state airports to use on safety and infrastructure projects.

**Bill Summary:** House Bill 2402 authorizes ODA to adopt rules to set higher minimum contribution requirements and maximum grant amounts for these grant programs. It also adds criteria for ODA to consider when making grants, such as improved access to jobs and sources of labor, providing connections to the state's aviation system that measurably improve system efficiency and utilization, readiness for construction and implementation, a life expectancy that maximizes benefit to the state, and how much of the total cost can be borne by other sources.

**Oregon Laws 2019:** Chapter 485

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### [House Bill 2541](#)

Not Enacted

#### Small City Transit Grants

**Chief Sponsors:** Rep. Evans

**Committees:** House Economic Development

**Background and Current Law:** The Oregon Business Development Department, more commonly known as Business Oregon, is the state's economic development agency. Its mission is to invest in Oregon businesses, communities, and people to promote a globally competitive, diverse, and inclusive economy. Most funding opportunities to support the delivery of public transportation in Oregon are managed by the Oregon Department of Transportation.

**Bill Summary:** House Bill 2541 would have allowed the Oregon Business Development Department to make grants to certain cities for purpose of studying, developing, and capitalizing a public transit system. The measure would have made cities with a population of 35,000 or less, that have a community college or public university of at least 3,000 full-time students, eligible for these grants.

[House Bill 2576](#)

Effective Date: January 1, 2020

**Transfer of Vehicle Registration Plates from Wrecked Vehicles**

**Chief Sponsors:** Reps. McKeown, McLain

**Committees:** Joint Transportation

**Background and Current Law:** House Bill 4062 (2018) was enacted to address theft of motor vehicle registration plates. Previously, an individual attempting to transfer plates was not required to prove that they had legally acquired the plates (which was commonly done through private transactions), which resulted in cases of stolen plates being legally transferred to different vehicles. The 2018 legislation resulted in a significant decrease in complaints about plate theft; however, a consequence of the change was that a vehicle that had been declared totaled was required to have its registration plates retired, preventing the owner of the totaled vehicle from transferring the plates, and the remaining period of registration on those plates, to another vehicle.

**Bill Summary:** House Bill 2576 specifies that when a vehicle is totaled or substantially altered, the owner may keep or transfer the vehicle registration plates, as well as any remaining time on the current registration period, to another vehicle.

**Oregon Laws 2019:** Chapter 17

### [House Bill 2592](#)

Effective Date: September 29, 2019

## Omnibus Transportation Statutory Amendments Package

**At the request of:** Joint Interim Committee on Transportation

**Committees:** Joint Committee on Transportation

**Background and Current Law:** House Bill 2017 (2017) represented the largest transportation funding and policy package ever enacted by the Legislative Assembly. Because that measure instituted several new funding streams and policy programs, it was understood that adjustments, some technical and some substantive, would need to be made to those programs, both before and after they went into effect.

**Bill Summary:** House Bill 2592 is the vehicle for the Joint Committee on Transportation's omnibus package of adjustments related to House Bill 2017 (2017). The measure makes technical and policy changes to statutes related to: the bicycle excise tax; vehicle privilege tax; motor vehicle fuel taxes; vehicle registration fees; accountability provisions related to the Oregon Transportation Commission and Continuous Improvement Advisory Committee; multimodal projects; confidentiality in communications between Oregon Department of Transportation and Oregon Department of Revenue; use of moneys to repay bond debt service for major transportation projects; the Connect Oregon multimodal program; bicycle and pedestrian grants by the Oregon Parks and Recreation Department; and the electric vehicle rebate program. In addition to amending provisions of House Bill 2017, House Bill 2592 also includes provisions related to the following: maximum weight and width of Class IV all-terrain vehicles; authority of Metro to impose a vehicle registration fee separate from those imposed by state or other local governments; maximum weight of vehicles utilizing idle reduction systems; statutory alignment with federal law with regard to the International Fuel Tax Agreement; and motor carrier weight receipts.

**Oregon Laws 2019:** Chapter 491

[House Bill 2603](#)

Effective Date: January 1, 2020

**ODOT Study of Amtrak Train Delays**

**Chief Sponsors:** Reps. Nathanson, Gorsek

**Committees:** Joint Transportation

**Background and Current Law:** Passenger rail service in Oregon is served by Amtrak, which operates three routes in the state: the Empire Builder between Portland and Chicago; the Cascades between Vancouver, B.C. and Eugene; and the Coast Starlight between Seattle and Los Angeles. All three routes traverse tracks owned by the Union Pacific Railroad on the Oregon portions of the lines. The Oregon Department of Transportation (ODOT) contracts with Amtrak for this service; the contract requires service to be on-time at least 80 percent of the time, though actual on-time performance in 2018 was 73.3 percent on passenger trains between Portland and Eugene. The Oregon State Rail Plan states that on-time reliability is one of the challenges to increasing Amtrak ridership.

**Bill Summary:** House Bill 2603 directs ODOT to conduct a study of Amtrak train delays and to report findings to interim committees of the Legislative Assembly related to transportation by September 15, 2020.

**Oregon Laws 2019:** Chapter 47

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[House Bill 2671](#)

**Not Enacted**

**No Helmets Required for E-Scooters**

**Chief Sponsors:** Rep. Schouten

**Committees:** Joint Transportation

**Background and Current Law:** Oregon requires protective headgear to be worn while riding a motor assisted scooter, commonly referred to as an "e-scooter", regardless of age. Failure to wear protective headgear is a specific traffic violation subject to a \$25 fine. First-time offenders may not be required to pay the fine if they provide proof that they possess the approved protective headgear.

**Bill Summary:** House Bill 2671 would have eliminated the requirement that e-scooter riders 16 years of age or older wear a helmet.

### [House Bill 2682](#)

Effective Date: January 1, 2020

## Bicycle Lanes in Road Intersections

**Chief Sponsors:** Reps. Nosse, Schouten

**Committees:** Joint Transportation

**Background and Current Law:** Bicycle lanes are parts of the highway designated by official signs and/or markings for bicyclists (ORS 801.155). In the United States, many urban and suburban areas offer bicycle infrastructure on roadways. The Federal Highway Administration offers guidelines on bicycle lane design, including location, width of lane, and signage. Oregon law stipulates that motor vehicle drivers are required to yield the right of way to cyclists in a marked bicycle lane. While it has been common practice for motorists to also yield to cyclists in intersections, recent court cases have created uncertainty as to a driver's responsibility when a cyclist leaves the marked bicycle lane and proceeds through the intersection to a marked bicycle lane on the other side.

**Bill Summary:** House Bill 2682 clarifies that a bicycle lane is considered to exist within an intersection if the lane is marked on opposite sides of the intersection in the same lane of travel.

**Oregon Laws 2019:** Chapter 120

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### [House Bill 2702](#)

Not Enacted

## Local Government Control of Speed Limits

**Chief Sponsors:** Rep. Nosse

**Committees:** Joint Transportation

**Background and Current Law:** House Bill 2682 (2017) authorized the City of Portland to reduce the designated speed for non-arterial residential highways under the city's jurisdiction by five miles per hour below the statutory speed. Current law requires all other cities and county road authorities to make a formal request to the Oregon Department of Transportation to change speeds on highways. Formal requests are required to provide findings to justify the change in designated speed, which are then reviewed through a multi-level evaluation process.

**Bill Summary:** House Bill 2702 would have expanded ODOT's authorization to delegate authority to a city or county to establish a designated speed on all highways under their jurisdiction.

### [House Bill 2770-A](#)

Not Enacted

#### Framework for Testing Autonomous Vehicles in Oregon

**Chief Sponsors:** Reps. McLain, Meek; Sens. Manning Jr., Gelser

**Committees:** Joint Transportation

**Background and Current Law:** Advances in automotive technology have created motor vehicles that are increasingly capable of self-operation. Utilizing camera technology, radar, LIDAR, and GPS, combined with on-board computer systems, many vehicle manufacturers are developing vehicles with a spectrum of automated functions, from features such as safety braking and lane assist to full automation where the vehicle can perform all driving functions. Oregon is one of 14 states that have not enacted legislation or do not operate under executive orders governing autonomous vehicles. The National Highway and Transportation Safety Administration has released federal guidelines for automated driving systems to provide guidance on safe deployment and technical assistance. House Bill 4063 (2018) created a Task Force on Autonomous Vehicles to develop recommendations for legislation to regulate the testing and deployment of autonomous vehicles on Oregon highways. The measure also designated the Oregon Department of Transportation as the state's regulatory agency for autonomous vehicles. The Task Force completed its review of testing standards in 2019 and has recently begun a review of deployment standards.

**Bill Summary:** House Bill 2770 comprises the Autonomous Vehicles Task Force recommendations regarding testing autonomous vehicles in Oregon. The measure outlines testing permit application requirements, requires umbrella liability insurance coverage, and outlines requirements for interaction with law enforcement and first responders.

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### [House Bill 2846](#)

Not Enacted

#### Jurisdictional Transfer of Highways

**Chief Sponsors:** Rep. Keny-Guyer; Sens. Dembrow, Fagan

**Committees:** Joint Transportation

**Background and Current Law:** The Oregon Transportation Commission (OTC) must approve the classification of new and existing highways and amend the Oregon Highway Plan. The Roadway Jurisdictional Transfer Process provides guidelines on transferring roads, including considering how the transfer impacts the entire statewide system and functionality. Jurisdictional transfers include transferring roadways from one authority, such as the Oregon Department of Transportation (ODOT), to another, such as a local government. House Bill 2017 (2017) outlined seven jurisdictional transfers in the Portland Metro and Lane County.

**Bill Summary:** House Bill 2846 would have directed the OTC to conduct an evaluation to identify highways suitable for jurisdictional transfer in each of five enumerated regions in the state.

### [House Bill 2881](#)

**Effective Date: September 29, 2019**

## **Updates to Road Usage Charge Program**

**Chief Sponsors:** Rep. Lively

**Committees:** Joint Transportation

**Background and Current Law:** The Legislative Assembly created the Road User Fee Task Force (RUFTF) in 2001 to develop a revenue collection system to replace the existing gasoline tax. Because motor fuel taxes have not kept pace with inflation, and because the mileage ratings of the vehicle fleet have steadily improved for two decades, revenues for maintaining and improving the state's road system have not kept pace with need. The RUFTF developed a pay-by-the-mile concept that was used in two pilot programs in 2006-2007 and 2012-2013. The Legislative Assembly subsequently enacted Senate Bill 810, creating a permanent voluntary program, known as OReGO, which allows vehicles to pay 1.5 cents per mile in lieu of the gasoline tax. Drivers use on-board, connected technology to track miles traveled on Oregon public roads and are either billed for costs accrued that exceed the amount of gas tax paid at the pump, or are reimbursed for gas taxes paid that exceed the road usage charge.

**Bill Summary:** House Bill 2881 makes several adjustments to the OReGO program, based on recommendations by the Road User Fee Task Force. Several of these changes are related to which vehicles qualify to participate in the program, including: replacing weight rating with passenger vehicle designation; increasing the minimum miles-per-gallon (MPG) rating; and grandfathering in vehicles already in the program. The measure exempts vehicles in the program with an MPG rating of 40 or more from the registration surcharge fee imposed by House Bill 2017 (2017). The current 1.5 cents per gallon charge is replaced with a formula equal to five percent of the state's gas tax, to reflect upcoming step increases in the gas tax. Vehicles that pay more than required by the OReGO program will no longer receive a refund for overpayment. Finally, the measure directs the Department of Transportation to consult with vehicle dealers to determine how to encourage participation in OReGO at the point of sale.

**Oregon Laws 2019:** Chapter 428

### [House Bill 2915](#)

**Not Enacted**

#### **Oregon Yellow Dot Program**

**Chief Sponsors:** Rep. Piluso

**Committees:** Joint Transportation

**Background and Current Law:** The Yellow Dot Program allows emergency responders to access medical information for the driver in a motor vehicle accident or other emergency. Drivers and passengers who participate in the program can include emergency contact information, physicians' information, medical conditions, allergies, and medications. Participating vehicles place a Yellow Dot Program sticker on the lower left corner of the rear-view window and store information in a yellow folder in the glove box. Other states that participate in the Yellow Dot Program are Pennsylvania, Alabama, Georgia, New York, Illinois, Tennessee, Utah, and Maine.

**Bill Summary:** House Bill 2915 would have established the Oregon Yellow Dot Program and the Oregon Yellow Dot Program Account. The measure would have authorized emergency responders to access the yellow dot folder located in the glove compartment of a participating vehicle after a motor vehicle accident or other emergency incident and exempted identifying information from being disclosed in public records.

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### [House Bill 2970](#)

**Not Enacted**

#### **Freight Train Crew Requirements**

**Chief Sponsors:** Rep. McLain

**Committees:** Joint Transportation

**Background and Current Law:** According to the American Association of Railroads (AAR), a total of 64.8 million tons of Oregon freight was moved by rail in 2017, an increase of over 20 million tons from 2012. Most freight trains today utilize two on-board crew: a conductor who ensures that the train departs and arrives on time, and an engineer in charge of actual operation of the train. Both crew members occupy the locomotive cab.

**Bill Summary:** House Bill 2970 would have required that trains and light engines transporting freight on railroads in Oregon have two crew members, except in certain cases. The measure would have authorized civil penalties for violations and designated the offense a Class D violation.



### [House Bill 2974](#)

**Not Enacted**

#### **Capitol City Bridge District**

**Chief Sponsors:** Rep. Evans

**Committees:** House Rules

**Background and Current Law:** Local government officials in the Mid-Willamette Valley have debated the construction of a new bridge over the Willamette River for many years. The Salem City Council voted down the latest bridge proposal in February of 2019. Districts are units of local government that provide specified services including water supply, cemetery maintenance, mass transit, and sanitation.

**Bill Summary:** House Bill 2974 would have authorized the formation of a bridge district in the capitol city region for planning, financing, constructing, operating, and maintaining bridges over the Willamette River in Linn, Marion, Polk, and Yamhill Counties.

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### [House Bill 3023-B](#)

**Not Enacted**

#### **Transportation Network Companies**

**Chief Sponsors:** Reps. McLain, Clem, Bynum

**Committees:** House Business and Labor, House Revenue, Joint Ways and Means,

**Background and Current Law:** Oregon's cities and counties have authority to regulate taxicabs, limousines, and other vehicles for hire including licensure, rates, and safety and insurance requirements. In response to the rise in transportation network companies (TNCs) such as Uber and Lyft, Oregon's larger cities have adopted licensing programs tailored to meet local needs.

**Bill Summary:** House Bill 3023-B would have established a statewide TNC licensing program administered by the Oregon Department of Transportation; local government would have been preempted from regulating the service. The measure would have adopted minimum license and operating standards for TNCs.

### [House Bill 3152](#)

**Effective Date:** January 1, 2020

## **Access to Vehicle Dealer Data**

**Chief Sponsors:** Rep. Evans

**Committees:** House Business and Labor, Joint Transportation

**Background and Current Law:** Vehicle dealers generate, gather, and store data regarding vehicles they buy and sell. Dealers also collect data on the purchasers of those vehicles. In Oregon, any entity, public or private, that holds Oregon consumer data is required to notify any consumer whose personal information was subject to a breach of security. If more than 250 consumers were affected by a data breach, the business or agency must also notify the Oregon Attorney General. In 2018, there were at least 72 data breaches that were reported to the Oregon Attorney General. Many vehicle dealers utilize an authorized integrator to perform certain functions related to titling and registration of newly purchased vehicles. These duties require the integrator to have access to dealer and consumer data. Most vehicle dealers also utilize third party companies, known as dealer management system (DMS) providers, to store, secure, and provide access to vehicle dealer data.

**Bill Summary:** House Bill 3152 specifies the authority and limits of DMS providers and authorized integrators. The measure authorizes DMS providers to condition a dealer's or integrator's access to protected dealer data based on compliance with certain security standards, may require express written authorization from a dealer for an integrator to gain access, and may deny access to a dealer for failure to pay the full amount due under a lease, contract, or other agreement. The measure also prohibits certain actions by DMS providers to limit access to data. Dealers, DMS providers, and integrators are all granted immunity from liability for the actions of the other two parties.

**Oregon Laws 2019:** Chapter 500

### [House Bill 3194](#)

**Not Enacted**

#### **Self-Dispensing of Gasoline**

**Chief Sponsors:** Reps. Fahey, Bonham; Sen. Heard

**At the request of:** Jim Laden

**Committees:** Joint Transportation

**Background and Current Law:** Oregon law limits and prohibits self-service dispensing of gasoline to reduce fire hazards and injury risks associated with dispensing fuel and support the needs of senior citizens and persons with disabilities who may have more difficulty with self-service dispensing of fuels. Oregon and New Jersey are the only two states that restrict self-service gasoline dispensing. House Bill 3011(2015) permitted self-service gasoline dispensing in rural counties between 6:00 PM and 6:00 AM. House Bill 2482 (2017) authorized self-dispensing 24 hours per day in counties with fewer than 40,000 residents located in eastern Oregon, though an attendant is required to assist customers at dispensaries with a retail section.

**Bill Summary:** House Bill 3194 would have allowed fueling stations statewide to allow self-dispensing of gasoline at up to 25 percent of its fuel dispensing devices.

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### [House Bill 3209](#)

**Not Enacted**

#### **Funding for Interstate 205 Highway Projects**

**Chief Sponsors:** Reps. Prusak, Meek; Sen. Wagner

**Committees:** Joint Transportation

**Background and Current Law:** House Bill 2017 (2017) directed the Oregon Transportation Commission to conduct a study on funding to meet the state's transportation infrastructure needs, including on the I-205 Abernethy Bridge project and I-205 widening project. The Interstate 205 Stafford Road to State Highway project aims to increase safety and reduce traffic congestion. The proposed improvements include adding auxiliary lanes, providing seismic upgrades to bridges, and adding RealTime traffic information signs in the project area.

**Bill Summary:** House Bill 3209 would have allowed the Oregon Transportation Commission to request a general obligation bond for the Interstate 205 Stafford Road to State Highway 213 Project. The measure would have required the Department of Transportation to consult with local governments if project costs at least \$200 million.

[House Bill 3213](#)

Effective Date: January 1, 2020

**Pilot Project for County Road Safety Corridors**

**Chief Sponsors:** Reps. Boshart Davis, Sprenger, DB Smith, Post

**Committees:** Joint Transportation

**Background and Current Law:** Oregon's first safety corridor was established in 1989 on the Oregon Route 62 in Medford. The Oregon Department of Transportation (ODOT) manages the Safety Corridor Program, which identifies corridors with high rates of serious and fatal injury crashes and aims to reduce crashes. A safety corridor can be requested by concerned citizens, legislators, neighborhood groups, local traffic safety committees, school safety groups, and other stakeholders. Groups that request a safety corridor are advised to meet with local city or county staff and elected officials, as well as local law enforcement to obtain support and the necessary information to apply for the safety corridor. ODOT's Safety Corridor Program Manager then establishes a designation team to review safety corridor requests and designates state roadways as safety corridors. Safety corridors are established based on: the five-year average of the local fatal and serious injury crash rate; the agreement of the designation team that the corridor length is manageable from an enforcement and education standpoint; state and local law enforcement commits to patrolling this area; and a multi-disciplinary stakeholder group meets at least annually. Safety corridors are recommended to be between two to ten miles in length and recommended designation duration is two to four years. Traffic violations that occur in safety corridors are subject to fines being doubled.

**Bill Summary:** House Bill 3213 directs ODOT to establish a safety corridor pilot program by selecting up to five counties to designate roads under their authority as safety corridors to evaluate their effectiveness. The measure outlines requirements for county safety corridors and presumptive fines for offenses committed within county safety corridors. It also establishes the County Safety Corridor Advisory Group to establish criteria and requirements for county safety corridors.

**Oregon Laws 2019:** Chapter 501

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[House Bill 3379-A](#)

Not Enacted

**Requirements for Operating Vehicles for Hire**

**Chief Sponsors:** Rep. Holvey; Sen. Prozanski

**Committees:** House Business and Labor, House Revenue

**Background and Current Law:** Oregon's cities and counties have authority to regulate taxicabs, limousines, and other vehicles for hire including licensure, rates, and safety and insurance requirements. In response to the rise in transportation network companies (TNCs) such as Uber and Lyft, Oregon's larger cities have adopted licensing programs tailored to meet local needs.

**Bill Summary:** House Bill 3379-A would have allowed local governments or the Oregon Department of Transportation to license vehicle-for-hire services. The measure would have adopted minimum license and operating standards for TNCs.

## 2019 SUMMARY OF LEGISLATION

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# VETERANS

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## VETERANS MEASURES

<b>Access to Recreation</b>	Enacted Not Enacted	SB 593 -none-
<b>Commemorations and Memorials</b>	Enacted Not Enacted	SCR 12, SCR 20 HB 2195
<b>Education / Workforce</b>	Enacted Not Enacted	SB 35, SB 234, SB 688, SB 689, SB 690, HB 2201, HB 2202, HB 2211, HB 2892, HB 3030 HB 2204-A
<b>General Veterans Policy</b>	Enacted Not Enacted	SB 35, SB 252, SCR 12, HB 2892 HB 2203-A
<b>Grant and Loan Programs</b>	Enacted Not Enacted	SB 35, SB 36, HB 2201, HB 2211 HB 2200-A, HB 2203-A, HB 2204-A
<b>Health Care</b>	Enacted Not Enacted	SB 37 SB 938
<b>Housing</b>	Enacted Not Enacted	SB 36, HB 2530 -none-

Picture: Veterans Walk of Honor memorial, Josephine County – [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
SB 688	Directs licensing agencies to report annually to interim committee on veterans on the number of temporary licenses granted and not granted.	Annually by December 31
HB 2201	Directs the Department of Veterans' Affairs to submit report on Veteran Education Bridge Grant program status.	September 15, 2020
HB 2530	Directs Department of Veterans' Affairs and Department of Housing and Community Services to submit a joint report on housing programs for veterans.	Annually by December 1, as specified

### [Senate Bill 35](#)

**Effective Date:** January 1, 2020

## **Conservatorship and On-Campus Resources for Veterans**

**At the request of:** Governor Kate Brown for Department of Veterans' Affairs

**Committees:** Senate Veterans and Emergency Preparedness, Senate Judiciary, Joint Ways and Means, House Rules

**Background and Current Law:** The Oregon Department of Veterans' Affairs (ODVA) administers a grant program to expand and enhance on-campus support for veteran students at post-secondary institutions. Institutions that receive grants may use up to \$25,000 of the amount received to pay salaries for campus veteran resource coordinators, if they commit to matching at least half of the amount used for that purpose. ODVA also operates a conservatorship program that provides court-appointed estate management on behalf of over 140 veterans.

**Bill Summary:** Senate Bill 35 increases the amount of grant dollars that may be put toward campus veteran service coordinators' salaries to \$35,000, lifts the sunset on the program, and makes technical adjustments to the conservatorship program.

**Oregon Laws 2019:** Chapter 539

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### [Senate Bill 36](#)

**Effective Date:** January 1, 2020

## **Updating Provisions of Veteran Home Loan Program**

**At the request of:** Governor Kate Brown for Department of Veterans' Affairs

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

**Background and Current Law:** Oregon is one of only five states that offers a veteran home loan program, separate from the federal Veterans Administration Home Loan Guaranty. Administered through the Oregon Department of Veterans' Affairs (ODVA), approximately \$8 billion in low-interest home loans has been made available to more than 334,000 veteran borrowers since 1945. During 2018, ODVA conducted a comprehensive review of statutes governing home and farm loans to veterans, resulting in Senate Bill 36.

**Bill Summary:** Senate Bill 36 refines ODVA's authority to administer home loans to veterans to modernize language usage and make provisions consistent with current practice. It modifies the purpose of such loans - to acquire homes and farms - by removing references to "improvements," updates the definition of "home" to include manufactured dwellings and condominiums, removes references to mobile homes and houseboats, and conforms to federal bond and lending requirements.

**Oregon Laws 2019:** Chapter 223



### [Senate Bill 37](#)

**Effective Date:** January 1, 2020

#### **Uniform Admission to Veterans' Homes**

**At the request of:** Governor Kate Brown for Department of Veterans' Affairs

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

**Background and Current Law:** There are currently two Veterans' Homes in Oregon to provide qualifying veterans with long-term care, one in The Dalles and one in Lebanon, and Oregon law provides for two more. Admittance to a Veterans' Home is a benefit that honorably discharged veterans have earned, that extends to their spouses and to the parents of children who died serving in the U.S. Armed Forces. The Oregon Department of Veterans' Affairs (ODVA) conducted a comprehensive review of statutes governing Veterans' Homes, resulting in Senate Bill 37.

**Bill Summary:** Senate Bill 37 clarifies statutes governing Veterans' Homes to distinguish between each home, provide for consistent application of provisions, and make admissions practices uniform.

**Oregon Laws 2019:** Chapter 224

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### [Senate Bill 234](#)

**Effective Date:** January 1, 2020

#### **Tuition Parity 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:** Several higher education benefits are available to qualifying active duty service members, veterans, and their dependents in Oregon, beginning with in-state tuition at public universities and community colleges for eligible veterans at both the graduate and undergraduate levels. The federal government provides tuition assistance through both the G.I. Bill and vocational rehabilitation benefits; however, a conflicting provision exists in current state law that specifically requires recipients of vocational rehabilitation benefits to pay nonresident tuition. This provision causes some institutions of higher education to differentiate between students based on the source of the assistance they receive: those that receive tuition assistance via the G.I. Bill pay in-state rates, and those who receive tuition assistance through vocational rehabilitation benefits pay nonresident rates.

**Bill Summary:** Senate Bill 234 allows nonresident recipients of federal vocational rehabilitation benefits to pay in-state tuition, the same as nonresident recipients of the G.I. Bill, beginning with 2020-2021 academic year.

**Oregon Laws 2019:** Chapter 283

### [Senate Bill 252](#)

**Effective Date:** January 1, 2020

### **Reducing Costs at the Military Department**

**At the request of:** Governor Kate Brown for Oregon Military Department

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

**Background and Current Law:** The Oregon Military Department (OMD) often expends state funds and then seeks reimbursement from federal funds. When there are delays in reimbursement, OMD may rely on lines of credit. Using lines of credit to account for delays between spending state funds and receiving federal reimbursement can significantly increase OMD's costs, particularly when large-scale construction projects are involved.

**Bill Summary:** Senate Bill 252 streamlines OMD's accounting to enable more efficient receipt and expenditure of funds, and to avoid interest charges associated with using lines of credit. It authorizes OMD to enter into cooperative agreements with the National Guard Bureau and to choose an advance payment method for expenditures of federal funds (rather than a reimbursement method after using state funds). The measures also requires sufficient unencumbered funds in the State Treasury to cover expenditures before OMD may incur a funding obligation that is reimbursable from federal moneys pursuant to a cooperative agreement.

**Oregon Laws 2019:** Chapter 367

### [Senate Bill 688](#)

**Effective Date:** January 1, 2020

## **Reporting on Military Spouses' Access to Employment**

**Committees:** Senate Veterans and Emergency Preparedness, House Veterans and Emergency Preparedness, Conference Committee

**Background and Current Law:** In 2012, the legislature passed House Bill 4063, to require certain professional licensing entities to accept an applicant's substantially similar military training or experience in lieu of the education or experience required to be licensed. This measure was followed by House Bill 2037 in 2013, to similarly expedite the issuance of professional licensing or certification for service members' spouses and domestic partners. Then in 2014, House Bill 4057 was enacted to compel regulatory and licensing bodies, impacted by the previous two measures, to report information back to the legislature, one time only, by October 1, 2014.

During the current legislative session, House Bill 3030 was enacted, requiring licensing entities to issue credentials to spouses of military personnel stationed in Oregon, if they are currently licensed in good standing in another state and demonstrate competency. Such credentials expire after two years, or when the person's spouse is no longer stationed in Oregon, or when the person's out-of-state license expires, and may not be renewed. Senate Bill 688 is a companion to House Bill 3030, requiring licensing entities to report corresponding information to the legislature on an annual basis.

**Bill Summary:** Senate Bill 688-A directs licensing boards to report to the legislature annually regarding the number of temporary credentials issued to spouses and domestic partners of active-duty personnel stationed in Oregon, as well as the number of denied applications, reasons for denial, and other related information. The measure also specifies that licensing boards must issue temporary credentials to spouses of active-duty personnel.

**Oregon Laws 2019:** Chapter 626

### [Senate Bill 689](#)

Effective Date: January 1, 2020

## **Maintaining Resident Status of Service Members' Dependents for Purposes of Post-Secondary Enrollment**

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

**Background and Current Law:** A number of higher education benefits are available to qualifying active-duty service members, veterans, and their dependents in Oregon. The federal government provides tuition assistance through the G.I. Bill and vocational rehabilitation benefits. Educational assistance is also available for Oregon residents who served in the National Guard or Reserves in an active-duty capacity in a combat zone since September 11, 2001, through the Voyager Tuition Assistance Program. Priority enrollment is available at Oregon institutions of higher education for eligible service members, veterans, and their dependents. Oregon community colleges and universities also provide in-state tuition for eligible veterans at both the graduate and undergraduate levels. Finally, tuition waivers are available for eligible children and spouses to pursue a bachelor's or master's degree for only the cost of fees, pursuant to the Veterans Dependent Tuition Waiver Program. These waivers are available to the dependents of Purple Heart recipients awarded from 2001 going forward; or of veterans who died while on active duty or from a disability sustained while on active duty; or of veterans who are 100 percent disabled from military service.

**Bill Summary:** Senate Bill 689 allows dependents of service members who are considered residents at the time of their admission to a community college or public university, to remain so for as long as they are continuously enrolled.

**Oregon Laws 2019:** Chapter 264

### [Senate Bill 690](#)

**Effective Date:** June 11, 2019

#### **Maintaining Participation in Interstate Compact for Military Children**

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

**Background and Current Law:** In 2014, Senate Bill 1506 was enacted, enabling Oregon to participate in the Interstate Compact on Educational Opportunity for Military Children (Compact). The Compact is concerned with the smooth transfer of students from school to school, who are the children of military parents. An interstate compact functions like a contract among participating states: each state enacts substantially similar provisions and avoids making unilateral changes to material terms to provide relative consistency from state to state. Oregon's participation in the Compact is scheduled to sunset December 31, 2019.

**Bill Summary:** Senate Bill 690 maintains Oregon's participation in the Compact by lifting the sunset and modifies its provisions consistent with its current operation: adding the Deputy Superintendent of Public Instruction and members of State Board of Education to the Compact council; changing meetings from every three months, to annually; and replacing the Oregon Military Department with the Department of Education for staffing purposes.

**Oregon Laws 2019:** Chapter 339

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### [Senate Bill 938](#)

**Not Enacted**

#### **Funding Construction of Veterans' Home**

**Chief Sponsors:** Sen. Heard; Reps. Evans, Leif

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

**Background and Current Law:** There are currently two Veterans' Homes in Oregon that provide qualifying veterans with long-term care, one in The Dalles and one in Lebanon, and Oregon law provides for two more. Admittance to a Veterans' Home is a benefit that honorably discharged veterans have earned, that extends to their spouses and to the parents of children who died serving in the U.S. Armed Forces.

**Bill Summary:** Senate Bill 938 would have authorized the State Treasurer to issue general obligation bonds under Article XI-Q of the Oregon Constitution to produce \$17,500,000 net proceeds for the Oregon Department of Veterans' Affairs (ODVA) to construct a veterans' home in Roseburg, Oregon.

### Senate Concurrent Resolution 12

Filed with Secretary of State

## Commemorating the Modoc War of 1872-1873

**Chief Sponsors:** Sen. Girod

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

**Background and Current Law:** The Modoc War of 1872-1873 was the most expensive hostile engagement of the Indian Wars for the United States at the time, in terms of both the financial cost and the number of casualties. The Modocs lived along the Lost River in what is now southern Oregon and northern California. They were party to the 1864 treaty with the United States, the Klamath, and the Yahooskin tribes, which dislocated the Modocs to the Klamath Reservation. They complied initially but became disillusioned over time, and by 1870, many had returned to their villages along the Lost River. On November 29, 1872, the U.S. Army attempted to force the Modocs back to the Klamath Reservation. The Battle of Lost River ensued, which became known as the Modoc War. There were casualties on both sides and the Modocs retreated to a traditional stronghold in the lava beds south of Tule Lake. A much larger U.S. Army force attempted to dislodge them but failed. The federal government sought to negotiate and during a truce period, on April 11, 1873, a group of Modocs killed peace commissioner Reverend Eleazer Thomas and General Edward Canby, the highest-ranking Army officer to be killed during the Indian Wars. Not long after, on May 10, 1873, the Modocs were decisively defeated in the Battle of Dry Lake. A half-dozen were captured and tried by a military court. Two were sentenced to life imprisonment and four were hanged at Fort Klamath, including a principal headman and venerated Modoc leader, Kintpuash, who was among the signatories to the 1864 treaty. The remaining members of the Modoc tribe, around 150, were herded into rail cars and sent to the Indian Territory (Oklahoma) as prisoners of war. Thirty-six years later, in 1909, after Oklahoma became a state, 29 Modocs returned to Oregon. The Lava Beds National Monument preserves many of the battle sites and some of the Modoc's ancestral lands. A memorial plaque in Gillems Cemetery there lists the names of all who died: United States Army personnel and civilians as well as Modoc warriors and their families.

**Bill Summary:** Senate Concurrent Resolution 12 memorializes Kintpuash and the Modoc War of 1872-1873, commemorates the tragic loss of all life, and expresses regret for the expulsion of the Modoc tribe from their ancestral lands in Oregon.

[Senate Concurrent Resolution 20](#)

Filed with Secretary of State

**Recognizing the USS *McGinty***

**Chief Sponsors:** Sen. Olsen

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

**Background and Current Law:** The USS *McGinty* was a destroyer escort of the *John C. Butler* class commissioned in 1944, crewed by 14 officers and 201 enlisted personnel. She deployed on several major assignments during World War II and earned three battle stars for her service during the Korean War. She was decommissioned in 1959 and assigned to Reserve Escort Division 13 at the Swan Island Naval Reserve Center in Portland, manned by a Navy Reserve crew that included many Oregonians. Her mission was to train naval reservists to maintain operational and combat readiness. In 1961, she mobilized under presidential order and sailed to Hawaii as flagship for Escort Squadron 7 of the Seventh Fleet. During this deployment, the USS *McGinty* sailed to Vietnam to train personnel of the Republic of Vietnam in Saigon and on the Mekong River. She returned to Portland in 1962 and continued to train reservists until 1968, while also responding to natural disasters, including a severe flood in 1964 that affected much of Oregon and northern California.

**Bill Summary:** Senate Concurrent Resolution 20 recognizes the service of the USS *McGinty* and her crew

### [House Bill 2195-A](#)

**Not Enacted**

#### **Vietnam War Memorial**

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

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

**Background and Current Law:** Vietnam War memorials in Oregon are located in Beaverton, Bend, Canby, Eagle Point, Enterprise, Eugene, Portland, Richland, Rogue River, and Salem. The State Capitol grounds currently contain a replica of the Liberty Bell, statues of influential Oregonians, memorials to the state's Medal of Honor recipients, flags for the 50 states and nine federally recognized Native American tribes, and the Oregon World War II Memorial.

**Bill Summary:** House Bill 2195-A would have dedicated a portion of the State Capitol State Park to a new Vietnam War memorial. The Act would have established a Vietnam War Memorial Task Force to develop, design, and construct the memorial and would have directed the Department of Veterans' Affairs to maintain the finished memorial.

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### [House Bill 2200-A](#)

**Not Enacted**

#### **Veterans' Loan Fund**

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

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

**Background and Current Law:** Many veterans experience financial hardship related to previous deployments, physical or mental health issues, employment transition from military service to the private sector, or other issues.

**Bill Summary:** House Bill 2200-A would have created a revolving Veterans' Loan Fund to allow the Oregon Department of Veterans' Affairs to assist eligible veterans with medical care, educational benefits, disability benefits, or aid, attendance, or housebound benefits of up to \$5,000, and would have allocated \$500,000 to the fund.



### [House Bill 2201](#)

**Effective Date:** July 1, 2019

#### **Veteran Educational Bridge Grant Program**

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

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

**Background and Current Law:** There are numerous federal and state programs to assist veterans in furthering their education within the university system, professional training, or apprenticeship programs. However, veterans are sometimes unable to complete a degree program due to one or more required courses not being offered until a later date, despite being enrolled in an approved course of study that qualifies for U.S. Department of Veterans' Affairs benefits and being eligible to receive federal financial assistance.

**Bill Summary:** House Bill 2201 establishes the Veteran Educational Bridge Grant Program to provide up to \$5,000 assistance to each eligible veteran who is waiting for a required course to be offered to complete their educational program on time. The measure allocates \$447,719 to the grant program.

**Oregon Laws 2019:** Chapter 527

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### [House Bill 2202](#)

**Effective Date:** January 1, 2020

#### **Oregon Veteran Job Opportunities**

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

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

**Background and Current Law:** According to the Oregon Employment Department, the unemployment rate for veterans in Oregon in 2017 was 4.3 percent, slightly higher than the overall state average of 4.1 percent. Approximately 152,000 Oregon veterans were in the labor force in 2017; of these, approximately 123,000 were employed full-time, and another 22,000 were employed part-time. Veterans made up approximately 7.2 percent of the unemployed population in 2017, whereas for the 20 years prior, they comprised 6.9 to 14.6 percent of the state's unemployed population.

**Bill Summary:** House Bill 2202 directs the Bureau of Labor and Industries (BOLI) to develop and administer an outreach program to former members of Oregon National Guard and Reserve to inform them of careers in the trades and to connect them to apprenticeship opportunities and allocates \$250,000 from the Veterans' Services Fund for the program.

**Oregon Laws 2019:** Chapter 528

### [House Bill 2203-A](#)

**Not Enacted**

#### **County Veterans' Courts**

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

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

**Background and Current Law:** Military service, particularly combat experience, can have long-term adverse health effects on veterans. Veterans' treatment courts use a hybrid integration of drug courts and mental health courts to serve military veterans and, in some cases, active-duty personnel, by promoting sobriety, recovery, and stability through a coordinated and collaborative response system with drug court and mental health court partners, as well as the Department of Veterans' Affairs and other agencies and organizations that support veterans.

**Bill Summary:** House Bill 2203-A would have directed the Criminal Justice Commission to develop and implement a competitive grant program to provide funding to Oregon counties for the establishment and support of county veterans' courts. The measure would have also appropriated \$500,000 from the General Fund to the Commission for the program.

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### [House Bill 2204-A](#)

**Not Enacted**

#### **Reserve Officer Training Academy Pilot Program**

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

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

**Background and Current Law:** The Oregon Criminal Justice Commission's mission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems. A reserve officer is a law enforcement official who is a volunteer or is employed less than full-time as a peace officer, is armed with a firearm, and who is responsible for enforcing the criminal and traffic laws of the state, or laws and ordinances relating to airport security.

**Bill Summary:** House Bill 2204-A would have directed the Criminal Justice Commission to establish a pilot program to award a grant to a law enforcement agency or local government to fund the creation and operation of a reserve officer training academy. The measure would have appropriated \$500,000 to the Criminal Justice Commission for the grant.

### [House Bill 2211](#)

**Effective Date:** January 1, 2020

#### **Entrepreneurial Loans to Disabled Veterans**

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

**Committees:** House Business and Labor, Senate Veterans and Emergency Preparedness

**Background and Current Law:** The Oregon Business Development Department (Business Oregon) administers an Entrepreneurial Development Loan program for businesses that meet at least one of the following criteria: the business owner is certified as having a severe disability by the Oregon Department of Human Services or the Commission for the Blind; and/or the business has \$500,000 or less in revenue in the 12 months preceding application. Applicants must also meet additional criteria, such as being enrolled in a small business counseling program. The maximum loan amount is \$75,000 (\$100,000 total loans), with a maximum term and amortization period of five years and a minimum fixed interest rate of Prime plus two percent.

**Bill Summary:** House Bill 2211 includes qualifying disabled veterans among business owners who are eligible for an Entrepreneurial Development Loan from the Oregon Business Development Department.

**Oregon Laws 2019:** Chapter 394

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### [House Bill 2530](#)

**Effective Date:** January 1, 2020

#### **Tenant Termination Notices for Veterans**

**Chief Sponsors:** Reps. Evans, Wilde

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

**Background and Current Law:** According to data presented by the U.S. Department of Housing and Urban Development (HUD), the State of Oregon had an estimated 1,251 veterans experiencing homelessness in January 2017. Since that time, homelessness among military veterans has increased by nine percent, to 1,363, according to HUD statistics from November 2018. Whenever tenancies terminate in eviction or foreclosure, certain notice and documents must be provided to renters or homeowners, to inform them about the process, what to do, and any corresponding deadlines.

**Bill Summary:** House Bill 2530 requires certain notices to renters and homeowners regarding termination of tenancy to include information about assistance that may be available for eligible veterans, as well as contact information for the county veterans' service officer, community action agency, or 2-1-1 referral service.

**Oregon Laws 2019:** Chapter 405

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### [House Bill 2892](#)

**Effective Date:** June 4, 2019

#### **Military Uniforms at Graduation Ceremonies**

**Chief Sponsors:** Reps. Bonham, Wilde, Hernandez

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

**Background and Current Law:** Under current law, Oregon school districts may determine appropriate dress for students at high school graduation ceremonies. Some districts require graduation robes to be the most outwardly visible garment worn, which may be in violation of military rules. Other states have passed legislation to allow students to wear military uniforms at graduation, including California, New Hampshire, Pennsylvania, and New Jersey.

**Bill Summary:** House Bill 2892 requires school districts and public charter schools to allow a student who has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces, to wear a military dress uniform at a high school graduation ceremony.

**Oregon Laws 2019:** Chapter 210

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### [House Bill 3030](#)

**Effective Date:** September 29, 2019

#### **Professional Licensing for Military Spouses**

**Chief Sponsors:** Reps. McLane, Reschke, Clem, Bynum; Sens. Linthicum, Olsen

**Committees:** House Business and Labor, Senate Business and General Government

**Background and Current Law:** The National Conference of State Legislatures reports that 66 percent of military spouses are in the workforce, and that 25 percent of military spouses have a bachelor's degree and 10 percent hold an advanced degree. Despite their level of education, nearly one-third of military spouses are underemployed. According to a 2015 report on occupational licensing issued by the White House, more than 25 percent of workers are doing work that requires a license, with most of those licenses being issued by a state agency.

**Bill Summary:** House Bill 3030 allows state licensing agencies to issue a temporary authorization to individuals who are married to a member of the U.S. Armed Forces serving in Oregon if the individual holds a license from another state, is in good standing with that out-of-state licensing board, and demonstrates competency. A separate measure (Senate Bill 688) modified this program to require licensing agencies to issue temporary authorizations and to report annually to the Legislative Assembly.

**Oregon Laws 2019:** Chapter 142