



# SUMMARY OF LEGISLATION — 2020 —

LEGISLATIVE POLICY AND  
RESEARCH OFFICE  
80<sup>TH</sup> Oregon  
Legislative Assembly



# 2020 SUMMARY OF LEGISLATION

80<sup>th</sup> Oregon Legislative Assembly

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## A publication of the Legislative Policy and Research Office



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

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## ABOUT THE SUMMARY OF LEGISLATION

The 2020 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, and within chapters by subject matter. The summaries of selected measures follow in three groups—bills, memorials, and resolutions—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 2020 Summary of Legislation by keyword or measure number.

The 2020 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](#).

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## 2020 SUMMARY OF LEGISLATION

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# Alcohol and Cannabis

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## TASK FORCES AND REPORTING REQUIREMENTS

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Hop cones in a field along Windsor Island Road west of Brooks – [Gary Halvorson, Oregon State Archives](#)

**House Bill 4006****Not Enacted****Financial Assistance in the Alcohol Industry****Chief Sponsors:** Rep. Barker**Committees:** House Economic Development, Senate General Government and Emergency Preparedness

**Background and Current Law:** Oregon's three-tier alcohol regulation system consists of manufacturers, wholesalers, and retailers. "Tied house" regulations require the separation of manufacturers and distributors from retailers and prohibit manufacturers and wholesalers from having any financial or ownership interest in a retail establishment (ORS 471.392 to 471.402). Manufacturers or wholesalers are also prohibited from giving money, discounts, or items of value, to a retailer, except for certain exceptions.

**Bill Summary:** House Bill 4006 would have amended one of the "tied house" exceptions to allow a manufacturer or wholesaler to lease or furnish equipment for a period of 14 days, rather than 10 days, to a retail licensee for special events with a reasonable time extension for setup or removal from the special event site.

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**House Bill 4117****Not Enacted****Alcohol Delivery****Chief Sponsors:** Rep. Doherty**Committees:** House Economic Development

**Background and Current Law:** The Oregon Liquor Control Commission (OLCC) sells distilled spirits through retail liquor store agents and licenses and regulates businesses that sell and serve alcohol. Statutory authority allows OLCC off-premises sales license holders to deliver wine, cider, or malt beverages to Oregon residents after obtaining a direct shipper permit. OLCC administrative rules allow the shipment of distilled spirits purchased in person at a retail liquor store.

**Bill Summary:** House Bill 4117 would have allowed certain eligible businesses and OLCC retail sales agents to deliver alcoholic beverages to a final consumer using a delivery person; set the requirements for delivery persons and the conditions for alcohol delivery; and allowed electronic platforms or technology to facilitate consumer ordering, payment, and delivery of alcoholic beverages.

[Senate Bill 1561-A](#)**Not Enacted****Cannabis and Hemp Regulatory Changes****Chief Sponsors:** Sen. Prozanski; Rep. Helm**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** In 1998, Oregon voters passed Ballot Measure 67, which authorized the use of marijuana for medical purposes. Oregon voters then passed Ballot Measure 91 in 2014, which allowed for the creation of a recreational marijuana market. Subsequent legislation allowed individuals to grow, sell, and consume marijuana subject to certain conditions without having to show a medical need. Additionally, starting in 2009, Oregon has allowed for the possession and production of hemp. In 2018, Congress passed the Hemp Farming Act, which allows for the transportation of hemp across state lines subject to certain requirements.

**Bill Summary:** Senate Bill 1561-A would have authorized the Oregon Department of Agriculture to implement a State Hemp Program; modified criminal statutes related to marijuana; required collaboration between the Oregon Cannabis Commission and other state agencies; and directed the Oregon Liquor Control Commission to develop educational programs for licensees and assess the costs of tracking licensees.

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[House Bill 4034](#)**Not Enacted****Medical Marijuana Grower Registration****At the request of:** House Interim Committee on Economic Development for Representative John Lively**Committees:** House Economic Development

**Background and Current Law:** In 1998, Oregon voters approved the production and use of medical marijuana in Oregon within specified limits. Qualified patients may grow plants for themselves or designate a grower and grow site on their behalf. In 2014, through Ballot Measure 91, Oregon voters directed the Oregon Liquor Control Commission (OLCC) to administer and regulate a recreational system, including developing and implementing a seed-to-sale tracking system known as the Cannabis Tracking System (CTS). Beginning in 2018, medical growers for three or more patients now track in CTS and are subject to inspection by OLCC.

**Bill Summary:** House Bill 4034 would have moved the registration for medical cannabis growers, who grow for three or more patients and currently report into CTS, to a new OLCC medical marijuana grow site registration and would have continued the Oregon Health Authority registration for grow sites producing marijuana for only one or two patients.



[House Bill 4035-A](#)**Not Enacted****Marijuana Administration Plan and Compliance Education Program**

**At the request of:** House Interim Committee on Economic Development for Representative John Lively

**Committees:** House Economic Development, Senate General Government and Emergency Preparedness

**Background and Current Law:** In 1998, Oregon voters approved the production and use of medical marijuana within specified limits. In 2014, Oregon voters approved the recreational use of marijuana for persons 21 years or older in Oregon. The Oregon Health Authority (OHA) administers the Oregon Medical Marijuana Program while the Oregon Liquor Control Commission (OLCC) administers and regulates licensing for recreational marijuana producers, processors, wholesalers, and retailers. The Oregon Department of Agriculture (ODA) and the Oregon Department of Revenue (DOR) also have marijuana-related responsibilities.

**Bill Summary:** House Bill 4035-A would have required the OLCC, OHA, ODA, DOR, and the Governor's Office, in consultation with the Oregon Cannabis Commission and OLCC licensees and regulated entities, to jointly develop a plan to address certain issues related to regulatory authority over marijuana by December 31, 2020. The measure also would have required the OLCC to adopt rules in consultation with stakeholders to develop a compliance education program for OLCC licensees and regulated entities.

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[House Bill 4088-A](#)**Not Enacted****Cannabis Social Equity**

**Chief Sponsors:** Rep. Fahey

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

**Background and Current Law:** Cannabis social equity programs work to remove barriers that have kept persons and communities most impacted by cannabis prohibition out of the legal recreational market. Other states that have recently legalized recreational cannabis, including California, Illinois, Massachusetts, and Michigan, have included social equity provisions as part of their regulatory framework.

**Bill Summary:** House Bill 4088-A would have created the Task Force to Promote Social Equity in the Cannabis Industry to: (1) identify barriers to entry for people of color, low-income people, and people with previous cannabis-related convictions; (2) recommend investments in areas disproportionately impacted by marijuana criminalization; and (3) make recommendations to the Legislative Assembly by November 1, 2020.

[House Bill 4156](#)**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 4156 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.

[Senate Bill 1556-B](#)**Not Enacted****OLCC Authorization to Use Commercial Data to Generate Revenue****Chief Sponsors:** Sen. Johnson**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** Alcohol and recreational marijuana are strictly regulated industries that generate significant revenue. The Oregon Liquor Control Commission (OLCC) is responsible for enforcing Oregon's Bottle Bill, as well as regulating alcoholic beverage sales and recreational marijuana, from production through processing, transport, and sale. The OLCC also regulates medical products sold through retail marijuana stores to medical marijuana cardholders. Regulated persons and entities are subject to intensive data collection, reporting, and investigation.

**Bill Summary:** Senate Bill 1556-B would have allowed the OLCC to utilize commercial information it collects and to generate revenue by selling or licensing the use of, or access to, that information. The measure would also have authorized the OLCC to negotiate certain distilled liquor prices directly with Indian tribes and commercial airlines in certain circumstances.

## 2020 SUMMARY OF LEGISLATION

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# Business and Labor

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## TASK FORCES AND REPORTING REQUIREMENTS

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Downtown Scappoose, Columbia County – [Gary Halvorson, Oregon State Archives](#)

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## House Bill 4076

**Not Enacted**

### Age Discrimination

**Chief Sponsors:** Reps. Piluso, Bynum, Sollman, Barker, Gomberg

**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** Oregon Revised Statute 659A.009 declares that it is the public policy of Oregon to utilize the available workforce to the fullest extent possible, and that the abilities of individuals should be the measure of their fitness and qualification for employment, rather than any arbitrary standards that discriminate against an individual solely because of age.

ORS 659A.030 establishes that it is an unlawful employment practice for any Oregon employer, regardless of size, to: refuse to employ or to discharge an individual because of age if the individual is at least 18 years old; discriminate in compensation or privileges of employment because of age if the individual is at least 18 years old; for labor organizations, to exclude or expel from membership any individual because of age if the individual is at least 18 years old; recruit employees in any way that expresses discrimination as to an individual's age if the individual is at least 18 years old; or, for employment agencies, to fail or refuse to refer an individual for employment because of age if the individual is at least 18 years old.

**Bill Summary:** House Bill 4076 would have established a Task Force on Age Discrimination to conduct a review and report its findings and recommendations to the Legislative Assembly by September 15, 2020.

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## House Bill 4107-B

**Not Enacted**

### Discrimination

**Chief Sponsors:** Reps. Bynum, Alonso Leon, Lawrence Spence, Piluso; Sens. Frederick, Manning Jr.

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

**Background and Current Law:** According to the Federal Deposit Insurance Corporation, in 2017, 6.5 percent, or 8.4 million households in the U.S. did not have a bank-issued debit or credit card. Additionally, a 2019 study by the Federal Reserve's Cash Product Office found that consumers used cash in 26 percent of transactions.

The Create a Respectful and Open World for Natural Hair (CROWN) Act prohibits discrimination based on hair style and texture. First enacted in California in 2019, the act has been adopted by New York, New Jersey, the City of Cincinnati, and Montgomery County, Maryland, and is under consideration in the U.S. Congress and several states.

**Bill Summary:** House Bill 4107-B would have prohibited discrimination in two ways. First, it would have made refusal to accept cash by a business or government entity that serves the public an unlawful practice. Second, it would have included physical characteristics including hair type, texture, and style within the definition of race in school discrimination policies, interscholastic organization activities, and in unlawful employment practices, and prohibited school or employer dress codes or policies from disproportionately impacting members of a protected class.

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## [Senate Bill 1567-A](#)

**Not Enacted**

### **Law Enforcement Arbitration**

**Chief Sponsors:** Sens. Frederick, Manning Jr, Roblan, Findley, Thatcher; Reps. Bynum, Lawrence Spence, Lewis, Noble, Piluso, Power

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Many state and local government employees, including employees of states, counties, cities, school districts, and law enforcement agencies are subject to the Public Employee Collective Bargaining Act (PECBA). Under the law, resolution of disputes over imposed discipline may be resolved through binding arbitration. As a condition of enforceability, an arbitration award that orders the reinstatement of a public employee or otherwise relieves the employee of responsibility for misconduct must comply with clearly defined public policy in statute or judicial decisions.

**Bill Summary:** Senate Bill 1567-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 1563-A](#)**Not Enacted****Limited Renewable Energy Technician Scope of Work****Chief Sponsors:** Sen. Golden; Rep. Marsh**Committees:** Senate Labor and Business, House Business and Labor

**Background and Current Law:** Current law prohibits a person from performing work on an electrical installation without holding a proper license. A General Journeyman Electrician (Journeyman) license requires completion of a four-year apprenticeship and allows the holder to perform work on all types of electrical installations. A Limited Renewable Energy Technician (LRET) license requires completion of a two-year apprenticeship and allows the holder to perform work on renewable electrical systems not exceeding 25 kilowatts alternating current (AC) up to the load side of the inverter. A Journeyman or other licensee is required to complete the AC side of a renewable energy installation.

**Bill Summary:** Senate Bill 1563-A would have increased the maximum size of renewable energy systems on which an LRET may perform work from 25 kilowatts AC to 50 kilowatts AC, including all direct current (DC) wiring and connections up to the load side of an inverter and all AC wiring and connections to the termination of factory-provided interconnecting cables that are outside of a distribution panelboard.

[House Bill 4119-A](#)**Not Enacted****Establishment of Tsunami Design Standards****Chief Sponsors:** Reps. Gomberg, Smith DB; Sen. Roblan**Committees:** House Natural Resources

**Background and Current Law:** In 1995, the legislature established a moratorium on constructing new essential buildings in the tsunami inundation zone, and in 2019, the legislature repealed that prohibition, effective January 1, 2020. For new facilities that may be built in the tsunami inundation zone in 2020 and beyond, the State Building Code does not currently include tsunami resilient design provisions. The American Society of Civil Engineers 7-16 (ASCE 7-16) is a publication that offers and describes minimum tsunami design standards for essential buildings such as hospitals, police and fire stations, emergency shelters and operations centers, utilities, schools, and public assembly buildings.

**Bill Summary:** House Bill 4119-A would have imposed ASCE 7-16 tsunami design standards on certain buildings and structures; allowed the Department of Consumer and Business Services to require that sites for certain new structures be evaluated for seismic vulnerability; and required a developer of a proposed high-risk public building to obtain a tsunami impact determination and risk mitigation suggestions from the Department of Geology and Mineral Industries.



[Senate Bill 1569-B](#)**Not Enacted****Towing Regulation**

**Chief Sponsors:** Sens. Riley, Manning Jr; Rep. Sprenger

**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** There is no centralized regulatory body in Oregon to govern the towing industry. Consumer complaints about towing practices may be made with the Oregon Department of Justice (DOJ) or the consumer's local District Attorney, but the burden of seeking redress rests largely on individual consumers initiating civil claims.

**Bill Summary:** Senate Bill 1569-B would have created a State Board of Towing within the Oregon Department of Transportation (ODOT) to regulate the towing industry, and to receive, investigate, and enforce consumer complaints.

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[House Bill 4013-A](#)**Not Enacted****Kratom Regulatory Authority**

**Chief Sponsors:** Reps. Post, Clem, Barker

**Committees:** House Economic Development, Senate Judiciary

**Background and Current Law:** Kratom (*Mitragyna speciosa*) is a tree in the coffee family native to southeast Asia. Kratom leaves are typically chewed, brewed, or crushed into a bitter green powder and are sold in the United States as pills, capsules, teas, or extracts. Kratom consumption produces stimulant effects in low doses and sedative effects in high doses. Kratom is not currently regulated at the federal level, though several states are enacting bans or creating new regulations.

**Bill Summary:** House Bill 4013-A would have prohibited the purchase of kratom products by anyone under 21 years of age and required the Oregon Health Authority, Oregon Liquor Control Commission, Oregon Department of Agriculture, and the Governor's Office to collaborate with representatives of the kratom industry to develop a plan for the regulation of kratom by December 31, 2020.

[House Bill 4058-A](#)**Not Enacted****Mechanic's Lien**

**Chief Sponsors:** Reps. Nearman, Evans; Sen. Riley

**At the request of:** Northwest Auto Trades Association

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

**Background and Current Law:** In 2018, the Legislative Assembly enacted House Bill 4087, which required vehicle repair businesses to carry a surety bond of at least \$20,000 in order to create, assert, or claim a mechanic's lien on customer vehicles for non-payment for work performed and other associated costs. This requirement does not apply to dealerships, towers, or abandoned vehicles. The bond would cover damages or costs incurred by a vehicle owner who brings suit against a repair shop that does not have a valid lien. The legislation took effect on January 1, 2019. A subsequent measure, House Bill 2913 (2019), suspended the bond requirement, effective May 2, 2019, until July 1, 2020.

**Bill Summary:** House Bill 4058-A would have required a person to obtain a \$20,000 surety bond or irrevocable letter of credit in order to claim a mechanic's lien by July 1, 2021. The measure would have clarified the conditions for requiring, issuing, and maintaining a bond or letter of credit for vehicle repair businesses.

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## [Senate Bill 1502-A](#)

**Not Enacted**

### **Assistance for Bankrupt Agricultural Cooperative Members**

**Chief Sponsors:** Sens. Courtney, Girod

**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** NORPAC Foods Inc., a cooperative owned by farmer members, was first established by a group of Stayton area farmers in 1924 and called the Stayton Canning Company. It expanded over time to become one of the largest food processors in the state, with hundreds of participating farms from Eugene to Portland. It sought Chapter 11 bankruptcy protection in the fall of 2019. The economic disruption and uncertainty for farmer members, as a result of NORPAC's financial situation, has been significant.

**Bill Summary:** Senate Bill 1502-A would have created a 20-year low-interest loan program administered by the Oregon Business Development Department to assist farmers who were members of NORPAC.

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## [Senate Bill 1525](#)

**Not Enacted**

### **Property Tax Incentive Project Standards**

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

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

**Background and Current Law:** The Enterprise Zone (EZ), Long-Term Rural Enterprise Zone (LTREZ), and Strategic Investment Program (SIP) are statutory programs administered by Business Oregon which allow local sponsors to offer property tax exemptions to induce local development and job creation. Business firms seeking a property tax exemption must meet statutory requirements and, for urban EZs, LTREZs, and SIPs, meet other criteria adopted by or negotiated with local sponsors. The prevailing wage rate (PWR) is the hourly wage, including all fringe benefits, that the Commissioner of the Bureau of Labor and Industries determines is paid in the locality and to the majority of workers employed in a specified trade.

**Bill Summary:** Senate Bill 1525 would have established advertising requirements for business firms seeking a local property tax incentive and amended reporting requirements for eligible business firms and local sponsors to Business Oregon, who would have been required to make an annual report to the Legislative Assembly. It also would have allowed all EZs to adopt additional local conditions for a business firm to be authorized. Finally, the measure would have required the Labor Commissioner to report annually for five years to the Legislative Assembly on attempts to modernize and streamline administration of the PWR and aligned record-keeping requirements which demonstrate compliance with the PWR with the six-year statute of repose.

[House Bill 4028](#)  
[\(see House Bill 4165-A\)](#)

**Not Enacted**

## Eastern Oregon Border Board Grant and Loan Programs

**At the request of:** House Interim Committee on Rules for Eastern Oregon Border Economic Development Board

**Committees:** House Economic Development

**Background and Current Law:** House Bill 2012 (2017) established the seven-member Eastern Oregon Border Economic Development Board (Board) to formulate and implement plans and practices for strategic investment in workforce and economic development in the Eastern Oregon Border Economic Development Region. The Legislative Assembly approved a one-time \$5,000,000 General Fund appropriation to Business Oregon for use by the Board to make up to ten loans and/or grants to eligible applicants.

**Bill Summary:** House Bill 4028 would have allowed the Board to establish up to ten active grant or loan programs for the purposes of enhancing and expanding workforce development and economic development in the Eastern Oregon Border Economic Development Region.

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[House Bill 4033-A](#)

**Not Enacted**

## Business Capital Access Programs

**At the request of:** House Interim Committee on Economic Development for Representative John Lively

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

**Background and Current Law:** The Oregon Capital Scan reports every two years on data, trends, and gaps in business capital. During presentations to the House Interim Committee on Economic Development in 2019, various organizations reported on the capital access gap for entrepreneurs and start-up businesses and the need for new tools, more funding, and technical assistance for underserved entrepreneurs and communities.

**Bill Summary:** House Bill 4033-A would have created a new program at Business Oregon to award funding for lender loan loss accounts to increase lending to business owners and entrepreneurs who currently lack access to capital to start or grow their businesses. The measure also would have funded the Oregon Entrepreneurs Network to gather information on unmet capital needs and allocated additional funds to the Oregon Growth Board to help fill capital gaps.



[House Bill 4157](#)**Not Enacted****Outdoor Gear and Apparel Industry Matching Grants**

**Chief Sponsors:** Reps. Helm, Helt, Smith DB, Bonham, Gomberg, Williams, Zika; Sens. Dembrow, Knopp, Roblan, Thomsen

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

**Background and Current Law:** The Oregon Business Development Department, 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. Its current target industries include the apparel and outdoor gear industry.

**Bill Summary:** House Bill 4157 would have authorized Business Oregon to provide matching grants to membership organizations and business accelerators in the outdoor gear and apparel industry.

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**House Bill 4008****Not Enacted****Auto Insurance Coverage Exemptions**

**At the request of:** House Interim Committee on Business and Labor for American Property 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. Every policy must provide the same liability coverage for each family member residing in the same household as the policyholder even if the policyholder does not disclose that additional drivers have regular access to the vehicle. Without disclosure, the premium will not reflect the risk to the insurer. Coverage is also extended to people who do not reside in the household and who do not have regular access to the policyholder's vehicle, such as a neighbor or out-of-town houseguest.

Representatives of the insurance industry have noted that some policyholders do not notify the insurer when a household member begins driving the policyholder's vehicle on a regular basis. The household member may be a family member, significant other, roommate, or other person who has regular access to the vehicle. When the additional driver is not disclosed to the insurer, the premium paid by the policyholder is lower than it otherwise would be. Claims must be paid by the insurer if the undisclosed driver is a family member residing in the household.

**Bill Summary:** House Bill 4008 would have allowed unnamed persons to be excluded from the policy if the policyholder did not disclose them as a possible driver within 45 days of the person becoming a household resident or when they became eligible or licensed to drive, whichever occurs later. The measure would have allowed the insurer, before issuing a policy, to require the policyholder to submit a signed written statement listing each driver residing in the home and who the policyholder intends to have covered under the policy.

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**House Bill 4125-A****Not Enacted****Cancellation Notice for Newer Auto Policies**

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

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

**Background and Current Law:** Under current law, an automobile liability insurance policy may be cancelled for nonpayment of premiums, fraud, or when driving privileges are suspended or revoked in certain situations. The policyholder must be given a 30-day notice of cancellation; however, a policy that has been in effect for fewer than 60 days may be cancelled for any reason and is not subject to a 30-day cancellation notice. Any policy, regardless of how long it has been in effect, that is being cancelled for nonpayment of premiums is subject to a 10-day notice of cancellation.

**Bill Summary:** House Bill 4125-A would have required insurers to provide policyholders with 10-day notice of cancellation for automobile insurance policies that have been in effect for fewer than 60 days, regardless of cause.

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[House Bill 4057](#)**Not Enacted****Betting on Collegiate Sporting Events**

**At the request of:** House Interim Committee on Education for Oregon Council of Presidents

**Committees:** House Business and Labor, House Revenue

**Background and Current Law:** Based on information from the Oregon Lottery's website, the Sports Action game was introduced in 1989 to allow individuals to bet on the outcome of professional football games. Scoreboard, a second game based on the outcome of professional football, was introduced in 2003. At the request of the Legislative Assembly, both games ended in January 2007.

Oregon Lottery launched a new version of Scoreboard in 2019, offering players an opportunity to place bets on national and international professional sporting events using a mobile phone app or the Lottery's website. Events range from football and soccer to darts and billiards. Scoreboard is available only to players 21 years of age or older and who are physically located in Oregon at the time the bet is placed. Scoreboard currently does not offer players an opportunity to place bets on collegiate sporting events.

**Bill Summary:** House Bill 4057 would have prohibited Oregon Lottery from offering any game based on the outcome of a college sporting event.

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[House Bill 4153-A](#)**Not Enacted****Lottery Games Offered on Mobile Devices**

**Chief Sponsors:** Reps. Boshart Davis, Bonham

**Committees:** House Business and Labor, House Revenue

**Background and Current Law:** Based on information from the Oregon Lottery's website, the Sports Action game was introduced in 1989 to allow players to bet on the outcome of professional football games. Scoreboard, a second game based on the outcome of professional football, was introduced in 2003. At the request of the Legislative Assembly, both games ended in January 2007.

Scoreboard was brought back in 2019, offering players an opportunity to place bets on national and international professional sporting events using a mobile phone app or the Lottery's website. Events range from football and soccer to darts and billiards. Players must be at least 21 years of age and physically located in Oregon when placing the bet.

**Bill Summary:** House Bill 4153-A would have prohibited the Oregon Lottery from offering any games that could be played on a mobile phone or other personal electronic device except for sports betting and certain multi- state numbers drawing games (e.g., Powerball and Mega Millions).

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**Senate Bill 1540-B****Not Enacted****Student Loan Servicer Licensing****Chief Sponsors:** Sen. Taylor; Rep. Power**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Federal reports estimate that there are over 45 million Americans with student loan debt totaling more than \$1.6 trillion. Billing and processing payments for student loans are handled by a variety of loan servicers.

**Bill Summary:** Senate Bill 1540-B 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 provide a variety of requirements for a servicer before they can do business in Oregon.

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**House Bill 4078****Not Enacted****Regulating the Sale of Nicotine Inhalant Delivery Systems (Vaping)****Chief Sponsors:** Rep. Marsh; Sens. Taylor, Monnes Anderson; Rep. Nosse**At the request of:** Attorney General Ellen Rosenblum**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Oregon law currently prohibits the sale and receipt of tobacco products, including inhalant delivery systems purchased through mail order or on the Internet from out-of-state sellers. Current law requires that an out-of-state seller verify that the purchaser meets the required minimum age (21) prior to shipping any products; and the seller must also use a shipping method that requires a signature and photo identification from the customer or another non-minor individual residing at the same address upon delivery. Oregon law also requires all delivery sellers to obtain a distributor's license.

**Bill Summary:** House Bill 4078 would have prohibited the sale of inhalant delivery systems by mail, telephone, or the Internet.



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## [Senate Bill 1527-A](#)

**Not Enacted**

### Noncompetition Agreements

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

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

**Background and Current Law:** A noncompetition agreement is a clause in an employment contract in which the employee agrees not to enter a similar profession or trade outside the employer. Noncompetition agreements are voidable for various reasons including if the employee was not informed that a noncompetition agreement was required, the employee does not engage in work with sufficient discretion, the employer does not have a protectable interest, or if the employee's gross salary at the time of termination was less than the median family income for a four-person family.

**Bill Summary:** Senate Bill 1527-A would have established that a nonconforming noncompetition agreement between an employer and employee is void and unenforceable, rather than voidable. The measure would have clarified the minimum income for conforming agreements and reduced the maximum term of noncompetition agreements from 18 months from the date of the employee's termination to 12 months. Finally, the measure would have required conforming noncompetition agreements to be in writing.

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## [Senate Concurrent Resolution 207](#)

**Not Adopted**

### Alignment of Legislative Personnel Rules with Oregon's Equal Pay Act

**Chief Sponsors:** Sen. Courtney

**Committees:** Senate General Government and Emergency Preparedness

**Background and Current Law:** Wage discrimination is prohibited under both federal and state law. Wage discrimination occurs when individuals who belong to a protected class, with otherwise equivalent education, seniority, and experience as compared to their coworkers, are not paid the same for doing comparable work that requires comparable skill. Protected classes are groups of people who have historically experienced disadvantage based on certain characteristics, such as race or sex. At the federal level, protected classes in employment include race, color, national origin, religion, disability, age (40 and up), sex (including sexual orientation, gender identity, and pregnancy), and genetic information.

In Oregon, prohibitions against wage discrimination based on sex were first enacted in 1955. These provisions were expanded and made applicable to other protected classes in 2017 with the passage of House Bill 2005, which added race, color, religion, sexual orientation, national origin, marital status, veteran status, disability, and age. House Bill 2005 also deemed violations to be unlawful employment practices, enforceable by the Bureau of Labor and Industries (BOLI). The measure also explicitly prohibited employers from soliciting an applicant's salary history, and from using an applicant's current or past salary to screen them or to make determinations about their compensation (except for existing employees with the same employer who were moving to a different position).

Oregon's prohibition against wage discrimination was further refined in 2019 by Senate Bill 123, which modified the safe harbor for employers to avoid compensatory and punitive damages, by completing an equal pay analysis and making reasonable and substantial progress toward eliminating pay disparities. The measure

also ensured that an employer's undertaking of an equal pay analysis did not constitute an admission of liability in civil actions.

**Bill Summary:** Senate Concurrent Resolution 207 would have attempted to align Legislative Personnel Rules with Oregon's Equal Pay Act.

[House Bill 4108-B](#)**Not Enacted****PERS Benefits for Prison Chaplains****Chief Sponsors:** Reps. Gorsek, Evans**Committees:** House Business and Labor, Senate Labor and Business

**Background and Current Law:** Eligible employees of a participating employer in the Public Employees Retirement System (PERS) who were hired after August 28, 2003, are designated as members of the Oregon Public Service Retirement Plan (OPSRP). Employees hired prior to that date are either in the Tier 1 or Tier 2 PERS plan. For OPSRP members, their pension and Individual Account Program (IAP) benefits are based on salary, defined in statute as 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. The housing allowance, according to IRS regulations, can be up to 35 percent of a prison chaplain's salary. The Department of Corrections does not pay a housing allowance above the agreed-upon salary, but up to 35 percent of the salary can be designated as nontaxable income.

**Bill Summary:** House Bill 4108-B would have included in the definition of "salary" the portion of compensation paid to a prison chaplain that is designated as a nontaxable housing allowance, thereby allowing PERS pension and IAP benefits to be calculated on the prison chaplain's full compensation.

[Senate Bill 1571-A](#)**Not Enacted****Extended Unemployment Benefits for NORPAC Employees****Chief Sponsors:** Sen. Girod**Committees:** Senate Labor and Business, Joint Ways and Means

**Background and Current Law:** NORPAC foods is a farmer-owner agricultural cooperative that filed for Chapter 11 bankruptcy protection in August 2019. From September through December of 2019, the cooperative notified the state of the layoff of over 1,400 workers from its Brooks, Salem, and Stayton facilities and Salem corporate office. Oregon's unemployment insurance program offers workers a weekly benefit of 1.25 percent of the total wages in a worker's base period, with a weekly minimum of \$126 and a maximum of \$538. Benefits are available for up to 26 weeks.

**Bill Summary:** Senate Bill 1571-A would have established state-funded extended unemployment insurance benefits for workers laid off in the wake of 2019 bankruptcy proceedings from an agricultural cooperative. Workers would have been eligible for an additional 26 weeks of benefits funded by an appropriation from the General Fund.

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[House Bill 4062-A](#)**Not Enacted****Workers Compensation Benefits for Portland Firefighters****Chief Sponsors:** Rep. Sollman**Committees:** House Business and Labor, Senate Labor and Business

**Background and Current Law:** All workers in Oregon are presumed to be subject workers under workers' compensation law unless otherwise exempt. An exemption is provided for firefighters and police employees of cities exceeding 200,000 in population that provide a disability and retirement system by ordinance or charter. The Portland Fire and Police Disability and Retirement System is thus exempt from workers' compensation statutes, except where explicitly included. Certain cancers are presumed to be a compensable occupational disease for non-volunteer firefighters who have been on the job at least five years. This applies to all firefighters, including those covered under Portland's Fire and Police Disability and Retirement System. Any death, disability, or impairment resulting from post-traumatic stress disorder (PTSD) and acute stress disorder is presumed to be a compensable occupational disease for specified emergency first responders, including police and firefighters covered by Portland's Fire and Police Disability and Retirement System. Alternatively, certain heart and lung conditions are presumed to be compensable occupational diseases for firefighters who have been on the job at least five years, but this presumption does not apply to firefighters covered by Portland's Fire and Police Disability and Retirement System.

**Bill Summary:** House Bill 4062-A would have extended to Portland firefighters the presumption that death, disability, or impairment caused by heart or lung disease is a compensable occupational disease.

[House Bill 4087-B](#)**Not Enacted****Accessing Wage Security Fund to Pay Wage Claims****Chief Sponsors:** Rep. Fahey**Committees:** House Business and Labor, Joint Ways and Means

**Background and Current Law:** The Legislative Assembly established the Wage Security Fund, which is administered by the Bureau of Labor and Industries (BOLI), in 1985. The Fund protects Oregon workers from wage loss by paying the final wages of employees when a business closes without sufficient funds to pay final wages. Employees of a company that closes and does not have sufficient funds to pay their final wages are eligible to file a wage claim with BOLI. Workers can qualify for payment of the amount of unpaid wages they earned during the 60 days preceding the closure date of the company or the amount of unpaid wages earned within 60 days of the last day of employment. A maximum of \$10,000 may be paid to each individual worker.

Money in the Wage Security Fund comes from a diversion of three-hundredths of one percent of the state's unemployment insurance taxes paid by employers in one calendar quarter each biennium. This revenue, which is estimated to be \$5,273,000 in the 2019-2021 biennium, is deposited into the Fund to pay final wages to employees whose employers ceased business operations and defaulted on wages owed. BOLI is also projected to receive approximately \$550,000 in 2019-2021 from interest earnings and recovery of payments from defaulting employers. As of December 31, 2019, the Wage Security Fund's balance was more than \$11 million; in 2019, the Legislative Fiscal Office projected the Fund's 2019-2021 biennial expenditures to be \$900,000.

**Bill Summary:** House Bill 4087-B would have directed the BOLI Commissioner to access the Wage Security Fund to pay the wages due to claimants who have a judgment or final order.

[House Bill 4143](#)**Not Enacted****Industry-Recognized Apprenticeship Programs****Chief Sponsors:** Reps. Nathanson, Reardon**Committees:** House Business and Labor, House Rules

**Background and Current Law:** Under current law, the Oregon State Apprenticeship and Training Council (OSATC) has the authority to develop, administer, and enforce apprenticeship program standards for the operation and success of an apprenticeship or on-the-job-training program in Oregon. The U.S. Department of Labor (DOL) has proposed a rule to formally establish a process for organizations to apply to become DOL-recognized Standards Recognition Entities (SREs) of Industry Programs (see 84 Federal Register 29970). These industry-recognized apprenticeship programs are referred to as IRAPs. Once recognized, SREs would work with employers and other entities to establish, recognize, and monitor IRAPs that provide industry-recognized credentials to participating apprentices. The proposed rule includes measures and guidelines to facilitate the recognition of these IRAPs. The proposed rule would operate in parallel with the existing registered apprenticeship system. DOL states that a market-driven approach provides the flexibility necessary to scale the apprenticeship model where it is needed most and helps address the nation's skills gap.

**Bill Summary:** House Bill 4143 would have prohibited the State of Oregon, or any public body in Oregon, from spending public moneys on, or for the benefit of, an industry-recognized apprenticeship program as described in 84 Federal Register 29970.



[House Bill 4109](#)**Not Enacted****Prohibit Use of Chlorpyrifos**

**Chief Sponsors:** Reps. Holvey, Hernandez, Alonso Leon, Prusak, Salinas, Wilde; Sens. Monnes Anderson, Dembrow, Frederick, Manning Jr., Prozanski, Steiner Hayward

**At the request of:** Piñeros y Campesinos Unidos del Noroeste

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

**Background and Current Law:** According to the U.S. Environmental Protection Agency (EPA), chlorpyrifos is an organophosphate pesticide used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used since 1965 in both agricultural and non-agricultural settings. Agricultural uses include pest control in corn, soybean, broccoli, cauliflower, brussels sprouts, other row crops; specialty seed crops; and fruit and nut tree production. Findings from a 2014 revised human health risk assessment of chlorpyrifos led the EPA to issue a proposed rule to revoke all tolerances of chlorpyrifos, indicating that no amount of chlorpyrifos residue on foods would be considered acceptable. In March 2017, the EPA denied a petition to revoke all tolerances for chlorpyrifos and cancel all chlorpyrifos registrations. In 2019, Oregon, along with other states, challenged the EPA's decision to allow the continued use of chlorpyrifos. Currently, chlorpyrifos remains a registered pesticide.

**Bill Summary:** House Bill 4109 would have prohibited the use of any pesticide product containing chlorpyrifos as of January 1, 2022 and limited current usage until the ban would have taken effect in 2022.

## 2020 SUMMARY OF LEGISLATION

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# Education

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Soap Creek School, Benton County – [Gary Halvorson, Oregon State Archives](#)

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## [Senate Bill 1501-A](#)

**Not Enacted**

### **Student Athletes' Compensation for Name, Image, or Likeness**

**Chief Sponsors:** Sens. Courtney, Fagan

**Committees:** Senate Education, House Education, House Rules

**Background and Current Law:** In September 2019, California Governor Gavin Newsom signed Senate Bill 206, which allowed student athletes at California's universities to receive compensation for use of their name, image, or likeness. Prior to passage of this bill, the National Collegiate Athletic Association (NCAA)'s rules prohibited student athletes from receiving any compensation other than scholarships. In October 2019, the NCAA Board of Governors (Board) directed NCAA's divisions to consider updates to policies relating to students' names, images, and likenesses. The Board directed its three divisions to begin gathering feedback in April 2020 and to have new rules for consideration by January 2021.

**Bill Summary:** Senate Bill 1501-A would have established the right of student athletes to earn compensation for coaching and for use of their name, image, or likeness as well as the right of student athletes to retain professional representation and earn compensation for coaching at market rates. The measure would have prohibited student athletes from entering into contracts that conflict with the student athlete's team rules or contracts entered into by the student's post-secondary institution of education and a third party. The measure would have prohibited universities, athletic associations, conferences, or organizations from infringing on any of these rights or penalizing a student athlete for exercising those rights. It would have taken effect January 1, 2023.

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## [Senate Bill 1521-A](#)

**Not Enacted**

### **Credit Transfer**

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

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** Ensuring the efficient transfer of community college credits to public universities is a long-standing issue in Oregon's higher education system. The legislature acted to increase the transferability of community college credits to public universities in 1987, 2005, 2011, 2013, 2015, and 2017. In response to legislative action and other factors, Oregon's higher education system has developed common course initiatives, statewide transfer degrees, the Oregon Transfer Module, core transfer maps, and major transfer maps.

**Bill Summary:** Senate Bill 1521-A would have added foundational curricula and unified statewide transfer agreements into the Transfer Student Bill of Rights and Responsibilities, shifted reporting responsibilities from each public higher education institution to the Higher Education Coordinating Commission (HECC), and changed certain reporting requirements. The measure would have required HECC to establish an advisory committee relating to the Transfer Student Bill of Rights and Responsibilities, submit a report relating to an electronic system for disseminating information on foundational curricula and unified statewide transfer agreements, and convene a group of stakeholders to assist with aligning credits earned through dual credit programs with requirements of foundational curricula. Additionally, the measure would have allowed Oregon's regional universities to offer professional doctorate degrees and allowed the use of Oregon Opportunity Grant funds to pay for scholarships for children of public safety officers. The measure would have appropriated money from the General Fund to the HECC to carry out the provisions contained therein.

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## [Senate Bill 1539-A](#)

**Not Enacted**

### Oregon's Polytechnic University

**Chief Sponsors:** Sens. Courtney, Johnson, Linthicum; Rep. Smith DB

**Committees:** Senate Education, House Education

**Background and Current Law:** Oregon Institute of Technology (OIT) recently worked with its stakeholders and the Higher Education Coordinating Commission to refine its mission. The mission reaffirms the university's focus on professional degree programs and applied research linked with Oregon industry. According to OIT, the designation as Oregon's Polytechnic University may increase awareness of the unique role that polytechnic universities serve for the state, for industry, and for students and their families.

**Bill Summary:** Senate Bill 1539-A would have designated the Oregon Institute of Technology as Oregon's Polytechnic University.

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## [Senate Bill 1540-B](#)

**Not Enacted**

### Student Loan Servicer Licensing

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

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Federal reports estimate that there are over 45 million Americans with student loan debt totaling more than \$1.6 trillion. Billing and processing payments for student loans are handled by a variety of loan servicers.

**Bill Summary:** Senate Bill 1540-B 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.

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**Senate Bill 1544-A****Not Enacted****Standards for For-Profit Colleges and Career Schools**

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

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** In 1992, Congress enacted the 85/15 rule to combat abuse of federal financial aid programs for higher education. The 85/15 rule limited the share of revenues that for-profit higher education institutions could receive from federal aid to 85 percent. The rule was intended to ensure quality by ensuring that funders other than the federal government were supporting these schools. In 1998, the rule was changed to 90/10. Currently, veterans' benefits do not count as federal aid subject to the 90 percent limit at the federal level.

**Bill Summary:** Senate Bill 1544-A would have required the Higher Education Coordinating Commission (HECC) to adopt rules establishing minimum standards for all for-profit private colleges and career schools that ensure that at least 10 percent of the annual tuition revenue received by the private colleges and schools comes from sources other than institutional loans or federal funds. The measure would have also established penalties for violating rules enacted by HECC.

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**House Bill 4055****Not Enacted****Food and Housing Insecurity in Higher Education**

**At the request of:** House Interim Committee on Education for Oregon Council of Presidents and Oregon Student Association

**Committees:** House Education, Ways and Means

**Background and Current Law:** The Hope Center for College, Community, and Justice surveyed 86,000 students at 123 colleges and universities in 24 states. The survey found that 47 percent of community college students and 42 percent of university students were food insecure in the 30 days preceding the survey. The survey also found that students with food insecurity were more likely to have lower grades than other students. Some examples of the way Oregon universities and colleges have responded to food insecurity include: a campus food pantry, a harvest share free food market, food packages, and meal swipe donation programs.

**Bill Summary:** House Bill 4055 would have required the Higher Education Coordinating Commission (HECC) to conduct a study on the prevalence of food and housing insecurity among higher education students in Oregon and develop recommendations for Oregon community colleges and public universities. The measure would have specified data solicitation required by the HECC.



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## [House Bill 4056-A](#)

**Not Enacted**

### Klamath Falls Boundary Change

**At the request of:** House Interim Committee on Education for Higher Education Coordinating Commission

**Committees:** House Education, Senate Education

**Background and Current Law:** ORS 341.565 assigns the Higher Education Coordinating Commission (HECC) responsibility for recommending to the legislature any changes to the boundaries of community college districts. The Commissioners voted on December 12, 2019 to issue a *Proposed and Final Order* to transition a portion of Lake County from the Central Oregon Community College Service District to the Klamath Community College Service District. HECC staff held public hearings in the affected territories to engage the community throughout the process, and the Commission cited receiving broad support for shifting the territory from one district to another. The Commission's order is not final unless approved by the Legislative Assembly.

**Bill Summary:** House Bill 4056-A would have approved the *Proposed and Final Order* of the Higher Education Coordinating Commission dated December 12, 2019 to the boundaries of the Central Oregon Community College Service District and the Klamath Community College Service District. It would have required that the transferred area remains liable for its share of debt that existed at the time of transfer. House Bill 4056-A would have removed an existing requirement that funding allocations be made in proportion to the number of persons in each district according to the latest federal census.

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## [House Bill 4099-A](#)

**Not Enacted**

### Resident Tuition and Fees

**Chief Sponsors:** Reps. Reardon, Clem, Helt, Smith G; Sens. Hansell, Dembrow

**Committees:** House Education, Ways and Means

**Background and Current Law:** The Compact of Free Association (COFA) is an international agreement between the United States and the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia. Under the COFA agreement, citizens of these nations may work in the U.S. as nonimmigrants for an unlimited length of time. A refugee is a person who is granted refugee status for admission to the United States by U.S. Citizen and Immigration Services. A special immigrant visa holder is a person from Iraq or Afghanistan who is provided the status of special immigrant 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:** House Bill 4099-A would have permitted students who are Compact of Free Association (COFA) islanders, refugees, or special immigrant visa holders to qualify for in-state tuition and fees at a public university if they have not established residency in another U.S. state or territory beginning with the 2020-2021 academic year. It would have allowed public universities that enroll a certain number of COFA students to receive mission differentiation funding in the public university support fund distribution formula provided by the Higher Education Coordinating Commission.

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## [House Bill 4128-A](#)

**Not Enacted**

### Academic Evaluation using Multiple Assessments

**Chief Sponsors:** Reps. Helt, Doherty

**Committees:** House Education, Ways and Means

**Background and Current Law:** From September 2018 through July 2019, Regional Educational Laboratories (REL) Northwest worked with four Oregon community colleges to provide information on the effectiveness of multiple-measure assessments. The study found that in most cases a higher proportion of students pass college-level math and English by the end of their first academic year when assessed using multiple measure assessments. Some cases show positive results for low-income students and students of color, suggesting that multiple measure assessments close the equity gaps in education.

**Bill Summary:** House Bill 4128-A would have prevented public post-secondary institutions from requiring a student to enroll in lower-division collegiate coursework in writing or mathematics unless the student was evaluated using multiple assessments. It would have required that faculty and administrators collaborate and develop the assessment system to place students appropriately. It would have allowed the institution to require that a student be placed in a course designed to prepare the student for a lower-division collegiate course in writing or mathematics if the assessment found that with additional support the student is unlikely to be successful. It would have required each institution report to the Higher Education Coordinating Commission a list of what measurements will be used in the assessment system no later than December 31, 2020.

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## [House Bill 4146](#)

**Not Enacted**

### Part-Time Faculty Health Insurance

**Chief Sponsors:** Reps. McLain, Evans, Doherty, Drazan, Leif, Neron, Reardon, Smith G.; Sens. Wagner, Dembrow

**At the request of:** AFT-Oregon, Oregon Education Association, Oregon Student Association, AAUP-Oregon, SEIU-503

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** ORS 350.355 requires that each community college and public university calculates whether part-time faculty members' hours make them eligible for health care benefits. Some institutions calculate this by reviewing classroom instruction hours, research hours, paid committee hours, and other required duties. Others review employment status, teaching versus teaching and research, and position descriptions.

**Bill Summary:** House Bill 4146 would have allowed part-time faculty members at public institutions of higher education who qualify for health care benefits to pay 10 percent of insurance premiums for employee coverage. It would have required the state to pay for the remaining costs of insurance premiums for health benefit plans out of the moneys appropriated to the Oregon Educators Benefit Board. It would have permitted institutions to agree, through either institution policy or collective bargaining, to pay a portion of health care benefits paid for by the employee. The measure would have prevented institutions from increasing the eligibility

requirements that must be met for part-time faculty to be eligible for health benefit plans. It would have established a Part-Time Faculty Insurance Fund in the State Treasury. The measure would have appropriated money from the General Fund to the Oregon Educators Benefit Board beginning July 1, 2019 and would have applied to plans offered on or after October 1, 2020.

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## House Bill 4160

**Not Enacted**

### **Student Success for Underrepresented Students in Higher Education**

**Chief Sponsors:** Reps. Alonso Leon, Bynum, Meek; Sens. Manning Jr, Dembrow, Wagner

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** The Joint Committee on Student Success traveled around the state of Oregon to help identify policy recommendations to further student success in Oregon's Prekindergarten through grade 12 schools while studying methods of funding high-quality K-12 education. The Committee's work was based around five foundational principles: 1) Early childhood education is important to school success; 2) Attendance and having sufficient learning time are crucial; 3) Oregon must improve high school graduation rates; 4) The school system needs to be accountable and transparent; and 5) Schools need stable and sufficient resources.

**Bill Summary:** House Bill 4160 would have established the Task Force on Student Success for Underrepresented Students in Higher Education (Task Force). It would have required the Task Force to visit public post-secondary institutions to meet with stakeholders who represent populations and student populations that are underrepresented in student bodies, including: communities of color, rural communities in Oregon, low-income families, students with disabilities, students experiencing mental health issues, those who identify as LGBTQ+, parents, adult learners, current foster children or former foster children, students who earned a diploma for passing the high school equivalency test, and first-generation students. The measure would have defined "communities of color" and "students from rural communities." It would have required findings be reported no later than September 1, 2020 to the Legislative Assembly and a final report be submitted by December 1, 2020 to an interim committee of the Legislative Assembly related to higher education.

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## [Senate Bill 1520](#)

**Not Enacted**

### Technical Fixes to Student Success Act

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

**Committees:** Senate Education, House Education

**Background and Current Law:** House Bill 3427 (2019), the Student Success Act, enacted a modified corporate activity tax and directed the revenue from that tax into the Fund for Student Success (FSS). The FSS funds student investment grants to school districts, early learning programs throughout Oregon, and certain statewide kindergarten through twelfth grade (K-12) programs.

**Bill Summary:** Senate Bill 1520 would have adjusted the definition of "eligible student" for free and reduced-price lunches, changed meal programs' reimbursement rate to that established by the U.S. Department of Agriculture, and changed the effective date of provisions relating to summer learning programs so that programs could have been funded for the summer of 2020.

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## [Senate Bill 1522-A](#)

**Not Enacted**

### Technical Fixes to Sexual Conduct Reporting and Investigations

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

**Committees:** Senate Education, House Rules

**Background and Current Law:** Senate Bill 155 (2019) enacted several new provisions relating to abuse and sexual conduct by school staff, allowing school districts to rely on investigations conducted by state agencies and use the information generated in those investigations to make employment determinations.

**Bill Summary:** Senate Bill 1522-A would have allowed school districts and employees accused of sexual conduct to receive investigative reports from the Teacher Standards and Practices Commission and the Oregon Department of Education and allowed districts to use those reports to make discipline and employment determinations. The measure would have created exceptions to the verbal communication portion of the sexual conduct definition for classes such as health. It would have created an exception to the sexual conduct definition for students who also work for school districts so that they could have consensual relationships with their peers. The measure would have added education service district board members to the list of mandatory reporters in ORS 419B.005; allowed for a gradual phase-in of Oregon's statutory year-round physical education requirement; and allowed aggrieved employees in cases of sexual violence, sexual harassment, or sexual conduct to request closed disciplinary hearings for perpetrators of the alleged conduct. It would have established that income paid to members of the Public Employees Retirement System (PERS) for services to public charter schools during continuous periods of employment shall be treated as if it were taxable income under Oregon law if the member was hired in a qualifying position between August 29, 2003, and December 31, 2017, inclusive, and the member resided and performed those services anywhere in the United States.

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## Senate Bill 1572-A

**Not Enacted**

### High School Graduation Requirements

**Chief Sponsors:** Sens. Hass, Wagner

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** State law currently establishes only a portion of the requirements for a high school diploma--math and English language arts credits. Additional credit requirements, along with requirements such as demonstrating proficiency in nine essential skills, having personalized education plans, and education profiles, currently exist in Oregon Administrative Rule 581-022-2000.

**Bill Summary:** Senate Bill 1572-A would have established the Task Force on High School Diploma Requirements and the task force's membership, responsibilities, and reporting requirements. The measure would have sunset on June 30, 2021.

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## House Bill 4044

**Not Enacted**

### Repeal Sunset on Foreign Exchange Student Dormitory Funding

**Chief Sponsors:** Reps. Barker, Smith G, Doherty; Sen. Findley

**At the request of:** Oregon Education Association, Oregon Small Schools Association, Oregon School Boards Association, Confederation of Oregon School Administrators, Oregon School Employees Association, Stand for Children

**Committees:** House Education, Ways and Means

**Background and Current Law:** The provision that allows children who are foreign exchange students and reside in dormitories operated by school districts to be considered residents of those school districts for funding purposes, sunsets on June 30, 2020. Districts that host these students receive funding for them, because the State School Fund distribution formula distributes the legislatively appropriated budget to school districts based on the number of students the district has, as well as specific characteristics of those students.

**Bill Summary:** House Bill 4044 would have made permanent small school district grants and school district funding for foreign exchange students who reside in dormitories. It would have allowed individuals who are foreign exchange students and residing in dormitories in Oregon to be considered residents of the school district where the dormitory is located. The measure would have required the Oregon Department of Education to transfer \$2.5 million each fiscal year from the State School Fund to the Small School District Supplement Fund.

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## [House Bill 4098-A](#)

**Not Enacted**

### STEM Statewide Plan

**Chief Sponsors:** Reps. Hernandez, Sollman

**Committees:** House Education, Ways and Means

**Background and Current Law:** The Oregon Department of Education (ODE) has statewide plans on African American/Black Student Success, American Indian/Alaska Native Student Success, and Latinx Student Success. The state does not have a statewide plan on computer science education.

**Bill Summary:** House Bill 4098-A would have directed the Oregon Department of Education (ODE), in consultation with the STEM Investment Council, to develop a statewide long-term strategic plan by the 2025-2026 school year to provide computer science education opportunities to every public-school student. The measure would have required ODE to convene a work group and submit a report no later than November 15 of each year to an interim committee of the Legislative Assembly related to education. The plan would have been repealed on January 2, 2026.

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## [House Bill 4127-A](#)

**Not Enacted**

### Oral Health Instruction and Pilot Program

**Chief Sponsors:** Reps. Hayden, Keny-Guyer; Sen. Monnes Anderson

**At the request of:** Healthy Teeth Bright Futures, Oregon Community Foundation

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** According to the Oregon Oral Health Coalition, oral disease is almost 100 percent preventable if students have access to oral health education. The American Dental Association created the Community Dental Health Coordinator (CDHC) program in 2006. The purpose of the program is to provide community-based prevention, care coordination, and patient navigation to connect them to dentists.

**Bill Summary:** House Bill 4127-A would have directed school districts to provide age-appropriate instruction in oral health to students in kindergarten through grade 12 as part of their health education curriculum beginning July 1, 2025. It would have required the State Board of Education to adopt any health education content standards necessary, no later than September 1, 2024, to enable school district compliance with the oral health instruction requirement. The measure would have directed the Oregon Health Authority to establish and maintain a Community Dental Health Coordinator Pilot Program (Pilot Program) to support school-based oral health programs through the deployment of four coordinators beginning January 1, 2021. It would have directed the Pilot Program toward students who are ethnic or racial minorities, English Language Learners, and students enrolled at schools eligible for financial assistance. It would have directed the Oregon Health Authority to seek funding through gifts, grants, or other contributions from public and private sources, and required the pilot program to only be implemented if \$200,000 becomes available in the fund by January 1, 2022.



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## [House Bill 4132-A](#)

**Not Enacted**

### Expansion of Oregon Healthy Teens Survey

**Chief Sponsors:** Reps. Smith Warner, McLain, Salinas, Neron; Sen. Wagner

**At the request of:** former Representative Jennifer Williamson, Healthy Kids Learn Better Coalition

**Committees:** House Education, Ways and Means

**Background and Current Law:** Oregon Healthy Teens is an anonymous and voluntary statewide research-based survey for 8th and 11th graders. The survey includes topics such as tobacco and alcohol usage, access to tobacco and alcohol, personal safety behaviors, diet and exercise, extracurricular activities, sexual activity, and knowledge of HIV/AIDS, etc. The survey is anonymous, and teens are not asked for their names, however, parental consent is required. Parents and guardians receive a letter asking permission for their student to fill out the survey, and the parent/guardian has the option to refuse consent. The student also has the same option to decline the survey or skip questions.

**Bill Summary:** House Bill 4132-A would have required the Oregon Health Authority (OHA) to administer and collect data from student health surveys of adolescents that assess physical, mental, emotional, and social factors impacting health, well-being, and educational achievement. The measure would have defined an adolescent as a person who is at least 10 years of age and not older than 21 years of age and it would have required they be enrolled in grades 5 through 12. The measure would have required the reports be made available to the public, including printed copies or posting to the OHA webpage, and that they be maintained by OHA. It would have required that processes be in place to inform adolescents and parents or guardians that survey participation is voluntary. It would have required OHA to submit a report on June 30 of each odd-numbered year to the interim committee of the Legislative Assembly related to education, as specified. It would have appropriated money from the General Fund to OHA for the biennium ending June 30, 2021.

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## [House Bill 4136-A](#)

**Not Enacted**

### Student Transportation Grants

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

**Committees:** House Education, Ways and Means

**Background and Current Law:** House Bill 4130 (2018) established a matching grant fund for school districts to offset transportation costs; however, student transportation grants were not prioritized. It allocated \$250,000 to fund the matching provision, allowing a dollar-for-dollar match.

**Bill Summary:** House Bill 4136-A would have narrowed the requirement that grants for student transportation costs be prioritized for school districts that have not received money for transit passes under ORS 184.758. It would have appropriated \$1,250,000 out of the General Fund for the biennium ending on June 30, 2021 and taken effect July 1, 2020.

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## [House Bill 4139-A](#)

**Not Enacted**

### **Notification of Harassment, Intimidation, Bullying, or Cyberbullying**

**Chief Sponsors:** Rep. Drazan; Sen. Boles

**Committees:** House Education, Joint Ways and Means

**Background and Current Law:** ORS 339.356 requires school districts to adopt policies prohibiting harassment, intimidation, bullying, and cyberbullying. The policy must include: (1) a statement from the school district prohibiting harassment, intimidation, or bullying and prohibiting cyberbullying; (2) a statement of the scope of the policy; (3) a description of expected behavior from students; (4) uniform procedures for reporting inappropriate acts; and (5) other items as identified.

**Bill Summary:** House Bill 4139-A would have required school districts to notify parents or guardians if a person finds the student was subjected to harassment, intimidation, bullying, or an act of cyberbullying. It would have required the notification take place within a reasonable period of time, or promptly for acts that cause physical harm. The measure would have allowed parents or guardians to not be notified if the student requests notification not be provided. This would have applied to acts of harassment, intimidation, bullying, or cyberbullying that occur on or after effective date.

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## [House Bill 4140](#)

**Effective Date: January 1, 2021**

### **Academic Accommodation for Brain Injuries and Concussions**

**Chief Sponsors:** Reps. Neron, Meek; Sens. Hass, Thomsen

**Committees:** House Education, Senate Education

**Background and Current Law:** Senate Bill 348 (2009) passed the Oregon Legislative Assembly in response to sports-related concussion injuries as a result of inappropriate treatment and diagnosis. It requires coaches be trained annually to recognize the signs and symptoms of a concussion, along with seeking proper medical treatment for injured students. It also requires that students not participate in athletic events if they exhibit the signs and symptoms consistent with a concussion or have been diagnosed with one. The training does not extend to academic accommodations, or teaching staff working with students after a concussion.

**Bill Summary:** House Bill 4140 requires the Oregon Department of Education to develop a form by August 1, 2021 for public education programs to use when a student has been diagnosed with a concussion or other brain injury. It requires that the form describe academic accommodations that a public education program may provide for students diagnosed with brain injuries and requires that accommodations be nonmedical. The form must be available for use by educators, other program employees, students, parents, and guardians by August 1, 2021.

**Oregon Laws 2020:** Chapter 3, (2020 Laws)

## 2020 SUMMARY OF LEGISLATION

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# Emergency Preparedness

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Sunset at Cape Blanco Lighthouse, Curry County – [Gary Halvorson, Oregon State Archives](#)

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## [House Bill 4119-A](#)

**Not Enacted**

### Establishment of Tsunami Design Standards

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

**Committees:** House Natural Resources

**Background and Current Law:** In 1995, the legislature established a moratorium on constructing new essential buildings in the tsunami inundation zone, and in 2019, the legislature repealed that prohibition, effective January 1, 2020. For new facilities that may be built in the tsunami inundation zone in 2020 and beyond, the State Building Code does not currently include tsunami resilient design provisions. The American Society of Civil Engineers 7-16 (ASCE 7-16) is a publication that offers and describes minimum tsunami design standards for essential buildings such as hospitals, police and fire stations, emergency shelters and operations centers, utilities, schools, and public assembly buildings.

**Bill Summary:** House Bill 4119-A would have imposed ASCE 7-16 tsunami design standards on certain buildings and structures; allowed the Department of Consumer and Business Services to require that sites for certain new structures be evaluated for seismic vulnerability; and required a developer of a proposed high-risk public building to obtain a tsunami impact determination and risk mitigation suggestions from the Department of Geology and Mineral Industries.

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## [House Bill 4144-A](#)

**Not Enacted**

### SPIRE II Grant Program

**Chief Sponsors:** Reps. Nathanson, Evans

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

**Background and Current Law:** House Bill 2687 (2017) established the Resiliency Grant Fund, which was funded in another measure through Article XI-Q bond revenues of \$5 million to fund the program. The purpose of the Fund is to enable the purchase and distribution of emergency preparedness equipment throughout Oregon to local governments, special government bodies, private nonprofits, and, since 2019, tribal governments. This strategic siting, known as the State Preparedness and Incident Response Equipment (SPIRE) program, is designed to pre-place equipment that will be necessary during a statewide emergency such as a Cascadia earthquake. The program received 293 applications, and equipment was awarded to 27 counties and two tribal nations. These funds were used to procure generators, water purification trailers, high-axle rescue vehicles, water rescue vehicles, mass casualty support trailers, and fuel transport vehicles.

**Bill Summary:** House Bill 4144-A would have permitted the State Treasurer to issue up to \$5 million in Article XI-Q bonds to be deposited into the Resiliency Grant Fund for a second round of SPIRE grants. The measure also directed the Oregon Homeland Security Council to update the list of equipment eligible for purchase through the program.

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**House Bill 4041-A****Not Enacted****Emergency Management Restructuring Task Force, Emergency Preparedness Advisory Councils**

**At the request of:** House Interim Committee on Veterans and Emergency Preparedness for Representative Paul Evans

**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 tasked with leading collaborative statewide efforts to ensure capability to provide aid and assistance in an emergency and to protect, mitigate, prepare for, respond to, and recover from, emergencies or disasters.

**Bill Summary:** House Bill 4041-A would have designated the OEM Director as a Governor-appointed position, subject to confirmation by the Senate. The measure would also have established two advisory councils: the Emergency Preparedness Advisory Council and the Local Government Emergency Management Advisory Council. The Emergency Preparedness Advisory Council would have been tasked with advising and making recommendations to the Oregon Homeland Security Advisory Council. Meanwhile, the Local Government Emergency Management Advisory Council would have been intended to advise the OEM. Finally, House Bill 4041-A would have established the Emergency Management Restructuring Task Force to study emergency management resources and capabilities available in Oregon and to make recommendations for a comprehensive restructuring of the state's emergency management systems.



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## [House Bill 4042](#)

**Not Enacted**

### Contracting Preferences for Employers of Emergency Responders

**At the request of:** House Interim Committee on Veterans and Emergency Preparedness for Representative Paul Evans

**Committees:** House Veterans and Emergency Preparedness

**Background and Current Law:** Oregon statute governs the process by which public contracting agencies can solicit bids and award contracts. For some contracts, prospective bidders may receive a selection preference for any of the following: procurement of goods and services produced in Oregon; procurement of goods manufactured from recycled materials; or bidders that exceed federal Buy America requirements that apply to federally funded transportation projects.

**Bill Summary:** House Bill 4042 would have provided preference in public contracting to bidders certified as emergency preparedness partners. The measure directed the Oregon Office of Emergency Management to develop and administer a program to so certify organizations with at least five individuals or 10 percent of the organization's workforce (whichever was greater) successfully completing training to assist professional first responders in short-term emergency response and recovery.

The House Committee on Veterans and Emergency Preparedness has formed a work group to further develop the concept for possible introduction in the 2021 session.

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## [House Bill 4111-A](#)

**Not Enacted**

### Outdoor Recreation Search and Rescue Cards

**Chief Sponsors:** Reps. Evans, Williams, Helt, Bonham, Gomberg, Helm, Lewis, Smith DB, Witt

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

**Background and Current Law:** Since 1987, the State of Colorado has maintained a Search and Rescue (SAR) Fund to reimburse agencies for costs incurred in conducting search and rescue operations. The Fund is supported by a surcharge on certain outdoor recreation permits, and also by voluntary donations through the purchase of Colorado Outdoor Recreation Search and Rescue (CORSAR) cards or stickers, available for purchase at participating retailers. The CORSAR program generated roughly \$85,000 in 2019, contributing to a fund that reimbursed over \$48,000 for 23 search and rescue missions and grants of \$340,000 to participating agencies.

**Bill Summary:** House Bill 4111-A would have authorized the Oregon State Sheriffs' Association, under agreement with the Oregon Office of Emergency Management, to sell search and rescue cards through authorized sellers. The cards would have allowed purchasers to make voluntary donations to a dedicated fund which would have been used to finance county search and rescue efforts.

[Senate Bill 1537](#)**Not Enacted****Omnibus Appropriations for Next Steps in Resilience Planning****At the request of:** Governor Kate Brown for Office of the Governor**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** Cascadia Subduction Zone (CSZ) science has been accumulating and developing since the 1990s. The Legislative Assembly created the Oregon Seismic Safety Policy Advisory Commission (OSSPAC) with Senate Bill 96 in 1991. OSSPAC's first report following the 2011 Tohoku earthquake off the coast of Japan was titled The Oregon Resilience Plan (Plan); it was issued in February of 2013 and was comprehensive and urgent. The Plan contains more than 140 recommendations and emphasizes the importance of long-term statewide, regional, and nationally coordinated efforts, over the course of fifty years or more, to make ongoing all-hazard, earthquake, and tsunami preparations for an inevitable "megathrust" earthquake that will occur off the coast of the Pacific Northwest.

Soon after the Plan was released, the Legislative Assembly enacted Senate Bill 33 (2013), creating a task force to prioritize issues for legislative action. The task force's highest recommendation, issued in October of 2014, was to create the position of State Resilience Officer (SRO) within the executive branch to unify and centralize implementation efforts. This recommendation was enacted in 2015 through House Bill 2270 and an SRO was appointed in the fall of 2016. In 2017, Senate Bill 850 tasked OSSPAC with studying the next two highest implementation priorities: mass care and shelter, and residential earthquake insurance. OSSPAC issued its findings in September of 2018. Other initiatives have included Senate Bill 1512 (2016) to fund personnel and seismic studies that support use of the Seismic Rehabilitation Grant Program; Senate Bill 1523 (2016) to target funds for fuel storage facilities along designated critical transportation routes to enable emergency access; House Bill 2687 (2017) to provide grants to distribute emergency equipment at the local level; and House Bill 3427 (2017) requiring emergency action planning between the owners of certain high hazard dams and state and local partners.

In October 2018, the Governor and the SRO released "Resiliency 2025," articulating six goals: continued investment in seismic upgrades to schools and emergency services buildings; developing a plan for the Critical Infrastructure Hub to safeguard fuel supplies; implementing an earthquake early warning system; collaborating to prepare Oregonians for self-sufficiency in the immediate aftermath of a disaster; strengthening staging and supply chains; and updating the Plan. In addition to governmental efforts, Oregon's private sector and especially volunteer organizations, particularly in Oregon's coastal communities, have been tenacious and collaborative in their approaches to improve emergency preparedness.

Senate Bill 1537 would have advanced a number of the Governor's emergency preparedness priorities as outlined in "Resiliency 2025": completion of the ShakeAlert earthquake early warning system; standing up emergency services staging areas on a graduated basis; prioritizing dam assessment and repair; developing a program to assist Oregonians with self-sufficiency; and updating the Oregon Resilience Plan.

**Bill Summary:** Senate Bill 1537 would have provided for the following:

- Authority to issue Article XI-Q bonds sufficient to produce \$7.5 million net proceeds (plus cover related costs) for the Higher Education Coordinating Commission to disburse to the University of Oregon (UO) to complete construction of ShakeAlert earthquake early warning seismic stations by June 30, 2023.

- Creation of a 15-member advisory committee within and appointed by the Office of Emergency Management (OEM) through January 2, 2024, to assist with educational outreach to raise public awareness about ShakeAlert and earthquake preparedness; and appropriation of \$375,000 General Fund dollars to the Oregon Military Department (OMD) for this purpose.
- Creation of a task force through January 2, 2024, comprised of at least seven members, appointed and staffed by OEM, to study and advise OEM on the development and administration of a program, in partnership with others, to enable at least 250,000 households in Oregon to be self-sufficient for at least two weeks following a catastrophic disaster; and appropriation of \$2.7 million General Fund dollars to OMD for this purpose (and for the staging area grant program that follows).
- Directing the Homeland Security Council to identify 10 staging areas for emergency services in consultation with OEM, the SRO, and others; requiring and authorizing OEM to administer a grant program to maintain these areas, with at least one staging area and specified incident management team operational by September 30, 2022; requiring OEM to develop a strategic plan by September 30, 2022, for four additional specified teams each biennium for the next five biennia, beginning July 1, 2023; and appropriation of \$2.7 million General Fund dollars to OMD for these purposes (and for a task force on household self-sufficiency as previously described).
- Directing the Water Resources Department (WRD) to evaluate dam integrity or to contract-out for same; creation of an 11-member task force, staffed and appointed by WRD in consultation with the Governor through January 2, 2022; and appropriation of \$2 million General Fund dollars to WRD for these purposes.
- Requiring the Plan be updated by November 30, 2021, with elements involving OSSPAC, the SRO, Portland State University, the Department of Land Conservation and Development, the Department of Geology and Mineral Industries, and OEM; and appropriation of \$125,000 General Fund dollars to the SRO.

## 2020 SUMMARY OF LEGISLATION

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# Environment and Natural Resources

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Malheur National Wildlife Refuge waterway at Krumbo Reservoir Rd., Harney County – [Gary Halvorson, Oregon State Archives](#)

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**Senate Bill 1502-A****Not Enacted****Assistance for Bankrupt Agricultural Cooperative Members****Chief Sponsors:** Sens. Courtney, Girod**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** NORPAC Foods Inc., a cooperative owned by farmer members, was first established by a group of Stayton area farmers in 1924 and called the Stayton Canning Company. It expanded over time to become one of the largest food processors in the state, with hundreds of participating farms from Eugene to Portland. It sought Chapter 11 bankruptcy protection in the fall of 2019. The economic disruption and uncertainty for farmer members, as a result of NORPAC's financial situation, has been significant.

**Bill Summary:** Senate Bill 1502-A would have created a 20-year low-interest loan program administered by the Oregon Business Development Department to assist farmers who were members of NORPAC.

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**Senate Bill 1513-B****Not Enacted****Confined Animal Feeding Operations****At the request of:** Senate Interim Committee on Environment and Natural Resources**Committees:** Senate Environment and Natural Resources, Senate Rules, Joint Ways and Means

**Background and Current Law:** The legislature first established a regulatory program for confined animal feeding operations (CAFOs) in 1989. The legislation directed the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and 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 a formal memorandum of understanding authorizing 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. At the end of 2018, there were 519 permitted CAFO facilities in Oregon.

In 2019, Senate Bill 876 was introduced but not enacted. The measure would have made several changes to permitting requirements for large CAFOs, including requiring that an applicant receive preliminary approval prior to construction and final approval prior to operation. It would have also addressed coordination with other regulating entities.

**Bill Summary:** Senate Bill 1513-B would have required large CAFOs to obtain a water quality permit from DEQ or ODA, receive preliminary approval before constructing or installing a facility, and receive final approval before the facility was populated with animals. Prior to final approval, the agency would have been required to consult with the Water Resources Department to confirm that the water use was authorized at the level and duration described in the proposed qualifying operation permit. The measure also would have authorized DEQ or ODA to clean, repurpose, or decommission the waste treatment system of an abandoned or vacated CAFO and recover fees for that work from any responsible party.

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**House Bill 4051-A****Not Enacted****Oregon Hemp Commission**

**At the request of:** House Interim Committee on Agriculture and Land Use for Oregon Industrial Hemp Farmers Association, Oregon State University

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

**Background and Current Law:** Industrial hemp is an agricultural product that is regulated 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, House Bill 4060 updated and clarified provisions related to the regulation of industrial hemp and authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed. In 2017, Senate 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 4051-A would have created a framework for the Oregon Hemp Commission (Commission) overseen by the Oregon Department of Agriculture. The measure would have authorized the Commission to establish certain assessments.



[House Bill 4072-B](#)**Not Enacted****Oregon Hemp Commission****Chief Sponsors:** Reps. Witt, Wilson, Helm; Sens. Hansell, Prozanski**At the request of:** Oregon State University, Oregon Industrial Hemp Farmers Association, Oregon Farm Bureau**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, House Bill 4060 updated and clarified provisions related to the regulation of industrial hemp and authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed. In 2017, Senate 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 4072-B would have directed ODA to administer the Oregon Hemp State Program (Program) for studying growth, cultivation, and marketing of hemp, and would have required ODA to adopt rules to implement the Program in accordance with federal law. The measure would have authorized ODA to charge license and renewal fees to pay for the cost of administering the Program. House Bill 4072-B would have also required ODA to establish rules for the commercial shipment of hemp.

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**House Bill 4152-A****Not Enacted****State Program for Meat Inspection****Chief Sponsors:** Reps. Smith DB, Breese-Iverson, Witt; Sen. Roblan**Committees:** House Agriculture and Land Use

**Background and Current Law:** The Federal Meat Inspection Act (FMIA) was passed by Congress in 1906; it prohibits the sale of contaminated or misbranded meat and meat products and ensures that livestock are slaughtered and processed in sanitary conditions. FMIA directs the U.S. Department of Agriculture to inspect all livestock before and after slaughtering and processing if the meat is intended for human consumption. FMIA was amended by the Wholesome Meat Act of 1967, which requires states to have inspection programs “at least equal to” the federal inspection program.

**Bill Summary:** House Bill 4152-A would have authorized the Oregon Department of Agriculture (ODA) to adopt rules to establish a program for state inspection of the processing and sale of meat products. ODA would have been authorized to establish license requirements and a fee schedule. The measure would have required that any rules that were adopted would impose requirements that were at least equal to the requirement under FMIA. The program would have been fully administered by the state after it received full federal approval.

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**House Bill 4155****Not Enacted****Regional Implementation of Traditionally Maintained Channels Program****Chief Sponsors:** Reps. McLain, Smith DB, Clem**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Oregon farmers remove silt build-up from waterways on their agricultural lands to ensure drainage of subsurface water. 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. The legislature passed House Bill 2437 in 2019, establishing a notice-based program for agricultural maintenance activities in dry, traditionally maintained channels. The measure also directed DSL to establish a streamlined general permit for maintenance activities in wet channels.

**Bill Summary:** House Bill 4155 would have established that the DSL or the Oregon Department of Agriculture rules for implementing the traditionally maintained channels program could provide for regional implementation, while also requiring implementation throughout the state within a five-year period.

[House Bill 4158](#)**Not Enacted****Industrial Hemp**

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

**Chief Sponsors:** Rep. Wilson

**Committees:** House Agriculture and Land Use

**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, House Bill 4060 updated and clarified provisions related to the regulation of industrial hemp and authorized ODA to adopt rules to govern quality, packaging, and labeling of industrial hemp seed. In 2017, Senate 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 4158 would have directed ODA to develop an Oregon Hemp Plan for the establishment of the Oregon Hemp State Program for the commercial production and sale of hemp. The measure would have required the Oregon Liquor Control Commission to track commercial Industrial hemp shipments through electronic tracking systems.

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**House Bill 4052****Not Enacted****Residency Requirements for Wildlife Licenses, Tags, and Permits**

**At the request of:** House Interim Committee on Natural Resources for Oregon Hunters Association

**Committees:** House Natural Resources, Senate General Government and Emergency Preparedness

**Background and Current Law:** The Oregon Department of Fish and Wildlife offers hunting licenses, tags, and permits, and, like most states, typically offers the lowest prices to state residents. For example, in 2019, the cost of an annual hunting license for an Oregon resident was \$33.50, while a nonresident annual hunting license cost \$167. The current definition of “resident” requires applicants to have resided in the state for at least six consecutive months prior to the date of application and allows for temporary absence from the state during that period for purposes other than establishing residency elsewhere.

**Bill Summary:** House Bill 4052 would have amended the definition of “resident” to require license, tag, or permit applicants to be physically present in the state for at least six months prior to applying, and would have excluded those who merely own property or pay property taxes in Oregon or claim residency elsewhere.

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**House Bill 4053-B****Not Enacted****Dog Licensure Modifications**

**At the request of:** House Interim Committee on Natural Resources for Multnomah County

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

**Background and Current Law:** Currently, a county may not issue a dog license until an official has been shown proper certification of a rabies inoculation by the pet owner. When Multnomah County changed its online licensing system to require the uploading of the inoculation certificate by a pet owner to ensure compliance with the statute, the county observed a dramatic reduction in the number of licenses purchased through the online system, likely due to owners not having the vaccination document readily available and needing to obtain it from their veterinarian.

**Bill Summary:** House Bill 4053-B would have required a county to condition dog licensing upon the owner presenting a rabies inoculation certificate. The measure would have authorized counties to allow a 60-day grace period following issuance of a dog license for the owner to present the certificate, or for the county to receive verification by other acceptable means.

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## [House Bill 4075-A](#)

**Not Enacted**

### Prohibition on Coyote Contests for Prizes

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

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

**Background and Current Law:** The Oregon Department of Fish and Wildlife (ODFW) estimates that there are 300,000 coyotes in Oregon. Coyotes are not a protected species and the hunting of coyotes is not regulated by ODFW. Coyotes are statutorily defined as predatory animals and can be killed on an owner's land without a hunting license, and on public land with a license. 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 event.

**Bill Summary:** House Bill 4075-A would have prohibited coyote contests, competitions, tournaments, or derbies for prizes or other inducement; required a person in violation to forfeit the remains to ODFW; and would have punished violators with a Class A violation. The measure would have exempted a raffle conducted by a nonprofit organization if the raffle did not award prizes based on the number, weight, or size of the coyotes taken.

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## [House Bill 4091](#)

**Not Enacted**

### Sage-Grouse Mitigation Program In-Lieu Fee Fund

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

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

**Background and Current Law:** Oregon currently has an in-lieu fee (ILF) option as an alternative to compensatory mitigation for development impacts to sage-grouse habitat, yet it has not been used by developers. All ILF funds are designated to be placed into the State Wildlife Fund, a low-interest fund designed for short-term investment. The Oregon Department of Fish and Wildlife (ODFW) has calculated the impact of different interest rates on ILF costs and has determined that by using a combination of short- and intermediate-term accounts, the ILF cost can be reduced by approximately ten percent for a 30-year impact, and up to 25 percent for a 100-year impact.

**Bill Summary:** House Bill 4091 would have established the Sage-Grouse Mitigation Program In-Lieu Fee Fund to receive fees in lieu of compensatory mitigation for impacts to sage-grouse habitat. The measure would have continuously appropriated fund moneys to ODFW for efforts to restore, protect, enhance, or increase habitat for sage-grouse, and allowed fund moneys to be invested in an intermediate-term investment pool if approved by the State Treasurer.

[Senate Bill 1530-B](#)**Not Enacted****Oregon Greenhouse Gas Initiative****Chief Sponsors:** Sens. Roblan, Dembrow, Beyer, Taylor**Committees:** Senate Environment and Natural Resources, 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. Emitters 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. Covered entities may also purchase offset credits to meet their compliance obligations. Offsets represent a verified emission reduction of one ton of carbon dioxide equivalent from an uncapped sector. At the end of each compliance period, emitters must remit a number of allowances equal to their emissions or face a penalty. Companies may sell surplus allowances to other companies. This type of program uses the proceeds generated from the auction of allowances for designated purposes.

**Bill Summary:** Senate Bill 1530-B would have modified state anthropogenic greenhouse gas (GHG) emissions reduction levels goals. The measure would also have established the Greenhouse Gas Reduction Board (Board) and the Office of Greenhouse Gas Regulation (Office), and required the Board to adopt the Oregon Greenhouse Gas Initiative (OGGI) by rule. The measure would have declared that the purposes of the regulatory and investment portion of OGGI were 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, the economy, and the state's infrastructure in the face of climate change and ocean acidification; and d) provide assistance to households, businesses, and workers impacted by climate change or climate change policies. The measure would have required the Board to place a cap on the total regulated anthropogenic GHG emissions by setting allowance budgets starting in 2022 through 2050, and provided a system for covered entities to buy and sell allowances and offset credits used to demonstrate compliance.

[House Bill 4024-B](#)**Not Enacted****Hydrofluorocarbons Prohibition**

**At the request of:** House Interim Committee on Rules for Representative Julie Fahey

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

**Background and Current Law:** Hydrofluorocarbons (HFCs) are chemicals made up of hydrogen, fluorine, and carbon. HFCs are used as refrigerants, aerosol propellants, foam blowing agents, solvents, and fire retardants. The major emissions source of these compounds is their use as refrigerants—for example, in air conditioning systems in both vehicles and buildings. HFCs have high global warming potential. Overall, fluorinated gas emissions in the United States increased by about 69.7 percent between 1990 and 2017. According to the U.S. Environmental Protection Agency, the increase has been driven by a 239.9 percent increase in emissions of HFCs since 1990, as they have been widely used as a substitute for ozone-depleting substances.

**Bill Summary:** House Bill 4024-B would have prohibited certain products that use or contain HFCs from entering into commerce in Oregon, if the product was manufactured by a specified date. The measure would have required the Department of Consumer and Business Services to adopt rules amending the state building code as necessary to align the requirements of measure or rules adopted by the Environmental Quality Commission pursuant to legislation. House Bill 4024-B would have appropriated \$176,600 General Fund to the Department of Environmental Quality to conduct rulemaking, implement and enforce restrictions, and provide ongoing reporting. Finally, House Bill 4024-B would have permitted state contracting agencies to give a preference to products that do not use or contain HFCs.



[House Bill 4167](#)**Not Enacted****Oregon Greenhouse Gas Initiative****At the request of:** Representative Tina Kotek**Committees:** House Rules, 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. Emitters 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. Covered entities may also purchase offset credits to meet their compliance obligations. Offsets represent a verified emission reduction of one ton of carbon dioxide equivalent from an uncapped sector. At the end of each compliance period, emitters must remit a number of allowances equal to their emissions or face a penalty. Companies may sell surplus allowances to other companies. This type of program uses the proceeds generated from the auction of allowances for designated purposes.

**Bill Summary:** House Bill 4167 would have modified state anthropogenic greenhouse gas (GHG) emissions reduction levels goals. The measure would also have established the Greenhouse Gas Reduction Board (Board) and the Office of Greenhouse Gas Regulation (Office), and required the Board to adopt the Oregon Greenhouse Gas Initiative (OGGI) by rule. The measure would have declared that the purposes of the regulatory and investment portion of OGGI were 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, the economy, and the state's infrastructure in the face of climate change and ocean acidification; and d) provide assistance to households, businesses, and workers impacted by climate change or climate change policies. The measure would have required the Board to place a cap on the total regulated anthropogenic GHG emissions by setting allowance budgets starting in 2022 through 2050 and provided a system for covered entities to buy and sell allowances and offset credits used to demonstrate compliance.

[House Bill 4066-A](#)**Not Enacted****Public Utility Commission Authority**

**At the request of:** House Interim Committee on Energy and Environment for Representative Karin Power

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

**Background and Current Law:** Senate Bill 978 (2017) directed the Oregon Public Utility Commission (PUC) to establish a public process for investigating how developing industry trends, technologies, and policy drivers impact the existing regulatory system and incentives the PUC currently employs. One of the items identified by some participants in the SB 978 (2017) report was that an efficient way to reduce emissions is by electric utilities working to reduce emissions outside of the electric sector through beneficial electrification of other fuel uses, such as electric vehicles and other forms of electrified transportation.

Oregon Governor Kate Brown created the Governor's Council on Wildfire Response by executive order in January of 2019. The Council was tasked with reviewing Oregon's current model for wildfire prevention, preparedness, and response, and analyzing whether the current model is sustainable given increasing wildfire risks. The Council met regularly for nine months and formed three subcommittees that focused on mitigation, fire suppression, and adaptation and recovery. The product of the Council's extensive work was a final report that concluded that some or all of the current models are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons.

**Bill Summary:** House Bill 4066-A would have authorized the PUC to allow electric companies to recover costs for prudent investments in infrastructure measures that support the adoption of electric vehicles if certain criteria were met. In addition, the measure would have directed electric companies and consumer-owned utilities (COU) to use revenues from participating in the Clean Fuels Program for programs to accelerate transportation electrification. Finally, House Bill 4066-A would have required electric companies and COUs to create and operate under approved risk-based wildfire protection plans.

[House Bill 4068-A](#)**Not Enacted****Electric Vehicle Infrastructure**

**At the request of:** House Interim Committee on Energy and Environment for Representative Marty Wilde

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

**Background and Current Law:** The Department of Consumer and Business Services (DCBS) adopted Electric Vehicle (EV) Ready Parking standards (standards) in 2017. The standards require newly constructed parking facilities in certain occupancies with 50 or more open parking spaces to have conduit run from the service to at least five percent of the open parking spaces. The conduit must be sized to fit wiring for at least a level 2 charger (40 amp). The EV Ready Parking standards are required in the cities of Portland, Eugene, Salem, and Gresham.

**Bill Summary:** House Bill 4068-A would have required the Director of DCBS to adopt state building codes that required at least 20 percent of parking spaces in certain buildings to provide electric vehicle charging infrastructure. It also would have allowed municipalities to adopt building codes that require a higher percentage of parking spaces to provide electric vehicle charging.

[House Bill 4135](#)**Not Enacted****Utility Investments in Electric Vehicle Infrastructure**

**Chief Sponsors:** Rep. McKeown; Sen Roblan

**Committees:** House Energy and Environment

**Background and Current Law:** Approximately one-third of Oregon's greenhouse gas emissions come from the transportation sector. The 2009 Oregon Legislative Assembly passed House Bill 2186 authorizing the Oregon Environmental Quality Commission to adopt rules to reduce the average carbon intensity of Oregon's transportation fuels by 10 percent over a 10-year period; this is known as the Clean Fuels Program. The 2015 Oregon Legislative Assembly passed Senate Bill 324 allowing the Department of Environmental Quality to fully implement the program in 2016. The 2017 Oregon Legislative Assembly passed House Bill 2017 to include cost containment provisions for the program.

Senate Bill 978 (2017) directed the Oregon Public Utility Commission (PUC) to establish a public process for investigating how developing industry trends, technologies, and policy drivers impact the existing regulatory system and incentives the PUC currently employs. One of the items identified by some participants in the SB 978 (2017) report was that an efficient way to reduce emissions is for the electric utilities to support the beneficial electrification of other fuel uses, such as electric vehicles and other forms of electrified transportation.

**Bill Summary:** House Bill 4135 would have required an electric company or consumer-owned utility to expend any revenues from participating as a credit aggregator or credit generator in the Clean Fuels Program on transportation electrification. House Bill 4135 would have authorized the PUC to allow electric companies to recover costs for prudent investments or expenses in infrastructure measures that support transportation electrification if certain criteria are met. The measure would have also required that electric companies and consumer-owned utilities invest no less than one percent of total rates collected annually from retail electricity consumers in programs to accelerate transportation electrification.

[House Bill 4151-A](#)**Not Enacted****Funding for Electric Vehicle Infrastructure****Chief Sponsors:** Reps. Smith DB, Witt; Sen. Roblan**Committees:** House Energy and Environment, House Revenue

**Background and Current Law:** Approximately one-third of Oregon's greenhouse gas emissions come from the transportation sector. In 2017, the Legislative Assembly passed House Bill 2017, which proposed two new vehicle taxes in Oregon: the vehicle privilege tax and vehicle use tax. The former is a tax for the privilege of selling vehicles in Oregon, while the latter applies to vehicles that are required to be registered and titled in Oregon, but that were purchased from out-of-state dealers. House Bill 2017 also authorized the Department of Environmental Quality to provide rebates to qualifying Oregonians who purchased certain types of zero-emission vehicles. The rebate program drew on funding from the newly adopted taxes, depositing revenues from the privilege tax to contribute \$12 million annually to the Zero-Emission Incentive Fund established by House Bill 2017. The initiative was subsequently modified through House Bill 4059 in 2018 and House Bill 2592 in 2019. Rebates are administered through a zero-emission and electric vehicle rebate program and the Charge Ahead Oregon Program.

**Bill Summary:** House Bill 4151-A would have increased the vehicle privilege and use taxes and directed revenue from the increased privilege tax to supplement rebates granted through the zero-emission and electric vehicle rebate program and Charge Ahead Oregon Program. House Bill 4151-A would also have required that electric companies invest no less than one percent of total rates collected annually from retail electricity consumers in programs to accelerate transportation electrification, and authorized the Public Utility Commission to allow electric companies to recover certain infrastructure costs in support of transportation electrification from ratepayers.

[House Bill 4049](#)**Not Enacted****Renewable Energy Certificates for Electricity from Combustion of Solid Waste**

**At the request of:** House Interim Committee on Agriculture and Land Use for Marion County Board of Commissioners

**Committees:** House Energy and Environment, House Rules

**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 applicable 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 for one megawatt-hour of qualifying renewable energy they deliver to the grid. Utilities and electricity service suppliers purchase and then retire these RECs to demonstrate compliance with the RPS. The legislature 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:** House Bill 4049 would have established limited eligibility for RECs for facilities that generate electricity from the direct combustion of municipal solid waste and became operational before January 1, 1995, if the facility had been registered with WREGIS at any time.

[House Bill 4067-A](#)**Not Enacted****Differential Energy Burden**

**At the request of:** House Interim Committee on Energy and Environment for Representative Karin Power

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

**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 by ensuring that rates are both fair and provide adequate revenue for utilities to be financially sound (ORS 756.040).

Senate Bill 978 (2017) directed the PUC to use a public process to consider how its role as regulator of Oregon's investor-owned utilities might evolve, given changes in the energy industry and in energy policy. The PUC gathered input from stakeholders and compiled results into a report that was submitted to the legislature on September 14, 2018. One key recommendation 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 4067-A would have required the PUC to provide for a comprehensive classification of service that took into account the differential energy burdens on low-income customers and other economic, social equity, or environmental justice factors that affect affordability for certain classes of utility customers.

The measure would have authorized the PUC to enter into agreements to provide financial assistance for organizations that represent interests of low-income residential customers and residential customers who are members of environmental justice communities in regulatory proceedings before the PUC. House Bill 4067-A would have also directed the PUC to establish a public process for investigating equity strategies and incorporating their findings from the public process into a report to the Environmental Justice Task Force and the Governor's Office.

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**Senate Bill 1512****Not Enacted****Forestland Transfers**

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

**Committees:** Senate Environment and Natural Resources

**Background and Current Law:** The Oregon Constitution directs the State Land Board, made up of the Governor, Treasurer, and Secretary of State, to “manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management” (Or. Const. art. VIII, sect. 5). In 2017, the Oregon Legislative Assembly authorized the State Land Board to identify and submit to the Legislative Assembly a list of state trust lands with limited performance potential as assets of the Common School Fund for transfer to another state or federal agency or tribe (ORS 273.462 - 273.464).

In 2019, Senate Bill 893 would have authorized the State Board of Forestry to identify and transfer lands with limited revenue-generating potential, or those that provided high-value recreational or conservation benefits, to other governmental entities or tribes. The measure was not enacted.

**Bill Summary:** Senate Bill 1512 would have authorized the State Board of Forestry to identify lands with limited revenue-generating potential or that provide high-value recreational or conservation benefits, and then transfer identified lands to another state or federal agency, local government, or tribe. The measure would have required the Board to obtain approval from the county where the lands are located and from the governing authority of the proposed receiving entity prior to transferring lands.

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**House Bill 4168-B****Not Enacted****Forestry Memorandum of Understanding**

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

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** In February, representatives from Oregon’s forest industry and environmental interests signed a Memorandum of Understanding to achieve greater business certainty for forest landowners and industries; greater environmental certainty for the survival and recovery of threatened and endangered species and to ensure that drinking water and aquatic resources are protected; and a durable framework and process to resolve future issues.

**Bill Summary:** House Bill 4168-B would have directed the Governor to facilitate mediation sessions between the forest industry and environmental interests on changes to the Oregon Forest Practices Act; established a notice-based system for aerial pesticide spray, provided for access to spray records, and established penalties for failure to provide timely notice or information; prohibited aerial pesticide spray within 300 feet of an inhabited dwelling, school, or water intake; established new buffer requirements for streams with domestic use, fish use, or both uses; and required the Oregon Department of Forestry to make 2017 board rules regarding salmon, steelhead, and bull trout applicable for the Siskiyou Georegion.

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[Senate Bill 1555](#)**Not Enacted****Parsonage Development Near Places of Worship****Chief Sponsors:** Sen. Heard**Committees:** Senate Housing and Development, Senate Rules

**Background and Current Law:** A parsonage is typically a dwelling that is provided by a religious institution where its officiant can reside. 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 1555 would have required local governments to allow development of residential dwellings for the exclusive use of religious officials and their households at or near allowed, conforming places of worship regardless of statewide land use planning goals so long as the dwelling was no more than 2,500 square feet, located no more than 300 feet from an existing place of worship, and not sited on high-value farmland to the extent possible.

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[House Bill 4012-B](#)**Not Enacted****Stevens Road Urban Growth Boundary Expansion****Chief Sponsors:** Representative Brian Clem**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 2009, the Legislative Assembly adopted House Bill 3298 which designated a portion of the Metolius River Basin as an area of critical state concern, prohibiting the siting of a destination resort in that area. In 2009, the Legislative Assembly also adopted House Bill 2228 which allowed for the establishment of one or two small-scale recreational communities in conjunction with a transfer of development opportunity from a Metolius resort site.

**Bill Summary:** House Bill 4012-B would have authorized the owner of the Stevens Road tract in Bend to purchase the development opportunity from the holder of the transferrable development opportunity at the Metolius resort site. This tract is owned by the Department of State Lands. The measure would have also established standards and a process for the development opportunity to be applied to the Stevens Road Tract, effectively bringing the land into the city's urban growth boundary

[House Bill 4014-B](#)**Not Enacted****Various Provisions Related to Land Use****Chief Sponsors:** Reps. Post, 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. Certain nonfarm uses are also allowed on EFU-zoned lands. In 2019, the legislature passed House Bill 2106 allowing dog training classes or testing trials to be conducted outdoors or in farm buildings in existence on or before January 1, 2019, rather than January 1, 2013.

ORS 92.017 establishes when a lawfully created lot or parcel remains a discrete lot or parcel and was last amended in 1993.

Until 2017, Oregon county planning, zoning, and housing laws allowed the construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use or rural residential use only if the ADU would be used for farmworkers. In 2017, the legislature authorized 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 (House Bill 3012).

In 1979, Oregon prohibited the establishment, operation, or licensing of a waste disposal facility in the state for radioactive waste (ORS 469.525). The disposal of radioactive waste at a facility at Arlington, Oregon has recently been reported.

**Bill Summary:** House Bill 4014-B would have made four distinct policy changes. First, the measure would have established that lawfully created units of land would remain lawfully established units of land following a judgment that relocated a property line, prohibiting the requirement of additional procedures for denying permits based on judicial boundary changes. Second, it would have directed the Oregon Department of Energy (ODOE) to submit a report to the legislature describing: the recent radioactive waste disposal event and actions taken by the agency to prevent a reoccurrence; funding options to support an enhanced enforcement program; and recommendations for potential legislative changes regarding consultation and enforcement. Third, the measure would have amended the definition of radioactive waste and provided additional enforcement authority to ODOE and the Energy Facility Siting Council. Finally, House Bill 4014-B would have exempted dog training facilities from state structural specialty codes.

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**[House Bill 4106](#)****Effective Date: February 27, 2020****Happy Valley Parks and Recreation Services****Chief Sponsors:** Reps. Bynum, Meek; Sen. Thomsen**Committees:** House Agriculture and Land Use, Senate Finance and Revenue

**Background and Current Law:** The Clackamas County Board of Commissioners, acting as the Board of Directors for the North Clackamas Parks and Recreation District (NCPRD), and the city of Happy Valley have been involved in a legal dispute over parks and recreation services. They have recently come to an agreement to resolve the claims between the parties. One part of the agreement was the passage of legislation to withdraw the city of Happy Valley from NCPRD.

**Bill Summary:** House Bill 4106 provides that a city in Clackamas County that was annexed into a county parks and recreation service district between January 1, 2005 and December 31, 2006, by a vote of city electors, is deemed withdrawn from and no longer a part of the county service district as of June 30, 2020.

**Oregon Laws 2020:** Chapter 2, (2020 Laws)

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[House Bill 4093](#)**Not Enacted****Wood Residue Solid Waste Exception****Chief Sponsors:** Reps. Breese-Iverson, Smith DB; Sen. Roblan**Committees:** House Energy and Environment

**Background and Current Law:** The processing of lumber products can generate a certain amount of wood residue, or wood "waste" material. Wood residue can be converted into useful byproducts such pellets and bricks for heating, pulp and paper products, and composites like particle board. Unused wood residue may also be incinerated. Oregon currently exempts uncontaminated, appropriately permitted wood residue from being regulated as a solid waste if it is combusted as fuel by its generator or purchased at fair market value and then combusted as fuel.

**Bill Summary:** House Bill 4093 would have broadened and clarified the exception for wood residue from regulations governing solid wastes to include all wood residue that has value to its generator or a purchaser.

[House Bill 4105](#)**Not Enacted****Oil and Gas Transportation****Chief Sponsors:** Reps. Power, Marsh, Nosse; Sen. Golden**Committees:** House Energy and Environment

**Background and Current Law:** The United States is producing more oil on an annual basis than it has in 30 years, and extraction companies are increasingly relying on railroads to deliver these products to refineries. Recent technological advances such as hydraulic fracturing and horizontal drilling are driving the increase in oil and natural gas extraction by unlocking access to resources in Canada and the U.S. that were previously considered too costly to develop. According to the U.S. Energy Information Administration, crude oil production reached a record level of 12.23 million barrels per day (b/d) annually in 2019.

**Bill Summary:** House Bill 4105 would have prohibited state agencies from authorizing the construction of new oil or gas infrastructure on state-owned real property, and would have required that facilities that unload oil or gas from railcars notify the Oregon Department of Transportation (ODOT) of the volume, type, and vapor pressure of each shipment. The measure would have required ODOT to inform the State Fire Marshall and, if the amount exceeded a certain quantity, the legislature. The measure would have also provided a timeframe to prohibit the loading or unloading of oil or gas from railcars with a certain vapor pressure once the total volume transported reached a specified point.

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**Senate Bill 1562****Not Enacted****Groundwater Management Area in Lower Umatilla Basin****Chief Sponsors:** Sens. Hansell, Dembrow; Rep. Barreto**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** The Lower Umatilla Basin is one of three designated Groundwater Management Areas in Oregon. The designation was made in 1990 by the state Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA) due to nitrate-nitrogen concentrations above seven milligrams per liter in the region. Oregon's Groundwater Quality Protection Act requires the designation because high nitrate concentrations in drinking water are linked to serious health concerns. After an area is designated, a local groundwater management committee is formed to work with state agencies to develop a plan to reduce area contamination.

**Bill Summary:** Senate Bill 1562 would have appropriated \$250,000 General Fund dollars to ODA to convene, facilitate, and staff an interagency task force through January 2, 2030, to achieve removal of the Groundwater Management Area designation from specified parts of the Lower Umatilla River Basin.

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**House Bill 4043****Not Enacted****Materials for Local Water Projects**

**At the request of:** House Interim Committee on Veterans and Emergency Preparedness for Representative Paul Evans

**Committees:** House Water

**Background and Current Law:** The Environmental Protection Agency (EPA) sets standards for drinking water and waste water quality and treatment through the Clean Water Act and National Primary Drinking Water Regulations. Construction of public drinking water systems is regulated by Oregon Drinking Water Services under the Public Health Division of the Oregon Health Authority, subject to OAR 333-061-0050. Construction of waste water systems is regulated by the Oregon Department of Environmental Quality, subject to OAR Chapter 340. Procurement rules for publicly funded construction projects can be found in ORS Chapter 279C and include provisions requiring competitive bidding and a least-cost policy requiring analysis of project costs prior to finalization of a public contract.

**Bill Summary:** House Bill 4043 would have prohibited a local government, local contracting agency, or a local contract review board from restricting the use of piping materials in a publicly funded drinking water or wastewater project, if the piping materials met specific performance standards. The bill provided that appropriate piping materials may have been required for a water project based on the recommendation of a licensed professional engineer in connection with the specific project. The provisions would have applied to public contracts for water projects on or after the operative date of the bill.

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[House Bill 4069](#)**Not Enacted****Water Use Measurement and Reporting**

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water

**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 some exceptions, must obtain a water right to use water from any source. When water is scarce, water users are allocated water based on the date of their water right, 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 (WRD), including water use reports, pump tests, and in the case of groundwater, static water level data.

**Bill Summary:** House Bill 4069 would have declared that water use measurement and reporting was a benefit to all water users and would have established a policy for the state to actively promote water use measurement and reporting and to encourage government coordination and cooperation to provide financial support to measure and report water use. House Bill 4069 would have established that if an entity was required by WRD to measure water use under a water right permit, certificate, limited license, decree, order of determination, or groundwater registration, that the entity could have been required to report this information to WRD.

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[House Bill 4070](#)**Not Enacted****Low-Interest Septic System Loan Program**

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water, 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. In 2016, Senate Bill 1563 required the Oregon Department of Environmental Quality (DEQ) to establish a program to award grants for developing and administering a low-interest loan program for the repair, replacement, upgrade, or evaluation of residential or small business on-site septic systems. This program is known as the Clean Water Loan Program (ORS 454.779).

**Bill Summary:** House Bill 4070 would have appropriated \$2 million of the General Fund, for the biennium ending July 1, 2021, to DEQ to award a grant of no less than \$1,950,000 for a low-interest loan program to repair, replace, upgrade, or evaluate residential or small business on-site septic systems pursuant to ORS 454.779.



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## [House Bill 4071-A](#)

**Not Enacted**

### Harmful Algal Blooms

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water, Joint Ways and Means

**Background and Current Law:** Harmful algal blooms (HABs) are high concentrations of certain types of algae that produce toxic compounds, known as cyanotoxins. HABs can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water. HABs can also result in hypoxia, or low oxygen, in water bodies, which can kill fish and other wildlife.

Oregon has been experiencing increasing numbers of HABs, including blooms on the North Santiam River that affected drinking water quality for the City of Salem in 2018. In response, a work group made up of stakeholders whose work intersects with drinking water quality or recreational water quality came together in 2019 to consider short-term and long-term strategies for addressing HABs and related impacts to Oregonians.

**Bill Summary:** House Bill 4071-A would have appropriated \$95,000 to the Oregon Department of Environmental Quality (DEQ) to purchase an instrument to analyze water samples for cyanotoxins and would have directed DEQ to make the instrument available to higher education institutions for education, training, and research during times it was not needed by DEQ. The measure would have appropriated an additional \$215,000 to DEQ for staff to collect water samples and assist with analysis and would have appropriated \$100,000 to the Oregon Health Authority for a Small Utility Outreach Coordinator to work with small water suppliers and water suppliers who depend on a vulnerable water body to make sure they have plans, tools, and training to address HABs and other water-related emergencies.

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## [House Bill 4077](#)

**Not Enacted**

### Domestic Well Testing

**Chief Sponsors:** Rep. Lively; Sen. Roblan

**Committees:** House Water

**Background and Current Law:** Domestic well testing is the process of having an accredited laboratory test water from a private well for possible contaminants, most commonly arsenic, nitrates, and E. Coli. ORS 448.271 requires the testing of domestic well water for arsenic, nitrates, and total coliform bacteria at the time of a real estate transaction. The seller of the property must report the results to the Oregon Health Authority (OHA) and to the buyer within 90 days of receipt.

**Bill Summary:** House Bill 4077 would have modified well testing requirements for the sale or exchange of real estate that includes a well that is used for domestic purposes, adding an E. Coli test if the initial test indicates the presence of total coliform bacteria. The bill would have required the accredited laboratory that conducts the tests to electronically report the results to the seller, the buyer, and to the Oregon Department of Environmental Quality (DEQ). DEQ would have reported the results to OHA and would have been authorized to use the information to address groundwater quality.

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**House Bill 4086****Not Enacted****Granting Stay in Contested Final Order****Chief Sponsors:** Reps. Wilde, Sanchez**Committees:** House Water

**Background and Current Law:** Like most western states, Oregon follows the “prior appropriation” doctrine of water use, often referred to as “first in time, first in right.” This means that when there is insufficient water to satisfy all water rights, water users with senior priority dates make a “call” to receive water, and users with junior water rights are shut off until the rights of the senior users making the call are satisfied.

Adjudication is the process by which pre-1909 vested water rights are quantified and documented through an administrative and judicial procedure. Approximately two-thirds of the state has been adjudicated. The administrative phase of adjudication concludes with the presentation of the adjudicator’s findings of fact and a final order of determination filed by the Oregon Water Resources Department (WRD) with the applicable court. The judicial phase of the process is the review of the final order by the courts. Adjudication claimants or contestants who dispute WRD’s determination have an opportunity to file exceptions to be reviewed by the court. The court ultimately issues a water rights decree affirming or modifying the final order of determination, and WRD issues water right certificates in accordance with the court’s decree.

**Bill Summary:** House Bill 4086 would have removed the routine stay of enforcement by WRD prompted by the filing of a petition with the court to contest a final order in an adjudication. Instead, a stay would have been granted if a petitioner made a motion for the stay, the court ruled that the petitioner would have been likely to prevail on the merits of the case, and the petitioner had put up a bond or other financial surety from which attorney fees and costs to WRD or the Oregon Water Resources Commission could have been deducted, should the court have found against the petitioner or if the petitioner voluntarily withdrew the filing.

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**House Bill 4092****Not Enacted****Registration of an Existing Reservoir****Chief Sponsors:** Reps. Breese-Iverson, Helm**Committees:** House Water, Senate Environment and Natural Resources

**Background and Current Law:** A water right is required to store water in a reservoir, construct a reservoir, or to use water stored in a reservoir. Additional permits and approvals from other 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 the issuance of new water rights.

**Bill Summary:** House Bill 4092 would have authorized the owner of a specific property located in a withdrawn area of Jackson County to apply to the Oregon Water Resources Department (WRD) to register an existing reservoir on the property. The bill would have established conditions for the reservoir and required the property owner to apply for registration by July 1, 2021 and abide by all conditions; if the owner had failed to do so, WRD would have been authorized to order the removal of the reservoir.

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[Senate Bill 1514-A](#)  
[\(see Senate Bill 1536-B\)](#)

**Not Enacted**

## Near-Term Wildfire Fuel Reduction Projects

**At the request of:** Senate Interim Committee on Wildfire Prevention and Recovery

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** Oregon Governor Kate Brown created the Governor's Council on Wildfire Response (Council) in January 2019 and tasked the Council with reviewing Oregon's current programs for wildfire prevention, preparedness, and response, and analyzing whether the current system is sustainable given increasing wildfire risks. The Council's final report concluded that current programs are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations; Senate Bill 1514-A reflects content from recommendations 14-20.

**Bill Summary:** Senate Bill 1514-A would have required the Oregon Department of Forestry to establish, execute, and complete up to 15 projects to reduce hazardous fuels and restore landscape resilience on public or private forestlands and rangelands by June 30, 2021, and to provide interim and final reports to the legislature. Senate Bill 1514-A was incorporated into Senate Bill 1536-B, the Omnibus Wildfire Bill.

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[Senate Bill 1515-A](#)

**Not Enacted**

## Wildfire Workforce Foundation

**At the request of:** Senate Interim Committee on Wildfire Prevention and Recovery

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** Several youth workforce programs carry out forest health and forest fuel load reduction projects in Oregon. These programs offer young people an education-based work experience modeled after the Civilian Conservation Corps of the 1930s, while helping achieve wildfire risk reduction goals. While no wildfire workforce foundation currently exists in Oregon, the National Fish and Wildlife Foundation is a similar concept and model, in that it builds public-private partnerships and investments to implement mission-driven work at a landscape scale.

**Bill Summary:** Senate Bill 1515-A would have required the Higher Education Coordinating Commission to develop a privately and publicly funded wildfire workforce foundation to achieve forest restoration and wildfire reduction through youth workforce development programs and to report to the legislature by December 1, 2020.

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**Senate Bill 1516-A****Not Enacted****Oregon Department of Forestry Modernization**

**At the request of:** Senate Interim Committee on Wildfire Prevention and Recovery

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** The Oregon Department of Forestry (ODF) Fire Protection program protects 16 million acres of forest, including privately owned, state-owned, and by contract, federally owned forests in western Oregon. The current statutory funding mechanism for fire protection relies on a mix of assessments to private and public landowners within the 12 fire protection districts for which ODF has jurisdiction.

**Bill Summary:** Senate Bill 1516-A would have created a program for the periodic review and modernization of ODF structure and programs to ensure effectiveness and efficiency. The measure would have required the State Forester to levy an additional \$10.80 on each tax lot assessed under forest protection district statutes, and would have appropriated \$6 million General Fund moneys for two administrative positions, the conversion of seasonal positions up to 35 permanent full-time positions, and for firefighting equipment needs.

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**Senate Bill 1536-B****Not Enacted****Omnibus Wildfire Bill**

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

**Committees:** Senate Wildfire Reduction and Recovery, Joint Ways and Means

**Background and Current Law:** Oregon Governor Kate Brown created the Governor's Council on Wildfire Response (Council) in January 2019 and tasked the Council with reviewing Oregon's current programs for wildfire prevention, preparedness, and response, and analyzing whether the current system is sustainable given increasing wildfire risks. The Council's final report concluded that current programs are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations; Senate Bill 1536-B contains provisions related to recommendations 1-4 and 14-20.

**Bill Summary:** Senate Bill 1536-B would have required: electric companies and utilities to create and operate under approved risk-based wildfire protection plans; the Oregon Department of Forestry (ODF) to develop and maintain a comprehensive statewide wildfire risk map; ODF, Oregon State University, and the Department of Land Conservation and Development (DLCD) to assess regional wildfire risk; DLCD to organize a Land Use and Wildfire Policy Advisory Committee to make recommendations to the legislature on how to implement the Council's final recommendations through the statewide land use planning program; ODF to establish, execute, and complete up to 15 projects to reduce hazardous fuels and restore landscape resilience on public or private forestlands and rangelands by June 30, 2021, and to provide interim and final reports to the legislature; and appropriations of General Fund moneys to DLCD and ODF.

[House Bill 4054-A](#)  
[\(see Senate Bill 1536-B\)](#)

Not Enacted

## Wildfire Land Use, Biomass, and Council Provisions

**At the request of:** House Interim Committee on Natural Resources for Representative Brad Witt

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

**Background and Current Law:** Oregon Governor Kate Brown created the Governor's Council on Wildfire Response (Council) in January 2019 and tasked the Council with reviewing Oregon's current programs for wildfire prevention, preparedness, and response, and analyzing whether the current system is sustainable given increasing wildfire risks. The Council's final report concluded that current programs are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations; House Bill 4054-A is related to recommendations 3, 4, 34, and 37.

**Bill Summary:** House Bill 4054-A would have: required the Oregon Department of Forestry, Oregon State University, and the Department of Land Conservation and Development (DLCD), to assess regional wildfire risk; required DLCD to organize a Land Use and Wildfire Policy Advisory Committee to make recommendations to the legislature on how to implement the Council's final recommendations through the statewide land use planning program; directed the Council to develop a sustainable model for comprehensive wildfire strategy funding; and directed the Oregon Department of Energy to commission a study to determine whether renewable energy generation is a feasible means for disposing of materials from wildfire fuel load reduction projects. The land use provisions of House Bill 4054-A were incorporated into Senate Bill 1536-B, the Omnibus Wildfire Bill.

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[House Bill 4166-B](#)

Not Enacted

## Wildfire Protection and Suppression Cost and Funding Source Study

**At the request of:** Representative Paul Holvey

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** The Governor's Council on Wildfire Response was created by executive order in January of 2019. The Council was tasked with analyzing whether Oregon's current model for wildfire prevention, preparedness, and response, is sustainable given increasing wildfire risks. The product of the Council's work was a final report that concluded that current models are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons.

**Bill Summary:** House Bill 4166-B would have allocated \$250,000 in General Fund moneys to the Department of Administrative Services to contract with an independent economist to study, in consultation with an expert project team or advisory group, the actual costs of and source of funding used for wildfire protection and suppression on lands protected by the State Forestry Department and to report their findings and recommendations by March 1, 2021.

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**Senate Bill 1511-A****Not Enacted****Artificial Beaver Dams**

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

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

**Background and Current Law:** Historically, many small streams in eastern Oregon were inhabited by beavers, and were strongly influenced by the semi-aquatic rodents' ability to modify their physical surroundings. The dams that beavers construct have the effect of slowing the flow of water, allowing for natural overflow onto surrounding flood plains, and providing many benefits to stream ecosystems and their hydrologic function. Beavers were nearly extirpated from the Pacific Northwest by 1900, largely as a result of the hunting and trapping of beavers for their furs.

In 2019, House Bill 3132-A would have directed the Oregon Department of Fish and Wildlife (ODFW) to adopt rules and administer a program authorizing the voluntary construction of environmental restoration weirs in specified basins and qualifying streams. The measure was not enacted.

**Bill Summary:** Senate Bill 1511-A would have required ODFW to adopt rules and administer a program to authorize the voluntary construction of environmental restoration weirs for stream restoration and habitat improvement in eastern Oregon.

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**Senate Bill 1554****Not Enacted****Oregon Greenhouse Gas Initiative**

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

**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 oxygen-deficient waters.

In 2017, the Oregon Legislative Assembly established the Oregon Coordinating Council on Ocean Acidification and Hypoxia (Council). The Council consists of 13 members including the Governor or Governor's designee, directors or their designees from various state agencies, and representatives of ocean industries, conservation organizations, and the scientific, academic, and tribal communities. 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. The Council's first biennial report to the Legislative Assembly and to the Ocean Policy Advisory Council was submitted in September 2018 and recommends actions in five areas.

**Bill Summary:** Senate Bill 1554 would have appropriated funds for grants and other purposes related to ocean acidification and hypoxia.

[Senate Bill 1564-A](#)**Not Enacted****Mattress Stewardship Program**

**Chief Sponsors:** Sens. Manning Jr., Dembrow; Rep. Fahey

**Committees:** Senate Labor and Business, Joint Ways and Means

**Background and Current Law:** In 2009, Oregon became the first state in the nation to enact a law requiring architectural paint manufacturers to implement a program to reduce waste, increase reuse and recycling, and safely dispose of remaining unusable paint and other coatings. The paint product stewardship program is paid for by consumers who pay an assessment on each container of paint product registered for sale in Oregon. Retailers remit the assessment back to manufacturers, who pay a stewardship organization to manage collections and provide outreach and education to consumers on how to estimate the right amount to purchase, and how to reuse and recycle paint products.

**Bill Summary:** Senate Bill 1564-A would have established a statewide mattress product stewardship program for the recovery and recycling of used mattresses. The Department of Environmental Quality (DEQ) would have been required to certify a stewardship organization to implement and administer the program, which would have been financed by an assessment at the point of sale. Producers, renovators, and retailers would have been required to register with the stewardship organization, which would have provided free collection and recycling service throughout the state.



## 2020 SUMMARY OF LEGISLATION

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# General Government

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## TASK FORCES AND REPORTING REQUIREMENTS

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Oregon State Capitol in Salem, Marion County – [Gary Halvorson, Oregon State Archives](#)

[Senate Bill 1556-B](#)**Not Enacted****OLCC Authorization to Use Commercial Data to Generate Revenue****Chief Sponsors:** Sen. Johnson**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** Alcohol and recreational marijuana are strictly regulated industries that generate significant revenue. The Oregon Liquor Control Commission (OLCC) is responsible for enforcing Oregon's Bottle Bill, as well as regulating alcoholic beverage sales and recreational marijuana, from production through processing, transport, and sale. The OLCC also regulates medical products sold through retail marijuana stores to medical marijuana cardholders. Regulated persons and entities are subject to intensive data collection, reporting, and investigation.

**Bill Summary:** Senate Bill 1556-B would have allowed the OLCC to utilize commercial information it collects and to generate revenue by selling or licensing the use of, or access to, that information. The measure would also have authorized the OLCC to negotiate certain distilled liquor prices directly with Indian tribes and commercial airlines in certain circumstances.

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[Senate Bill 1510-A](#)**Not Enacted****Prohibition on Campaign Contributions for Unexcused Absences**

**At the request of:** Senate Interim Committee on Rules and Executive Appointments

**Committees:** Senate Rules

**Background and Current Law:** Article IV, Section 12 of the Oregon Constitution requires a two-thirds majority of each chamber of the Legislative Assembly as a quorum to do business. The constitutional quorum requirement allows a minority of members to prevent the chamber from undertaking business by not attending floor sessions. Nothing in current law prohibits a legislator from using campaign funds or soliciting donations to defray expenses associated with actions taken to deny a quorum.

**Bill Summary:** Senate Bill 1510-A would have prohibited members of the Legislative Assembly from soliciting or using contributions to pay fines, legal expenses, replace salary, defray expenses, or otherwise compensate a member for monetary losses incurred as a result of a member's unexcused absence from the legislative session.

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[House Bill 4104](#)**Not Enacted****Use of Campaign Contributions for Caregiving Expenses**

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

**Committees:** House Rules

**Background and Current Law:** In Oregon, all contributions and expenditures related to any candidate, measure, or political party active in any election are required to be disclosed and filed electronically using the Secretary of State's Oregon Elections System for Tracking and Reporting (ORESTAR). Expenses for which contributions may be used are governed by ORS 260.407.

**Bill Summary:** House Bill 4104 would have allowed a candidate or the principal campaign committee of a candidate or public office holder to use contributions for expenses related to providing certain caregiving or health insurance premiums when the candidate or public office holder is campaigning for public office.

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**House Bill 4123-A****Not Enacted****Reporting Business Sources of Income****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 with the Oregon Government Ethics Commission.

**Bill Summary:** House Bill 4123-A would have required statements of economic interest to include certain information about sources of income from both the businesses in which the public official or candidate, or member of the household of a public official or candidate, is an officer or holds a directorship, and for all names under which the public official or candidate and members of their households do business. The measure would have also prohibited a candidate or principal campaign committee of a candidate from expending campaign moneys for professional services rendered by a business listed on the candidate's statement of economic interest with certain exceptions.

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**House Bill 4124-A****Not Enacted****Political Campaign Contribution Limits****Chief Sponsors:** Rep. Rayfield**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** In Oregon, campaign contributions and expenditures are forms of expression protected by Article I, Section 8 of the Oregon Constitution. Ballot Measure 47 (Chapter 3, Oregon Laws 2007) established campaign finance limits and provided that if its limits were not allowed by the Oregon Constitution on the effective date of the measure, then it would be codified and become effective at the time the Oregon Constitution allows such limitations. The Oregon Supreme Court is currently considering the constitutionality of campaign donation limits enacted in 2016 by Multnomah County.

**Bill Summary:** House Bill 4124-A would have created the Task Force on Political Campaign Contribution Limits to study political contribution limits and make recommendations by September 15, 2020 and would have established implementation requirements if the final decision in *Multnomah County v. Elizabeth Trojan* (decided as *Multnomah County v. Mehrwein*, 366 Or. 295 (2020)) renders Ballot Measure 47 operative.

## House Concurrent Resolution 206

**Not Adopted**

### Revisions to Legislative Branch Personnel Rule 27

**At the request of:** Representative Julie Fahey and Representative Ron Noble

**Committees:** Joint Conduct

**Background and Current Law:** In 2019, the Legislative Assembly adopted House Concurrent Resolution 20 to make numerous changes to Legislative Branch Personnel Rule 27 (Safe, Respectful and Inclusive Workplace).

**Bill Summary:** House Concurrent Resolution 206 would have revised Legislative Branch Personnel Rule 27 (Safe, Respectful and Inclusive Workplace). For conduct reports, the measure would have provided that an individual is not required to make a conduct report if they would be the subject of the report, and it would have shifted responsibility for facial review from the independent investigator to the Legislative Equity Officer (LEO). For conduct complaints, the measure would have required the LEO to perform a facial review; required an investigation to occur if the LEO determined an investigation was warranted; and shifted all responsibility for counseling complainants to the LEO. Regarding the duties of the conduct committees, the measure would have extended from 14 to 21 the number of days in which a conduct committee must conduct a hearing after receiving a final report when a legislator is the respondent; extended from seven to 14 the number of days in which a conduct committee must meet after receiving a final report in which investigator determined a partisan staff person violated Rule 27; clarified that a conduct committee member is recused from participating in a matter in which they are either the complainant or an impacted party; increased the number of alternates appointed to a conduct committee to three per party; and required alternates to be selected to participate in conduct committee business in the order in which they were appointed and in a manner that preserves balance of membership between majority and minority parties. The measure would have directed the LEO to engage in final process counseling with the impacted party if the committee determines that no violation occurred or after remedies are imposed by the committee. Finally, the measure would have defined “impacted party” and “complainant.”

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**Senate Bill 1509-A****Not Enacted****Ballot Envelope and Nomination Threshold Fix**

**At the request of:** Senate Interim Committee on Rules and Executive Appointments for Oregon Association of County Clerks

**Committees:** Senate Rules

**Background and Current Law:** County clerks are authorized to: 1) employ personnel as necessary to open envelopes, prepare ballots for counting, and count ballots; and, 2) not sooner than the seventh day before the date of an election, begin opening return identification and secrecy envelopes of ballots. Current law does not explicitly authorize the county clerk or personnel employed by the county clerk to remove the contents from those envelopes. Individual voters may nominate a candidate for office by preparing and filing a certificate of nomination with the signatures of eligible voters in the district equal to at least one percent of the total votes cast in the district for all candidates in the last general election.

**Bill Summary:** Senate Bill 1509-A would have explicitly allowed a county clerk and their staff to remove contents from ballot envelopes as required to complete their election duties. It also would have required a nomination petition filed by individual voters to include signatures of eligible voters in the district equal to at least one percent of all votes cast in the district for all candidates in the most recent presidential election, rather than the last general election.

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**House Bill 4026-A****Not Enacted****Minor Political Party Status**

**At the request of:** House Interim Committee on Rules for Working Families Party

**Committees:** House Rules, Senate Rules

**Background and Current Law:** A minor political party can maintain ballot access in one of two ways: (1) maintain voter registration equal to one-half of one percent of the total number of registered electors in the state that are registered as members of the party; or (2) maintain a voter registration equal to at least one-tenth of one percent of the total votes cast in the state or electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term and received at least one percent of the total votes cast once in a four-year period. With registration impacts from Oregon Motor Voter, legislation has addressed ballot access for minor political parties through the November 2020 election.

**Bill Summary:** House Bill 4026-A would have reduced the number of electors who must be registered as a member of a minor political party for it to retain political party status from one-half of one percent to one-quarter of one percent of the total number of registered electors in the state for purposes of the 2022 and subsequent elections.

[House Bill 4108-B](#)**Not Enacted****PERS Benefits for Prison Chaplains****Chief Sponsors:** Reps. Gorsek, Evans**Committees:** House Business and Labor, Senate Labor and Business

**Background and Current Law:** Eligible employees of a participating employer in the Public Employees Retirement System (PERS) who were hired after August 28, 2003, are designated as members of the Oregon Public Service Retirement Plan (OPSRP). Employees hired prior to that date are either in the Tier 1 or Tier 2 PERS plan. For OPSRP members, their pension and Individual Account Program (IAP) benefits are based on salary, defined in statute as 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. The housing allowance, according to IRS regulations, can be up to 35 percent of a prison chaplain's salary. The Department of Corrections does not pay a housing allowance above the agreed-upon salary, but up to 35 percent of the salary can be designated as nontaxable income.

**Bill Summary:** House Bill 4108-B would have included in the definition of "salary" the portion of compensation paid to a prison chaplain that is designated as a nontaxable housing allowance, thereby allowing PERS pension and IAP benefits to be calculated on the prison chaplain's full compensation.

[Senate Bill 1506](#)**Not Enacted****Modification of Public Records Advisory Council and Advocate**

**At the request of:** Senate Interim Committee on General Government and Emergency Preparedness for Representative Karin Power and Senator Kim Thatcher for the Public Records Advisory Council

**Committees:** Senate General Government and Emergency Preparedness, House Rules

**Background and Current Law:** The position of Public Records Advocate (Advocate) and the Public Records Advisory Council (Council) were created in 2017 via enactment of Senate Bill 106, to facilitate resolution of conflicts between seekers and holders of public records. Senate Bill 106 was proposed by the Governor's office as part of a trio of companion measures that year. The other two were House Bill 2101, concerned with establishing a process of regular legislative review of exemptions, which was introduced by legislators; and Senate Bill 481, to improve the customer service orientation and responsiveness of public bodies, as proposed by the Attorney General.

**Bill Summary:** Senate Bill 1506 would have made a number of adjustments to the office of the Advocate and the organization of the Council: making the Council responsible for the Advocate's appointment and removal; changing the Advocate's employment status from unclassified to exempt; providing for the election of a Chair and Vice Chair by Council membership, rather than designating the Advocate as Chair outright; authorizing the Council to seek, support, or oppose legislation explicitly; and formally designating the Advocate as the custodian of Council records.



[House Bill 4121](#)**Not Enacted****NORCOR Public Contracting****Chief Sponsors:** Reps. Bonham, Williams**Committees:** House Judiciary

**Background and Current Law:** Northern Oregon Regional Correctional Facilities (NORCOR), is a Regional Adult Corrections and Juvenile Detention complex that serves four counties: Wasco, Hood River, Sherman, and Gilliam. The complex, located in The Dalles, Oregon, provides 154 (expandable to 212) adult beds and 32 juvenile beds. In the event bed space exists beyond the four counties' needs, NORCOR rents bed space to other entities to generate revenue. Outside contracts account for approximately 36 percent of the NORCOR operating budget. A contract with the United States Immigration and Customs Enforcement (ICE) for space allocation for adults and juveniles provides \$1,640,000 per biennium for the facility.

**Bill Summary:** House Bill 4121 would have provided that NORCOR may not contract with ICE if the Legislative Assembly, during any biennium, appropriates \$1,640,000 to the facility.

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**Senate Bill 1507-B****Not Enacted****Alignment with Federal Requirements for Appraisers of Real Property**

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

**Committees:** Senate General Government and Emergency Preparedness

**Background and Current Law:** The State Veterinary Medical Examining Board (Veterinary Board) is responsible for regulating the practice of veterinarians. The Appraiser Certification and Licensure Board (ACLB) regulates real estate appraisers and appraisal management companies. The ACLB, like all entities that certify and license appraisers, is periodically reviewed by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, to ensure compliance with certain provisions applicable to federally related transactions, such as real estate transactions involving the Federal Housing Authority or the Veterans Administration.

**Bill Summary:** Senate Bill 1507-B would have aligned state law governing the ACLB with federal requirements and would have required the Veterinary Board to take certain regulatory action for specified conduct.

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**Senate Bill 1537****Not Enacted****Omnibus Appropriations for Next Steps in Resilience Planning**

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

**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** Cascadia Subduction Zone (CSZ) science has been accumulating and developing since the 1990s. The Legislative Assembly created the Oregon Seismic Safety Policy Advisory Commission (OSSPAC) with Senate Bill 96 in 1991. OSSPAC's first report following the 2011 Tohoku earthquake off the coast of Japan was titled The Oregon Resilience Plan (Plan); it was issued in February of 2013 and was comprehensive and urgent. The Plan contains more than 140 recommendations and emphasizes the importance of long-term statewide, regional, and nationally coordinated efforts, over the course of fifty years or more, to make ongoing all-hazard, earthquake, and tsunami preparations for an inevitable "megathrust" earthquake that will occur off the coast of the Pacific Northwest.

Soon after the Plan was released, the Legislative Assembly enacted Senate Bill 33 (2013), creating a task force to prioritize issues for legislative action. The task force's highest recommendation, issued in October of 2014, was to create the position of State Resilience Officer (SRO) within the executive branch to unify and centralize implementation efforts. This recommendation was enacted in 2015 through House Bill 2270 and an SRO was appointed in the fall of 2016. In 2017, Senate Bill 850 tasked OSSPAC with studying the next two highest implementation priorities: mass care and shelter, and residential earthquake insurance. OSSPAC issued its findings in September of 2018. Other initiatives have included Senate Bill 1512 (2016) to fund personnel and seismic studies that support use of the Seismic Rehabilitation Grant Program; Senate Bill 1523 (2016) to target funds for fuel storage facilities along designated critical transportation routes to enable

emergency access; House Bill 2687 (2017) to provide grants to distribute emergency preparedness equipment at the local level; and House Bill 3427 (2017) requiring emergency action planning between the owners of certain high hazard dams and state and local partners.

In October 2018, the Governor and the SRO released "Resiliency 2025," articulating six goals: continued investment in seismic upgrades to schools and emergency services buildings; developing a plan for the Critical Infrastructure Hub to safeguard fuel supplies; implementing an earthquake early warning system; collaborating to prepare Oregonians for self-sufficiency in the immediate aftermath of a disaster; strengthening staging and supply chains; and updating the Plan. In addition to governmental efforts, Oregon's private sector and especially volunteer organizations, particularly in Oregon's coastal communities, have been tenacious and collaborative in their approaches to improve emergency preparedness.

Senate Bill 1537 would have advanced a number of the Governor's emergency preparedness priorities as outlined in "Resiliency 2025": completion of the ShakeAlert earthquake early warning system; standing up emergency services staging areas on a graduated basis; prioritizing dam assessment and repair; developing a program to assist Oregonians with self-sufficiency; and updating the Oregon Resilience Plan.

**Bill Summary:** Senate Bill 1537 would have provided for the following:

- Authority to issue Article XI-Q bonds sufficient to produce \$7.5 million net proceeds (plus cover related costs) for the Higher Education Coordinating Commission to disburse to the University of Oregon (UO) to complete construction of ShakeAlert earthquake early warning seismic stations by June 30, 2023.
- Creation of a 15-member advisory committee within and appointed by the Office of Emergency Management (OEM) through January 2, 2024, to assist with educational outreach to raise public awareness about ShakeAlert and earthquake preparedness; and appropriation of \$375,000 General Fund dollars to the Oregon Military Department (OMD) for this purpose.
- Creation of a task force through January 2, 2024, comprised of at least seven members, appointed and staffed by OEM, to study and advise OEM on the development and administration of a program, in partnership with others, to enable at least 250,000 households in Oregon to be self-sufficient for at least two weeks following a catastrophic disaster; and appropriation of \$2.7 million General Fund dollars to OMD for this purpose (and for the staging area grant program that follows).
- Directing the Homeland Security Council to identify 10 staging areas for emergency services in consultation with OEM, the SRO, and others; requiring and authorizing OEM to administer a grant program to maintain these areas, with at least one staging area and specified incident management team operational by September 30, 2022; requiring OEM to develop a strategic plan by September 30, 2022, for four additional specified teams each biennium for the next five biennia, beginning July 1, 2023; and appropriation of \$2.7 million General Fund dollars to OMD for these purposes (and for a task force on household self-sufficiency as previously described).
- Directing the Water Resources Department (WRD) to evaluate dam integrity or to contract-out for same; creation of an 11-member task force, staffed and appointed by WRD in consultation with the Governor through January 2, 2022; and appropriation of \$2 million General Fund dollars to WRD for these purposes.
- Requiring the Plan be updated by November 30, 2021, with elements involving OSSPAC, the SRO, Portland State University, the Department of Land Conservation and Development, the Department of Geology and Mineral Industries, and OEM; and appropriation of \$125,000 General Fund dollars to the SRO.

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[Senate Bill 1562](#)

Not Enacted

**Groundwater Management Area in Lower Umatilla Basin****Chief Sponsors:** Sens. Hansell, Dembrow; Rep. Barreto**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** The Lower Umatilla Basin is one of three designated Groundwater Management Areas in Oregon. The designation was made in 1990 by the state Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA) due to nitrate-nitrogen concentrations above seven milligrams per liter in the region. Oregon's Groundwater Quality Protection Act requires the designation because high nitrate concentrations in drinking water are linked to serious health concerns. After an area is designated, a local groundwater management committee is formed to work with state agencies to develop a plan to reduce area contamination.

**Bill Summary:** Senate Bill 1562 would have appropriated \$250,000 General Fund dollars to ODA to convene, facilitate, and staff an interagency task force through January 2, 2030, to achieve removal of the Groundwater Management Area designation from specified parts of the Lower Umatilla River Basin.

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[Senate Bill 1569-B](#)

Not Enacted

**Towing Regulation****Chief Sponsors:** Sens. Riley, Manning Jr; Rep. Sprenger**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** There is no centralized regulatory body in Oregon to govern the towing industry. Consumer complaints about towing practices may be made with the Oregon Department of Justice (DOJ) or the consumer's local District Attorney, but the burden of seeking redress rests largely on individual consumers initiating civil claims.

**Bill Summary:** Senate Bill 1569-B would have created a State Board of Towing within the Oregon Department of Transportation (ODOT) to regulate the towing industry, and to receive, investigate, and enforce consumer complaints.

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**Senate Concurrent Resolution 207****Not Adopted****Alignment of Legislative Personnel Rules with Oregon's Equal Pay Act****Chief Sponsors:** Sen. Courtney**Committees:** Senate General Government and Emergency Preparedness

**Background and Current Law:** Wage discrimination is prohibited under both federal and state law. Wage discrimination occurs when individuals who belong to a protected class, with otherwise equivalent education, seniority, and experience as compared to their coworkers, are not paid the same for doing comparable work that requires comparable skill. Protected classes are groups of people who have historically experienced disadvantage based on certain characteristics, such as race or sex. At the federal level, protected classes in employment include race, color, national origin, religion, disability, age (40 and up), sex (including sexual orientation, gender identity, and pregnancy), and genetic information.

In Oregon, prohibitions against wage discrimination based on sex were first enacted in 1955. These provisions were expanded and made applicable to other protected classes in 2017 with the passage of House Bill 2005, which added race, color, religion, sexual orientation, national origin, marital status, veteran status, disability, and age. House Bill 2005 also deemed violations to be unlawful employment practices, enforceable by the Bureau of Labor and Industries (BOLI). The measure also explicitly prohibited employers from soliciting an applicant's salary history, and from using an applicant's current or past salary to screen them or to make determinations about their compensation (except for existing employees with the same employer who were moving to a different position).

Oregon's prohibition against wage discrimination was further refined in 2019 by Senate Bill 123, which modified the safe harbor for employers to avoid compensatory and punitive damages, by completing an equal pay analysis and making reasonable and substantial progress toward eliminating pay disparities. The measure also ensured that an employer's undertaking of an equal pay analysis did not constitute an admission of liability in civil actions.

**Bill Summary:** Senate Concurrent Resolution 207 would have attempted to align Legislative Personnel Rules with Oregon's Equal Pay Act.

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**Senate Joint Resolution 201****Not Adopted****Amending Constitutional Quorum Requirements**

**At the request of:** Senate Interim Committee on Rules and Executive Appointments

**Committees:** Senate Rules

**Background and Current Law:** Article IV, Section 12, of the Constitution of the State of Oregon establishes a two-thirds majority of each chamber of the Legislative Assembly as a quorum to do business. The constitutional quorum requirement allows a minority of members to prevent the chamber from undertaking business by not attending floor sessions. Forty-six states require a simple majority of legislators for a quorum to do business; Oregon is one of four states that require a supermajority of two-thirds.

**Bill Summary:** Senate Joint Resolution 201 proposed an amendment to the Oregon Constitution to reduce the portion of each chamber that constitutes a quorum to do business from two-thirds to a simple majority. If passed by the Legislative Assembly, the resolution would have been referred to voters for their approval or rejection at the next regular, statewide general election.

## 2020 SUMMARY OF LEGISLATION

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## Health Care

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: A balsamroot wildflower near Pine Creek, Grant County – [Gary Halvorson, Oregon State Archives](#)



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## [Senate Bill 1552-B](#)

**Not Enacted**

### Certified Community Behavioral Health Clinics

**At the request of:** Senate Interim Committee on Mental Health

**Committees:** Senate Mental Health, Joint Ways and Means

**Background and Current Law:** Certified community behavioral health clinics (CCBHCs) are clinics designed to provide a comprehensive range of mental health and substance use disorder services, particularly to vulnerable individuals with co-occurring disorders. In 2015, Oregon was awarded a planning grant through the federal Protecting Access to Medicare Act of 2014 (Pub. L. 113-93) to develop CCBHCs to expand behavioral health services and workforce, pilot alternative payment methods, and align with ongoing health transformation efforts. Oregon was then selected as a demonstration state in December 2016, and in 2017 was awarded a two-year federal demonstration grant, which was extended through May 2020. Oregon's CCBHCs are required to provide an array of services, including crisis mental health services, targeted care management, peer support and family supports, and outpatient mental health and substance use services. As of January 2020, there are more than 20 CCBHCs across Oregon that have met state and federal standards to become a CCBHC.

**Bill Summary:** Senate Bill 1552-B would have directed the Oregon Health Authority (OHA) to continue to administer the certified community behavioral clinic demonstration program as authorized through the federal Protecting Access to Medicare Act of 2014 (Pub. L. 113-93). The measure specified that the Oregon Health Authority would evaluate the state's certified community behavioral health clinics (CCBHC) and report to the Legislative Assembly no later than December 1, 2020. The measure would have required the report to specifically evaluate issues around access, health outcomes, continuation, costs, alternative payment methodologies, ride-sharing arrangements between the state and counties, cost containment, and whether the CCBHC model is compatible with the Oregon Integrated and Coordinated Health Care Delivery System.

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## [Senate Bill 1553-B](#)

**Not Enacted**

### Co-occurring Disorders

**At the request of:** Senate Interim Committee on Mental Health

**Committees:** Senate Mental Health, Joint Ways and Means

**Background and Current Law:** A co-occurring disorder (formerly known as a dual diagnosis) is a diagnosis of a mental health disorder along with a diagnosis of substance use disorder or problem gambling. According to the Oregon Health Authority, each disorder can cause symptoms of the other disorder, leading to slow recovery and reduced quality of life for a person with a co-occurring disorder. Executive Order No. 19-06 named treating individuals with co-occurring disorders as a priority for the Governor's Behavioral Health Advisory Council.

**Bill Summary:** Senate Bill 1553-B would have directed the Oregon Health Authority to collaborate with specified organizations and groups in assessing and preparing a report on the regulatory and policy barriers that limit access to effective and timely treatment of co-occurring disorders. The measure would have required the report to be submitted to the Legislative Assembly no later than September 15, 2020. The measure defined co-occurring disorders to include diagnoses of at least two of the following: an intellectual or developmental disability, a substance use disorder, problem gambling, or a mental health disorder.

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**House Bill 4031-B****Not Enacted****Behavioral Health Work Force**

**At the request of:** House Interim Committee on Health Care

**Committees:** House Behavioral Health, Joint Ways and Means

**Background and Current Law:** In March 2019, the Oregon Health Authority and the Eugene Farley, Jr. Health Policy Center released an analysis of the state's current behavioral health workforce including licensed and unlicensed providers. The report found that certain regions and populations were "disproportionately affected" by workforce shortages statewide, specifically rural regions and pediatric populations. The report found limited to no behavioral health prevention or treatment services in elementary and middle schools. The report also highlighted opportunities for Oregon to improve data collection to better evaluate and monitor the geographic distribution of licensed and unlicensed providers, practice settings, provider types, population health status, and prevalence of substance use and mental health needs in the state.

**Bill Summary:** House Bill 4031-B would have directed the Oregon Health Authority to forecast the supply and demand of behavioral health professionals in Oregon over the next ten years and report findings of the assessment and recommendations to the Legislative Assembly by December 1, 2020.

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**House Bill 4082-A****Not Enacted****Behavioral Health Road Map Commission**

**Chief Sponsors:** Reps. Greenlick, Nosse, Hayden, Mitchell, Salinas, Williams; Sen. Roblan

**Committees:** House Behavioral Health, Joint Ways and Means

**Background and Current Law:** Oregon's behavioral health system comprises public and private entities that provide substance use and mental health services including inpatient hospitalization, crisis services, intensive case management, outpatient and peer-support services, and prevention, among others. The components of the behavioral health system are many and multi-faceted, involving the Oregon State Hospital, acute hospitals, community treatment centers, the criminal justice system, state and local housing programs, and K-12 educational settings.

**Bill Summary:** House Bill 4082-A would have established the Behavioral Health Road Map Commission (Commission), a joint legislative commission tasked with designing an integrated behavioral health system in Oregon. The bill would have required the Commission to submit preliminary budget and policy recommendations no later than November 1, 2020 and to submit policy implementation recommendations no later than September 15, 2022. The measure would have directed the Commission be fully operational by January 2, 2023 and report to the Legislative Assembly no later than September 15th of every even-numbered year.

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**House Bill 4085-A****Not Enacted****Lottery Funds to Long Term Care Ombudsman for Services to Veterans****Chief Sponsors:** Reps. Wilde, Keny-Guyer**Committees:** House Veterans and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** Oregon veterans comprise eight percent of the state's total population but represent 12 percent of the state's chronically homeless population. In 2016, Oregon voters approved Ballot Measure 96, dedicating 1.5 percent of net Oregon Lottery proceeds to fund support services for military veterans.

Senate Bill 1553 (2014) directed the Oregon Long Term Care Ombudsman, in consultation with the Resident Facilities Advisory Committee, to appoint an Oregon Public Guardian and Conservator to provide services to persons claiming to be without relatives or friends willing or able to serve as guardians or conservators or resources to obtain one.

**Bill Summary:** House Bill 4085-A would have allocated moneys from the Veterans' Services Fund to the Long Term Care Ombudsman for the 2019-2021 biennium for purposes of providing public guardian and conservator services exclusively to veterans.

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**House Bill 4149-B****Not Enacted****Alcohol and Drug Policy Commission****Chief Sponsors:** Rep. Sanchez**Committees:** House Behavioral Health, Joint Ways and Means

**Background and Current Law:** The Alcohol and Drug Policy Commission was created by the Legislative Assembly in 2009. It was charged with planning to fund and deliver effective drug and alcohol abuse treatment and prevention services.

**Bill Summary:** House Bill 4149-B would have directed the Alcohol and Drug Policy Commission (ADPC) to develop an early intervention strategy to address substance use among school-aged children and youth and to conduct an inventory of current resources available to prevent, treat, and recover from substance use disorders. The measure would have added the Department of Consumer and Business Services, Housing and Community Services Department, Youth Development Division, Higher Education Coordinating Commission, Oregon State Lottery, Oregon Liquor Control Commission, and Department of Veterans' Affairs to the list of participating state agencies. The measure would have required the ADPC to produce and publish a report on the metrics and indicators of progress in achieving the goals of the ADPC strategic plan. Participating agencies would be required to meet with the ADPC on a quarterly basis to review and report on each agency's progress on implementing the ADPC strategic plan.

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[Senate Bill 1519-A](#)**Not Enacted****Criminal Records Checks of Care Providers**

**At the request of:** Senate Interim Committee on Human Services

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

**Background and Current Law:** When evaluating the fitness of an individual as an employee, contractor, or volunteer, the Department of Human Services (DHS) and the Oregon Health Authority (OHA) are prohibited 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. DHS and OHA are also prohibited from conducting a criminal records check more than once every two years on certain employees.

**Bill Summary:** Senate Bill 1519-A would have prohibited DHS and OHA from considering a conviction for operating a boat while under the influence of intoxicants, as well as considering such convictions under a law in another jurisdiction, if it is a single conviction and over five years have passed since the conviction. The measure also would have allowed DHS or OHA to conduct a criminal records check more than once during an 18-month period if DHS or OHA determined it would have been burdensome for a subject individual to wait for a new criminal records check.

[Senate Bill 1535-B](#)**Not Enacted****Oregon Prescription Drug Price Transparency Program****Chief Sponsors:** Sens. Steiner Hayward, Linthicum; Rep. Nosse**Committees:** Senate Health Care, House Rules

**Background and Current Law:** In 2018, the Legislative Assembly passed House Bill 4005, which established the Oregon Prescription Drug Price Transparency Program, administered by the Department of Consumer and Business Services (DCBS), to review and report on specified prescription drug pricing information in Oregon. The bill also created the Joint Interim Task Force on Fair Pricing of Prescription Drugs (Task Force). The Task Force was 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 October 2018 with 14 recommendations. In 2019, the Legislative Assembly considered, but did not pass Senate Bill 872, which proposed to implement these recommendations.

**Bill Summary:** Senate Bill 1535-B would have clarified provisions of the Oregon Prescription Drug Price Transparency Program and given DCBS additional powers to assist in implementation, as well as added membership to and extended the sunset of the Task Force.

[Senate Bill 1551-A](#)**Not Enacted****Health Care****At the request of:** Senate Interim Committee on Mental Health**Committees:** Senate Health Care, House Rules

**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 created 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 2019, the Legislative Assembly passed Senate Bill 1041, granting the Oregon Health Authority (OHA) the authority to regulate the financial condition of CCOs to align with the authority granted to the Department of Consumer and Business Services to regulate domestic insurers. The bill also required OHA to report, both publicly and to the Legislative Assembly, specified CCO financial information submitted to OHA. Also passed in 2019, Senate Bill 770 established the Task Force on Universal Health Care charged with recommending to the Legislative Assembly the design of the Health Care for All Oregon Plan, administered by the Health Care for All Oregon Board to provide publicly funded, equitable, affordable, comprehensive, and high-quality health care to all Oregon residents.

**Bill Summary:** Senate Bill 1551-A would have added the requirement that OHA report on CCO financial problems to the reporting requirements established in Senate Bill 1041 (2019), further clarified OHA's authority to transfer CCO members between organizations, and revised the timeline for the Task Force on Universal Health Care.

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## [House Bill 4029](#)

**Not Enacted**

### Hospital Charity Care Policies and Screening Process

**At the request of:** House Interim Committee on Health Care for Representative Salinas

**Committees:** House Committee on Health Care, Senate Committee on Health Care

**Background and Current Law:** In 2019, the Legislative Assembly passed House Bill 3076, requiring nonprofit hospitals and hospital systems to establish financial assistance policies, often referred to as charity care, which provide free or discounted care for individuals based on a patient's household income. The bill requires nonprofit hospitals to conduct eligibility screening to determine if patients qualify for their financial assistance policy.

**Bill Summary:** House Bill 4029 would have prohibited nonprofit hospitals and health systems from requiring an individual to apply for Medicaid as part of the screening process in determining the individual's potential eligibility for financial assistance.

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## [House Joint Resolution 202](#)

**Not Adopted**

### Hope Amendment

**Chief Sponsors:** Rep. Greenlick; Sen. Manning Jr.

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** National efforts for universal health care coverage, such as creating a single national health insurance plan or ensuring a federal right to health care, have been unsuccessful. State constitutions, however, may provide constitutional rights that are more expansive than rights granted under the federal Constitution. In 2005, Oregon legislators, along with a community coalition, sponsored a ballot initiative titled "Hope for Oregon Families." In 2007, 2008, 2015, and 2018, House Joint Resolutions were introduced proposing amendments to the Oregon Constitution proclaiming access to health care as a fundamental right for Oregonians.

**Bill Summary:** House Joint Resolution 202 would have referred to voters an amendment to the state Constitution proposing to ensure access to affordable and cost-effective health care for Oregon residents.

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## House Bill 4102-A

**Not Enacted**

### Utilization Management Transparency

**Chief Sponsors:** Reps. Prusak, Drazan; Sen. Hansell; Rep. Noble

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Health insurers use utilization management methods to control costs and assure quality of services, most often in the form of prior authorization that requires approval of certain items or services from the insurer before the insured can receive them. 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. According to the Oregon Medical Association, based on a recent survey of its members, the types of treatments, drugs, and devices that are subject to utilization review have increased, thus impacting patient care.

**Bill Summary:** House Bill 4102-A would have modified and increased transparency regarding utilization management protocols among insurers, providers, and enrollees.

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## House Bill 4110-A

**Not Enacted**

### Grace Periods for Health Insurance Premium Payments

**Chief Sponsors:** Rep. Holvey; Sen. Manning Jr.

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Individuals who purchase individual or group health insurance coverage through the federal Health Insurance Marketplace often have a specified period of time to make their premium payments, referred to as the 'grace period,' or risk having their coverage terminated for nonpayment of premium(s). To avoid termination, an individual must pay all outstanding premiums in full prior to the end of the allowable grace period.

**Bill Summary:** House Bill 4110-A would have modified the grace periods for payment of individual and group health insurance premiums.

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[House Bill 4161-A](#)**Not Enacted****Regional Health Equity Coalitions**

**Chief Sponsors:** Rep. Alonso Leon; Sens. Boles, Manning Jr.; Rep. Bynum; Sens. Gelser, Monnes Anderson

**Committees:** House Health Care

**Background and Current Law:** The Oregon Health Authority (OHA) funds regional health equity coalitions (RHECs) that are community-driven organizations working to address local health disparities. Initially funded in 2011, RHECs now serve 11 counties and the Confederated Tribes of Warm Springs. The coalitions work in their communities to address health care, education, housing, employment, and transportation. Over time, RHECs seek to increase community engagement, develop organizational capacity, and support policies that address health equity issues, both at the local and state level, for vulnerable and marginalized populations.

**Bill Summary:** House Bill 4161-A would have established a statutory definition of RHECs in Oregon.



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**House Bill 4101-A****Not Enacted****Reimbursement of Telemedicine in Medicaid****Chief Sponsors:** Reps. Prusak, Smith G, Hayden**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** Telehealth refers 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 vary within each 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 insurance health plans. The majority of states, including Oregon, offer Medicaid reimbursement for telemedicine in fee-for-service (FFS) and managed care through coordinated care organizations (CCOs). CCOs have discretion to develop reimbursement criteria separate from the Oregon Health Authority's (OHA) FFS policy.

**Bill Summary:** House Bill 4101-A would have required OHA to ensure reimbursement of telemedicine services in Medicaid, including those covered by CCOs.

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[House Bill 4030-A](#)**Not Enacted****Postponing Regulation of Pharmacy Benefit Managers**

**At the request of:** House Interim Committee on Health Care for Representative Salinas

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Pharmacy benefit managers (PBMs) are intermediaries between health insurers, pharmacies, wholesalers, and manufacturers. Most health insurers contract with PBMs to provide third-party administrative services for the insurer's pharmacy benefits, with the goal of cost-containment. In 2019, the Legislative Assembly passed House Bill 2185, establishing new restrictions on PBMs in Oregon including mail order, specialty pharmacy prescriptions, and reimbursement processes between PBMs and pharmacies.

**Bill Summary:** House Bill 4030-A would have delayed implementation of specified provisions of House Bill 2185 (2019) from January to July 1, 2021. The measure also clarified that PBMs were to reimburse the cost of a specialty drug filled or refilled at a network pharmacy for individuals residing in a long-term care facility.

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[House Bill 4073-A](#)**Not Enacted****Insulin Affordability**

**Chief Sponsors:** Rep. Schouten; Sen. Manning Jr.; Rep. Smith DB

**Committees:** 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 a target range. Failure to appropriately manage blood sugar levels can have serious health consequences, including damage to the heart, kidneys, and eyes. Once diagnosed, diabetes requires self-management, including medications, testing, and monitoring blood glucose levels. The list price of insulin in the United States increased 15-17 percent annually between 2012-2016. This trend has led to affordability and accessibility issues for patients due to increasing cost-sharing including deductibles and co-pays for brand-name and generic insulin drugs. Recently, Illinois and Colorado became the first states to enact legislation capping monthly insulin costs at \$100 for state-regulated health plans.

**Bill Summary:** House Bill 4073-A would have limited out-of-pocket costs in specified health plans for individuals who are prescribed insulin to treat diabetes.

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**Senate Bill 1577-B****Not Enacted****Tobacco Retail Licensure****Chief Sponsors:** Sen. Monnes Anderson; Rep. Helt; Sen. Roblan**Committees:** Senate Health Care, Joint Ways and Means

**Background and Current Law:** The Centers for Disease Control reported, as of January 21, 2020, a total of 2,711 hospitalized e-cigarette, or vaping, product use-associated lung injury cases. This total includes 60 deaths, two of which were in Oregon. E-cigarette use among youth has also been increasing in recent years, with an 80 percent increase between 2017 and 2019 among Oregon 11th-graders, according to the Oregon Health Authority. Tobacco retail licensing laws have been adopted in approximately 40 states to define the permissible retail sale of tobacco, e-cigarettes, and inhalant delivery system products. Local ordinances have also been adopted in several Oregon counties.

**Bill Summary:** Senate Bill 1577-B would have established tobacco retail licensing standards for the State that recognize already established standards adopted by local governments.

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**House Bill 4078****Not Enacted****Regulating the Sale of Nicotine Inhalant Delivery Systems (Vaping)****Chief Sponsors:** Rep. Marsh; Sens. Taylor, Monnes Anderson; Rep. Nosse**At the request of:** Attorney General Ellen Rosenblum**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Oregon law currently prohibits the sale and receipt of tobacco products, including inhalant delivery systems purchased through mail order or on the Internet from out-of-state sellers. Current law requires that an out-of-state seller verify that the purchaser meets the required minimum age (21) prior to shipping any products; and the seller must also use a shipping method that requires a signature and photo identification from the customer or another non-minor individual residing at the same address upon delivery. Oregon law also requires all delivery sellers to obtain a distributor's license.

**Bill Summary:** House Bill 4078 would have prohibited the sale of inhalant delivery systems by mail, telephone, or the Internet.

[House Bill 4109](#)**Not Enacted****Prohibit Use of Chlorpyrifos**

**Chief Sponsors:** Reps. Holvey, Hernandez, Alonso Leon, Prusak, Salinas, Wilde; Sens. Monnes Anderson, Dembrow, Frederick, Manning Jr., Prozanski, Steiner Hayward

**At the request of:** Piñeros y Campesinos Unidos del Noroeste

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

**Background and Current Law:** According to the U.S. Environmental Protection Agency (EPA), chlorpyrifos is an organophosphate pesticide used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used since 1965 in both agricultural and non-agricultural settings. Agricultural uses include pest control in corn, soybean, broccoli, cauliflower, brussels sprouts, other row crops; specialty seed crops; and fruit and nut tree production. Findings from a 2014 revised human health risk assessment of chlorpyrifos led the EPA to issue a proposed rule to revoke all tolerances of chlorpyrifos, indicating that no amount of chlorpyrifos residue on foods would be considered acceptable. In March 2017, the EPA denied a petition to revoke all tolerances for chlorpyrifos and cancel all chlorpyrifos registrations. In 2019, Oregon, along with other states, challenged the EPA's decision to allow the continued use of chlorpyrifos. Currently, chlorpyrifos remains a registered pesticide.

**Bill Summary:** House Bill 4109 would have prohibited the use of any pesticide product containing chlorpyrifos as of January 1, 2022 and limited current usage until the ban would have taken affect in 2022.

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[Senate Bill 1526](#)**Not Enacted****Residential Care Facility Administrator Licenses**

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

**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** The Health Licensing Office (HLO), part of the Oregon Health Authority's Public Health Division, is a central licensing and regulatory office that oversees multiple health and related professions, including residential care facility administrators. Current law requires residential care facility administrator applicants to possess a high school diploma or its equivalent.

**Bill Summary:** Senate Bill 1526 would have described the evidence that HLO may consider to determine if an applicant for a residential care facility administrator license has earned a high school or equivalent diploma to include both physical documents or other facts or indicators of education obtainment.

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[Senate Bill 1549](#)**Not Enacted****Dental Therapist Licensure**

**At the request of:** Senate Interim Committee on Health Care

**Committees:** Senate Health Care

**Background and Current Law:** In 2011, the Legislative Assembly passed Senate Bill 738, allowing the Oregon Health Authority (OHA) to approve and monitor dental pilot projects that are intended to evaluate quality of care, access, cost, workforce, and efficacy. In 2017, OHA approved Dental Pilot Project #100 ("Oregon Tribes Dental Health Aide Therapist Pilot Project") to develop a new category of dental personnel in Oregon and teach new oral health care roles to previously untrained individuals. The pilot project authorized the Northwest Portland Area Indian Health Board to utilize the Alaska Dental Health Aide Therapist (DHAT) program that has been providing services in Alaska for 11 years. The Alaska DHAT program is modeled off the international model of dental nurses who provide oral health services in nearly 100 countries around the world.

**Bill Summary:** Senate Bill 1549 would have created a dental therapy license through the Oregon Board of Dentistry based on the Oregon Tribes Dental Health Aide Therapist Pilot Project.

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**Senate Bill 1550-A****Not Enacted****Expanded Practice Dental Hygienists****At the request of:** Senate Interim Committee on Health Care**Committees:** Senate Health Care, House Health Care

**Background and Current Law:** In 2011, the Legislative Assembly passed Senate Bill 738, allowing the Oregon Health Authority (OHA) to approve and monitor dental pilot projects that are intended to evaluate quality of care, access, cost, workforce, and efficacy. In 2017, OHA approved Dental Pilot Project #200 ("Training Dental Hygienists to Place Interim Therapeutic Restorations"). The pilot project allowed expanded practice dental hygienists to implement telehealth-connected oral health teams to reach children who have not received dental care on a regular basis and to provide community-based dental diagnostic, prevention and early intervention services, including utilization of interim therapeutic restorations when indicated by the supervising dentist.

**Bill Summary:** Senate Bill 1550-A would have implemented the interim therapeutic restoration authorization allowed by Dental Pilot Project #200.

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**House Bill 4016-C****Not Enacted****Health Care****At the request of:** House Interim Committee on Rules for Representative Tina Kotek**Committees:** House Health Care, House Rules, Joint Ways and Means

**Background and Current Law:** House Bill 4016-C addressed several issues: (1) licensed estheticians, (2) availability of prophylaxes, (3) a universal health care task force, and (4) emergency medical services (EMS) in long-term care (LTC) settings. First, in 2019, the Board of Cosmetology revised Oregon Administrative Rules (OARs) to clarify the requirements for the practice of advanced nonablative procedures and use of devices registered with the Food and Drug Administration among licensed estheticians and advanced estheticians. Second, pre-exposure prophylaxis (or PrEP) involves taking oral medications daily to lower an individual's chances of human immunodeficiency virus (HIV) infection. Use of a postexposure prophylaxis (or PEP) is also recommended for individuals who suspect exposure to HIV. PEP involves taking antiretroviral medicines within 72 hours after possible exposure. Third, Senate Bill 770 (2019) established a 20-member Task Force on Universal Health Care charged with recommending the design of a universal health care system available to every individual in Oregon. Finally, the projected growth of the older population and the demand for LTC, including nursing homes and assisted living facilities, is expected to increase. Oregon EMS providers may be called to LTC and residential care facilities for non-emergency situations. Oregon hospitals, EMS providers, and LTC providers are exploring interventions aimed at preventing unnecessary utilization of the emergency department, avoidable inpatient admissions, and other acute care services among LTC residents.

**Bill Summary:** House Bill 4016-C sought to clarify scope of practice for estheticians and advanced estheticians; would have allowed pharmacists to dispense certain prescription drugs based on an “urgent medical condition” as defined in the measure; extended the timeline of the Task Force on Universal Health Care; and directed the Department of Human Services to create the Senior Emergency Medical Services Innovation program and Senior Emergency Medical Services Advisory Council to improve senior emergency medical services.

[House Bill 4032](#)**Not Enacted****Hospital Nurse Staffing Program****Chief Sponsors:** Reps. Nosse, Hayden**Committees:** House Health Care, Joint Ways and Means

**Background and Current Law:** In 2015, the Legislative Assembly passed Senate Bill 469, requiring Oregon hospitals to establish a hospital nurse staffing committee charged with developing a written hospital-wide staffing plan in order to ensure that the hospital is adequately staffed to meet the health care needs of patients. In addition, the bill established the 12-member Nurse Staffing Advisory Board charged with advising the Oregon Health Authority (OHA) regarding administration of staffing plans and reviewing OHA's ability to enforce staffing plans. The measure requires OHA to audit individual hospitals every three years and make the review findings publicly available. Hospitals found to be in violation of the administrative rules for nurse staffing services receive an audit report and must submit a plan of correction to OHA, which must be approved by the agency.

**Bill Summary:** House Bill 4032 would have appropriated \$1,383,589 to OHA to increase resources for oversight and enforcement of the agency's hospital nurse staffing program.

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[House Bill 4074-A](#)**Not Enacted****Licensure to Practice Genetic Counseling****Chief Sponsors:** Rep. Schouten; Sen. Monnes Anderson**Committees:** House Health Care

**Background and Current Law:** The American Society of Human Genetics defines genetic counselors as health professionals with specialized graduate degrees and training in medical genetics, genomics, and counseling. According to the Oregon Health Authority (OHA), genetic services should be provided by a genetic specialist who has specialized education. Genetic counselors can provide a range of services including engaging individuals with risk assessment, patient education, facilitation of testing, results disclosure, among other services. As of January 2019, over 20 states have enacted licensure laws for genetic counselors. Oregon Health and Science University reported approximately 60 genetic counselors practicing in Oregon as of 2019.

**Bill Summary:** House Bill 4074-A would have established licensure for individuals to practice genetic counseling in Oregon.



[House Bill 4080](#)**Not Enacted****Medicaid and Medicare Workforce Standards****Chief Sponsors:** Rep. Mitchell; Sen. Manning Jr.**Committees:** House Human Services and Housing

**Background and Current Law:** Medicaid (Oregon Health Plan or OHP) is the joint federal-state low-income health insurance program. Medicare is the federal health insurance program for people age 65 and older. Certain people younger than age 65 can qualify for Medicare, including those who receive Social Security Disability Income and those who have permanent kidney failure. According to the Oregon Home Care Commission, the current base hourly pay rate for homecare and personal support workers is \$14.65 per hour. Many of these workers are paid through Medicaid or Medicare.

**Bill Summary:** House Bill 4080 would have established a 12-member Task Force on Medicaid and Medicare Workforce Standards to investigate reasonable standards and requirements for providers of home and community-based care paid in whole or in part with Medicaid or Medicare funds.

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[House Bill 4081-A](#)**Not Enacted****Supervision of Physician Assistants****Chief Sponsors:** Rep. Mitchell; Sen. Steiner Hayward**Committees:** House Health Care

**Background and Current Law:** In Oregon, a supervising physician may use the services of a physician assistant (PA) in accordance with a written practice agreement. The agreement describes what and how the PA will practice and requires a supervising physician or supervising physician organization to direct and review the medical services provided by a PA.

**Bill Summary:** House Bill 4081-A would have modified the physician assistant practice arrangement requirements, including eliminating minimum hour requirements for supervising physician's physical presence and adding specified requirements for physician assistants who prescribe drugs.

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**House Bill 4089****Not Enacted****Surgical Technologists Practice Requirements**

**Chief Sponsors:** Reps. Stark, Lively, Nosse, Helt, Smith DB; Sen. Monnes Anderson

**Committees:** House Health Care, Senate Health Care

**Background and Current Law:** Surgical technologists assist in the surgical process by preparing operating rooms, setting up medical equipment and supplies, assisting physicians during surgery, and managing the sterile field. House Bill 2876 (2015) prohibited hospitals and ambulatory surgical centers from allowing an individual without specified qualifications and education to practice as a surgical technologist. The bill also directed the Oregon Health Authority to approve a national accreditation organization as a condition of employment for newly practicing surgical technologists, and established exemptions for surgical technologists with recent experience and graduates of military training programs.

**Bill Summary:** House Bill 4089 would have allowed an individual who has completed, or is currently enrolled in a specified apprenticeship program to practice as a surgical technologist in Oregon.

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**House Bill 4115-A****Not Enacted****Health Care Interpreters**

**Chief Sponsors:** Rep. Salinas; Sen. Manning Jr.; Rep. Alonso Leon; Sens. Frederick, Wagner

**Committees:** House Health Care

**Background and Current Law:** Health care interpreters facilitate communication between patients with limited English proficiency (LEP) and health care providers in person or over the phone. The Oregon Health Authority (OHA) currently offers and oversees two levels of credentials for health care interpreters (HCI): qualification and certification. Both require 80 hours of formal training for certification, with the qualification certification requiring 40 additional hours. Trained and certified interpreters provide timely and accurate communications between patients and providers, compared with the use of ad hoc interpreters, such as family members who act as interpreters. OHA also staffs the 15-member Oregon Council on Health Care Interpreters, which advises the agency on administrative rules and policies for the agency's Health Care Interpreter Program.

**Bill Summary:** House Bill 4115-A would have directed OHA to design a statewide registry of qualified and certified health care interpreters (HCIs) and required health care providers to use qualified and certified HCIs.

## 2020 SUMMARY OF LEGISLATION

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# Housing

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Home near downtown Baker City – [Gary Halvorson, Oregon State Archives](#)

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**House Bill 4001-C****Not Enacted****Emergency Homeless Shelters****Chief Sponsors:** Rep. Kotek**Committees:** House Human Services and Housing, Joint Ways and Means

**Background and Current Law:** According to the U.S. Department of Housing and Urban Development, 15,876 Oregonians were homeless in 2019. This figure represents a 30 percent increase since the 2014 statewide Point-in-Time count. Oregon has one of the highest rates of individuals experiencing homelessness in the country. The Oregon Housing and Community Services 2019 Statewide Housing Plan found homelessness impacts communities of color disproportionately.

**Bill Summary:** House Bill 4001-C would have defined “emergency shelter” and required local governments to approve an application for the development or use of land for an emergency shelter if certain requirements were met. The emergency shelter provisions would have expired July 1, 2021. The measure would have also allowed local governments to authorize transitional housing accommodations in parking lots or other facilities where persons could reside overnight in a motor vehicle. House Bill 4001-C would have appropriated from the General Fund moneys for navigation centers, grants, and technical assistance related to emergency homeless shelters.

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**House Bill 4039-A****Not Enacted****Services for Unaccompanied Homeless Youth**

**At the request of:** House Interim Committee on Human Services and Housing for Representative Alissa Keny-Guyer

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

**Background and Current Law:** The Runaway and Homeless Youth (RHY) Program is run by the Department of Human Services (DHS) Self Sufficiency Programs. According to a 2016 report from the DHS Homeless Youth Advisory Committee, during the 2014-2015 school year, Oregon school districts counted 3,232 unaccompanied homeless youth.

**Bill Summary:** House Bill 4039-A would have directed DHS to conduct a statewide assessment of the needs and continuum of services for unaccompanied homeless youth; permitted DHS to award one-year grants to organizations that provide services to unaccompanied homeless youth; and appropriated the following General Fund moneys to DHS: \$230,000 to conduct statewide assessments, \$70,000 to provide grants to assist with assessments, \$1 million to provide grants for youth services, and \$1.2 million to provide host home project grants.

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**House Bill 4003-B****Not Enacted****Extending Joint Task Force on Addressing Racial Disparities in Home Ownership**

**Chief Sponsors:** Rep. Meek; Sen. Manning Jr.; Reps. Zika, Keny-Guyer, Lawrence Spence, Salinas

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

**Background and Current Law:** In 2018, House Bill 4010 established a Joint Task Force on Addressing Racial Disparities in Home Ownership to research causes for gaps in homeownership rates across race and present recommendations to the legislature. The Task Force focused on mortgage loan practices and procedures, and identifying systemic barriers to homeownership for people of color. In its final report, the Task Force recommended its continuation to fully develop a number of its remaining recommendations.

**Bill Summary:** House Bill 4003-B would have: extended the Joint Task Force on Addressing Racial Disparities in Home Ownership through February 2021; funded culturally specific homeownership grants, loans, and technical assistance; increased matching funds for qualifying participants' individual development accounts (IDAs); required buyer-represented real estate agents to provide certain information to low-income home buyers; and mandated implicit and racial bias training for real estate professionals. The measure would have required a report be submitted to the Legislative Assembly by December 1, 2020.

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[House Bill 4090](#)**Not Enacted****Expanding Pendleton Urban Growth Boundary****Chief Sponsors:** Rep. Barreto; Sen. Hansell**Committees:** House Human Services and Housing, Senate Environment and Natural Resources

**Background and Current Law:** In 2016, House Bill 4079 was enacted, establishing a pilot program to allow two cities to add new affordable housing units on lands outside of their urban growth boundaries (UGBs) without going through the normal UGB expansion process.

**Bill Summary:** House Bill 4090 would have authorized the Land Conservation and Development Commission (LCDC) to consider a pilot project in the city of Pendleton, to be submitted to and approved by LCDC by June 30, 2022, and terminating January 2, 2026.

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[House Bill 4095-A](#)**Not Enacted****Urban Growth Boundary Affordable Housing Pilot Program Reporting****Chief Sponsors:** Reps. Zika, Helt, Smith DB**Committees:** House Human Services and Housing, Senate Environment and Natural Resources

**Background and Current Law:** In 2016, the Legislative Assembly passed House Bill 4079, establishing a pilot program authorizing two cities, selected by the Land Conservation and Development Commission (LCDC), to develop affordable housing units on lands outside their urban growth boundaries (UGBs) without going through the normal UGB expansion process. The measure required LCDC to report to the legislature annually from 2017 to 2019.

**Bill Summary:** House Bill 4095-A would have extended LCDC reporting requirements to the Legislative Assembly through 2028. The report, required in 2022, would have included a comparison of the experiences of cities participating in the program, an analysis of potential effects of expanding the program statewide, an assessment of the impact on affordable housing availability, the impact of criteria for additional city participation, and suggestions to amend criteria for statewide implementation.

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[Senate Bill 1532-A](#)

Not Enacted

**Support for Low-Income Homeownership Repair and Rehabilitation**

**At the request of:** Senate Interim Committee on Housing and Development for Habitat for Humanity

**Committees:** Senate Housing and Development, Joint Ways and Means

**Background and Current Law:** A number of potential health risks can be found in poorly maintained homes, such as exposure to lead-based paint, radon, carbon monoxide, and mold that develops from water leaks or excess moisture. Identifying and eliminating home health hazards through proper weatherization, removal of contaminants, installation of smoke and radon detectors, and basic decluttering of stairways and walkways, for example, can help individuals and families maintain health and wellness, as well as help maintain or improve a home's value. Some programs make funds available for eligible homes to be properly weatherized to reduce energy consumption and costs, but often other repairs must be made first.

**Bill Summary:** Senate Bill 1532-A would have directed Oregon Housing and Community Services (OHCS) to award grants to eligible entities that offer financial assistance to low-income households for repair and rehabilitation of a primary residence until January 2, 2022.

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[Senate Bill 1533-A](#)

Not Enacted

**Encouragement of Rent Guarantee Program Use**

**At the request of:** Senate Interim Committee on Housing and Development

**Committees:** Senate Housing and Development; House Rules

**Background and Current Law:** The Rent Guarantee Program Fund (Fund) was created via House Bill 2724 in 2017, to increase rental opportunities for tenants with barriers to renting. Barriers include situations like having been evicted in the past or having a low credit score. Landlords may access the Fund to recover certain losses associated with renting to a tenant with barriers during their first year of tenancy, if all of the following are true: the tenant has a documented barrier to renting; the tenant's income is at or below 60 percent of the area median income; the tenant is facing housing instability or homelessness; and the tenant has successfully completed a qualifying renter education course like Rent Well. Tenant education courses like Rent Well are designed to help participants become successful renters by educating them about landlord and tenant rights and responsibilities, and by improving communication skills to build better relationships. Currently, a landlord's recovery from the Fund is limited to \$5,000.

**Bill Summary:** Senate Bill 1533-A would have changed the \$5,000 limit on relief that landlords may seek through the Rent Guarantee Program Fund, to \$5,000 per eligible tenancy.



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**Senate Bill 1534****Not Enacted****Fair Housing Act Enforcement**

**At the request of:** Senate Interim Committee on Housing and Development for Bureau of Labor and Industries

**Committees:** Senate Housing and Development, Joint Ways and Means

**Background and Current Law:** Oregon's Bureau of Labor and Industries (BOLI) is authorized to investigate complaints of discrimination in housing, among other responsibilities. Prior to 2015, Oregon law was substantially aligned with the federal Fair Housing Act. This allowed the federal Housing and Urban Development agency (HUD) to contract with BOLI to enforce federal housing discrimination claims. BOLI was required to prepare formal charges whenever it was unable to resolve a substantiated complaint, and it was also required to proceed in court whenever either party elected to do so. In these cases, BOLI was responsible for court costs and the cost of representation. In 2015, Senate Bill 380 was enacted, allowing BOLI to exercise discretion temporarily (until October 1, 2017) when deciding whether to prepare formal charges or to proceed in court. As a result of this change, BOLI's contract with HUD was not renewed. In February 2017, BOLI reported improved resolution of complaints and conservation of state resources, and the legislature extended its temporary discretion for four more years, until October 1, 2021.

**Bill Summary:** Senate Bill 1534 would have shortened BOLI's remaining period of temporary discretion by nine months, ending it on January 1st instead of October 1st of 2021, restoring pre-2015 requirements to proceed with formal charges whenever substantiated federal housing discrimination complaints did not settle and to proceed in court whenever either party to a federal housing discrimination complaint elected to do so, and thereby, also restoring BOLI's ability to contract with HUD to enforce federal complaints.

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**Senate Bill 1555****Not Enacted****Parsonage Development Near Places of Worship**

**Chief Sponsors:** Sen. Heard

**Committees:** Senate Housing and Development, Senate Rules

**Background and Current Law:** A parsonage is typically a dwelling that is provided by a religious institution where its officiant can reside. 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 1555 would have required local governments to allow development of residential dwellings for the exclusive use of religious officials and their households at or near allowed, conforming places of worship regardless of statewide land use planning goals so long as the dwelling was no more than 2,500 square feet, located no more than 300 feet from an existing place of worship, and not sited on high-value farmland to the extent possible.

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**House Bill 4002-B****Not Enacted****Studying Long-Term Rental Assistance**

**At the request of:** House Interim Committee on Human Services and Housing for Representative Alissa Keny-Guyer

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

**Background and Current Law:** According to Oregon Housing and Community Services (OHCS), 27 percent of Oregon rental households in 2015 experienced severe housing cost burdens, defined as more than half of a household's income being spent on housing and utilities. Federal Housing Choice Vouchers (HCVs, and previously known as "Section 8"), issued by the U.S. Department of Housing and Urban Development and administered through public housing entities, support approximately 35,000 low-income households in Oregon with rent assistance. Waiting lists are used to manage excess demand.

**Bill Summary:** House Bill 4002-B would have directed the Portland State University (PSU) Homelessness Research and Action Collaborative (HRAC) to study the provision of long-term rental assistance to households experiencing severe rent burden, those at risk of being homeless, or homeless individuals, and report to the Legislative Assembly by December 1, 2020.

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**House Bill 4015-A****Not Enacted****Accessory Dwelling Unit (ADU) Program and Buildable Lands and Housing Needs Analyses**

**At the request of:** House Interim Committee on Rules for Representative Tina Kotek

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

**Background and Current Law:** Oregon's comprehensive land use planning Goal 10, "Housing," specifies that each city must plan for and accommodate needed housing. Senate Bill 1051 (2017) requires cities and counties with certain populations to allow accessory dwelling units (ADUs) to increase the availability of affordable housing. Hacienda Community Development Corporation (HCDC), a metro-area housing nonprofit, has a program that would build cottages (ADUs) in the backyards of low- and middle-income homeowners for low-income renters.

**Bill Summary:** House Bill 4015-A would have appropriated \$960,000 from the General Fund to Oregon Housing and Community Services to award a grant to HCDC to implement an ADU community pilot program; would have directed cities located within a metropolitan service district and with populations greater than 10,000 to complete a buildable lands and housing needs analysis at least once every six years; and would have extended the deadline from December 31, 2019 to December 31, 2020 for the Land Conservation and Development Commission to adopt a schedule for metropolitan service districts and cities to demonstrate sufficient buildable lands.

[House Bill 4084-A](#)**Not Enacted****Creating the Rural System Development Charges Program****Chief Sponsors:** Reps. Lewis, Smith DB**Committees:** House Human Services and Housing, Joint Ways and Means

**Background and Current Law:** System Development Charges (SDCs) are one-time fees levied against 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 that is available to local governments. The State authorizes local governments to assess SDCs and specifies how, when, and for what improvements they may be imposed, and provides guidelines for their calculation and modification. Depending on the project, SDCs can substantially increase costs.

**Bill Summary:** House Bill 4084-A would have appropriated \$750,000 from the General Fund to establish the Rural System Development Charges Program within Oregon Housing and Community Services (OHCS) to pay SDCs assessed by a rural government to increase the supply of rural, affordable multifamily housing.

## 2020 SUMMARY OF LEGISLATION

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# Human Services

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## TASK FORCES AND REPORTING REQUIREMENTS

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Public art sculptures, Barbara Roberts Human Services Building,  
Oregon State Capitol Mall in Salem – [Gary Halvorson, Oregon State Archives](#)

[House Bill 4133](#)**Not Enacted****Funding for Domestic Violence Victims Advocates****Chief Sponsors:** Reps. Noble, Williams**Committees:** House Human Services and Housing, Joint Ways and Means

**Background and Current Law:** The Co-Located Advocates Program was founded in 2010 in the Department of Human Services (DHS) and serves survivors of domestic violence who are parents with children. Staff spend part of their time in a DHS office (partnering with DHS) and part of their time in a community-based domestic violence organization. In 2019, statewide expansion occurred at the same funding level, resulting in reduction of funding for 19 counties during the expansion.

**Bill Summary:** House Bill 4133 would have appropriated an unspecified amount to DHS to fund existing contracted domestic violence positions in local Child Welfare offices.

[Senate Bill 1519-A](#)**Not Enacted****Criminal Records Checks of Care Providers**

**At the request of:** Senate Interim Committee on Human Services

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

**Background and Current Law:** When evaluating the fitness of an individual as an employee, contractor, or volunteer, the Department of Human Services (DHS) and the Oregon Health Authority (OHA) are prohibited 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. DHS and OHA are also prohibited from conducting a criminal records check more than once every two years on certain employees.

**Bill Summary:** Senate Bill 1519-A would have prohibited DHS and OHA from considering a conviction for operating a boat while under the influence of intoxicants, as well as considering such convictions under a law in another jurisdiction, if it is a single conviction and over five years have passed since the conviction. The measure also would have allowed DHS or OHA to conduct a criminal records check more than once during an 18-month period if DHS or OHA determined it would have been burdensome for a subject individual to wait for a new criminal records check.

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**Senate Bill 1558****Not Enacted****Continuation of CourtCare in Marion and Polk Counties****Chief Sponsors:** Sen. Boles; Reps. Piluso, Moore-Green, Alonso Leon, Evans**Committees:** Senate General Government and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** CourtCare was created in 2001 by Multnomah County Court to serve children accompanying parents or guardians to court. The program was designed to help prevent children from experiencing additional trauma and to curb disruptions during court proceedings. It provided free child care and court-related family services inside courthouses or within reasonable proximity. House Bill 3067, enacted in 2017, authorized Marion and Polk Counties to establish pilot programs modeled after CourtCare. These programs were required to be certified or registered by the Early Learning Division's Office of Child Care, and staff were required to enroll in the Central Background Registry. CourtCare in Marion and Polk Counties is scheduled to terminate January 2, 2021.

**Bill Summary:** Senate Bill 1558 would have appropriated \$200,000 General Fund dollars to the Department of Administrative Services (DAS) for distribution to Marion and Polk Counties, and continued CourtCare an additional year, until January 2, 2022.

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**House Bill 4096****Not Enacted****Incentives to Establish Child Care Facilities****Chief Sponsors:** Reps. Zika, Helt; Sen. Boles**Committees:** House Business and Labor

**Background and Current Law:** The total number of child care slots in Oregon for children under age 13 has declined by about 5,500 between 1999 and 2018, according to *Oregon's Child Care Deserts*, a 2019 report prepared for the Oregon Early Learning Division by Megan Pratt, Michaella Sektnan, and Roberta B. Weber, all faculty at Oregon State University. The authors note that while the number of slots in centers and large family child care homes increased, the number of slots in small family child care homes decreased by a greater number. The report indicated that affordability is also a barrier to accessing quality child care.

**Bill Summary:** House Bill 4096 potentially would have increased the availability of child care facilities by offering financial incentives through tax credits and a grant program, and with changes to Oregon's land use laws.



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**Senate Bill 1518-A****Not Enacted****Child Welfare Omnibus**

**At the request of:** Senate Interim Committee on Human Services

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

**Background and Current Law:** According to the Department of Human Services (DHS), 55.5 percent of children available for adoption between January 2017 and September 2019 were not adopted within 12 months of entering foster care, and of them, 69 percent remained in foster care.

The Family First Prevention Services Act provides federal financial support to states and tribes for specific services for any child or youth who is a "candidate for foster care."

Exempt prohibited individuals are not permitted to provide child care within five years of becoming an exempt prohibited individual. An exempt prohibited individual is defined as an individual whose certification, registration, or enrollment in the Central Background Registry has been revoked or removed.

**Bill Summary:** Senate Bill 1518-A was an omnibus bill relating to children. It included issues concerning adoptions, foster care, child care, and child welfare.

SB 1518-A would have directed DHS to submit documents to the court necessary to finalize pending adoption proceedings no later than June 30, 2020, and to submit a report to the Legislative Assembly regarding finalized adoptions no later than September 1, 2020. SB 1518-A would have also directed DHS to submit a report to the Legislative Assembly regarding adopting a definition for "candidate for foster care" in rule. The measure would have directed DHS to consider a definition that allows families access to services prior to children entering foster care, allows for collaboration with the courts, and includes opportunities to improve alternatives to removal for populations at risk of disproportionate removal.

SB 1518-A would have modified the definition of "exempt prohibited individual" to specify an individual whose certification, registration, or enrollment in the Central Background Registry has been revoked or removed for cause. The measure also would have allowed the Office of Child Care to conditionally enroll an individual in the Central Background Registry upon successful completion of criminal, child abuse, and neglect records checks.

SB 1518-A would have declared a policy that an individual may not be disqualified from providing child welfare services on the basis of race, religion, national origin, sex, age, marital status, sexual orientation, gender expression, disability, or for the sole reason that the individual received child welfare services as a child or youth. The measure also would have declared a policy that a child, ward, or youth may not be prohibited from, disciplined for, or retaliated against for publicly or privately speaking about child welfare experiences.

[Senate Bill 1566-A](#)**Not Enacted****Foster Children and Child Abuse****Chief Sponsors:** Sens. Gelser, Manning Jr.**Committees:** Senate Human Services, Joint Ways and Means

**Background and Current Law:** The Oregon Promise program is a state grant that covers tuition costs at Oregon community colleges for recent high school graduates or General Education Development (GED) graduates. It is administered by the Office of Student Access and Completion under the Higher Education Coordinating Commission. In order to enroll, students must be Oregon residents for at least 12 months and have completed their high school diploma or GED in Oregon. Children and youth placed in foster care are considered a resident of the school district in which they resided before entering foster care or before the placement changed, unless a juvenile court determines it is in the best interest of the child or youth to attend school in the school district of the foster care placement.

The Department of Human Services (DHS) is responsible for responding to child abuse reports in Oregon and screening for information to determine if there is a need for an assessment. If no assessment is needed, the report is closed at screening. DHS also administers Oregon's foster care program, and placements in foster care range from family home settings to congregate care settings. Family home settings are placements with families that are certified to provide foster care. Congregate care settings include child-caring agencies and qualified residential treatment programs. DHS may make placements of children or youth in congregate care residential settings if the setting is a licensed, certified, or authorized child-caring agency or a qualified residential treatment program.

**Bill Summary:** Senate Bill 1566-A was an omnibus bill relating to children. It would have addressed the Oregon Promise program, school district residency for children and youth in congregate care placements, screening requirements for reports of child abuse, foster care program placements, and out-of-state child-caring agencies.

SB 1566-A would have extended the eligibility requirements for the Oregon Promise program to students in Oregon's foster care system who complete their high school diploma or GED while in a foster care placement in another state.

The measure also would have allowed children or youth in foster care to be considered residents of the school district of the placement if the placement is in a congregate care residential setting and transportation to and from their original school is not provided.

SB 1566-A would have temporarily permitted DHS to close child abuse reports at screening if DHS determines there is no imminent risk of harm to the child, the alleged abuse does not involve a child care provider, and if the alleged abuse did not occur in a school or related to a school-sponsored activity. The measure would have directed DHS to submit a report to the Legislative Assembly regarding child abuse reports closed at screening no later than November 15, 2020.

SB 1566-A would have directed DHS to identify up to two programs providing services in a family home setting serving no more than 15 children with sexually maladaptive behaviors, histories of eloping from care, or histories of failed placements. Such programs would have been required to be child-caring agencies or qualified residential treatment programs. The measure would have directed DHS to submit a report to the Legislative Assembly regarding such programs, including recommendations for continuing or expanding such programs, no later than September 1, 2022.

SB 1566-A would have permitted DHS to make placements of children or youth in child-caring agencies outside of Oregon if specified requirements were met. The measure would have directed DHS to review any such placement of children or youth who have or may have an intellectual or developmental disability and ensure all in-state resources had been exhausted prior to the placement. The measure would have required DHS to accompany children and youth when they were placed in or moved to a child-caring agency outside of Oregon. Furthermore, the measure would have required DHS to notify the placement authorities of any other state retaining jurisdiction of children in child-caring agencies in Oregon upon awareness of a report of suspected child abuse, and to commence an investigation of a report of suspected abuse if the reported abuse occurred in Oregon or in an out-of-state child-caring agency with Oregon children.

The measure would have included out-of-state child-caring agencies in requirements of investigations of child abuse conducted by DHS. SB 1566-A would have permitted DHS to place children or youth in child-caring agencies that were not qualified residential treatment programs as specified. The measure would have permitted such placements if the child-caring agency was a licensed or certified adolescent residential drug and alcohol treatment program, if the child-caring agency was operated by DHS or a health care organization, and if the court approved of the placement. Finally, SB 1566-A would have prohibited placing children or youth in the care of the state in child-caring agencies providing care primarily to children or youth committed to the care of the Oregon Youth Authority, or the equivalent authority in the state in which the placement was located.

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## [House Bill 4148-A](#)

**Not Enacted**

### **Oregon Indian Child Welfare Act**

**Chief Sponsors:** Reps. Sanchez, Lewis, Noble; Sens. Hansell, Roblan

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** The Indian Child Welfare Act (ICWA) is a federal law created “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture.” 25 U.S.C. § 1902 (1978). In 2018, American Indian and Alaska Native (AI/AN) children made up 1.6 percent of Oregon’s child population, but were 4.8 percent of the children in Oregon’s foster care system.

**Bill Summary:** House Bill 4148-A would have aligned Oregon dependency proceedings with the requirements of the Indian Child Welfare Act (ICWA) and incorporated other provisions into the dependency code to promote Indian children’s continued connection to culture, family, and tribe. The measure also would have required biennial reports about Indian children in Oregon’s child welfare system.

[House Bill 4039-A](#)**Not Enacted****Services for Unaccompanied Homeless Youth**

**At the request of:** House Interim Committee on Human Services and Housing for Representative Alissa Keny-Guyer

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

**Background and Current Law:** The Runaway and Homeless Youth (RHY) Program is run by the Department of Human Services (DHS) Self Sufficiency Programs. According to a 2016 report from the DHS Homeless Youth Advisory Committee, during the 2014-2015 school year, Oregon school districts counted 3,232 unaccompanied homeless students.

**Bill Summary:** House Bill 4039-A would have directed DHS to conduct a statewide assessment of the needs and continuum of services for unaccompanied homeless youth; permitted DHS to award one-year grants to organizations that provide services to unaccompanied homeless youth; and appropriated the following General Fund moneys to DHS: \$230,000 to conduct statewide assessments, \$70,000 to provide grants to assist with assessments, \$1 million to provide grants for youth services, and \$1.2 million to provide host home project grants.

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**House Bill 4120-A****Not Enacted****Supporting Transition Services for Current and Former Foster Youth**

**Chief Sponsors:** Rep. Keny-Guyer; Sen. Heard; Rep. Hayden; Sen. Gelser

**At the request of:** Oregon Foster Youth Connection

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

**Background and Current Law:** The Department of Human Services (DHS) is responsible for children in foster care and helps young adults transition out of foster care to independence by contracting with local nonprofit entities that provide skills training and educational assistance through the Independent Living Program (ILP).

**Bill Summary:** House Bill 4120-A would have appropriated \$2 million to the Department of Human Services from the General Fund to provide transition services to current and former foster youth.

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**House Bill 4141****Not Enacted****Funding Court Appointed Special Advocates (CASA)**

**Chief Sponsors:** Reps. Leif, Neron; Sen. Hansell; Reps. Barreto, Helt, Keny-Guyer, McKeown, Stark; Sen. Gelser

**At the request of:** Oregon CASA Network

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

**Background and Current Law:** Court Appointed Special Advocates (CASAs) 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 the majority of their time interviewing people involved in the child's life and respective court case, including teachers, foster parents, attorneys, caseworkers, counselors, parents, medical professionals, and family members, in order to develop appropriate recommendations.

**Bill Summary:** House Bill 4141 would have appropriated \$2,616,255 from the General Fund to the Department of Administrative Services (DAS) to increase the number and diversity of CASA volunteer programs.

## 2020 SUMMARY OF LEGISLATION

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# Judiciary

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: Grounds of the Washington County Courthouse in Hillsboro, Washington County – [Gary Halvorson, Oregon State Archives](#)

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**Senate Bill 1575-A****Not Enacted****Fitness to Proceed**

**At the request of:** Chief Justice Martha L. Walters for Oregon Judicial Department for Senate Bill 24 Implementation Work Group

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** In a criminal proceeding, if a defendant is determined unable to aid in their own defense, the criminal proceeding against the defendant is suspended until such time as the defendant has gained or regained their fitness to proceed. In the 2018-2019 interim, the Oregon State Hospital convened a work group to address the increase in commitment of fitness to proceed defendants to the Oregon State Hospital. The product of that work group was Senate Bill 24 (2019). In the following interim, a collaborative work group was convened to assess whether any legislative changes were necessary for successful implementation of Senate Bill 24.

**Bill Summary:** Senate Bill 1575-A would have reorganized and restructured the fitness to proceed statutes, defined key terms, and modified the separate procedures and criteria for committing a defendant charged with felony versus a misdemeanor to the Oregon State Hospital where fitness to proceed was in question. It also modified the separate procedures to return a defendant charged with felony versus a misdemeanor to community restoration services when circumstances authorizing commitment of defendant to the Oregon State Hospital no longer exist.



[Senate Bill 1561-A](#)**Not Enacted****Cannabis and Hemp Regulatory Changes****Chief Sponsors:** Sen. Prozanski; Rep. Helm**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** In 1998, Oregon voters passed Ballot Measure 67, which authorized the use of marijuana for medical purposes. Oregon voters then passed Ballot Measure 91 in 2014, which allowed for the creation of a recreational marijuana market. Subsequent legislation allowed individuals to grow, sell, and consume marijuana subject to certain conditions without having to show a medical need. Additionally, starting in 2009, Oregon has allowed for the possession and production of hemp. In 2018, Congress passed the Hemp Farming Act, which allows for the transportation of hemp across state lines subject to certain requirements.

**Bill Summary:** Senate Bill 1561-A would have authorized the Oregon Department of Agriculture to implement a State Hemp Program; modified criminal statutes related to marijuana; required collaboration between the Oregon Cannabis Commission and other state agencies; and directed the Oregon Liquor Control Commission to develop educational programs for licensees and assess the costs of tracking licensees.

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## House Bill 4107-B

**Not Enacted**

### Discrimination

**Chief Sponsors:** Reps. Bynum, Alonso Leon, Lawrence Spence, Piluso; Sens. Frederick, Manning Jr.

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

**Background and Current Law:** According to the Federal Deposit Insurance Corporation, in 2017, 6.5 percent, or 8.4 million households in the U.S. did not have a bank-issued debit or credit card. Additionally, a 2019 study by the Federal Reserve's Cash Product Office found that consumers used cash in 26 percent of transactions.

The Create a Respectful and Open World for Natural Hair (CROWN) Act prohibits discrimination based on hair style and texture. First enacted in California in 2019, the act has been adopted by New York, New Jersey, the City of Cincinnati, and Montgomery County, Maryland, and is under consideration in the U.S. Congress and several states.

**Bill Summary:** House Bill 4107-B would have prohibited discrimination in two ways. First, it would have made refusal to accept cash by a business or government entity, that serves the public, an unlawful practice. Second, it would have included physical characteristics including hair type, texture, and style within the definition of race in school discrimination policies, interscholastic organization activities, and in unlawful employment practices, and prohibited school or employer dress codes or policies from disproportionately impacting members of a protected class.

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## Senate Bill 1547-A

**Not Enacted**

### Court-Related Technical Updates

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

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Senate Bill 1547-A was an omnibus bill containing court-related technical corrections.

**Bill Summary:** Senate Bill 1547-A would have allowed misdemeanor proceedings to remain in the Multnomah County Circuit Court's Gresham location if good cause was shown or to be returned to Gresham upon the request of either party when a defendant was not in custody and all warrants had been vacated or extinguished. SB 1547-A would have corrected an error from House Bill 3007 (2019) regarding the process for proving a writing was a will or revocation of a will. The measure would have allowed for alternative forms of notice to a protected person when a guardianship had been ordered. SB 1547-A would have provided minor petitioners an expiration date by which they must renew a Sexual Assault Protection Order (SAPO) after their 18th birthday that did not allow for disclosure of their confidential birthdate information. The measure would also have made procedural changes to the alternative methods of service allowed in certain circumstances.

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## House Bill 4040-A

**Not Enacted**

### Family Treatment Courts

**At the request of:** House Interim Committee on Human Services and Housing for Representative Alissa Keny-Guyer

**Committees:** House Judiciary, Joint Ways and Means

**Background and Current Law:** The purpose of a Family Treatment Court (FTC) is to guide child-welfare-involved parents into drug or alcohol treatment while providing intensive judicial supervision. [A study of FTC](#) in Washington state showed a decrease in abuse and neglect of participant children, increased reunification rates and stability for participant children, and a cost savings of \$10,230 per adult participant.

**Bill Summary:** House Bill 4040-A would have directed the Oregon Judicial Department to establish FTCs in Clackamas and Douglas Counties. The bill would have also expanded the Office of Public Defense Services' Parent-Child Representation Program to Clackamas and Douglas Counties. Under this measure, the State Court Administrator would have been required to submit biennial reports regarding the status and efficacy of FTCs to the Legislative Assembly. The program would have sunset on January 2, 2027.

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[House Bill 4065](#)**Not Enacted****Driving Privilege Suspension Authority**

**Chief Sponsors:** Reps. Gorsek, Barker, Bynum, Noble, Piluso; Sen. Manning Jr.

**Committees:** House Judiciary, Senate Judiciary

**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 Oregon Driver and Motor Vehicle Services (DMV). Individuals who have had their driving privileges suspended for failing to pay traffic-related fines are eligible to apply for a hardship permit, which allows suspended individuals to drive for certain specific purposes.

**Bill Summary:** House Bill 4065 would have prohibited courts from imposing 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 4142](#)**Not Enacted****Court Collections**

**At the request of:** Chief Justice Martha L. Walters for Oregon Judicial Department

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Under ORS 1.199, Oregon courts can set up a payment plan or other collection process for a court judgment. Such plans are required to have an added fee of at least \$50, but no more than \$200. Additionally, while courts are authorized to collect and settle debts, courts are prohibited from settling judgments that contain restitution or compensatory fines.

**Bill Summary:** House Bill 4142 would have removed the minimum \$50 fee added to judgments collected by the court and would have allowed settling of portions of a judgment that are not restitution or a compensatory fine.

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**House Bill 4004****Not Enacted****Public Defense Services Commission Composition and Policy**

**At the request of:** House Interim Committee on Judiciary for Representative Tina Kotek

**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** In Oregon, the Office of Public Defense Services (OPDS) provides defense counsel for indigent defendants in criminal proceedings. OPDS is overseen by the Public Defense Services Commission (PDSC). In 2018, the Sixth Amendment Center assessed the PDSC, OPDS, and the systems they maintain. House Bill 4004 addressed some of the concerns raised by [The 6<sup>th</sup> Amendment Center report](#).

**Bill Summary:** House Bill 4004 would have changed the membership of the PDSC from seven to nine members. It would have also required the PDSC to adopt specific policies for contracting with public defense providers and oversight of their work and would have directed the PDSC to report to the Judiciary committees on the implementation of the bill on or before March 1, 2021.

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**Senate Bill 1545****Not Enacted****Oregon State Police Patrol Trooper Staffing Levels**

**At the request of:** Senate Interim Committee on Judiciary for Oregon State Police Officers' Association

**Committees:** Senate Judiciary, Joint Ways and Means

**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. Oregon currently has 454 total sworn Patrol Division officer positions to serve a population of over 4 million residents. In 2016, OSP had 8 troopers per 100,000 persons. At a high in the 1970s, Oregon had nearly 30 troopers per 100,000 people.

**Bill Summary:** Senate Bill 1545 would have required OSP to bring patrol trooper staffing levels up to 15 troopers per 100,000 state residents beginning January 1, 2030.

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**Senate Bill 1567-A****Not Enacted****Law Enforcement Arbitration**

**Chief Sponsors:** Sens. Frederick, Manning Jr., Roblan, Findley, Thatcher; Reps. Bynum, Lawrence Spence, Lewis, Noble, Piluso, Power

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Many state and local government employees, including employees of states, counties, cities, school districts, and law enforcement agencies are subject to the Public Employee Collective Bargaining Act (PECBA). Under the law, resolution of disputes over imposed discipline may be resolved through binding arbitration. As a condition of enforceability, an arbitration award that orders the reinstatement of a public employee or otherwise relieves the employee of responsibility for misconduct must comply with clearly defined public policy in statute or judicial decisions.

**Bill Summary:** Senate Bill 1567-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 1576](#)**Not Enacted****Judicial Marshal Benefits**

**At the request of:** Chief Justice Martha L. Walters for Oregon Judicial Department

**Committees:** Senate Judiciary, House Judiciary

**Background and Current Law:** Judicial marshals are appointed by the Chief Justice and are charged with implementing the state court security and emergency preparedness plan and ensuring the safety of judges and court staff. Judicial marshals have the authority of police officers and are certified by the Department of Public Safety Standards and Training. However, judicial marshals are not considered police officers for purposes of the Public Employees Retirement System (PERS).

**Bill Summary:** Senate Bill 1576 would have included judicial marshals within the PERS definition of police officer, making them eligible for specific retirement benefits.

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[House Bill 4148-A](#)**Not Enacted****Oregon Indian Child Welfare Act****Chief Sponsors:** Rep. Sanchez; Sens. Hansell, Roblan; Reps. Lewis, Noble**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** The Indian Child Welfare Act (ICWA) is a federal law created “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture.” 25 U.S.C. § 1902 (1978). In 2018, American Indian and Alaska Native (AI/AN) children made up 1.6 percent of Oregon’s child population, but were 4.8 percent of the children in Oregon’s foster care system.

**Bill Summary:** House Bill 4148-A would have aligned Oregon dependency proceedings with the requirements of the Indian Child Welfare Act (ICWA) and incorporated other provisions into the dependency code to promote Indian children's continued connection to culture, family, and tribe. The measure also would have required biennial reports about Indian children in Oregon's child welfare system.



[Senate Bill 1568-A](#)**Not Enacted****Vulnerable Youth Guardianship****Chief Sponsors:** Sen. Wagner; Rep. Piluso**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. There is currently no mechanism for creating a guardianship for a person who is over the age of 18 or has capacity to meet the essential requirements for maintaining physical health and safety. Special Immigrant Juvenile (SIJ) status is a type of lawful permanent residency for persons who meet federal statutory requirements, which include that the person be under age 21, not married, currently living in the U.S., and have a valid state court order that finds the person is a dependent of the court, or in the custody of a state agency, department, or individual or entity appointed by the court, who cannot be reunified with one or both parents because of abuse, abandonment, or neglect, and that it is not in the best interest of the person to be returned to the country of nationality or last residence.

**Bill Summary:** Senate Bill 1568-A would have created a new category of persons for whom a guardian may be appointed, called a "vulnerable youth." A vulnerable youth is a person between the ages of 18 and 21 who is eligible for classification as a special immigrant juvenile and who cannot be reunified with one or more parents due to abuse, neglect, or abandonment that occurred when the person was a minor. This guardianship may also serve as the state court order for juveniles pursuing SIJ status.

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[House Bill 4005-B](#)**Not Enacted****Safe Storage of Firearms****Chief Sponsors:** Reps. Sollman, Prusak, Keny-Guyer**Committees:** House Judiciary, House Rules

**Background and Current Law:** According to the National Center for Health Statistics and the Centers for Disease Control and Prevention, in 2017, 486 people in the United States died of unintentional gun injuries. That same year, 23,854 people committed suicide with a gun and 14,542 people were intentionally killed by gun injuries. A 2010 study by Mayors Against Illegal Guns found that, per capita, states without lost or stolen reporting laws are the source of more than 2.5 times as many recovered guns found to have been used in crimes than those states with a lost or stolen reporting requirement.

**Bill Summary:** House Bill 4005-B would have established standards and liabilities for the transfer, supervision, and storage of firearms. It would have also created requirements for reporting the loss or theft of firearms and liabilities for failure to do so.

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**Senate Bill 1573-B****Not Enacted****Automatic Juvenile Expunction for Youth Never Adjudicated****Chief Sponsors:** Sens. Dembrow, Manning Jr.; Rep. Bynum**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:** Expunction is a process to seal a record of arrest or conviction. During the 2018-2019 interim, a Senate Judiciary work group on reentry, employment, and housing identified Oregon's juvenile expunction statutes as a key area of reform. At the end of the 2019 session, the Senate Committee on Judiciary convened a work group on juvenile expunction to pick up where the reentry work group left off.

**Bill Summary:** Senate Bill 1573-B would have directed juvenile departments to automatically expunge records of juveniles who have had contact with juvenile departments, but for which contact did not result in a petition being filed or the juvenile court taking jurisdiction. The measure would also have provided counsel for persons seeking expungement of juvenile records and changed the penalty for releasing expunged information. Finally, it would have created a reporting requirement regarding the implementation of the bill and further necessary legislative changes.

[House Bill 4131](#)**Not Enacted****Family Preservation Project Support and Analysis**

**Chief Sponsors:** Reps. Piluso, Prusak, Neron, Bynum, Helt, Sanchez; Sen. Fredrick

**Committees:** House Judiciary; Joint Ways and Means

**Background and Current Law:** Since the early 2000s, the YWCA of Greater Portland has hosted a program for incarcerated mothers of minor children called the Family Preservation Project (FPP). The FPP provides targeted support to incarcerated mothers to see their children and increase self-reliance, family stability, and successful parenting upon reentry.

**Bill Summary:** House Bill 4131 would have directed the Oregon Criminal Justice Commission (CJC), in collaboration with the Department of Corrections, to establish a Family Preservation Project pilot program administered by the YWCA of Greater Portland at Coffee Creek Correctional Facility and designated program goals. The measure would have required biannual program analysis by the CJC and sunset in 2027.

[Senate Bill 1503-A](#)**Not Enacted****DUI BAC Testing Period and Statutory Counterparts****Chief Sponsors:** Sens. Courtney, Prozanski**Committees:** Senate Judiciary, House Judiciary, House Rules

**Background and Current Law:** Under ORS 813.010, prosecutors can prove that a person was driving under the influence of intoxicants (DUI) if they show that the person, at the time of driving, had a .08 percent or higher blood alcohol level, was under the influence of intoxicating liquor, cannabis, a controlled substance, or an inhalant, or was under the influence of any combination thereof. Whether the person has the requisite blood alcohol level is determined by a breath or blood test, usually taken at a police station or medical facility. Depending on when and where the stop occurs, it may be several hours before the breath or blood test occurs. Additionally, if an individual has had two previous DUI convictions in the previous 10 years, any subsequent conviction will be considered a felony. The two prior convictions could have occurred in Oregon or in a state with a "statutory counterpart" to Oregon's DUI laws.

**Bill Summary:** Senate Bill 1503-A would have provided that an individual is guilty of driving under the influence of intoxicants if that person is found to have a .08 percent or higher blood alcohol level within two hours of driving and defined "statutory counterpart" to address the Oregon Supreme Court's decisions in *State v. Hedgpeth*, 365 Or. 724 (2019) and *State v. Guzman*, 366 Or. 18 (2019).

[House Bill 4097-B](#)**Not Enacted****Mass Transit District Police Officers****Chief Sponsors:** Reps. Hernandez, Sanchez**Committees:** House Judiciary, Senate Judiciary

**Background and Current Law:** Under ORS 267.320, mass transit districts may assess fares or other charges on individuals who use the transportation services provided by the districts. Failure to pay the fare may be prosecuted as a misdemeanor theft of services under ORS 164.125 or as a violation of a local ordinance. Alternatively, failure to pay fare may be resolved through an administrative process created by the districts. Mass transit districts are able to commission police officers to work on transit property and vehicles. These officers may be asked to assist fare inspectors during fare checks, in addition to their other duties.

**Bill Summary:** House Bill 4097-B would have prohibited police officers from participating in certain fare enforcement duties, clarified what support police officers can provide on mass transit district vehicles and property, and provided districts with immunity from civil liability for claims arising from a police officer's nonenforcement of fare ordinances.

## Senate Bill 1546-B

**Not Enacted**

### Public Safety Omnibus Bill

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

**Committees:** Senate Judiciary, Joint Ways and Means

**Background and Current Law:**

Senate Bill 1546-B had five principal components:

- 1) **Domestic Violence Firearm Prohibition Documentation.** ORS 166.255(3)(e) defines a "qualifying misdemeanor" as one that includes use of physical force, attempted use of physical force, or the threatened use of a deadly weapon. Federal statute 18 USCS § 921 similarly prohibits individuals convicted of a "misdemeanor crime of domestic violence" from possessing firearms. No procedural mechanism currently exists to document on a computerized criminal history (CCH) when an individual has been convicted of a crime involving domestic violence, and which, if any, firearm prohibition is satisfied by the conviction.
- 2) **Transfer of Traffic and Pedestrian Stop Data Collection and Analysis.** In 2019, the Legislative Assembly approved transferring the responsibilities of the Criminal Justice Policy Research Institute's Law Enforcement Contacts Policy and Data Review Committee from Portland State University to the Criminal Justice Commission, thereby consolidating both quantitative and qualitative data collection on traffic and pedestrian stops in one state agency.
- 3) **Law Enforcement Ability to Drive Emergency Vehicles.** ORS 801.208 exempts firefighters from needing a commercial driver license (CDL) when operating an emergency fire vehicle. However, no such exemption exists for police officers operating emergency vehicles.
- 4) **Senate Bill 1008 (2019) Juvenile Justice Work Group Recommendations.** In 2019, the Legislative Assembly enacted SB 1008, which ended the automatic prosecution of 15-, 16-, and 17-year-olds as adults for Measure 11 offenses. After SB 1008's passage, the Office of Governor Kate Brown convened an implementation work group that examined whether any legislative changes were necessary to support the implementation of SB 1008.
- 5) **Correction Officer Psychological Screenings.** Oregon law 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.

**Bill Summary:**

- 1) **Domestic Violence Firearm Prohibition Documentation.** Sections 1-4 of SB 1546-B would have created a process to identify and record on an individual computerized criminal history (CCH) when a conviction satisfies either the Oregon or federal prohibitions on possession of firearms.
- 2) **Transfer of Traffic and Pedestrian Stop Data Collection and Analysis.** Sections 6-7 of SB 1546-B would have shifted the duty to receive complaints alleging law enforcement profiling from Law Enforcement Contacts Policy and Data Review Committee to Oregon Criminal Justice Commission.
- 3) **Law Enforcement Ability to Drive Emergency Vehicles.** Section 8 of SB 1546-B would have exempted from definition of "commercial motor vehicle" emergency vehicles operated by police officers.

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- 4) **Senate Bill 1008 (2019) Juvenile Justice Work Group Recommendations.** Sections 9-12 of SB 1546-B would have removed the detention timelines for youth subject to waiver hearings, clarified that the venue for a youth subject to a waiver hearing is the county where the alleged act was committed, and allowed for a youth to be placed in the custody of the Oregon Youth Authority (OYA) up until age 20 if the act was committed prior to age 18.
  - 5) **Correctional Officer Psychological Screenings.** The measure would have allowed a person previously employed as a correctional officer to forgo new psychological screening if they had completed prior similar psychological screening and would have been employed by the same agency that had the prior testing performed.

## 2020 SUMMARY OF LEGISLATION

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# Transportation and Infrastructure

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: A canola field on Logie Trail Road, Washington County – [Gary Halvorson, Oregon State Archives](#)

[House Bill 4036-A](#)**Not Enacted****Transportation Omnibus Bill**

**At the request of:** Joint Committee on Transportation for Representative McKeown and Senator Beyer

**Committees:** Joint Transportation

**Background and Current Law:** Since 2018, an omnibus transportation bill has been introduced each session. The first such omnibus measure was House Bill 4059 (2018), which was primarily designed to make technical adjustments to the transportation package enacted the prior year--House Bill 2017 (2017); since then, each succeeding measure has been a mix of technical fixes and minor policy changes.

**Bill Summary:** House Bill 4036-A would have been the omnibus transportation bill for 2020. It would have made a number of technical adjustments on topics ranging from railroad water sanitation, documents issued by the Oregon Department of Transportation (ODOT), odometer inspections, the definition of “bicycle” for applicability of the bicycle excise tax, clarification of driver responsibilities when approaching a flashing yellow beacon, and collection and use of fuel taxes.

In addition, the measure would have made several more substantive statutory changes. The measure would have extended the prohibition on the open carry of firearms that already applies in public areas of most public airports to all commercial service airports, including Portland International Airport. It also would have reinstated the classroom instruction requirement for motor carrier training and allowed ODOT to appoint agents to carry out that instruction, either online or in person. The measure would have provided for electric and natural gas utilities to recoup costs from retail customers associated with infrastructure for alternative fuel vehicle charging and fueling, including hydrogen. The sunset on the temporary aviation fuel and jet fuel taxes would have been repealed, and an additional two-cent tax on each would have been imposed; the grant programs funded by these taxes and administered by the Oregon Board of Aviation would have been modified by the measure. Finally, House Bill 4036-A would have merged the Elderly and Disabled Special Transportation Fund and the Statewide Transportation Improvement Fund.

[House Bill 4061](#)

Effective Date: January 1, 2021

**Increased fee for Cultural Trust Vehicle Registration Plate****Chief Sponsors:** Rep. Lively**Committees:** Joint Transportation

**Background and Current Law:** The Oregon Department of Transportation issues a number of different license plates. In addition to the standard “tree plate,” consumers can choose from several other plate designs, each of which requires payment of an additional fee that raises money for a nonprofit organization. Other types of plates utilize the tree design and include a sticker for a university, fraternal or nonprofit organization, or branch of the military. The Cultural Trust registration plate was first issued in 2003 and was instituted to raise money for the newly created Oregon Cultural Trust to fund arts and culture throughout the state. The plate design features a painting by northwest artist Kelly Kievit.

**Bill Summary:** House Bill 4061 increases the surcharge for the Cultural Trust registration plate from the current level of \$30 per pair to \$50 per pair in order to raise additional revenue for the Oregon Cultural Trust.

**Oregon Laws 2020:** Chapter 1

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**House Bill 4150-A****Not Enacted****Willamette Falls Locks Authority****Chief Sponsors:** Reps. Meek, Prusak, Lewis, Salinas; Sens. Olsen, Wagner**Committees:** Joint Transportation

**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. In 1915, the U.S. Army Corps of Engineers purchased the locks, which were later placed on the National Register of Historic Places in 1974. The locks were designated as non-operational in December 2011. Senate Bill 131 (2015) created the Task Force on the Willamette Navigation Canal and Locks to gather information related to the locks, including current and potential future value. Senate Bill 256 (2017) established the Willamette Falls Locks Commission and the Willamette Falls Navigation Infrastructure Program Account.

**Bill Summary:** House Bill 4150-A would have established the Willamette Falls Locks Authority as a public corporation, run by a board of seven to 11 members, and administered by an executive director. The Authority would have taken operational authority over the Willamette Falls Locks project, as well as its associated properties and facilities.

[House Bill 4083](#)**Not Enacted****Roadside Memorials for POW/MIA****Chief Sponsors:** Reps. Lewis, Zika, Helt, Evans**At the request of:** Lieutenant Colonel Dick Tobiason**Committees:** House Veterans and Emergency Preparedness, Senate Veterans

**Background and Current Law:** Under current law, memorial signs may be installed along roadways to honor individuals who were killed in action while serving in a branch of the U.S. Armed Forces. After five such individuals were so honored by legislation in 2013, a new process was enacted in 2015 requiring that the Legislative Assembly adopt a concurrent resolution, followed by completion of an application and payment of \$600 for sign installation. Thirty individuals were so memorialized between 2016 and 2018.

**Bill Summary:** House Bill 4083 would have permitted the State to erect roadside memorial signs for veterans who were officially designated as either a prisoner of war or as unaccounted for by the Defense POW/MIA Accounting Agency. Such a designation would have allowed signs to be erected in their honor through a process separate from the concurrent resolution process.

[House Bill 4103-A](#)**Not Enacted****Authorizing Local Governments to Set Speed Limits****Chief Sponsors:** Rep. Nosse; Sen. Manning Jr.**Committees:** Joint Transportation

**Background and Current Law:** Oregon statute generally governs the speed limits for various types of roadways, based on road type (residential, arterial, etc.) and location (rural, urban, etc.). Currently, local governments wishing to modify the speed limit for a road under their jurisdiction must make a request to the Oregon Department of Transportation (ODOT), and the request then proceeds through a multi-step process for approval. House Bill 2682 (2017) authorized the City of Portland to reduce designated speeds on non-arterial residential highways under its jurisdiction by five miles per hour below the statutory speed.

**Bill Summary:** House Bill 4103-A would have allowed ODOT, by rule, to delegate authority to establish designated speed for highways to Multnomah County, Lane County, or to cities. Prior to a proposed change taking effect, the local government would have been required to submit the proposed change to ODOT for review, and the proposed change would have taken effect 30 days following submission.

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## [House Bill 4043](#)

**Not Enacted**

### Materials for Local Water Projects

**At the request of:** House Interim Committee on Veterans and Emergency Preparedness for Representative Paul Evans

**Committees:** House Water

**Background and Current Law:** The Environmental Protection Agency (EPA) sets standards for drinking water and waste water quality and treatment through the Clean Water Act and National Primary Drinking Water Regulations. Construction of public drinking water systems is regulated by Oregon Drinking Water Services under the Public Health Division of the Oregon Health Authority, subject to OAR 333-061-0050. Construction of waste water systems is regulated by the Oregon Department of Environmental Quality, subject to OAR Chapter 340. Procurement rules for publicly funded construction projects can be found in ORS Chapter 279C and include provisions requiring competitive bidding and a least-cost policy requiring analysis of project costs prior to finalization of a public contract.

**Bill Summary:** House Bill 4043 would have prohibited a local government, local contracting agency, or a local contract review board from restricting the use of piping materials in a publicly funded drinking water or wastewater project, if the piping materials met specific performance standards. The bill provided that appropriate piping materials may have been required for a water project based on the recommendation of a licensed professional engineer in connection with the specific project. The provisions would have applied to public contracts for water projects on or after the operative date of the measure.

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## [House Bill 4070](#)

**Not Enacted**

### Low-Interest Septic System Loan Program

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water, 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. In 2016, Senate Bill 1563 required the Oregon Department of Environmental Quality (DEQ) to establish a program to award grants for developing and administering a low-income loan program for the repair, replacement, upgrade, or evaluation of residential or small business on-site septic systems. This program is known as the Clean Water Loan Program (ORS 454.779).

**Bill Summary:** House Bill 4070 would have appropriated \$2 million of the General Fund, for the biennium ending July 1, 2021, to DEQ to award a grant of no less than \$1,950,000 for a low-interest loan program to repair, replace, upgrade, or evaluate residential or small business on-site septic systems pursuant to ORS 454.779.

[House Bill 4071-A](#)**Not Enacted****Harmful Algal Blooms**

**At the request of:** House Interim Committee on Water for Representative Ken Helm

**Committees:** House Water, Joint Ways and Means

**Background and Current Law:** Harmful algal blooms (HABs) are high concentrations of certain types of algae that produce toxic compounds, known as cyanotoxins. HABs can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water. HABs can also result in hypoxia, or low oxygen, in water bodies, which can kill fish and other wildlife.

Oregon has been experiencing increasing numbers of HABs, including blooms on the North Santiam River that affected drinking water quality for the City of Salem in 2018. In response, a work group made up of stakeholders whose work intersects with drinking water quality or recreational water quality, came together in 2019 to consider short-term and long-term strategies for addressing HABs and related impacts to Oregonians.

**Bill Summary:** House Bill 4071-A would have appropriated \$95,000 to the Oregon Department of Environmental Quality (DEQ) to purchase an instrument to analyze water samples for cyanotoxins and would have directed DEQ to make the instrument available to higher education institutions for education, training, and research during times it was not needed by DEQ. The Act would have appropriated an additional \$215,000 to DEQ for staff to collect water samples and assist with analysis and would have appropriated \$100,000 to the Oregon Health Authority for a Small Utility Outreach Coordinator to work with small water suppliers and water suppliers who depend on a vulnerable water body to make sure they have plans, tools, and training to address HABs and other water-related emergencies.

## 2020 SUMMARY OF LEGISLATION

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# Veterans

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## **TASK FORCES AND REPORTING REQUIREMENTS**

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There were no task forces or reporting requirements created by bills in this policy area.

Picture: An eagle statue -- part of a military memorial in The Dalles, Wasco County – [Gary Halvorson, Oregon State Archives](#)

[Senate Bill 1543-A](#)**Not Enacted****Veterans Organization Group Fishing License**

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

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

**Background and Current Law:** Under current Oregon law, a person seeking to fish or harvest shellfish must purchase applicable licenses, tags, and permits. Uniformed service members, disabled veterans, youth, and seniors are all eligible for free or reduced licenses. Additionally, hospitals or homes run by the Veteran's Administration may apply for up to 30 angling and shellfish harvesting licenses for patients or residents per year. However, nonprofits and other organizations wanting to take groups or individuals fishing or shellfish harvesting must purchase the proper licenses, tag, or permit for each individual.

**Bill Summary:** Senate Bill 1543-A would have created a free group fishing and shellfish harvesting license that is available to nonprofit organizations serving veterans and certain active duty personnel.

[Senate Bill 1542-A](#)**Not Enacted****Capitol Campus Vietnam War Memorial**

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

**Committees:** Senate Veterans, House Rules

**Background and Current Law:** There is currently no Vietnam War specific memorial dedicated and maintained by the State of Oregon. However, there are Vietnam War memorials throughout the state that are dedicated and maintained by counties, cities, and independent organizations. Several memorials are located on or around the State Capitol State Park, including the World War II Memorial, the Medal of Honor Memorials, the Fallen Trooper Memorial, and the Fallen Worker Memorial.

**Bill Summary:** Senate Bill 1542-A would have dedicated and outright permitted a portion of the State Capitol State Park to a Vietnam War memorial and directed state agencies to assist an Oregon Vietnam War memorial nonprofit during the design and construction process.

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[House Bill 4083](#)**Not Enacted****Roadside Memorials for POW/MIA**

**Chief Sponsors:** Reps. Lewis, Zika, Helt, Evans

**At the request of:** Lieutenant Colonel Dick Tobiason

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

**Background and Current Law:** Under current law, memorial signs may be installed along roadways to honor individuals who were killed in action while serving in a branch of the U.S. Armed Forces. After five such individuals were so honored by legislation in 2013, a new process was enacted in 2015 requiring that the Legislative Assembly adopt a concurrent resolution, followed by completion of an application and payment of \$600 for sign installation. Thirty individuals were so memorialized between 2016 and 2018.

**Bill Summary:** House Bill 4083 would have permitted the State to erect roadside memorial signs for veterans who were officially designated as either a prisoner of war or as unaccounted for by the Defense POW/MIA Accounting Agency. Such a designation would have allowed signs to be erected in their honor through a process separate from the concurrent resolution process.

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[Senate Bill 1544-A](#)**Not Enacted****Standards for For-Profit Colleges and Career Schools**

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

**Committees:** Senate Education, Joint Ways and Means

**Background and Current Law:** In 1992, Congress enacted the 85/15 rule to combat abuse of federal financial aid programs for higher education. The 85/15 rule limited the share of revenues that for-profit higher education institutions could receive from federal aid to 85 percent. The rule was intended to ensure quality by ensuring that funders other than the federal government were supporting these schools. In 1998, the rule was changed to 90/10. Currently, veterans' benefits do not count as federal aid subject to the 90 percent limit at the federal level.

**Bill Summary:** Senate Bill 1544-A would have required the Higher Education Coordinating Commission (HECC) to adopt rules establishing minimum standards for all for-profit private colleges and career schools that ensure that at least 10 percent of the annual tuition revenue received by the private colleges and schools comes from sources other than institutional loans or federal funds. This measure would have also established penalties for violating rules enacted by HECC.

[House Bill 4085-A](#)**Not Enacted****Lottery Funds to Long-Term Care Ombudsman for Services to Veterans****Chief Sponsors:** Reps. Wilde, Keny-Guyer**Committees:** House Veterans and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** Oregon veterans comprise eight percent of the state's total population but represent 12 percent of the state's chronically homeless population. In 2016, Oregon voters approved Ballot Measure 96, dedicating 1.5 percent of net Oregon Lottery proceeds to fund support services for military veterans.

Senate Bill 1553 (2014) directed the Oregon Long-Term Care Ombudsman, in consultation with the Resident Facilities Advisory Committee, to appoint an Oregon Public Guardian and Conservator to provide services to persons claiming to be without relatives or friends willing or able to serve as guardians or conservators or resources to obtain one.

**Bill Summary:** House Bill 4085-A would have allocated moneys from the Veterans' Services Fund to the Long-Term Care Ombudsman for the 2019-2021 biennium for purposes of providing public guardian and conservator services exclusively to veterans.