

# 2023 LEGISLATIVE SUMMARY BRIEFS



**LPRO**  
LEGISLATIVE POLICY  
AND RESEARCH OFFICE

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# 2023 LEGISLATIVE SUMMARY BRIEFS

## 82<sup>nd</sup> Oregon Legislative Assembly

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The [Legislative and Policy 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 Legislative Summary Briefs

The Legislative Summary Briefs highlight substantive changes to Oregon's policy landscape based on measures considered during the 2023 legislative session. Each of the 15 individual briefs, organized by policy areas and subtopics, offers background information; describes measures' intended effects, whether enacted or not; provides relevant legislative history; and relates measures, agencies, and programs by policy area.

Users may search the document for individual measures by **keyword** or **measure** number. For a complete list of measures that received public hearings during the regular session, including bills, memorials, and resolutions, see [LPRO's 2023 Legislative Summary Reports](#).

These reports focus 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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# Behavioral Health and Health Care



## Access and Affordability

In the 2023 Regular Session, the Legislative Assembly continued efforts to make health care accessible and affordable for Oregonians. Some of this work advances policies initiated in previous sessions. For example, [Senate Bill 1089](#) carries forward work initiated by [Senate Bill 770](#) (2019) and establishes the Universal Health Plan Governance Board within the Department of Consumer and Business Services (DCBS). The Board will produce a comprehensive plan for implementing universal health care in Oregon. While this measure seeks a path to universal health care, other legislation passed during the session is intended to improve access to health care coverage already available in the state. [Senate Bill 972](#) directs the Oregon Health Authority (OHA) to procure and administer an information technology (IT) platform to operate a state-based health insurance marketplace beginning in 2026, transitioning the state from reliance on the federal IT platform in administering the Oregon Health Insurance Marketplace.

In addition to addressing access broadly, the Legislative Assembly also passed measures aimed at specific services or settings. [House Bill 3396](#) creates the [Joint Task Force on Hospital Discharge Challenges](#). The 22-member Task Force is charged with developing recommendations to improve hospitals’ ability to discharge patients to appropriate post-acute care settings to help alleviate the problem of patients “boarding” in hospitals as they await placement in more suitable settings. [House Bill 2002](#) proclaims as a fundamental right the ability for a person to make decisions about their own

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See the **2023 Legislative Summary Report** for [Behavioral Health and Health Care](#), which highlights policy measures that received public hearings during Oregon’s 202 Regular Legislative Session.

reproductive health. That measure also clarifies the rights of minors to obtain health care services, including abortion, and requires health insurers to provide coverage of services that affirm a person’s gender.

As they looked to improve Oregonians’ access to necessary health care services, lawmakers also considered how to help make care more affordable for individuals and the state. [House Bill 3320](#) builds upon legislation passed in 2018 ([House Bill 4020](#)), 2019 ([House Bill 3076](#)), and

2021 ([House Bill 2360](#)) to clarify requirements for the provision of financial assistance to eligible patients by hospitals. [House Bill 2045](#) exempts increases in costs associated with paying frontline workers from the state's [Health Care Cost Growth Target Program](#).

## **Behavioral Health and Substance Use**

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The state's behavioral health system has received specific attention from the Legislative Assembly in recent years. National rankings indicate that Oregon is among the worst in the nation for prevalence of mental illness and access to care for adults and youth. This attention was sustained during the 2023 Regular Session as the state continued to deal with the impacts of the COVID-19 pandemic. The challenging rollout of the Drug Addiction Treatment and Recovery Act ([Measure 110](#)) passed by Oregon voters in November 2020 coupled with the continuing national opioid epidemic made addressing drug addiction a specific priority issue for legislators.

[House Bill 2513](#) attempts to improve ongoing implementation of Measure 110 by clarifying the roles of the Oregon Health Authority (OHA) and the Oversight and Accountability Council. [House Bill 2395](#) aims to curb the recent surge in drug overdose deaths by making opioid antagonist medications more available and exempting drug testing equipment from drug paraphernalia prohibitions. Similarly, [Senate Bill 1043](#) requires hospitals, detoxification facilities, and residential treatment facilities to provide two doses of opioid overdose reversal medication to patients treated for opioid use disorder. [Senate Bill 450](#) exempts opioid overdose reversal nasal sprays from labeling requirements if a health care provider personally dispenses them.

A number of measures aimed at increasing behavioral health workforce and facilities were considered during the session but did not pass. These include: [House Bill 2651 A](#) (*not enacted*),

which would have appropriated \$75 million to OHA for expanding the state's behavioral health workforce; [House Bill 2544](#) (*not enacted*), which would have appropriated funds to OHA to help increase the statewide capacity of licensed residential facilities to treat individuals with substance use or behavioral health issues; and [House Bill 2485](#) (*not enacted*) and [House Bill 3274](#) (*not enacted*), which would have appropriated funds to Portland State University and Southern Oregon University to increase capacity for students in behavioral health fields. Although these measures did not pass, [House Bill 2235](#) requires OHA to convene a workgroup to study the major barriers to workforce recruitment and retention in the state's publicly financed behavioral health system.

While the state continues to grapple with increasing access to behavioral health services and supports for Oregonians, the Legislative Assembly continued funding for the [9-8-8 Suicide and Crisis Hotline](#) through the passage of [House Bill 2757](#). This builds on the passage of [House Bill 2417](#) in 2021, which created the statewide coordinated crisis system consistent with establishing 9-8-8 as the national crisis hotline to help ensure people have access to behavioral health supports through an easy-to-remember telephone number.

## **Health Data**

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Data plays an important role in allowing the state and legislators to evaluate the health of Oregon and its residents. A recent example is state's new initiative: the Psilocybin Mushroom Services Program Initiative ([Measure 109](#)), which passed in November 2020. Measure 109 authorized the Oregon Health Authority to create a program to permit licensed service providers to administer psilocybin to individuals 21 years of age or older. With applications for licensure commencing in January 2023, the Legislative Assembly passed [Senate Bill 303](#), requiring psilocybin service centers to make quarterly reports to OHA with deidentified



information about clients served, average doses of psilocybin administered, and adverse reactions.

## **Health Equity**

Oregon and the federal government have established goals to eliminate health inequities by 2030. These goals have been informed by data demonstrating the pivotal role of social determinants of health, or the nonmedical factors that influence health (e.g., race, climate, political systems). In 2022, [House Bill 4052](#) was enacted to provide grants to two culturally and linguistically specific mobile health pilot units. The measure also requires the [Oregon Advocacy Commissions Office](#) (OACO) to convene task forces to develop recommendations on funding robust intervention programs for communities that have historically experienced inequitable and negative health outcomes. [House Bill 2925](#) extends the deadlines for submitting the OACO task force recommendations.

## **Health Insurance**

As health care advances and new treatments emerge, the Legislative Assembly routinely considers proposals requiring health insurers to provide coverage of specified services or items. In the 2023 Regular Session, new or updated insurance coverage mandates were enacted for proton beam therapy ([Senate Bill 463](#)), treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS) and pediatric acute-onset neuropsychiatric syndrome (PANS) ([Senate Bill 628](#)), orthotic and prosthetic devices ([Senate Bill 797](#)), and hearing-related items and services ([House Bill 2994](#)). Legislators also heard measures related to mandated coverage of infertility treatment ([Senate Bill 491 A](#), *not enacted*), computerized tomography coronary calcium score scans, ([Senate Bill 497 A](#), *not enacted*), and health

care interpretation services ([House Bill 2538](#), *not enacted*). Similarly, [House Bill 2555](#) (*not enacted*), which would have required health insurers to reimburse naturopathic physicians at the same rate as physicians, did not pass. Similar measures also failed in 2019 ([Senate Bill 734 A](#)), 2021 ([Senate Bill 772/House Bill 2673](#)), and 2022 ([House Bill 4006](#)).

As the cost of new coverage mandates can lead to increased premiums, legislators were interested in establishing a process to evaluate mandate proposals. [House Bill 3157 A](#) (*not enacted*) would have established the Health Insurance Mandate Review Advisory Committee to develop a process to review and provide reports on health insurance mandate proposals.

## **Medicaid**

The Medicaid program is a federal/state partnership that provides health care coverage for adults and children with limited income and resources. Oregon's Medicaid program, the Oregon Health Plan (OHP), is administered according to the parameters of a five-year agreement between the state and the federal government, known as the Section 1115 Waiver. In 2022, the waiver was renewed through September 30, 2027. The new agreement brings additional flexibilities to OHP, including: allowing members age six and older to have two years of continuous eligibility (previously one year), covering more preventative services, and covering more health-related social needs (e.g., food, housing, and climate-related resources).

The Oregon Health Authority administers OHP with the assistance of coordinated care organizations (CCOs) – community-governed organizations that bring together physical, behavioral, and oral health providers to deliver covered care and services. OHA's contracts with CCOs are also on a five-year cycle that began on January 1, 2020. Since CCOs will be





responsible for administering the new flexibilities given to OHP, the Legislative Assembly sought to align OHA contracting for OHP, the 1115 waiver, by requiring a two-year extension of CCO contracts to December 31, 2026. This extension was included in [House Bill 3396](#) (see [Access and Affordability](#)). Finally, [Senate Bill 966](#) directs the Oregon Health Authority to study processes to select quality incentives for coordinated care organizations.

## Oral Health

The Oregon Board of Dentistry (Board) provides oversight of dental professions, including licensure of dentists and certification of dental assistants. [House Bill 3223](#) allows the Board to require, for dental assistant certification, a written examination approved by the Board and offered in English, Spanish, and Vietnamese. The measure also directs the Board to convene an advisory committee, with the majority of members having experience as dental assistants, to advise on workforce issues.

Additional measures to address workforce were considered, including [Senate Bill 441](#) (*not enacted*) and [House Bill 2979 A](#) (*not enacted*), which would have funded incentive programs, trainings, and scholarships to increase the number of dental care providers in the state. [Senate Bill 487 A](#) (*not enacted*) would have added dental case management to Oregon's dental sealant program. [Senate Bill 412 A](#) (*not enacted*) would have required dental laboratories to register with the Health Licensing Office.

## Pharmacy and Prescription Drugs

Building on [House Bill 4005](#) (2018) and [Senate Bill 844](#) (2021), the Legislative Assembly passed measures to improve price transparency and affordability across the prescription drug supply chain. [Senate Bill 192](#) directs [Oregon's](#)

[Prescription Drug Affordability Board](#) (PDAB) to develop a methodology for upper payment limits; a maximum price for drugs purchased by the state Medicaid program and public and private health insurance plans. The PDAB is directed to report back to the legislature with recommendations in advance of the 2025 Legislative Session. [Senate Bill 192](#) also requires pharmacy benefit managers or PBMs to report rebates, fees, price protection payments, and any other payments received from drug manufacturers. [House Bill 2725](#) further clarifies allowable PBM practices after adjudicating a pharmacy claim for reimbursement, including prohibiting imposing fees on pharmacies after the point of sale. [Senate Bill 608](#) directs the Oregon Health Authority to survey retail pharmacies for their costs to dispense medications for the state Medicaid program and to request a state plan amendment from the federal government if needed.

Extending the expanded scope of practice for pharmacists during the public health emergency, [House Bill 2278](#) allows pharmacists to administer the influenza vaccine to children six months of age and older, and [House Bill 2486](#) allows pharmacy technicians to administer vaccines under the supervision of a pharmacist. [Senate Bill 410](#) increases licensure requirements for pharmacy technicians, allowing them to practice on a temporary license with a one-time renewal before they must pass the national certification exam to obtain a license.

Based on a [2018 report and findings](#) of the Audits Division of the Secretary of State, [House Bill 3258](#) expands Oregon's prescription drug monitoring program to include drugs classified as schedule V and requires pharmacists to report information about controlled substances prescribed to animals.





## **Providers and Professions**

Health care providers and professionals in Oregon are licensed and certified under public, independent boards and commissions, including the Oregon Medical Board (doctors and physician assistants), the Oregon State Board of Nursing (nurses and nursing assistants), and the 18 boards, councils, and programs overseen by the State of Oregon's Health Licensing Office.

The legislature acted to statutorily authorize some of the policies that provided flexibility during the public health emergency. [Senate Bill 226](#) allows registered nurses in long term care and in-home care settings to execute medical orders from physicians licensed in other states. [Senate Bill 227](#) extends the renewal period from 30 to 90 days for a nurse licensed in another state to practice in Oregon. [Senate Bill 232](#) clarifies the circumstances allowing out-of-state physicians and physician assistants to care for Oregon patients.

Each session, the legislature considers measures to expand or limit the scope of practice of various professions. [House Bill 2584](#) clarifies the permitted scope of practice for physician assistants (PAs), reducing requirements for PAs to practice under collaboration agreements with physicians. [House Bill 2817](#) clarifies the area of the leg to which the practice of podiatry applies. [Senate Bill 408](#) (*not enacted*) would have established a committee to review requests to change the scope of practice for licensed health care professions.

Finally, the Legislative Assembly passed several measures to remove barriers to licensure and practice for health care professionals, including eliminating licensure requirements to sell hearing aids ([Senate Bill 558](#)), and allowing for:

- provisional registration for behavior analysis interventionists ([House Bill 2048](#));

- applied behavioral analysis professionals to provide certain kinds of behavioral health care ([House Bill 2421](#));
- the Oregon State Board of Nursing to license nurse anesthetists ([House Bill 3425](#));
- limited permits and easing renewal requirements for counselors and therapists ([House Bill 3300](#)); and,
- surgical technicians to be certified by completing an apprenticeship program ([House Bill 3596](#)).

## **Public Health**

Public health includes policies and programs designed to protect and promote the health of Oregonians and the communities where they live, work, play, and learn. The Legislative Assembly considered a diverse set of public-health-related measures, and took action to expand sites for disposal of drugs to include hospital incinerators ([Senate Bill 411](#)), to allow patients discretion to make choices about the final disposition of their amputated limbs and other pathological waste ([Senate Bill 189](#)), to clarify requirements for the Public Health Division of the Oregon Health Authority to investigate and regulate certain health care facilities ([Senate Bill 965](#)), and to guarantee access to HIV exposure drugs ([House Bill 2574](#)).



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# Business and Consumer Protection



## Business Assistance

The Oregon Legislative Assembly often considers measures to aid businesses and create incentive programs. In the 2023 session, the Legislative Assembly enacted [Senate Bill 1048](#), which directs the Oregon Department of Transportation (ODOT) to establish a small business development program to aid qualified small businesses in competing for ODOT public improvement contracts. [House Bill 5040](#), establishes the budget for ODOT and includes expenditure and office support for this program within ODOT.

## Consumer Protection

Legislators considered several measures aimed at creating or strengthening consumer protections during the 2023 session.

The Unlawful Debt Collection Practices Act (UDCPA) controls how a creditor, including a collection agency, may attempt to collect a debt. Unlawful debt collection practices include the use of obscene, threatening, or abusive language; communications without permission or threats of communication with employer; communications without clear identification of debtor and debt collector; or pursuit of debtor for an incorrect amount or a debt not owed. A creditor who willfully violates the UDCPA may be liable for minimum damages of \$200, legal fees, and in some cases punitive damages.

[House Bill 2008](#) (*not enacted*) would have increased the minimum protected wage amount protected from garnishment; increased the maximum value of vehicles, work tools, and

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See the 2023 **Legislative Summary Report** for [Business and Consumer Protection](#) which highlights policy measures that received public hearings during Oregon's 2023 Regular Legislative Session.

work equipment exempted from seizure during debt collection; and required a financial institution to leave a minimum of \$12,000 in a person's account during garnishment. It would also have expanded the ability of a debtor to pursue unlawful debt collection practices violations by: allowing a debtor to bring a good faith case under the UDCPA, requiring a debtor to pay attorney fees only if the claim was objectively unreasonable, and extending the statute of limitations to six years for a person to pursue an unlawful debt collection practices claim, including a class action.

Oregon's anti-robocall statutes, [ORS 646.569](#) (2021) and [ORS 646A.374](#) (2021), prohibit calling someone on a do-not-call list and making scam robocalls. It is common for robocalls to originate outside the United States, using



gateway providers and intermediate telemarketing providers to reach consumers. As a result, it can be difficult to enforce current law when violations occur. [House Bill 2759](#) amends the anti-robocall statutes to make people who know or consciously avoid knowing that another person is engaging in a practice that violates the anti-robocall statutes liable for any loss and subject to penalty for the violation as the person who engaged in the violation.

[House Bill 2915](#) prohibits retail pet stores from offering to sell or actually selling dogs or cats. The measure permits retail pet stores that sold dogs or cats prior to the measure being effective, to continue to sell the animals, if the ownership of the pet store is not transferred to a new owner until 2028. [House Bill 3213](#) prohibits the sale of cosmetics developed or manufactured using cosmetic animal tests on or after January 1, 2024, with some exceptions.

Oregon's Unlawful Trade Practices Act (UTPA) provides individuals with the right to sue for deceptive practices regarding the sale of real estate, goods, and services. Additional recovery powers are given to the Attorney General and district attorneys. The UTPA applies only to consumer purchases that are for the primary purpose of personal, family, or household use. In addition, the UTPA does not apply to insurance-related matters. [House Bill 3242 B](#) (*not enacted*) would have permitted an insured individual to bring a civil action against an insurer for unfair claim settlement practices, including practices not described in current law but that are deemed unfair by the Director of the Department of Consumer and Business Services (DCBS) or by a court. [House Bill 3243](#) (*not enacted*) would have brought unfair insurance claims settlement practices under the UTPA. The measure would have allowed a prosecuting attorney to take action for violations of the UTPA only if the Director of DCBS first requested such action be taken.

## **General Business**

The Oregon Department of Justice maintains a Division of Child Support (Division), which offers several child support services for parents who pay or receive child support. The Division provides enforcement of child support, including wage withholding and garnishment. Oregon law requires employers in Oregon to notify the Division when hiring or rehiring individuals in Oregon. [Senate Bill 184](#) adds independent contractors to this employer reporting requirement.

Data brokers are entities that purchase and sell personal information, such as information gathered from internet-enabled devices, also known as “smart devices.” Information sold to data brokers may contain personally identifiable and sensitive details, and individuals may be unaware that their information has been sold to a data broker. [House Bill 2052](#) requires data brokers who handle the personal information of Oregonians to register annually with the Department of Consumer and Business Services (DCBS). In turn, DCBS must make the information of the data broker registrants publicly available on the agency’s website.

A “corporation sole” is an uncommon type of tax-exempt, nonprofit entity allowed in Oregon. A corporation sole is a form of a religious corporation that allows a religious organization to appoint one person as its sole financial officer. [Senate Bill 77](#), enacted in 2015, prohibits the formation or incorporation of a corporation sole in Oregon as of June 8, 2015, but allows existing corporation soles to continue, subject to regulations. However, [Senate Bill 77](#) (2015) did not address reinstatement of a corporation sole that was administratively dissolved. [House Bill 2109](#) prohibits reinstatement of a corporation sole on or after June 8, 2015.

Third party food delivery platforms provide an app that allows customers to order food from a restaurant. The app sends the order to the



restaurant and connects with local delivery drivers for delivery of the orders. The platforms profit by charging businesses a commission on each order. [House Bill 2536](#) (*not enacted*) would have established requirements for how and when third party delivery platforms may take orders and make deliveries on behalf of a restaurant.

## **Insurance**

Automobile insurance underwriters consider the applicant's age, vehicle, driving record, prior insurance coverage, credit history, and area of residence when preparing an insurance score used to decide whether to underwrite a policy and what premium to charge. Using an applicant's or insured person's credit history is limited to specific circumstances. [House Bill 2920](#) (*not enacted*) would have limited the information auto insurers could use for setting rates to include only: safe driving history, miles driven, driving experience, and other information specified by Department of Consumer and Business Services (DCBS). The measure would have prohibited the use of specific information when setting insurance rates such as credit history, sex or gender, marital status, education, occupation, employment status, residential status, criminal history among other types of information that was not requested in the initial application.

For the purposes of fire insurance, a person has 90 days after receipt of proof of loss forms to furnish proof of loss. [House Bill 2982](#) allows a person with personal insurance who experiences a total loss to receive a 70 percent payout of the personal property coverage without an inventory documentation, if the person provides documentation to DCBS that the home was furnished and the loss occurred as a direct result of a major disaster in a location that was subject to a declaration of a state of emergency under [ORS 401.165](#) (2021).

## **Professional Licensure**

In Oregon, several professional and occupational licensing boards govern the licensing of a variety of occupations, from social workers to optometrists. During the 2023 session, the Legislative Assembly considered several measures that addressed various aspects of professional licensure and professional and occupational licensing boards.

The State Board of Architect Examiners (Board) oversees the registration and regulation of the practice of architecture in Oregon. The Board operates as a semi-independent state agency, and state law governs the registration and practice of architects within Oregon. [Senate Bill 224](#) modifies and updates the statutes regulating the practice of architecture in Oregon. The measure specifies procedures for investigation of violations and modifies procedures for disciplinary action against persons who violate regulations. It also updates terminology and the process for architects outside of Oregon to practice architecture within Oregon.

Two measures not enacted during the 2023 session attempted to address barriers to licensure and employment within Oregon. [Senate Bill 849 A](#) (*not enacted*) would have created the Internationally Educated Workforce Reentry Grant Program within the Higher Education Coordinating Commission, among other things. [Senate Bill 857](#) (*not enacted*) would have enacted the Recognition of Emergency Medical Services Personnel Licensure Interstate Company.



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## Business Regulation and Consumer Protection

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### Animals

The United States Food and Drug Administration ensures cosmetics are safe and properly labeled under the Federal Food, Drug, and Cosmetic Act (FD&C Act). The FD&C Act allows but does not require animal testing in cosmetics for safety. [House Bill 3213](#) prohibits the sale of a cosmetic developed or manufactured using cosmetic animal tests, with some exceptions. It allows for donating noncompliant cosmetics and permits the Attorney General to bring a civil action to impose a civil penalty or obtain an injunction for violations.

The legislature considered [House Bill 3214](#) (*not enacted*), which would have prohibited using certain animals in a traveling animal act. It would have allowed for court-ordered forfeiture of an individual's rights to the animals and made a violation of the measure a Class B misdemeanor.

### Cannabis

In addition to enacting changes during the 2023 session to criminal laws prohibiting unlicensed manufacture or production of cannabis, the legislature continued refining the regulation of licensed cannabis production.

[ORS 475C.544](#) (2021) authorizes the Oregon Liquor and Cannabis Commission (OLCC), the Oregon Department of Agriculture (ODA), and the Oregon Health Authority (OHA) to adopt rules establishing testing standards and identifying appropriate tests for marijuana items,

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industrial hemp-derived vapor items, and cannabinoid products, concentrations, or extracts. Licensed entities must test their products through licensed and accredited laboratories before the sale or transfer of products. Law enforcement are to identify cannabis plants and items as part of enforcement and prosecution of cannabis laws.

[House Bill 2931](#) directs the ODA to establish a cannabis reference laboratory, in consultation with the OHA and OLCC, to provide regulatory and technical support to enforce cannabis laws and ensure that private laboratories are not engaging in deceptive or erroneous testing practices. In addition to the random testing currently permitted, [House Bill 2931](#) allows targeted testing to determine regulatory compliance and testing requests from law enforcement agencies. The measure also removes potential conflicts of interests with private laboratories by prohibiting a person from





holding both a laboratory license and a license to produce, process, or sell cannabis.

## Consumer Data Privacy

The Oregon Attorney General convened a Consumer Privacy Task Force (Task Force) in 2019 to consider legislative proposals about consumers' online privacy and standards for businesses that obtain consumer data about the consumer's activities online or via device applications. [Senate Bill 619](#) resulted from the work of the Task Force and provides new rights to consumers and responsibilities for persons or companies ("controllers") which, in a calendar year, control or process the data of 100,000 or more consumers or devices that link to one or more consumers, or 25,000 consumers if more than 25 percent of their revenue is from selling personal data. The measure excludes public bodies, noncommercial news and publishing activities, and information that is covered by certain existing state and federal privacy protection laws, as well as data collected for certain purposes.

A controller must conduct and document data protection assessments. It must specify in its privacy notice the express purpose for which the personal data is collected and processed, the categories of data that are collected, the categories of third parties to whom data is disclosed, the name under which the controller is registered to do business in the state, and how a consumer may exercise their rights and appeal a controller's decision.

Controllers may not process data that is not reasonably necessary or compatible with purposes specified in the controller's privacy notice, process sensitive data without consent and compliance with data protections for children, or process data for targeted advertising without consent for consumers between 13 and 15 years of age. Controllers who process deidentified data have special requirements. The controller also has to provide

the consumer with an effective means to revoke consent with the same ease with which it was given.

Under the measure, a consumer has rights to know and control how their personal data is used, including the ability to:

- confirm whether the controller is processing the data;
- request the categories of personal data processed;
- request a list of third parties to whom the data has been disclosed;
- receive a copy of the data;
- require the controller to correct some types of inaccuracies;
- delete the data; and
- opt out of data use for targeted advertising, sale of the personal data, or profiling for certain purposes.

The Attorney General can enforce these rights and responsibilities by issuing investigative demands and seeking civil penalties or equitable relief in court.

## Civil Actions

[ORS 93.274](#) (2021) allows a real property owner to petition for removal of illegal discriminatory restrictions in the property record, such as restricting the use of real property by any person or group of persons by reason of race, color, religion, sex, sexual orientation, gender identity, national origin or disability. If that process is successful, it concludes with the court entering a judgment removing only the part of the provision that is in violation. That judgment is then added to the property file, but the discriminatory language itself is not removed.

[House Bill 3294](#) directs the county clerk to replace a recorded instrument for real property with a court-ordered version, in which the illegal discriminatory language is redacted. It also directs the county clerk to maintain the original documents separately for archival purposes.



## Civil Liability

The legislature created a new cause of action for the unlawful display of human remains, following the for-profit display of the dissection of a human body by a private company in Oregon in 2021. [House Bill 2519](#) prohibits a person from accepting payment or other consideration in exchange for displaying human remains to the public, with certain exemptions for legitimate ceremonial and educational purposes. The estate of a deceased person can file civil action against any person who accepts payment or consideration for displaying the person's remains to the public, and obtain injunctive relief, damages, or other appropriate relief.

[House Bill 2572](#) creates a civil cause of action by a person injured as a result of specified paramilitary activity, and also authorizes the Attorney General to investigate and enjoin the activity. The activity subject to this law includes when a person knowingly engages in conduct while acting as part of a private paramilitary organization, or is training to engage in the unlawful conduct. Unlawful conduct includes public patrols or drills while armed with a deadly weapon or doing the following while armed with a dangerous or deadly weapon: engaging in techniques capable of causing physical injury or death; substantially disrupting governmental operations; the unauthorized assumption or assertion of the powers or duties of a law enforcement officer or government official; and interference with another person's rights to engage in or to abstain from conduct. The prohibited activities do not include the military or authorized reserves, or authorized military training, law enforcement, or security services. The measure does not apply to lawful activity of the Department of Fish and Wildlife.

[House Bill 2572](#) did not change the crime of engaging in unlawful paramilitary activity in [ORS 166.660](#) (2021), which prohibits: (1) exhibiting, displaying, or demonstrating to another person the use, application, or making of any firearm,

explosive, or other technique capable of causing injury or death, intending or knowing that it will be illegally used in a civil disorder; or (2) assembling with one or more people for training, practicing, or receiving instruction in the use of any firearm, explosive, or other technique with the intent to engage in civil disorder. This crime is a Class C felony.

Several bills that would have granted persons or organizations civil immunity received hearings but were ultimately not enacted. These include [Senate Bill 754](#) (*not enacted*) about recreational operators, [Senate Bill 848 A](#) (*not enacted*) on professional design consultants for construction projects, [House Bill 2479](#) (*not enacted*) about child advocacy centers, and [House Bill 2571 A](#) (*not enacted*) on animal holding agencies.

## Family Law

Two bills were considered regarding family law during the 2023 session: child support and custody determinations.

Child support is calculated using a formula, following the uniform support guidelines ([ORS 25.275](#) [2021]). The formula can be found in administrative rules ([OAR 137-050-0700 to 137-050-0765](#)), and the amount of support determined by the formula is presumed to be correct. However, this presumption may be rebutted if that amount is unjust or improper. In addition, the court may require the obligor to obtain life insurance to cover the obligor's support obligation. In general, child custody, child support, and spousal support may be modified only when there is a substantial and unanticipated change in circumstances, and generally once a support payment becomes due, a court may not set aside, alter, or modify any portion of the order dealing with that accrued support, with a few exceptions. A modification of *parenting time*, however, is based solely on what is in the child's best interest and does not require proof of a change of circumstance. Currently, there is no explicit



allowance in statute to ask a court to amend the portion of the child support judgment requiring life insurance.

**Senate Bill 806** permits a person who is obligated to retain or purchase life insurance to protect their child support responsibilities to ask the court to modify the judgment requiring the policy in certain circumstances. **Senate Bill 313** (*not enacted*) would have added a requirement to consider the child's preferences when making a custody determination.

## **Fiduciary, Protective Proceedings, and Estates**

Oregon's probate code provides a streamlined procedure for transferring the personal and real property of a deceased person when the value of that property falls within specified monetary limits. This avoids the necessity of going through the full probate process, which requires, among other things, the appointment of a personal representative. To initiate the streamlined procedure, a person claiming a property right would file a "small estate affidavit" with the probate clerk. The process often could not be used when a decedent had created a trust prior to their death but did not fund or fully fund the trust, requiring a probate be opened to transfer ownership of the decedent's assets to the trust.

**Senate Bill 308** modifies the small estate process term "small estate affidavit" to "simple estate affidavit," and changes the small affidavit procedure to allow the transfer of assets to a trust created by the decedent.

The legislature considered but did not enact expansions of public guardians' services. **Senate Bill 380 A** (*not enacted*) would have appropriated \$1.7 million from the General Fund to the Oregon Public Guardian and Conservator (OPGC) and directed the OPGC to develop and administer a program to provide guardianship services to defendants whose criminal cases may be, or have been, suspended or dismissed by a determination of fitness to proceed. **Senate Bill 528 A** (*not enacted*) would have directed the director of public defense services to contract with the designated advocacy system, which is currently Disability Rights Oregon, to provide legal services to respondents and protected persons in protective proceedings, and to provide education services to courts and visitors regarding the rights of respondents and protected persons with a disability to court-appointed counsel in protective proceedings.

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# Courts



## Oregon State Bar

During the 2023 Regular Session, the Legislative Assembly made several changes to laws that affect the Oregon State Bar (OSB).

In Oregon, more than 75 percent of family law and landlord/tenant cases have at least one party who does not have an attorney. Because of this, in July 2022, the Oregon Supreme Court (Court) approved a proposal to license paralegals to provide some legal services that only lawyers could legally provide. Under the new rules, licensed paralegals could offer limited legal services in family law and landlord/tenant cases. The Court also approved professional conduct rules and minimum education requirements for licensed paralegals. The rules governing nonlawyers could only go into effect if allowed by statute. The OSB requested [Senate Bill 306](#) to modify Oregon law to allow for this limited-practice paralegal program. The bill permits the OSB to license and regulate paralegals pursuant to the rules approved by the Court.

Separately, [House Bill 2325](#) permits the OSB Board of Governors to elect a non-attorney board member as president or president-elect of the Board.

## Courthouses, Judges, and Court Processes

The Legislative Assembly considered changes regarding courthouses, judges, and court processes in the 2023 Regular Session.

Maintenance of court buildings is the responsibility of the counties; however, many counties have experienced reduced revenues over the last several decades. The Legislative

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Assembly heard requests to upgrade court infrastructure via an assessment of rural courthouses ([House Bill 2497](#), *not enacted*) and through the expansion of XI-Q bonds ([House Bill 3581](#), *not enacted*). There have been several studies on Oregon courthouses, including the [Report on Oregon Court Facilities](#), by the Court Facilities Task Force (2006); [2008 State of the Oregon Courts](#), by the Oregon Judicial Department (OJD) (2008); the [Report of the Interim Committees on Court Facilities](#), drafted by Committee Services (now LPRO) (2009); and [Lane County, Oregon Court Facility Needs Assessment](#), by the National Center for State Courts (2016).

Concern was brought to the Legislative Assembly regarding some instances of "blanket disqualifications," where district attorneys or public defenders file a motion to disqualify a judge every time that judge is assigned to one of their cases. If the motion filer is assigned to most (or all) of the criminal or juvenile delinquency cases in that district, it may have the effect of disqualifying a judge from all criminal or juvenile delinquency cases. In a

judicial district with few judges, these disqualifications have required bringing in a judge from another judicial district to cover the affected criminal docket. A workgroup was created to discuss solutions to the use of the blanket disqualification. [Senate Bill 807](#) is the result of that workgroup. The bill modifies [ORS 14.260](#) (2021) and allows a judge to challenge a motion or series of motions to disqualify the judge when it effectively denies the judge's assignment to a criminal or juvenile delinquency docket. The judge may request a hearing before a disinterested judge to determine whether there is a reasonable good faith belief that the assigned judge lacks fairness or impartiality, with the burden of proof on the motion filer.

[House Bill 2225](#) was the Oregon Judicial Department (OJD) omnibus bill, covering various topics related to the Judicial Department, including transcriber fees, the process for senior judge assignments and duties, and clarification of certain provisions relating to contempt of court and electronic records policies.

At times, Oregon's state courts and the Oregon State Bar (OSB) are required or requested to provide or use statistical information about the people they serve or interact with, including demographic data. Programs to increase equity and fairness rely on accurate information about individuals. Courts' information about participants' demographics in criminal proceedings is currently often sourced from law enforcement observations. The [Oregon Supreme Court Council on Inclusion and Fairness](#) recommended that OJD develop and implement a policy to collect, retain, and use demographic data. [Senate Bill 234](#) is a result of those recommendations, and permits the Chief Justice and OSB to make rules regarding the collection, use, and confidentiality of demographic information they may obtain.

Other changes to court processes were considered but not passed, include additional circuit court judicial positions in specific counties

([Senate Bill 235](#), *not enacted*), an increase for juror fees and mileage reimbursement ([House Bill 2224 A](#), *not enacted*), and an increase in mileage reimbursement for witness duties ([House Bill 2427](#), *not enacted*). [House Bill 2473](#) (*not enacted*) would have permitted court clerks to certify records from any county. Although HB 2473 did not pass, OJD implemented the change through the administrative process.





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# Criminal Justice



## Cannabis

The Task Force on Cannabis-Derived Intoxicants and Illegal Cannabis Operations was created by [House Bill 3000](#) (2021), and then expanded by [Senate Bill 1564](#) (2022) to recommend legislative changes to support law enforcement's response to illegal cannabis operations. The Task Force's Law Enforcement Subcommittee heard from law enforcement about the need to address problems from larger and increasingly complex illegal cannabis operations by drug trafficking organizations. These included: the need for multi-jurisdiction warrants and increased judicial availability for issuing warrants; clarifying the types of personnel that may accompany law enforcement during execution of the warrant; the need for increased penalties relating to large quantities; the need to address labor trafficking, water theft, and environmental harms from the illegal operations; and addressing the cleanup of illegal cannabis sites after law enforcement action. The Task Force agreed upon several recommendations, which were included in [Senate Bill 326](#), [Senate Bill 954](#), and [Senate Bill 766 A](#) (*not enacted*).

[Senate Bill 326](#) prohibits water use for an illegal cannabis operation; permits warrants to authorize surveillance tools for illegal cannabis operation enforcement; sets higher penalties for operations that involve large quantities, environmental violations, or certain labor violations; requires landowners to clean up sites of illegal cannabis production or manufacture; and permits enforcement of cleanup through public nuisance proceedings, a lien for costs of cleanup, and injunction. [Senate Bill 954](#) authorizes issuance of a search warrant in any

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judicial district where there is interrelated conduct, clarifies that a duly authorized senior judge may issue a search warrant, and specifies persons who may accompany law enforcement in the execution of a search warrant. [Senate Bill 766 A](#) (*not enacted*) would have appropriated additional General Fund money to the Criminal Justice Commission for deposit in the Illegal Marijuana Market Grant Program and allowed grants to be awarded to the Department of State Police for expenses related to the investigation and prosecution of unlawful marijuana operations.

## Crimes & Criminal Procedure

Organized retail crime refers to groups operating multijurisdictional, coordinated schemes or enterprises to commit a variety of financial crimes that sometimes include violent tactics. The Oregon-based Organized Retail Crime Task Force (Task Force) was formed in 2022, and its members include public and





private stakeholders with participation from local law enforcement, business representatives, and private loss prevention officers. The Task Force distinguishes organized retail crime from petty shoplifting and states that it has a major impact on retailers in Oregon. In a survey conducted by the National Retail Federation in 2022, retailers reported a 53 percent increase in organized retail theft nationwide over the past two years.

The Task Force brought forward three measures for consideration during the 2023 Legislative Session. [Senate Bill 340](#) made several changes to current statutes governing property crimes and organized retail theft. It added the organized retail theft statute to the repeat property offender statute, authorizing judges to impose a longer sentence for repeat offenders. It allows prosecutors to aggregate the value of stolen property over 180 days for purposes of proving the crime of organized retail theft, and allows prosecutors to add multiple theft transactions together if they were against the same or multiple victims within a one-year period.

[Senate Bill 900](#) established an Organized Retail Theft Grant Program to assist counties, cities, the Oregon State Police, and community-based organizations address organized retail theft. [Senate Bill 318 A](#) (*not enacted*) would have appropriated money for analyst and investigator positions within the Oregon Department of Justice to coordinate with local law enforcement, prosecutors, and private sector loss prevention personnel tasked with investigating and prosecuting organized retail theft. That appropriation was instead incorporated into Section 20 of [Senate Bill 5506](#).

In March 2022, the Oregon Secretary of State Audits Division released an [advisory report](#) that ranked Oregon sixth in the nation for the number of domestic violent extremist incidents between 2011 and 2020, with the number rising precipitously between 2019 and 2021. The U.S. Department of Justice is the governing entity that most often brings domestic terrorism and

violent extremism charges against individuals. However, several states also have legislation defining and criminalizing such activity. The advisory report's findings were cited in the legislation proposed by [House Bill 2772](#) and [House Bill 3035](#) (*not enacted*).

Oregon does not currently define or criminalize domestic terrorism or violent extremism. [House Bill 2772](#) creates the crime of domestic terrorism in the first and second degree. The new crime of domestic terrorism in the first degree is a Class B felony and is committed if a person intentionally destroys or substantially damages critical infrastructure, or intentionally introduces, releases, or disperses a toxic substance into widespread contact with humans. Domestic terrorism in the second degree is a Class C felony and is committed if a person intentionally possesses a toxic substance with the intent to introduce it into widespread contact with humans, intentionally possesses a destructive device with the intent to destroy or substantially damage critical infrastructure, or intentionally attempts to engage in conduct that would constitute domestic terrorism in the first degree. [House Bill 3035](#) (*not enacted*) would have created the crime of threatening a mass injury event.

[House Bill 2316](#) contains multiple statutory amendments related to the crime of Driving Under the Influence of Intoxicant (DUI). Prior to enactment of [House Bill 2316](#), a person could only be convicted of driving while under the influence of intoxicants on the basis of being under the influence of intoxicating liquor, cannabis, psilocybin, a controlled substance, an inhalant, or any combination of the above. The statute did not include intoxication by any drug other than those listed or categorized as a controlled substance under [ORS 475.005](#) (2021), defined as a drug or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act. Furthermore, a person could not be convicted of a DUI on the basis of being under the influence



of a controlled substance or an inhalant unless the fact that the person was under the influence of a controlled substance, or an inhalant was pleaded in the accusatory instrument. Prior to enactment of [House Bill 2316](#), persons convicted of DUII involving a bicycle were subject to the same statutory drivers' license restrictions as persons convicted of DUII involving a motor vehicle. And, finally, Oregon law allowed a defendant to participate in diversion for the crime of DUII if the defendant had not participated in a diversion or rehabilitation program within the period beginning 15 years before the date of the commission of the present offense.

[House Bill 2316](#) expands the offense of DUII to include being under the influence of any impairing drug; removes a requirement that impairment by a controlled substance or an inhalant be pleaded in the accusatory instrument and removes certain driving restrictions for persons convicted of DUII involving a bicycle. The measure also removes diversion ineligibility for the crime of DUII for persons who have participated in rehabilitation programs within 15 years of a present offense for DUII.

Prior to enactment of [House Bill 2645](#) during the 2023 legislative session, Oregon statute did not provide for a Class A misdemeanor charge for possession of fentanyl as it did for possession of similarly categorized controlled substances such as heroin, methamphetamine, and cocaine. Additionally, statutes criminalizing possession of fentanyl required proof of specific quantities defined by weight and could not be established by possession of "pills, tablets, capsules or user units" as allowed for in statutes relating to oxycodone under [ORS 475.834](#) (2021).

[House Bill 2645](#) establishes a Class A misdemeanor penalty for possession of certain amounts of fentanyl and adds a user unit measurement of fentanyl for purposes of calculating the crime category level for certain

offenses involving possession, delivery or manufacture of fentanyl.

## Firearms and Ballot Measure 114

In November 2022, Oregon voters passed [Ballot Measure \(BM\) 114](#), which established requirements for and restrictions surrounding gun purchasing and ownership. [Ballot Measure 114](#) required anyone purchasing a firearm to take a firearm safety training course and obtain a permit. It also banned large capacity magazines holding more than ten rounds and closed the "Charleston loophole," which allowed firearm transfers to go forward if the required background check had not been completed after three days.

In December 2022, Judge Karin Immergut in the Oregon U.S. District Court denied a request by the Oregon Firearms Federation and other plaintiffs to temporarily prevent implementation of the large-capacity magazine restrictions in [Ballot Measure 114](#). Judge Immergut ruled that [Ballot Measure 114](#) could take effect pending further arguments, but allowed the state to postpone the implementation of the permit requirement until the systems necessary to administer it were in place. In February 2023, the Oregon Supreme Court denied a petition to overturn a lower court ruling blocking the measure in its entirety. In a separate county-level case, *Joseph Arnold, et al v. Ellen Rosenblum, et al*, Judge Robert Raschio granted a preliminary injunction blocking the implementation of the law.

[Senate Bill 348 A \(not enacted\)](#) was introduced to codify some of the requirements included in [Ballot Measure 114](#) and establish procedures and processes to allow for implementation and compliance with the measure as passed. It would have required a permit to purchase a firearm, other than a rifle capable of operating only with .22 caliber rimfire ammunition; a muzzleloader rifle; a pump, break, lever, or



revolving action shotgun; or other similar firearms, on or after July 1, 2024, and would have required a permit to purchase all firearms on or after July 1, 2026. It would have provided that only persons 21 years of age or older could use the permit to purchase a handgun or semi-automatic firearm. The measure would also have increased the number of days within which the permit agent had to approve or deny a permit from 30 days to 60 days and would have required a 72-hour wait period between the purchase and transfer of a firearm from a gun dealer. Finally, [Senate Bill 348 A](#) (*not enacted*) would have required any action challenging the legality or constitutionality of the measure to commence in the Circuit Court for Marion County.

Many other measures relating to firearms received hearings and were not ultimately enacted, including [Senate Bill 393](#) (*not enacted*) on waiting periods for firearms transfers, [Senate Bill 527](#) (*not enacted*) and [House Bill 2006](#) (*not enacted*) related to the minimum age for purchasing a firearm; [House Bill 2007](#) (*not enacted*) relating to firearms in public buildings; and [House Bill 3513](#) (*not enacted*) relating to firearm hold agreements.

Of the firearm-related measures that received public hearings in committee, [House Bill 2005](#) was ultimately enacted. [House Bill 2005](#) addresses the regulation of firearms commonly known as “ghost guns.” “Ghost guns,” are undetectable or unserialized firearms and can be obtained without a background check. According to the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), from 2016 to 2020, law enforcement agencies recovered 24,000 untraceable firearms. As of August 24, 2022, the federal government adopted rules requiring all unfinished frames and receivers to be serialized and sold through the legal background check process. The federal rules do not address undetectable firearms printed on 3D printers. Additionally, the federal rules only regulate Federal Firearm

License (FFL) holders: those engaged in the legal manufacture, import, sale, or dealing of firearms. Prior to enactment of House Bill 2005, Oregon law did not regulate the manufacture, sale, or possession of ghost guns.

[House Bill 2005](#) prohibits a person from knowingly manufacturing, importing, selling, or transferring an undetectable firearm; prohibits a person from knowingly possessing, selling, or transferring a firearm unless the firearm has been imprinted with a serial number by an FFL holder; and prohibits a person from possessing an unfinished frame or receiver unless the person is an FFL dealer or the frame or receiver has been serialized and the name of the manufacturer has been imprinted on it.

## **Indigent Defense**

In 1963, the U.S. Supreme Court declared in *Gideon v. Wainwright*, 372 U.S. 335 (1963) that anyone accused of a crime who cannot afford the cost of a lawyer “cannot be assured a fair trial unless counsel is provided for him.” Under *Gideon*, the Sixth Amendment right to effective counsel is an obligation of the states via the due process clause of the Fourteenth Amendment.

In 2018, the Sixth Amendment Center (6AC), a nonpartisan, nonprofit organization that provides technical assistance and evaluation services to policymakers focused on the constitutional requirement to provide effective assistance of counsel, assessed the Public Defense Services Commission (PDSC) and the systems they maintain to provide public defense for indigent defendants in Oregon's criminal justice system.

That [assessment](#) found: [T]he state has created a complex bureaucracy that collects a significant amount of indigent defense data, yet does not provide sufficient oversight or financial accountability. In some instances, the complex bureaucracy is itself a hindrance to effective assistance of counsel. Moreover, the report concludes that this complex bureaucracy



obscures an attorney compensation plan that is at root a fixed fee contract system that pits appointed lawyers' financial self-interest against the due process rights of their clients and is prohibited by national public defense standards.

In light of those findings, 6AC made recommendations for changes to Oregon's public defense system that were considered by a tri-branch workgroup that met for almost a year. The result of the workgroup was [Senate Bill 337](#), which makes large scale changes in public defense over the next decade. It modifies the makeup of the PDSC, transfers the PDSC from the judicial branch to the executive branch, and provides that until July 1, 2027, the PDSC executive director and commission members serve at the pleasure of the Governor. It disallows economic incentives or disincentives in the pay structure that could interfere with the ability of appointed counsel to provide effective assistance of counsel; directs the PDSC to contract directly with providers, making it responsible for selecting, appointing, paying, and supervising the individual attorneys appointed to represent indigent defendants; and requires the PDSC to promulgate and enforce standards, provide oversight and supervision, collect specific data, and regularly report to the Legislative Assembly on progress and needs.

The [American Bar Association](#) also found that Oregon needs approximately 1,300 additional public defenders. [House Bill 2467 A](#) (*not enacted*) would have created a student loan repayment program for public defenders and would have provided grants to support recruitment efforts.



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## Early Childhood Care and Education

In 2021, the legislature enacted [House Bill 3073](#), which laid the groundwork for converting the Oregon Department of Education's (ODE) Early Learning Division into a separate agency called the Department of Early Learning and Care (DELIC). This new agency will be overseen by the Early Learning Council (ELC) and charged with administering the state's publicly funded preschool programs, regulating child care providers, and taking over responsibility for the Employment Related Day Care (ERDC) subsidy program from the Oregon Department of Human Services (DHS). The launch date for DELIC as an independent agency was subsequently changed to July 1, 2023, by [House Bill 4005](#) (2022).

## Administration and Regulation

During the 2023 session, in anticipation of the DELIC launch on July 1, the legislature enacted several bills to modify, clarify, and expand DELIC's administrative authority. To that end, [Senate Bill 427](#) clarifies DELIC's authority to access funds in the Early Learning Account that was created to fund early learning programs under the Student Success Act, as well as facilitate shared access to data and records between DELIC, ODE, and DHS for background checks, ERDC, early childhood special education, and early intervention services. Additionally, [House Bill 3558](#) transforms the statutorily mandated structure of the agency by removing references to the Office of Child Care, granting DELIC more discretion to organize into administrative divisions and share information across divisions within the agency. The bill also

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expands DELIC's regulatory authority over child care providers, prohibits providers from retaliating against individuals who file complaints against child care facilities, and makes technical changes related to the agency's new responsibility for ERDC. Finally, DELIC's regulatory relationship with providers of family child care homes was modified by [House Bill 2468](#). This bill exempts a provider's own children between the ages of 10 and 12 from adult-to-child ratio requirements unless the children require additional care, requires DELIC to issue a supplemental penalty payment to ERDC providers if it fails to disburse reimbursements promptly, and establishes a retirement benefits trust for providers with union representation through collective bargaining.

The legislature also changed the state's publicly funded prekindergarten and child care subsidy programs. Acknowledging recent expansions of the mission of the Oregon Prekindergarten

program (OPK) to include services for infants, toddlers, and parents-to-be as well as preschool-age children and their families. [House Bill 3435](#) changes the program's name to the Oregon Prenatal to Kindergarten Program and updates all corresponding statutes. [House Bill 2683](#) changes the eligibility requirements for ERDC to align with federal regulations and allow families to qualify through non-income criteria, such as involvement with child welfare, teen parent, domestic violence, and youth homelessness services.

The legislature considered [House Bill 3027 A](#) (*not enacted*), which would have established a work group to study the implementation of navigators who would assist families with enrolling in publicly funded preschool and child care programs such as OPK, Preschool Promise, and ERDC. Other bills not enacted include [House Bill 2726 A](#) (*not enacted*), which would have created a pilot program of wraparound services for low-income children and their families; [House Bill 2872 A](#) (*not enacted*), would have established the Imagination Library of Oregon Program, affiliated with Dolly Parton's Imagination Library book-gifting initiative; and [House Bill 2954 A](#) (*not enacted*), would have created a pilot program to assist employees of long-term care facilities with child care costs.

## Early Childhood Workforce

In recognition of the persistent challenges in both access to and supply of child care, the legislature enacted several bills intended to reinforce the early learning workforce pipeline and respond to staffing shortages in the early childhood sector, made worse by high turnover, low pay, and barriers to professional development for those working in the field. [House Bill 2504](#) directs DELC to examine and streamline its professional certification requirements for child care workers in order to reduce barriers for those with credentials from foreign countries. [House Bill 2991](#) mandates an

independent study, with subsequent reports to the legislature and administrative rulemaking, to identify additional barriers to a high-quality early childhood workforce and develop guidance for future professional development. Lastly, [House Bill 3561](#) allows students pursuing a postsecondary degree in early childhood behavioral and mental health to apply for a scholarship program intended for early childhood educators.

Other bills related to workforce that were not enacted include [House Bill 2623](#) (*not enacted*), which would have created an income tax credit for certain child care workers in rural areas of Oregon, and [House Bill 3029](#) (*not enacted*), which would have created a workforce incentive program to attract early childhood professionals by providing loan repayment subsidies, stipends, scholarships, and other forms of financial assistance.

## Early Childhood Infrastructure

The legislature also addressed the multifaceted infrastructure challenges that inhibit the supply of early childhood care providers, including renovation and expansion costs, zoning and building codes, and restrictions in lease agreements for residential properties, resulting in a package of bills that require collaboration between several state agencies from various policy sectors. [House Bill 3005](#) creates a financial assistance program--administered by the Oregon Business Development Department with coordination and technical assistance from DELC, ODE, and Oregon Housing and Community Services--which is intended to help providers pay for the costs of renovating and expanding their child care facilities. In addition, a workgroup, established by [House Bill 2727](#) and convened by the Department of Land Conservation and Development, will examine the land use regulations that create barriers to the supply of early childhood care providers, including zoning regulations, building codes,





and permitting processes, and recommend solutions for the next biennium.

## Early Childhood Care Providers

Legislators also approved proposals for innovative approaches to expanding the types of early learning and child care. [Senate Bill 1040](#) creates a pilot program through DELC that will explore the sustainability of “micro centers,” which are small child care programs located inside buildings that are primarily used for other purposes, such as residences and businesses. New authority was also granted to ELC and DELC, through [House Bill 2717](#), to regulate outdoor preschools, which are early learning programs based in outdoor and wilderness settings rather than traditional child care facilities and often feature an environmentally focused curriculum. Lastly, due to [Senate Bill 599](#), landlords must allow family child care homes to operate in residential dwellings, provided that child care providers adhere to all regulations required by DELC and ELC and pay for any necessary renovation costs.

## K-12 Education

The 2023 legislative session saw several key changes to system governance enacted. [Senate Bill 271](#) requires the state to collect, for the first time, geographic information on school district boundaries. Additionally, [Senate Bill 275](#) repealed changes to the structure of the Educator Advancement Council that were made in 2021 and requires a study of merging the Teacher Standards and Practices Commission staff responsibilities into the Oregon Department of Education. Other significant changes to system governance include the paid stipends for school board members allowed under [House Bill 2753](#) and the modifications to board memberships enacted in [House Bill 3383](#), which placed classified staff on several education boards for the first time.

Another key change for the K-12 system is a reduction in the required minutes for physical education enacted in [House Bill 3199](#), which reduced the middle school requirement from 225 minutes to 150 minutes each week and allows the calculation to be a weekly average.

## Accountability and Oversight

While the legislature considered several bills relating to accountability and state oversight of local school districts, one significant change was enacted in [Senate Bill 923](#). Under the provisions of that measure, school districts will no longer be able to claim State School Fund dollars for a student unless that student is enrolled in one of the district’s schools. Prior to passage of this measure, school districts had been able to claim funding for students enrolled solely in programs, but not schools. This led to enrollment challenges for some students with disabilities.

Among the bills not enacted, [Senate Bill 1045](#) (*not enacted*) was requested by the Governor and would have limited districts’ ability to adopt curricular materials not approved by the state, and enacted more stringent requirements for ODE to enforce existing nondiscrimination laws. [Senate Bill 289](#) (*not enacted*) would have required ODE to make an annual determination about whether each school district in the state was adhering to requirements enough to be considered standard, and [Senate Bill 290](#) (*not enacted*) would have clarified the roles and responsibilities of ODE, the State Board, and local districts.

## Charter Schools

Two measures changed the policy landscape for charter schools. [Senate Bill 767](#) prohibits new brick-and-mortar charter schools from opening outside the boundaries of their sponsoring districts, and [House Bill 3204](#) changed the timelines for informing students



about decisions regarding their enrollment in virtual charter schools.

## Content Standards and Graduation Requirements

Legislators enacted four major changes that impact the state's content standards and graduation requirements. In response to an evaluation of graduation requirements completed by ODE, the legislature enacted [Senate Bill 3](#), which adds a half-credit of higher education and career path skills and a half-credit of personal financial education to the statutory coursework requirements for graduation. Additionally, [Senate Bill 238](#) responds to the ongoing fentanyl epidemic by requiring curricular supplements related to the dangers of synthetic opioids.

In terms of the state's diploma options, [Senate Bill 992](#) changed the alternative certificate to a certificate of attendance in response to misunderstandings about the certificate's validity for certain post-secondary uses. At the same time, [House Bill 3068](#) makes it easier for students aged 16 or 17 to take a high school equivalency test by eliminating all requirements other than parental permission.

## Early Literacy

This session saw a major new funding effort for early literacy. [House Bill 3198](#) replaced existing laws relating to early literacy and allocated \$95 million. While portions of the funding were allocated for early childhood care, education, and community-based organizations, most of the funding will go toward matching funds for districts that choose to invest in improving early literacy using a science-of-reading approach.

## Equity

In 2023, the legislature enacted three significant measures designed to improve educational

equity in Oregon. [House Bill 2281](#) requires school districts to identify for the state at least one civil rights coordinator; [House Bill 2905](#) specifies that the contributions of Jewish individuals must be taught; and [House Bill 3144](#) establishes a statewide education plan for students who are Native Hawaiian or Pacific Islander similar to existing statewide education plans for other groups of students.

## Facilities

Two measures enacted in 2023 will have a major impact on school facilities. [Senate Bill 1002](#) repealed the facility grants distributions that were part of the State School Fund and instead allocated that money to respond to threats or hazards facing school districts.

Marking a significant shift in how the state regulates school facilities, [House Bill 3031](#) establishes new requirements for school districts using federal or state funding for heating, ventilation, and air conditioning (HVAC) improvements. Under the provisions of this measure, school districts must use that funding to assess ventilation systems, place and assess carbon dioxide monitors in every classroom, and submit a report to a mechanical engineer for review. The measure also requires school districts to carry out the improvements recommended by the reviewing engineer, abide by certain labor requirements, and submit a report to the Oregon Department of Education.

[Senate Bill 426 A](#) (*not enacted*) would have modified Oregon schools' requirements for integrated pest management.

## Finance

Major changes in school finance were enacted in [House Bill 3135](#), which allows districts to keep their small-school funding even after a merger that would otherwise disqualify them from that funding; and [House Bill 3014](#), which allows districts to receive reimbursement for alternative



transportation costs, such as bike buses or walking school buses, and allows the State Board of Education to approve districts' plans for alternative transportation.

## Health, Safety, and School Climate

[House Bill 3584](#) requires school district boards to adopt policies for notifying parents, guardians, and school employees when a school initiates emergency procedures in response to a threat. This measure, enacted in response to a parent whose child experienced a lockdown but was unable to get any information from the school district, marks a significant shift in state requirements for districts to communicate to their communities.

[House Bill 3036](#) (*not enacted*) would have allowed school districts to place traffic-ticket cameras on school bus stop signs to issue traffic citations to motorists who fail to stop.

## Special Populations

Several measures enacted in 2023 significantly impact the provision of education to specific populations of students across Oregon.

For students enrolled in special education, three key bills passed in 2023. [Senate Bill 819](#) establishes a consent mechanism to ensure that schools adhere to existing laws guaranteeing students' rights to full-length school days. As the measure was being considered, the Oregon Department of Education was responding to a federal class-action lawsuit, [J.N. v. ODE](#), that alleged the department had failed to ensure that school districts abide by federal and state laws that guarantee the rights of students with

disabilities.<sup>1</sup> Additionally, [Senate Bill 756](#) guarantees for the first time that classified staff who work with special education students have access to those students' education plans. [Senate Bill 758](#) prohibits school districts from requiring parents to enter into nondisclosure agreements and from limiting the ability of school employees or volunteers to participate in investigations or report violations.

For students who are deaf, hard-of-hearing, or deaf-blind, [House Bill 2669](#) establishes that they have the same rights as children who are not deaf, hard-of-hearing, or deaf-blind and that schools must serve their needs appropriately.

For students who are in recovery from substance use disorders, [House Bill 2767](#) establishes a mechanism to allow ODE to approve special recovery schools to meet their needs. The measure also requires the Oregon Department of Education to establish standards for these schools.

## Workforce

After a legislative workgroup spent two years studying issues related to Oregon's public-school workforce, the Legislative Assembly enacted four significant measures in 2023 related to that work.

[Senate Bill 279](#) enters Oregon into the Interstate Teacher Mobility Compact (ITMC), an effort led by the Council of State Governments and the Department of Defense to allow more flexibility for licensed teachers to cross state lines. Because Oregon was the tenth state to enact the ITMC, its place on the governing body is assured.

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<sup>1</sup> *J.N. v. Oregon Department of Education* (ongoing), 6:19-cv-00096, (D. Or.) (CourtListener)



In addition to ensuring a greater ability for Oregon schools to recruit and attract talent from other states, [Senate Bill 283](#) provides funding and creates programs to benefit the state's education workforce. This measure moves the state toward establishing a data system for educators, creates task forces on educator salaries and substitutes, increases job protections for classified staff, establishes registered apprenticeship and mentorship grant funding, and eases licensure requirements for retired educators.

In a first step toward resolving long-standing challenges for Oregon's school-based speech-language pathologists, occupational therapists, and physical therapists, [House Bill 2618](#) requires the Oregon Department of Education to study and develop a workload metric for these professionals.

## Higher Education

Three bills enacted in 2023 significantly modified the governance of the state's higher education institutions. [Senate Bill 273](#) alters the composition of governing boards at public universities and requires university boards to adopt transparency and accountability policies. [Senate Bill 423](#) creates permanent positions for faculty and staff members on the Oregon Health and Science University Board of Directors, aligning state policy for that institution with other public universities. While those bills focus on the institutional level, [House Bill 3564](#) modifies the composition of the Higher Education Coordinating Commission and clarifies its regulatory and administrative authority.

Notably, [House Bill 3427](#) (*not enacted*), which would have required universities to seek legislative approval for any change in affiliation with their athletic conferences, received a public hearing but was not enacted. In August 2023, the University of Oregon announced it was leaving the Pac-12 athletic conference and

moving to the B1G 10, leaving Oregon State in the Pac-12 with just three other teams.

## Equity

The Legislative Assembly enacted three key measures to provide for greater equity in higher education. [House Bill 3565](#) codified the Oregon Tribal Student Grant program and established the Oregon Tribal Student Grant Fund, while [Senate Bill 424](#) ensures that students and alumni can access their transcripts regardless of outstanding account balances.

In addition, [House Bill 3456](#) focuses on improving institutional responsiveness to sexual misconduct by requiring institutions to conduct a biennial survey of students and employees on experiences of sexual misconduct, employ a certified advocate, enter into memorandums of understanding with community-based advocacy groups to provide victim services, provide annual training, waive academic success requirements for students who experience sexual misconduct, and submit annual reports.

## Faculty

Two key measures were enacted in 2023 to improve conditions for the state's higher education faculty. [House Bill 2611](#) makes dental and vision benefits available to part-time faculty, makes eligibility for health care benefits dependent on eligibility for the Public Employees Retirement System, and requires institutions to notify their employees of eligibility requirements.

[House Bill 2740](#) establishes a uniform retirement plan eligibility for part-time faculty at community colleges, calculated as 2.67 multiplied by the number of hours of lecture or classroom time the faculty member accrues.



## **Prison Education**

To improve educational opportunities for adults in custody, the Legislative Assembly enacted [Senate Bill 269](#), which requires the Department of Corrections (DOC) and the Higher Education Coordinating Commission to enter into a memorandum of understanding regarding the correctional education system, and [Senate Bill 270](#), which permits the DOC to enter into agreements to offer post-secondary academic programs to adults in custody even if such agreements include community colleges operating outside the boundaries of their districts.

## **Workforce Development**

In terms of workforce development, the Legislative Assembly enacted [House Bill 3563](#), replacing the Oregon Youth Corps Advisory Board and the Oregon Conservation Corps Advisory Committee with the Oregon Youth Works Advisory Board.



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# Emergency Preparedness



## Disaster and Emergency Preparedness

County and local fairgrounds provided emergency shelter to Oregonians during the 2020 wildfire season. Two measures to bolster fairground infrastructure were considered this session. [Senate Bill 894 A](#) (*not enacted*) would have required the issuance of \$20.1 million in bonds to support the Oregon State Fair and Exposition Center's use as a regional emergency and evacuee center. [House Bill 2948 A](#) (*not enacted*) would have required the Oregon Department of Emergency Management to develop a grant program for infrastructure improvements at fairgrounds used as emergency evacuation sites.

[House Bill 3486](#) (*not enacted*) would have required newly constructed large rooms (at least 6,000 square feet of gross area) in schools or community colleges of high seismic activity to be designed as earthquake relief shelters. Design standards would include seismic separation, emergency power, emergency water supply, and natural gas shutoff lines.

Several measures for increased funding for disaster and emergency preparedness were also considered. [House Bill 2873 A](#) (*not enacted*) would have authorized \$10 million in bonds for deposit into the Oregon Department of Emergency Management's Resiliency Grant Fund ([ORS 401.552](#), 2021). [House Bill 3484 A](#) (*not enacted*) would have established the State Fire Marshal Mobilization Fund to pay for emergency mobilization and pre-positioning activities for fire response. [House Bill 3282](#) (*not enacted*) would have authorized \$3 million in General Funds to the City of Gold Beach to

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See the 2023 **Legislative Summary Report** for [Emergency Preparedness](#) which highlights policy measures that received public hearings during Oregon's 2023 Regular Legislative Session.

relocate the city's firefighting facilities and equipment from their tsunami inundation zone.

## Disaster and Emergency Response

The Oregon Department of Emergency Management (ODEM) is tasked with maintaining and coordinating statewide services for emergencies and disasters, and several measures were considered this session related to departmental activities. [House Bill 3059](#) creates the Oregon Disaster Response Assistance Matching Fund, which will be used as federal matching funds for disaster response and grants to local governments to assist or support disaster response efforts. The measure also creates a new compliance division within ODEM to ensure the department follows federal



regulations, establishes monitoring and reporting requirements, identifies compliance risks, and serves as a liaison between the department and federal officials. The measure also requires the department to provide technical assistance to local private and public entities that are active in emergency preparedness or response in fundraising, organizational capacity, navigating political relationships, interacting with the Federal Emergency Management Agency, and culturally specific outreach.

[Senate Bill 962 A](#) (*not enacted*) would have directed ODEM to develop and implement a grant program to distribute money to certain counties to fund emergency preparedness coordinators. [House Bill 2854 A](#) (*not enacted*) would have created two new accounts under the department to address unmet needs during and after state-declared emergencies including the Oregon Public Assistance Grant Account for public and private entities, and the Oregon Individual Assistance Grant Account for households and individuals.

[House Bill 3059](#) requires the Legislative Revenue Office to conduct a study of potential means of granting a tax benefit to emergency management volunteers and provides for paid leave for public employees volunteering to respond to disaster relief or recovery services.

The Oregon Public Utility Commission regulates investor-owned electric and natural gas utilities to ensure they offer safe and reliable energy at reasonable rates. [House Bill 3143](#) authorizes a public utility, upon approval by the commission, to issue bonds and securitize debt for costs and expenditures incurred that are associated with events subject to a federal or state declaration of emergency.

The Salvage Chief (LSM380) was constructed during World War II as a shallow-draft landing craft with bow ramps. Following the war, it returned to the west coast and was decommissioned. Now efforts are underway to reconvert the Salvage Chief to active duty to

help with response in the event of an earthquake and/or tsunami. [Senate Bill 200 A](#) (*not enacted*) would have appropriated \$3 million from the General Fund to the Oregon Department of Administrative Services for distribution to the Salvage Chief Foundation for repairs and upgrades to the salvage vessel.

## Emergency Coordination and Communication

[House Bill 2927](#) (2021) elevated and reorganized the Office of the State Fire Marshal to the Department of the State Fire Marshal beginning July 1, 2023. [House Bill 3485](#) adds additional discretionary powers to the new department including the authority to establish headquarters and regional offices and to own and operate emergency response vehicles. It also provides for standardized uniforms, response apparatus, vehicles, and equipment to carry out the duties of the department.

[House Bill 2484](#) directs the department to oversee the state's statewide urban search and rescue functions, and [House Bill 2522](#) instructs the department to establish and appoint a Rural Structural Fire Protection Review Committee to review statutes and develop recommendations to improve rural fire protection districts.

Public testimony during the 2023 session documented recent examples of drone interference on local emergency management and response efforts. [House Bill 2520](#) creates a Class A violation for reckless interference with an aircraft if a person is recklessly, knowingly, or intentionally using drones to interfere with wildfire suppression, law enforcement, or emergency response efforts.

The National Suicide Prevention Hotline transitioned to a three-digit number in 2022 and now dialing 9-8-8 from any phone in the country will connect you to trained suicide and crisis response staff. Existing statutes require 9-8-8 suicide and crisis center hotlines establish



policies and training staff to provide specialized and culturally competent support to specific high-risk populations such as veterans and rural Oregonians with co-occurring disorders, [House Bill 3426](#) adds firefighters and other first responders to that high-risk definition.

Other measures considered this session related to emergency communications include [House Bill 2508](#) (*not enacted*) which would have directed the Department of Emergency Management to develop and administer a grant program to consolidate, modernize, or upgrade 9-1-1 call centers. [House Bill 2764 B](#) (*not enacted*) would have established the Missing Endangered Person Alert System.

emergency disaster declaration. [Senate Bill 443](#) (*not enacted*) would have required electric companies to reimburse qualified customers up to \$250 for the purchase price of a backup power source when power shutoff is likely to occur and last for eight or more hours.

## **Recovery Efforts**

In response to the 2020 wildfires, the Legislative Assembly enacted [House Bill 2809](#) (2021), which temporarily allows a recreational vehicle to sit on single-family or manufactured home lot made uninhabitable by a natural disaster for up to 24 months. [House Bill 2898](#) extends the time allowance for living in an on-site RV to five years and, if the property owner is under application to alter, restore, or replace a dwelling destroyed by the 2020 wildfires, they may occupy an RV until December 30, 2030.

Other recovery measures considered this session include [House Bill 2812](#) which allows a reduction in state taxes for personal casualty loss incurred from an event subject to a state

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## Air Quality

Building on existing air quality regulations for municipal solid waste incinerators and emission standards for medical waste incinerators, [Senate Bill 488](#) limits the amount of hospital, medical, or infectious waste accepted by a municipal solid waste incinerator. The measure also requires municipal solid waste incinerator operators to develop a plan to continuously monitor certain emissions for 12 months.

The federal Clean Air Act’s (CAA) Title V Operating Permit Program requires each state to develop a comprehensive operating permit program for major industrial sources of air pollution. [House Bill 3229](#) modifies federal air quality operating permit program fees and authorizes the Environmental Quality Commission to annually adjust certain federal operating permit program fees, air contaminant reporting fees, and asbestos abatement program fees. Another CAA-related bill the Legislative Assembly considered, [Senate Bill 525](#) (*not enacted*), would have directed the [Environmental Quality Commission](#) to adopt standards prohibiting engine exhaust and evaporative emissions from new small nonroad engines beginning in 2026, unless the CAA requires a later date.

## Climate

According to the Oregon Department of Energy’s 2022 [Biennial Energy Report](#), the effects of climate change and drought are being felt by Oregonians. The Oregon Health Authority, likewise, has found that public health and natural environments are being negatively affected. Over a dozen bills sought to address the human, economic, and environmental costs

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See the **2023 Legislative Summary Report** for [Energy and Environment](#), which highlights policy measures that received public hearings during Oregon’s 2023 Regular Legislative Session.

during the 2023 Regular Session. Toward the end of session, amendments were adopted to [House Bill 3409](#) and [House Bill 3630](#), combining many of the climate-related concepts considered by the Legislative Assembly in other measures. Brief summaries of the concepts included in the omnibus bills are described in the individual subject areas in this document. The references in each section include hyperlinks to the original legislation.

## **Energy Efficiency**

In the 2023 Regular Session, the Legislative Assembly continued past efforts to increase the energy efficiency of products and in homes. [House Bill 2531](#) prohibits the sale or distribution in Oregon of certain types of new compact fluorescent lamps and linear fluorescent lamps. Provisions that were originally part of [House Bill 3166 A](#) (*not enacted*) were enacted in [House Bill 3630](#), which requires the Oregon Department of Energy to establish a whole-home energy savings program and a high-efficiency electric home rebate program in consultation with the Oregon Housing and Community Services Department.

[House Bill 3409](#) included provisions that also relate to heat pumps: it establishes goals for the state related to heat pumps that include installing and using at least 500,000 new heat pumps by 2030, and establishes the Energy Efficient Technologies Information and Training Fund to be used to provide education, technical assistance, and workforce training (provisions of [Senate Bill 868 A](#), *not enacted*, were amended into [House Bill 3409](#)); and the bill extends the Residential Heat Pump Fund, and modifies reporting deadlines for the Heat Pump Deployment Program grants (provisions of [House Bill 3056 A](#), *not enacted*, were amended into [House Bill 3409](#)).

## **Energy Facility Siting**

Large energy facility builders in Oregon must apply for a site certificate from the Energy Facility Siting Council (EFSC) before they can begin construction. Facilities that fall under certain acreage limits have the option of going through a county siting process. [House Bill 3179](#) increased the allowable size a solar photovoltaic power generation facility could be and still use a county siting process rather than the EFSC process. [House Bill 3409](#) includes provisions

that were originally part of [House Bill 3181 A](#) (*not enacted*) require the Department of Land Conservation and Development to conduct rulemaking on solar energy facilities to allow local governments to permit solar facilities and prioritize solar facility siting that does not conflict with natural resource lands and areas of valuable habitat.

Other bills that were part of the energy facility-siting discussion but did not pass include [House Bill 2989](#) (*not enacted*) and [House Bill 3180](#) (*not enacted*). These bills would have required processes to address siting issues related to renewable energy and transmission.

## **Energy Planning and Operations**

The Oregon Department of Energy's (ODOE) [2022 Biennial Energy Report](#) recommends that "Oregon would benefit from a strong statewide energy strategy to align policy development, regulations, financial investments, and technical assistance." Provisions that were originally part of [House Bill 2534 A](#) (*not enacted*) were amended into [House Bill 3630](#), requiring ODOE to develop and produce a report on a comprehensive state energy strategy that identifies optimized pathways to achieving the state's energy policy objectives.

[House Bill 3630](#) also directs ODOE to:

- establish a program to award grants to counties to cover the cost of developing energy resilience plans that meet certain requirements (provisions of [House Bill 3378 A](#), *not enacted*, were amended into [House Bill 3630](#)).
- create a single resource to provide people with information and technical assistance on energy efficiency incentives and programs (\*provisions of [House Bill 3166 A](#), *not enacted*, were amended into [House Bill 3630](#)).





The Oregon Public Utility Commission (PUC) regulates investor-owned electric and natural gas utilities providing service to ensure they offer safe and reliable energy at reasonable rates. All regulated electric and natural gas utilities must seek PUC approval for all rate and service schedules, or tariffs. [House Bill 3143](#) authorizes a public utility, upon approval by the PUC, to issue bonds and securitize debt for costs and expenses incurred or to be incurred by a public utility associated with events subject to a federal or state declaration of emergency. [Senate Bill 443](#) (*not enacted*) would have required electric companies to reimburse qualified customers up to \$250 for the purchase price of a backup power source when a power shutoff is likely to occur and to last for eight or more hours.

Provisions of [Senate Bill 522 A](#) (*not enacted*) were enacted in [House Bill 3409](#), changes the name of the [Oregon Global Warming Commission](#) to the Oregon Climate Action Commission and modifies its membership and duties.

Agencies are authorized or directed to make certain changes in [House Bill 3409](#), including authorizing the [Environmental Quality Commission](#) to establish by rule a fee to be paid by community climate investment entities and establishing the Community Climate Investment Oversight Account (provisions from [House Bill 3196 A](#), *not enacted*, were amended into [House Bill 3409](#)) and requiring the Oregon Department of Human Services, in consultation with ODOE and OHA, to provide grants, support, and technical assistance for Resilience Hubs and Networks in Oregon (provisions from [House Bill 2990](#), *not enacted*, were amended into [House Bill 3409](#)).

## Environmental and Energy Justice

Various federal and state programs direct the prioritization of projects in environmental justice communities. An environmental justice community, as defined by [ORS 469A.400](#) (2021), "includes communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities." [House Bill 3630](#) establishes a program to provide information and technical assistance to Tribal governments, local governments, rural communities, and other environmental justice communities about potential funding resources as they develop energy projects or build energy-related capacity. This concept originated in [Senate Bill 852](#) (*not enacted*).

## Environmental and Public Health

Three 2023 Regular Session measures focused on tracking the use of chemicals in certain products and phasing them out of the dry-cleaning industry.

The Federal Food, Drug, and Cosmetic Act (FDCA) oversees and regulates the production, sale, and distribution of food, drugs, medical devices, and cosmetics. An update to cosmetics regulations, the [Modernization of Cosmetics Regulation Act](#) of 2022 (MoCRA), changes the current regulatory framework for cosmetics. Among other changes, cosmetic companies under MoCRA will be subject to facility registration and product listing requirements. [Senate Bill 546](#) requires the Oregon Health Authority (OHA) to adopt and maintain a list of designated high-priority chemicals of concern,



prohibits the sale of products containing certain chemicals, and requires manufacturers to provide notice for consumers on their website.

Children's products contain toxic chemicals, including heavy metals and flame retardants, that can cause health problems. Following up on [Senate Bill 478's](#) (2015) directive to the OHA to establish a list of high priority chemicals of concern for children's health used in children's products, [House Bill 3043](#) authorizes the OHA to include classes of chemicals on the list of high priority chemicals of concern for children's health when used in children's products.

The Department of Environmental Quality's (DEQ) dry cleaner environmental program's purpose is to create a \$1 million cleanup fund paid for solely by the dry-cleaning industry and to otherwise exempt dry-cleaning owners and dry-cleaning operators from cleanup liability from releases of hazardous substances from dry cleaning facilities ([ORS 465.500](#), 2021). [House Bill 3273](#) repeals DEQ's dry cleaner environmental program in 2024 and prohibits the use of perchloroethylene and n-propyl bromide as dry-cleaning solvents, starting in 2028.

## **Materials Management**

According to the Department of Energy's 2022 [Biennial Energy Report](#), lithium-ion battery storage production is expected to increase in the next five years to meet demand for electric vehicles, consumer electronics, and utility-scale and small-scale battery storage. [Senate Bill 64](#) (*not enacted*) would have required the Department of Environmental Quality (DEQ) to study the disposal of electric vehicle batteries and batteries used to store energy in wind or solar renewable energy facilities.

Polystyrene is a plastic used to make various products, including food packaging and packing materials, which are not readily recyclable. [Senate Bill 543](#) prohibits, beginning in 2025, food vendors from using polystyrene foam

containers and the distribution or sale of polystyrene foam containers, polystyrene foam packaging peanuts, or food ware containers containing certain intentionally added substances.

In 2021, the Legislative Assembly enacted [Senate Bill 582](#), the Plastic Pollution and Recycling Modernization Act, which made changes to Oregon's recycling system, including a requirement that covered producers become members of a producer responsibility organization to ensure that products collected are recycled by responsible end markets. [Senate Bill 123](#) requires a producer responsibility organization to develop and submit recommendations for using digital labeling to convey information about recyclability claims to DEQ. [Senate Bill 444](#) (*not enacted*) would have directed DEQ to establish a Recycling Innovators Grant Program to support the development of innovative and demonstrable solutions to complex recycling issues and appropriated \$20 million for the grant program.

Oregon Revised Statutes [459.005 \(29\)](#) (2021) defines "waste prevention" as reducing the amount of solid waste generated or resources used, without increasing toxicity, in the design, manufacture, purchase or use of products or packaging. [Senate Bill 545](#) directs the Oregon Health Authority to adopt rules allowing a restaurant to permit consumers to fill a consumer-owned container with food. [Senate Bill 544](#) (*not enacted*) would have directed the Environmental Quality Commission to establish a program for source reduction of single-use plastic food ware and single-use packaging and to achieve 25 percent source reductions compared to 2023 levels by 2030. [Senate Bill 542 A](#) (*not enacted*) would have required an original equipment manufacturer of certain home electronics to make any documentation, tool, part, or other device or implement that the original equipment manufacturer makes available to an authorized repair provider





available to owners of consumer electronic equipment or independent repair providers on fair and reasonable terms.

The E-Cycles program, enacted in 2007, ([ORS 459A.300 – 0.365](#), 2021), requires electronics manufacturers to provide free, convenient recycling for computers, monitors, and TVs by joining and participating in a manufacturer or state-run recycling program. [House Bill 3220](#) modifies Oregon’s E-Cycles program and the criteria for an electronics producer responsibility program.

## **Natural and Working Lands**

[House Bill 3409](#) includes provisions that relate to natural and working lands. It establishes a Community Green Infrastructure Grant Program and Fund, and directs the Oregon Department of Forestry to acquire and maintain a statewide urban tree canopy assessment tool (\*provision of [House Bill 3016 A, not enacted](#), were amended into [House Bill 3409](#)). The measure also establishes a state policy to implement strategies to advance natural climate solutions to mitigate the future impacts of climate change and charges certain state agencies with their implementation (\*provisions of [Senate Bill 530 A, not enacted](#), were amended into [House Bill 3409](#)).

## **Reducing Emissions in Buildings**

Institutional and public buildings can be decarbonized through retrofits and operational strategies. Building energy codes can require new construction and major renovations in existing buildings to meet minimum energy efficiency requirements, which reduces energy consumption while providing operation cost savings for occupants and owners. [House Bill 3409](#) includes several strategies for reducing

emissions in buildings. The Act requires the Department of Consumer and Business Services (DCBS) to prioritize and take actions necessary to facilitate reductions in greenhouse gas (GHG) emissions, including rulemaking processes, and considering and integrating the prevention or reduction of climate change impacts and GHG emissions reductions into planning, budgeting, investment, and policy-making decisions (\*provisions of [Senate Bill 869 A, not enacted](#), were amended into [HB 3409](#)). [House Bill 3409](#) also requires the Department of Administrative Services (DAS), in cooperation with the Oregon Department of Energy (ODOE), to develop a methodology and work plan for agencies to implement a comprehensive assessment of energy use and GHG emissions of state-owned buildings (\*provisions of [Senate Bill 871 A, not enacted](#), were amended into [HB 3409](#)). Finally, provisions of [Senate Bill 870 A \(not enacted\)](#), were amended into [House Bill 3409](#), which directs ODOE, in consultation with the DCBS, to adopt rules to specify an energy performance standard for certain existing commercial buildings.

## **Renewable Energy**

Renewable energy– related measures introduced during the 2023 Regular Session covered energy sources, including solar, hydrogen, biomass. Only two measures were enacted.

The measures relating to solar would have expanded property tax exemptions ([Senate Bill 54 A, not enacted](#)) and extended the sunset of the Oregon Solar + Storage Rebate Program ([House Bill 3418 A, not enacted](#)).

When produced from wind or other renewable resources, “renewable hydrogen” can store carbon-free energy that can later be used to generate electricity or power vehicles. [House Bill 2530](#) requires the Oregon Department of



Energy to undertake certain activities to support the state's transition to clean energy by accelerating the production, distribution, and end use of renewable hydrogen and green electrolytic hydrogen fuels. Two measures that were not enacted, [Senate Bill 124 A](#) (*not enacted*) (creating a Renewable Hydrogen-Fueled Generator Grant Program) and [House Bill 2170 A](#) (*not enacted*) (studying feasibility of a renewable hydrogen hub), would have funded projects and provided information for the Legislative Assembly about using hydrogen as a fuel.

Biomass is a renewable or recurring organic matter that can be used to produce biofuels. Provisions of [House Bill 3590](#) (*not enacted*), enacted as part of [House Bill 3409](#), directs the College of Forestry at Oregon State University, in collaboration with state agencies, to research and report on the development of fuel pathways for low-carbon fuels derived from woody biomass residues from forestry operations.

Two tax-related biomass bills were not enacted. [Senate Bill 145](#) (*not enacted*), would have extended a sunset on the property tax exemption relating to burning biomass to heat water. [House Bill 3003](#) (*not enacted*), would have created a new excise tax credit per kilowatt hour for certain entities that purchase energy made from certified western juniper biomass.

## **Water Quality**

Water-quality legislation focused on sewage disposal systems, protecting drinking water, program fees, contaminant testing, and control of microplastics.

The construction or installation of a subsurface or alternative sewage disposal system requires a permit from Oregon Department of Environmental Quality (DEQ). [Senate Bill 931](#) requires the Environmental Quality Commission (EQC) to adopt rules for determining whether a community or area-wide sewerage system will

satisfactorily accommodate a proposed sewage discharge and creates temporary provisions that allow DEQ to issue a permit to repair or replace a sewage disposal system, without regard to the availability of a community or area-wide sewerage system, provided that certain conditions are met.

Certain water quality programs the DEQ provides are fully or partially funded by revenue generated from permit or certification fees. [House Bill 3208](#) authorizes the EQC to annually adjust fees for certain DEQ programs up to a maximum amount of three percent per calendar year.

Provisions of [House Bill 2647 A](#) (*not enacted*), were amended into [House Bill 3409](#) declares harmful algal blooms a threat to safe drinking water. It directs the Oregon Health Authority (OHA) and DEQ to identify sources that are susceptible to harmful algal blooms and develop and maintain a monitoring and a public alert strategy

A domestic well, used for certain purposes, must be tested at the time of sale by an accredited laboratory for arsenic, nitrate, and E. coli bacteria (the Domestic Well Testing Act, [ORS 448.271](#), 2021). [House Bill 3207 A](#) (*not enacted*) would have required test results to be submitted to the DEQ and made available to OHA and the public.

According to the Environmental Protection Agency, microfibers are the most prevalent type of microplastic (plastic pieces less than 5 mm in diameter) found in the environment and are extremely difficult to clean up. [Senate Bill 405](#) (*not enacted*) would have prohibited the sale of new clothes washers unless the washers are equipped with a microfiber filtration system.

## **Zero-Emission Transportation**

There are several types of electric vehicles (EVs) on the market today, including vehicles that are



partially or fully powered by electricity or other fuels and other modes of transportation such as scooters, motorcycles, trains, and airplanes. Zero-emission vehicles (ZEVs) are EVs that do not emit any greenhouse gas emissions. [House Bill 3409](#) included provisions from [House Bill 2714 A](#) (*not enacted*), which directs the Department of Environmental Quality to establish a program to provide rebates to persons who purchase qualifying medium- or heavy-duty ZEVs.

Several measures that did not pass during the 2023 Regular Session would have prepared the state to expand the types of ZEVs it supports. [Senate Bill 125 A](#) (*not enacted*) would have directed the Oregon Department of Transportation to establish a grant program to award grants to public and private entities for projects demonstrating the potential for wide-scale adoption and use of fuel cell electric vehicles and hydrogen fueling in the state's transportation sector. Other bills that were not enacted also would have expanded funding and rebates for alternative vehicles and equipment, including [House Bill 2571 A](#) (electric bicycle rebate program; *not enacted*); [House Bill 2614](#) (establishing a Rideshare Electrification Fund; *not enacted*); and [House Bill 2700](#) (electric farm tractors rebate program; *not enacted*).

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2023 Legislative Summary Brief

# General Government & Elections



## Digital and IT Infrastructure

TikTok is an online hosting service for short-form videos and is owned by ByteDance Ltd. Leadership at the Federal Bureau of Investigation and the Federal Communications Commission have voiced concerns about the safety and security of TikTok, and similar products, regarding user data collection and data sharing. [House Bill 3127](#) prohibits installing, downloading, or using software, hardware, or services from specified vendors onto state information technology assets, specifically TikTok and other products from ByteDance Ltd. It requires the state to remove existing installations and downloads of these products and implement all measures necessary to prevent further installation, download, or use of these products on state digital infrastructure.

See the [Business and Consumer Protection Legislative Summary Brief](#) for information about [House Bill 3201](#).

## Elections

[Senate Bill 166](#), the elections omnibus bill, guarantees each person’s right to vote; makes changes to county election security plans; and does not allow a person to donate more than \$100 per year in physical currency. It makes other changes to elections law, including extending the dates for submitting and verifying recall petitions; adding a public records exemption for the residence address of persons living with election workers and signatures submitted on a signature sheet for initiatives and petitions; limiting the time period when political

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See the 2023 **Legislative Summary Report** for [General Government and Elections](#) which highlights policy measures that received public hearings during Oregon’s 2023 Regular Legislative Session.

parties can request a list of electors; exempting certain costs from calculations of whether a candidate is required to file certain statements; excluding any candidate debate or forum for state office from being considered a candidate contribution if the host uses neutral criteria; and changing the notification requirements of the Secretary of State or Attorney General to when they open an investigation.



During an election, current law allows the county clerk to employ personnel to open envelopes, prepare ballots for counting, and count ballots. It also delineates the persons who may not be employed for these tasks, including family and extended family of any candidate on the ballot. [Senate Bill 53](#) adds ballot handling to the tasks allowed to be done by those personnel employed by a county clerk and adds members of the household and domestic partners of a candidate to the list of persons who may not be employed for listed tasks.

[Senate Bill 1094](#) authorizes the Secretary of State to secure federal grant dollars to fund a pilot project to provide a live video feed of rooms where ballots are counted and for official ballot drop sites.

Automatic voter registration (AVR) is a process in which eligible voters are automatically registered to vote when interacting with certain government agencies. AVR is commonly an opt-out process following interactions with state Department of Motor Vehicles (DMV) offices. In 2016, Oregon became the first state to implement AVR through the DMV. [House Bill 2107](#) expands AVR to the Oregon Health Authority as of June 1, 2026, from selected information provided to the Oregon Health Plan (Medicaid).

Ranked choice voting (RCV) requires voters to rank candidates by preference instead of voting for just one person. A candidate wins by receiving a majority of the first-preference votes cast. When there is no majority winner, this method allows for an instant runoff. The candidate with the lowest number of first-preference votes is eliminated and the second preference votes from those ballots are allocated to the remaining candidates and tabulated. This process continues until a candidate achieves a majority of the votes cast. [House Bill 2004](#) refers to the voters a measure to establish ranked-choice voting. If adopted by the people, this method would be used to elect persons for national and state offices, and local

government could use the same method, for voting conducted after January 1, 2028.

Three other measures were passed, each addressing various areas of law. First, current law prohibits a public employee from, while on the job during work hours, promoting or opposing: any political committee; the nomination or election of a candidate; the gathering of signatures on an initiative, referendum, or recall petition; the adoption of a measure; or the recall of a public office holder. [Senate Bill 168](#) replaces the term "candidate" with "person to a public office" because the term "candidate" is related to campaign finance and indicates that someone has received or spent campaign funds. It also clarifies that public employees are prohibited from promoting or opposing the appointment, nomination, or election of a person to a public office or the filing of an initiative, referendum, or recall petition while on the job during working hours or otherwise acting in the public employee's official capacity, except in certain situations where the public employee's official duties relate to an appointment required by the Oregon Constitution or state statute.

Second, [Senate Bill 585](#) allows an otherwise qualified person, who registers to vote as a member of a major political party on or before the precinct committee person candidacy filing deadline, and who becomes a United States citizen 251 or fewer days before the primary election, but before the candidacy filing deadline, to file a declaration of candidacy to become, and to be elected as, a precinct committee person.

And finally, [House Bill 3073](#) limits the public accessibility of a candidate's residence address listed on a nominating petition or declaration of candidacy, and the residence address of a candidate or elected official on the list of registered voters. Current law allows any person to request a list of registered voters, which may include a registered voter's name, party





affiliation, residence or mailing address, and precinct name or number.

## **General Government**

This section contains measures that affect general state and local government operations, programs, or services.

Oregon's public meetings law generally requires that meetings of governing bodies, or when a majority of its members are gathered in person or electronically and are discussing matters that are or may be before them, must be open to the public at accessible locations with appropriate notice of the time, place, and topics to be considered. Governing bodies must provide a sound, video, or digital recording or written minutes for all meetings within a reasonable time. Executive sessions, where the public is not allowed to participate, are permitted on certain matters defined in statute. No decisions can be made in executive session.

Complaints related to executive session violations are made to the Oregon Government Ethics Commission (OGE). Decisions made by a governing body that meets in violation of public meetings law can be voided if an affected person sues in circuit court.

[House Bill 2805](#) clarifies in statute when the use of serial electronic written communication or the use of another person to communicate by and between members is considered a meeting subject to public meetings law requirements. The measure gives the OGE the authority to conduct investigations, make findings, and impose penalties for violations of public meetings law like it does for executive session violations.

Other changes made this session to Oregon's public meetings law include:

- executive department boards and commissions whose members are Senate-confirmed must record and promptly publish meetings held by

telephone or electronic means on a publicly accessible website or hosting service ([Senate Bill 11](#));

- OGE may proceed on its own motion, as though it received a complaint, if it has reason to believe that a public body conducted meetings in violation of executive session requirements ([Senate Bill 207](#)); and,
- governing bodies may meet in executive session to discuss safety, security, and cybersecurity issues ([House Bill 2806](#)).

The Oregon Family Fairness Act created domestic partnerships in 2007 for adult couples of the same sex. The U.S. Supreme Court has since ruled that couples of the same sex are also entitled to marry. [House Bill 2032](#) expands the eligibility for domestic partnership to partners of any sex, which allows all adult couples to choose marriage or domestic partnership.

Current law requires elected officials, candidates, and certain appointed state officials to file a statement of economic interest (SEI) each year with the OGE. SEI statements due in 2024 will need to include additional information about business sources of income and sources of income for all names under which the filer does business under [House Bill 2038](#).

A public bank is operated by a state or local government for public purposes. Only North Dakota currently has a state public bank, which was legislatively created in 1919. [House Bill 2763](#) (*not enacted*) would have established a task force to study the creation of a state public bank. Governor Kotek vetoed the bill.

Oregon law sets the requirements for legal notices in newspaper publications and radio and television broadcasts. For newspapers, notices are published in any newspaper, as defined by statute, that is published within the county, city, district, or jurisdiction where the action, suit, or other proceeding will happen. If no newspaper qualifies, notice must be given in the nearest





newspaper or any publication published at least once a month in the county, city, district, or jurisdiction. [House Bill 3167](#) changes the statutory definitions to allow the publication of legal notices in both printed newspapers and digital newspapers that meet certain criteria, including the number of subscribers and the production of local news where at least 25 percent is locally and originally composed, regardless of where the newspaper is produced or printed. The bill also allows the publication of notices in certain situations where the newspaper recognized as best suited ceases to operate, and no suitable alternative exists.

The [Legislative Commission on Indian Services](#) was created by the Legislative Assembly in 1975 to improve services to Indians in Oregon by compiling and sharing information about services; making needs and concerns known to the public and private agencies whose activities affect Indians; encouraging public and private agencies to expand and improve services to Indians; assessing state agency programs operating for the benefit of Indians; and regularly reporting to the Legislative Assembly. [House Bill 3173](#) continues this policy and promotes communication between the state and the nine federally recognized Indian Tribes in Oregon, by creating the task force on Tribal consultation to identify and clarify the requirements of state agencies to engage in tribal consultation.

## **Legislative Assembly**

This section contains measures that changed the operations or actions of the Legislative Assembly.

During the interim, the Legislative Assembly may form three types of bodies: interim committees, task forces, and workgroups. Oregon law allows the Senate President and the Speaker of the House of Representatives to appoint individuals, other than members of the Legislative Assembly, to serve on interim

committees and to appoint a chairperson. Task Force membership is delineated in enabling legislation that may identify a chair. Workgroup membership does not require legislation. [Senate Bill 661](#) prohibits a lobbyist, except a public official who lobbies, from serving as the chairperson of those entities, if they are staffed by nonpartisan staff.

Article V of the United States Constitution establishes methods for proposing and adopting amendments to the United States Constitution. One method involves Congress calling a convention for proposing amendments upon application of the legislatures of two-thirds of the states. The Legislative Assembly has submitted applications on various topics, however, no application, has met the two-thirds threshold. [House Bill 3625](#) withdraws all previous applications for an amendment convention and declares those applications null and void, and [House Joint Memorial 3](#) informs Congress of that action.

Each legislative session, the Legislative Assembly adopts a resolution that establishes deadlines for and any limits on the number of measures that may be drafted for the subsequent session. [House Concurrent Resolution 38](#) establishes the deadlines and limits for the 2024 session.

## **Property and Securities Administration**

Property owners have been able to appeal the value on which their property tax is based since 1907. County boards of property tax appeals were created in the 1990s to hear petitions for the reduction of the real market, maximum assessed, specially assessed, and assessed property value by the county assessor. [House Bill 2031](#) renames the “Board of Property Tax Appeals” to “Property Value Appeals Board” as of July 1, 2024, to more accurately describe their function.



Securities are stocks, investments, or other financial arrangements through which an investor provides money to a second party, usually a company, expecting the investment to accrue in value. The Department of Consumer and Business Services (DCBS) licenses and registers people and entities that offer and sell securities or offer investment advice in Oregon. [House Bill 2274](#) authorizes DCBS to impose civil penalties in cases where an injured investor is vulnerable and to order restitution. The measure also authorizes DCBS to make inquiries as part of securities oversight.

The term “unclaimed property” can refer to assets, such as bank accounts, stocks, annuities or uncashed checks, for which the rightful owner cannot be identified or located. Such assets are often held by government entities or businesses and must be reported to the Oregon State Treasury within one to three years, after which it is held in the Common School Fund until claimed. [House Bill 2160](#) specifies that unclaimed securities are considered abandoned after the earlier of three years or the death of the owner. The measure also specifies wages declared unclaimed can still be contested, that payment may not be made to beneficiaries unless they are at least 21 years of age, and outlines requirements for holders of abandoned securities and distributions.

## **Public Administration**

This section contains measures that changed certain state government operations.

Many state boards and commissions have membership requirements based on the number of congressional districts. Oregon was apportioned a sixth congressional district through the 2020 Census. [Senate Bill 1095](#) provides guidance to boards and commissions, whose governing body is based in whole or in part on congressional districts, to account for the increase. It also adjusts membership on the

Oregon Growth Board, Early Learning Council, and Oregon Liquor and Cannabis Commission to accommodate the increase in the number of congressional districts. These changes were to be immediately effective. Governor Tina Kotek vetoed the emergency clause to allow the Executive Branch more time to recruit and vet potential appointees and allow Senate confirmation of such appointees.

Oregon Health and Sciences University (OHSU) operates the Oregon National Primate Research Center (ONPRC), the only primate research facility in the state, in Beaverton. Several federal agencies, including the U.S. Department of Agriculture and the Food and Drug Administration, oversee the ONPRC, which includes regular facility inspections and reporting and recordkeeping requirements. However, no state agency requires such reporting. [House Bill 2904](#) requires OHSU to annually publish data and reports regarding research and other activities of the ONPRC on a publicly accessible website.

Under current law, the State Treasurer, Deputy State Treasurer, chief of staff for the office of the State Treasurer, and the directors of the Investment, Cash Management, and Debt Management divisions must file a quarterly trading statement listing all stocks, bonds, and other types of securities purchased or sold during the preceding quarter. [House Bill 2159](#) requires the State Treasurer to establish a supplemental quarterly statement of investment activity that includes holdings and transactional data and is based on best practices and federal disclosure requirements for investment advisors. The bill also requires more Treasury employees to file this supplemental statement.

Vessels are often abandoned without authorization and/or derelict on public or private land or state waters. Vessels are considered derelict if they are either sunk or in dilapidated condition. They can pose hazards to both navigation and the environment, endangering life and property and negatively impacting water



quality. State law empowers agencies with the responsibility over the land or water where an abandoned or derelict vessel is located to seize such vessels with or without notice, depending on the hazard level. There are scores of known commercial and private abandoned vessels throughout the state. [House Bill 2914](#) establishes the Oregon Abandoned and Derelict Vessel Program within the Department of State Lands and a Fund within the State Treasury to address abandoned and derelict vessels to ensure proper management of state-owned submerged and submersible lands.

The Office of Administrative Hearing's (OAH's) role is to provide an independent and impartial forum for citizens and businesses to dispute state agency actions against them. The OAH is headed by a chief administrative law judge (chief ALJ) who the Governor appoints to serve a term of four years. [House Bill 3141](#) makes the appointment of the chief ALJ by the Governor subject to Senate confirmation, changes the chief ALJ qualification requirements, and directs the Employment Department to conduct a public candidate search, recruitment, and application process to assist the OAH Oversight Committee in making appointment recommendations to the Governor.

## **Public Employee Benefits and Compensation**

The Public Employees Retirement System (PERS), overseen by the five-member PERS Board, provides retirement benefits for state agencies and approximately 900 units of local governments, and it serves more than 393,000 active, inactive, and retired members and their beneficiaries. [House Bill 2283](#) addresses a broad range of topics that amend, clarify, and align existing PERS statutes to support an agency-wide modernization effort.

Among minor changes to existing PERS law, HB 2283 expands beneficiary provisions for members who did not designate a beneficiary

before their death, or for members whose beneficiary did not survive the member. It removes the requirement that members who accrue retirement credit for periods of disability have at least ten or more years of retirement credit and become disabled by reasons of injury or disease while in the actual performance of duty. It prohibits participating employers from changing or modifying data provided to PERS after disputes unless court ordered or if modifications are needed from dispute resolution and provides for expedited review of the Act by the Supreme Court upon petition by adversely affected parties.

Public employees receiving PERS benefits qualify for certain retirement benefits based on their date of hire. PERS members hired before January 1, 1996, are in Tier One, and those hired after that date and before August 28, 2003, are in Tier Two. Public employees hired after August 28, 2003, are members of the Oregon Public Service Retirement Plan. [House Bill 2283](#) requires PERS to provide estimates to surviving spouses regarding alternative pre-retirement death benefits for Tier One or Tier Two members. It also increases the time allowed for a bereaved spouse of Tier One or Tier Two members to elect death benefit alternatives.

The Police and Firefighter (P&F) unit is a special designation for Tier One or Tier Two PERS members who are police officers or firefighters. [House Bill 2283](#) extends the time a P&F unit can purchase retirement credit to up to 90 days following retirement and revises the eligibility for retirement to after 60 months of retirement credit. It stipulates that a P&F unit retains eligibility once established even if member performs service thereafter only in a non-police or non-firefighter position. The measure clarifies that unpaid leave, including periods where the member receives short-term or long-term disability insurance payments, taken by a P&F unit does not require a restart of last 60 months of retirement credit.



Additional measures related to public employee benefits adopted this session include [House Bill 2284](#), which increases fees the PERS Board may charge in connection with alternative payees required by divorces, dissolutions of marriage, and other settlement agreements. [House Bill 2296](#) extends the sunset date that allows retired PERS members to be reemployed by participating public employers for an unlimited number of hours without a reduction in pension benefits, if the administrative head of the public employer is satisfied the employment is in the public interest (established by [Senate Bill 1049](#) [2019]). [House Bill 2054](#) allows deputy district attorneys to qualify for police officer and firefighter unit benefits under Tier 1 and Tier 2 of PERS on the bill's effective date.

Several measures related to benefits and compensation for Oregon State Police were considered in this legislation session. [Senate Bill 195](#) (*not enacted*) would have exempted overtime hours worked for the Oregon State Police (OSP) from overtime hours limitation in final average salary calculations for PERS. [Senate Bill 403](#) (*not enacted*) would have allowed retired members of the OSP to participate in a group health benefit plan offered by the Public Employees' Benefit Board without increasing premiums. [House Bill 2875 A](#) (*not enacted*) would have allowed 600 hours in a calendar year of overtime for calculating the final average salary for retirement and benefits for OSP.

Measures that addressed specified job classes in PERS were deliberated, including [House Bill 2701 A](#) (*not enacted*), which would have created a definition for "hazardous position" in statute to mean Oregon State Hospital employees with direct contact with patients and 9-1-1 telecommunicators. This benefit group would have been allowed a lower retirement age, normal retirement age, and increased pension benefits. [House Bill 2448](#) (*not enacted*) would have required the Department of Administrative Services to review and update classification and

compensation plans for individuals employed by community developmental disabilities programs or support services.

## Public Records

The Legislative Assembly passed several measures changing Oregon's public records laws. This section describes those measures.

The Public Records Advocate (PRA) office is an independent office that, among other duties, provides training to state agencies and local governments about requirements and best practices for processing and responding to public records requests. To attain sustained funding for the PRA, [Senate Bill 510](#) directs the PRA to estimate its biennial costs to carry out its duties and assess those costs to public bodies in state government.

Each state agency or political subdivision must maintain a public record or an accurate copy of a public record, if it has certain values or purposes. [House Bill 2112](#) adds tribal cultural purposes to considerations for appraising public records for retention and updates references to obsolete technology.

Several measures exempt certain information from public disclosure. [House Bill 2490](#) exempts sensitive information regarding cybersecurity plans, devices, and systems. [House Bill 3111](#) clarifies that the personal information of employees and volunteers of a public body is exempt, regardless of the type of record, and exempts the personal information of employees and retirees maintained by PERS or another retirement system operated by a public body. [House Bill 3171](#) exempts communications from a mass transit district employee to a peer support counselor.





## Resolutions Proposing Constitutional Amendments

The Legislative Assembly adopted two proposed constitutional amendments, which will go to voters in November 2024. Under [Senate Bill 28](#), a joint legislative committee will prepare the ballot title and explanatory statement for these referrals and for [House Bill 2004](#) (see [Elections section](#)).

[House Joint Resolution 16](#) proposes an amendment to allow the impeachment of the governor, secretary of state, treasurer, labor commissioner, and attorney general by the House of Representatives and Senate for malfeasance or corrupt conduct in office, willful neglect of statutory or constitutional duty, or other felony or high crime. Oregon is the only state without impeachment processes for the governor and some state executive or judicial officers.

Under current law, the salary of statewide elected officials, legislators, and judges is set by statute, and the Legislative Assembly must pass legislation to change those amounts or adopt budgets to fund those salary amounts. [Senate Joint Resolution 34](#) proposes an amendment to establish the Independent Public Service Compensation Commission to determine those salaries and that funds be appropriated from the General Fund for such salaries.

The Legislative Assembly also heard but did not refer [Senate Joint Resolution 33 A](#) (*not enacted*), which would have proposed a Constitutional amendment to provide examples under the existing constitutional guarantee of equal rights and repeal the constitutional provision legally recognizing only marriages between one man and one woman.

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# Housing, Development, and Homelessness



## Governor’s Direction and Early Session Legislation

Prior to the start of the 2023 legislative session, on January 10, 2023, Governor Tina Kotek issued [Executive Order 23-02](#), declaring a state of emergency due to homelessness in areas of the state that have experienced an increase in unsheltered homelessness of 50 percent or greater since 2017, and [Executive Order 23-03](#), directing state agencies to prioritize reducing homelessness. [Executive Order 23-04](#) established a statewide annual housing production target of 36,000 new homes and established a Housing Production Advisory Council to develop a ten-year action plan including executive actions, policies and investments needed to meet the annual production target. In tandem, the Governor requested the legislature appropriate \$130 million to fund initial housing production and homelessness investments.

The Legislative Assembly’s response to the Governor’s directive came in the form of the early session housing policy package, [House Bill 2001](#), and corresponding budget package, [House Bill 5019](#). [House Bill 2001](#) addresses housing insecurity by allowing more flexible use of funds for youth experiencing homelessness and extending the time frame when a landlord must notify a tenant before eviction filing. The measure also allocates \$20 million for the development of modular housing (introduced as part of [House Bill 2981 A](#) [not enacted] and [Senate Bill 632](#) [not enacted]), \$3 million for predevelopment

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financing for moderate-income housing projects (introduced as [Senate Bill 534](#) [not enacted]), and \$5 million for improvements to existing agricultural workforce housing. In addition, [House Bill 2001](#) establishes the Oregon Housing Needs Analysis as a new framework by which local governments must determine housing need and establish housing production goals across income levels and for various housing types.

As the companion budget bill to [House Bill 2001](#), [House Bill 5019](#) allocates \$24.9 million to help youth experiencing homelessness access shelter and other services; \$85.2 million to expand homeless shelter capacity throughout





the state; \$27.4 million for homeless services efforts in 25 rural Oregon counties; \$5 million for tribal members experiencing homelessness; \$33.6 million for rental assistance and eviction prevention services; and \$2.3 million to support cities and counties with sanitation services related to the homelessness crisis.

## **Housing Production**

According to the Department of Land Conservation and Development (DLCD), Oregon needs to develop more than 550,000 new housing units across income levels to accommodate 20 years of population growth and to account for current underproduction and the lack of units for people experiencing homelessness. DLCD estimates that approximately 49 percent of this housing will require public subsidy. The department reported in its February 2021 Regional Housing Needs Analysis report that underproduction may be attributed to high land and construction costs, inadequate infrastructure, and limited local government capacity, among other factors.

Boosting Oregon's housing supply across regions, income levels, and housing types was a focal point of housing-related legislation in 2023. Measures focused on assessing and reporting on housing need, including [House Bill 2001](#), which revises the statewide framework (Oregon Housing Needs Analysis) in which local governments assess, plan for, and develop needed housing. [House Bill 2889](#) clarifies and adds provisions to this legislation.

While the Oregon Housing Needs Analysis applies to cities with populations of over 10,000, [Senate Bill 406](#) requires all cities and specified unincorporated communities in Tillamook County, regardless of size, to assess and develop a strategy to produce needed housing in those areas. [House Bill 3309](#) directs Oregon Housing and Community Services (OHCS) to assess and develop incentives for increasing the quality and quantity of state-funded

residential units that include accessibility features.

A number of policy measures proposed funding for land acquisition and construction costs to build new low- and moderate-income housing units. Several measures or components were enacted as part of [House Bill 3395](#), including: \$20 million for the Affordable Housing Loan Guarantee Fund to finance the construction of low- and moderate-income housing (introduced as part of [House Bill 2981](#) [*not enacted*]); \$4 million in grants to nonprofit organizations supporting affordable housing for low-income college students (introduced as [House Bill 2897](#) [*not enacted*]); and \$10 million in grant moneys for nonprofits and partner developers building housing for agricultural employees and their families (introduced as [House Bill 3555 A](#) [*not enacted*]).

Among the proposed development-related measures that did not pass were [House Bill 3482 A](#) (*not enacted*) which proposed allocating funding to non-profit and faith-based communities for the development of affordable housing; [House Bill 2980 A](#) (*not enacted*), which proposed a revolving loan fund to support local governments in developing needed housing; and [House Bill 2983 A](#) (*not enacted*), which would have allocated funds for the acquisition, preservation, and development of manufactured dwelling parks.

Efforts to address rural development were included in [House Bill 3138](#) (*not enacted*), which would have allocated \$30 million to support public-private partnerships in rural communities with populations of 50,000 or fewer. [House Bill 3268 A](#) (*not enacted*) would have established a Rural System Development Charges (SDCs) program within OHCS to assist rural governments in paying for SDCs assessed for affordable multifamily housing projects.



## Homelessness and Emergency Housing

The House and Senate housing committees heard testimony about resources needed for homelessness and sheltering during the 2023 session, including challenges in accessing emergency housing following natural disasters such as the 2020 Labor Day Fires. [House Bill 2454](#) (*not enacted*) and [House Bill 2456](#) (*not enacted*) did not pass individually but were instead incorporated into [House Bill 2001](#). This legislation expands the use of Emergency Housing Account funding for organizations supporting, and individuals who are, school-aged children or their families experiencing or at risk of experiencing homelessness. [Senate Bill 496 A](#) (*not enacted*) would have allocated funding for Emergency Housing Account grants to cover pet assistance for individuals experiencing or at risk of homelessness; this bill did not pass, but the provisions allowing existing funding to include support for companion animals and their owners passed as part of [House Bill 3395](#).

[Senate Bill 893](#) directs Oregon Housing and Community Services (OHCS) to update its funding structure based on recommendations from the [Task Force on Homelessness and Racial Disparities](#), and allows the agency to develop homelessness-specific programs. [Senate Bill 918 A](#) (*not enacted*) would have established the Oregon Housing Justice Program and provided funding for culturally specific and culturally responsive organizations for certain homelessness and housing stability-related purposes.

Related to disaster or emergency housing, [House Bill 3215](#) establishes the Disaster Housing Recovery Fund, allowing OHCS to allocate funds related to housing loss due to a disaster. [House Bill 3462](#) directs agencies to ensure temporary housing in response to emergencies complies with nondiscrimination laws, and allows them to support recipients

otherwise ineligible for federal resources, including undocumented Oregonians. [Senate Bill 1012 A](#) (*not enacted*), would have authorized a county to allow property owners rebuilding homesteads destroyed by the September 2020 wildfires to obtain a specially assessed value for property taxation. [House Bill 3209](#) (*not enacted*) would have allocated \$75 million to OHCS for emergency housing for low-income, service-disabled veterans and their families.

[Senate Bill 603](#) (*not enacted*) would have established the People's Housing Assistance Fund Demonstration Program. This pilot project would have provided moneys to individuals who are experiencing or at risk of homelessness, cost-burdened, or earning 60 percent or less of the area median income, with a report on the program to be provided to the legislature. Provisions of [Senate Bill 847 A](#) (*not enacted*) enacted as part of [House Bill 3395](#), requires the approval of emergency shelter siting in certain conditions, such as when point-in-time counts record 0.18 percent or more of the state population as homeless.

## Homeownership

Based on recommendations from the [Joint Task Force on Addressing Racial Disparities in Home Ownership](#), [Senate Bill 702](#) adds implicit and racial bias training to educational requirements for real estate appraisers. The provisions of [Senate Bill 937](#) (*not enacted*)—to provide low interest rates for first-time home buyers in limited-equity and affordable housing—passed as part of [House Bill 3395](#). Other bills based on Task Force recommendations that did not pass include [House Bill 3487](#) (*not enacted*), would have directed specific agencies to report on disparities in homeownership by communities of color and work with organizations to reduce those disparities; [House Bill 3488 A](#) (*not enacted*) would have granted money to culturally responsive and culturally specific organizations and funded enforcement of fair



housing laws; [House Bill 3492 A](#) (*not enacted*) would have developed a pilot program to fund the full purchase price of a home through a special purpose credit program; and [Senate Bill 936](#) (*not enacted*) would have granted money for the development of single-family homes for low-income households through culturally responsive partnerships.

Homeowners associations received attention through [Senate Bill 437 A](#) (*not enacted*), which would have prevented planned communities from prohibiting certain types of food production, and [Senate Bill 503 A](#) (*not enacted*), which would have removed the requirement for unanimous consent of owners for changes to a planned community's voting rights, liability for common expenses, or right to common profits. Provisions of [Senate Bill 847 A](#) (*not enacted*) were enacted as part of [House Bill 3395](#), requiring residential condominiums and homeowners associations to remove discriminatory provisions in declarations and bylaws. The bill also clarifies the definition of planned communities and grants the Real Estate Commissioner the exclusive right to regulate property submission to condominium provisions of Oregon statute.

Other homeownership-related bills that did not pass include [House Bill 3092 A](#) (*not enacted*), which would have defined residential property wholesaling and required registration and other criteria to engage in the practice, and [Senate Bill 898](#) (*not enacted*), which would have added a supplemental property disclosure statement for residential property resellers in certain conditions.

## **Land Use and Planning**

To support local government capacity in planning for and building needed housing, [House Bill 3395](#) includes \$5 million in grant funding for councils of governments, economic development districts, and local governments (introduced as part of [House Bill 3174](#) [*not*

*enacted*]). [House Bill 3414 B](#) (*not enacted*), would have created a Housing Accountability and Production Office within the Department of Land Conservation and Development and allocated funds to the Office to support local governments in making improvements to their approval processes for residential development projects as required by the measure.

Related to the local government review and approval process, [House Bill 3414 B](#) (*not enacted*) would have required local governments to grant a one-time adjustment to certain development and design standards for an application for residential development. The measure would also have allowed cities within and outside the Portland Metro area to amend the city's urban growth boundary for a specified site that met specific criteria. [House Bill 3197](#) clarifies the definition of the "clear and objective standards" a local government must apply in reviewing applications for development within an urban growth boundary. [House Bill 3395](#) extends the time localities have to take action on permits and expands the type of funding that can be used as assurance for affordable housing developments (these provisions were introduced as part of [Senate Bill 847 A](#) [*not enacted*]).

Efforts to modify land use or other regulatory barriers to developing or locating housing included [House Bill 3442](#), which allows local governments to approve affordable housing in coastal communities, subject to natural disaster and hazard constraints, and [Senate Bill 1013](#), which permits counties to allow rural-area landowners to site one recreational vehicle on properties that meet certain conditions. Local governments are directed by [House Bill 2984](#) to allow the conversion of a building from commercial to residential use without requiring a zone change or conditional use permit, provided the property on which the building is located meets specified requirements. [House Bill 3395](#) restricts local governments from prohibiting residential uses on commercial land



within urban growth boundaries, subject to conditions, including affordability requirements. It also allows public utilities to sell or gift interest in real property for affordable housing development, allows single-exit multi-family dwellings, and requires single-room occupancy and duplex development be allowed in certain conditions.

The Department of Land Conservation and Development was granted \$1.25 million as part of [House Bill 3395](#) to help local governments update their comprehensive plans in regards to duplex development on single-family-zoned land (these provisions were all introduced as part of [Senate Bill 847 A](#) [*not enacted*]). [House Bill 2506 A](#) (*not enacted*), would have expanded the definitions of “residential facility” and “residential home” to include behavioral health housing and clarified the local government approval process for this type of residential use.

Changes to state law governing Oregon Housing and Community Services (OHCS) creates flexibility for the agency to approve and fund housing development and other programs. [Senate Bill 892](#) served as an OHCS statutory “cleanup” bill, which extends tribal access to agency housing funds and allows OHCS to provide direct loans for down payment assistance and closing costs. The measure also adjusts rulemaking authority between the agency and the Housing Stability Council and expands the agency’s procurement authority. [Senate Bill 225](#) allows OHCS to use pass-through revenue bonds during a blackout period, closing previous financing gaps to some affordable housing projects. [House Bill 2761](#) increases the agency’s flexibility in financing mixed-income housing projects.

## **Rental Housing**

Addressing rising rental costs and preserving affordable rental housing units were focal points of 2023 session policies. [Senate Bill 611](#) caps rent increases on affected units at 10 percent

per year, whereas the previous limit had been seven percent plus consumer price index inflation over the previous year, calculated at 14.6 percent for calendar year 2023. These provisions apply statewide. [House Bill 3503](#) (*not enacted*) would have removed the state prohibition on local rent control limits, but it did not pass. [House Bill 3042](#) covers the three years following a rental unit’s withdrawal from the publicly supported housing inventory and limits evictions and rent increases to once per year during that time frame.

Landlord and tenant relations also came into play in 2023. [Senate Bill 1069](#) modernizes rental processes by allowing electronic delivery of notices and refunds to tenants, and [House Bill 2680](#) requires a landlord to refund a screening charge if the unit is filled or the application is withdrawn before the screening takes place. [Senate Bill 799](#) (*not enacted*) did not pass, but its provisions were incorporated into [House Bill 2001](#). Those provisions include, but are not limited to, extending notification time frames for nonpayment-based evictions, requiring landlords to deliver a notice to tenants specifying their rights and resources, and providing for setting aside judgments and eviction-related court records. [House Bill 3417](#) expands the Housing Choice Landlord Guarantee program to cover damages caused by tenants receiving rental assistance from certain initiatives.

Rental housing policies not passed in 2023 include [House Bill 3237](#) (*not enacted*), which would have allowed local ordinances establishing maximum screening charges for tenants, and [House Bill 3526](#) (*not enacted*), which would have reduced the time frame of the termination notice requirement when a landlord is selling a dwelling unit. [Senate Bill 601](#) (*not enacted*) would have given multifamily rental tenants the right of first refusal when the property is sold, but it also did not pass.

Interest in recreational vehicles (RVs) and manufactured dwelling parks as two forms of





“naturally occurring” affordable housing yielded two policies in 2023. [House Bill 2634](#) clarifies that RVs are not subject to Landlord and Tenant Act provisions governing manufactured dwelling parks and expands the definition of “vacation occupancy” at RV parks. [House Bill 3151](#) restricts what manufactured dwelling park owners can require tenants to construct or repair as part of their rental agreements, along with some changes to dwelling park development and siting, and dispute resolution.

The Healthy Homes Program was created by [House Bill 2842](#) (2021) to provide financial assistance to low-income households and communities disproportionately affected by environmental pollution or other hazards, and to landlords to repair and rehabilitate residential dwelling units. [House Bill 2987](#) gives the Oregon Health Authority the authority to determine the percentage of a grant Healthy Homes Program recipients may use for administrative expenses. It also allows grant money to be used for program delivery.

property owner to apply for a five-year tax exemption from certain property taxes. This exemption comes into play if the property hosts a new accessory dwelling unit or a single-family unit that has been converted into a multiplex, and if during the exemption period the property no longer qualifies for the exemption, then back taxes would be due.

[Senate Bill 67](#) (*not enacted*), would have created an income tax credit for rental income not received by landlords during the COVID-19 emergency period from January 1, 2020, to January 1, 2022. [House Bill 2653 A](#) (*not enacted*) would have created an income tax credit for the seller of publicly supported housing being retained as affordable, and [House Bill 3032](#) (*not enacted*) would have established an income tax subtraction for taxpayers renting out one or more rooms in their primary residence, subject to certain restrictions.

## **Tax Credits and Exemptions**

In the 2023 Regular Session, the Legislative Assembly extended the timeline for several housing-related tax credits. [House Bill 2080](#) (introduced as [Senate Bill 147](#) [*not enacted*]) extends the sunset of a tax credit for certain new or rehabilitated single-unit housing until January 1, 2030. [House Bill 2071](#) (introduced as [Senate Bill 131](#) [*not enacted*]) extends the sunset of a business tax credit for specified housing projects with qualified loans certified by Oregon Housing and Community Services until January 1, 2032. That bill adds provisions covering limited equity cooperatives to the credit as a type of qualifying housing project.

The Legislative Assembly also created a new property tax exemption through [Senate Bill 919](#). If taxing districts covering 51 percent or more of the property’s tax bill agree, then the local jurisdiction may pass an ordinance allowing the



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# Human Services



## Abuse: Definitions, Dispositions, Investigations, and Records

The Department of Human Services (DHS) is charged with receiving, investigating, and responding to reports of abuse against children, as well as elderly adults and persons with disabilities in regulated care facilities. During the 2023 session, the legislature considered several bills that changed the definitions of what constitutes abuse and expanded or modified the powers and responsibilities of DHS when responding to reports of abuse.

### Definitions

The legislature considered several bills that modified, updated, or aligned statutory definitions related to abuse for the purposes of investigations carried out by DHS. [Senate Bill 93](#) is an omnibus bill that makes several changes to the powers and responsibilities of DHS, particularly statutes regarding restraint and involuntary seclusion of children in the care of foster homes and regulated care facilities which were originally enacted by [Senate Bill 710](#) (2021). These include changing statutory definitions to align processes for investigating reports of abuse of children in care and expanding requirements for child-caring agencies to report on instances of the use of restraint and involuntary seclusion. The bill also adds additional professions to the list of mandatory reporters of child abuse, clarifies DHS's role in juvenile dependency cases, and restores DHS's authority to regulate certain types of community-based structured housing

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See the **2023 Legislative Summary Report for Human Services**, which highlights policy measures that received public hearings during the Oregon's 2023 Regular Legislative Session.

facilities not already regulated by the Oregon Health Authority.

Laws governing restraint and seclusion are different for public education providers than they are for other types of care providers, and persons with intellectual and developmental disabilities (I/DD) may be enrolled in public education past the age of 18 when they are considered adults. To account for these differences, the legislature enacted [Senate Bill 105](#), which modifies the definition of abuse of adults with I/DD to include restraint, involuntary seclusion, or infliction of corporal punishment in violation of laws that regulate such uses in education settings. [Senate Bill 790](#) also makes this change for the general statutory definition of child abuse for persons under age 18, alongside broader changes to restraint and seclusion in educational environments (discussed on page two).



## Dispositions

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires child protective service agencies to notify individuals identified as responsible for child abuse or neglect. [Senate Bill 757](#) requires DHS and law enforcement agencies to give notice of a reasonable case (referred to as a founded disposition) of child abuse to the attorney of the person identified as the perpetrator as well. Oregon law requires individuals who have been the subject of a founded or substantiated report of child abuse to be enrolled in the Central Background Registry prior to providing child care. [Senate Bill 769 A \(not enacted\)](#) would have prohibited DHS from finding an individual unfit to serve as a volunteer, intern, employee, or licensee of any entity based on a substantiated or founded allegation of abuse if the incident occurred before the individual reached 18 years of age.

## Investigations

DHS's Child Protective Services and law enforcement agencies have a shared legal responsibility for taking child abuse reports and responding to them. [Senate Bill 901](#) authorizes the Director of DHS to issue subpoenas for documents and records concerning child abuse investigations. [Senate Bill 1024](#) prohibits children's congregate care providers and public education programs from modifying or destroying photo, video, and audio evidence of incidents involving restraint or involuntary seclusion of a child and requires programs to make these records available upon request. [Senate Bill 790](#) allows education programs to be investigated and substantiated for abuse by DHS, rather than individual persons, as a result of improper or insufficient training on restraint and seclusion. The bill also requires quarterly reports to legislative committees in these instances.

Child-caring agencies are organizations that provide specialized care or treatment for children, including day treatment facilities for behavioral challenges, adoption placement agencies, residential care, and outdoor youth programs. DHS is required to respond to any report, allegation, or information pertaining to the suspected abuse of a child in the care of a child-caring agency and, following a screening, open an investigation to determine whether the suspected abuse is substantiated, unsubstantiated, or inconclusive (e.g., unable to determine). [House Bill 3333 A \(not enacted\)](#) would have directed the [System of Care Advisory Council](#) to study the use of a just culture model in DHS's investigations of child-caring agencies and would have created a grant program for training on the model.

Mandatory reporters are required by law to make reports of suspected child abuse or neglect to authorities. DHS employees are mandatory reporters of child abuse under [ORS 419B.010](#) (2021). [Senate Bill 210](#) creates exceptions regarding the confidentiality of identifying information of persons receiving public assistance in order to allow mandatory reporters to disclose information to report suspected abuse. Twenty-two states provide an electronic abuse reporting option; [Senate Bill 231](#) directs DHS to develop and maintain a centralized child abuse reporting system, including an abuse reporting hotline and a website.

## Records

DHS is only authorized to release child abuse and medical records under specific circumstances ([ORS 419B.035](#) [2021]). [Senate Bill 823 A \(not enacted\)](#) would have made completed abuse investigation reports confidential, except to certain persons if requested in writing.



## Benefits and Assistance Programs

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### Eligibility

The Legislative Assembly passed bill [House Bill 2992](#) (2021), which increased the amount of compensation for members of State Boards and Commissions. For public-benefits-eligible participants on State Boards and Commissions, if these stipends are considered as taxable income, it can lead to loss of eligibility for public benefits. [Senate Bill 92 A](#) (*not enacted*) would have directed DHS to establish a liaison position to facilitate the participation of individuals appointed to boards, commissions, or other groups.

The Employed Persons with Disabilities program provides or continues medical coverage and long-term services to people with disabilities who are working or want to work. [Senate Bill 576 A](#) (*not enacted*) would have prohibited DHS from considering income and resources when making a determination of eligibility for Medicaid for employed individuals with disabilities.

### Food Assistance

The legislature considered several bills that modified eligibility requirements for various food assistance programs. [Senate Bill 609](#) requires DHS to consider hours worked as a graduate assistant as employment for meeting work requirements in the Supplemental Nutrition Assistance Program. [Senate Bill 610 A](#) (*not enacted*) would have established the Food for All Oregonians Program to provide nutrition assistance to Oregon residents whose immigration status or lack of Social Security number inhibits them from qualifying for the federal Supplemental Nutrition Assistance Program. [Senate Bill 856](#) (*not enacted*) would have established the Compact of Free Association (COFA) Food Assistance Program

to provide food assistance to citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. [House Bill 2728](#) (*not enacted*, but funded at \$4.2 million for the biennium through [House Bill 5026](#)) would have directed DHS to contract with a nonprofit organization to operate a benefit program that would assist Supplemental Nutrition Assistance Program recipients with purchasing locally grown fruits and vegetables from participating farmers' markets and other vendors.

### Foster Care

Children in foster care are eligible to receive benefits from the Supplemental Security Income (SSI) or the Social Security program based on their disability or due to the retirement, disability, or death of an insured parent. [Senate Bill 556](#) prohibits DHS from using funds, benefits, payments, proceeds, settlements, awards, inheritances, wages, or any other money received on behalf of a child in its custody for maintenance costs. [Senate Bill 557](#) (*not enacted*) would have required DHS to establish and administer the Youth Support and Repayment Grant Program to award grants to persons whose Social Security benefits, death benefits, survivor benefits, crime victim impact payments, or any other benefits or resources intended for the individual, were seized and used by the state to pay for services provided to the person that would otherwise have been entitled or eligible through any state or federal agency or public or private program.

### New Programs

Refundable tax credits reduce a taxpayer's tax liability, and the remaining credit amount is issued to the taxpayer as a tax refund. [House Bill 3235](#) creates a refundable income tax credit of \$1,200 for taxpayers with a qualifying dependent child under age six.



A traumatic brain injury (TBI) is an injury caused by a forceful bump, blow, or jolt to the head or body, or from an object that pierces the skull and enters the brain. Some types of TBIs can cause temporary or short-term problems with normal brain function, including problems with how the person thinks, understands, moves, communicates, and acts; while more serious TBIs can lead to severe and permanent disability, and even death. [Senate Bill 420](#) directs DHS to provide service coordination, resource navigation, advocacy, and options counseling to individuals with brain injuries.

The federal Americans with Disabilities Act of 1990 (ADA) governs how public and private entities that are open to the public must provide reasonable accommodations for people with disabilities. For individuals with communication disabilities, such as a disability affecting speech, vision, or hearing, the ADA requires both public and private entities to provide accommodations that enable effective communication. [Senate Bill 569](#) requires every place of public accommodation that provides a closed-captioned enabled television receiver in a public area to activate closed captioning on at least 50 percent of the receivers.

## **Child Welfare**

### **Children in DHS Care**

Children may be removed from their homes and placed in protective custody when law enforcement or DHS has determined that it is not safe for them to remain home. Children in foster care may experience several different placements throughout their time in the foster care system. [Senate Bill 548](#) requires DHS to provide luggage carriers to transport personal effects when a foster child is entering, transitioning within, or exiting foster care.

For cases involving decisions regarding the placement of a child or ward in substitute care, juvenile courts work with DHS to determine a

suitable placement that is in the best interests of the child or ward. [Senate Bill 865](#) directs DHS to consider the current caretaker to have priority status as a prospective adoptive parent in specific circumstances. [House Bill 2711](#) (*not enacted*) would have directed DHS to attempt to place children or wards with previous substitute care providers when other preferred placement options are not available and provide documentation to the court on its efforts.

The Oregon Foster Children's Bill of Rights was established by the legislature in 2013 to emphasize the fundamental rights of foster children to appropriate care, services, and basic needs. Oregon law requires DHS to enforce these rights through administrative rulemaking, which may be reviewed periodically. [House Bill 2664 A](#) (*not enacted*) would have required DHS to provide culturally and linguistically affirmative child welfare services to individuals who are deaf and hard of hearing, and it also would have modified the Oregon Foster Children's Bill of Rights to grant additional rights to foster children.

Oregon law permits the disclosure of the sexual orientation and gender identity or gender expression information of children in DHS's care in court proceedings. [Senate Bill 209](#) makes such information exempt from disclosure unless failing to disclose the record is likely to jeopardize the child's safety or well-being. Oregon law states that young adults ages 18 to 21 must remain wards of the court in order to receive services in foster care. [Senate Bill 202](#) requires DHS to develop and administer a voluntary placement program to support the transition into adulthood for young adults during this age period.

Oregon law authorizes a parent to leave their infant child lawfully and anonymously at an authorized facility within 30 days of the infant's date of birth. [House Bill 3626](#) extends the period for a parent to anonymously leave their infant in the physical custody of a person at an authorized facility to 60 days and requires





authorized facilities to post informational signage.

## **Supported Care Settings**

### **Intellectual and Developmental Disabilities**

Programs exist in other states to connect eligible adults with potential roommates who act as caregivers, allowing for increased independence and continuous access to care without the need to live in an adult foster home or residential facility. [Senate Bill 759](#) requires DHS to investigate options for compensating roommates if an adult who receives developmental disability services chooses to receive services from roommates in the home that the adult owns or rents.

[House Bill 3234](#) prohibits a court from ordering the involuntary commitment of a minor child with intellectual disabilities to DHS without the consent of the child's parent or guardian. The bill also requires a person to have been determined eligible for developmental disability services as a condition of commitment, and modifies processes related to commitments.

### **Older Adults**

The Oregon LGBTQ+ Older Adult Survey was conducted in 2021 and found that 50 percent of people aged 55 or older who identify as LGBTQ+ have service needs that are not met. [Senate Bill 99](#) establishes the Bill of Rights for LGBTQIA2S+ Older Adult Residents of Long Term and Community-Based Care Facilities and establishes the LGBTQIA2S+ Subcommittee of the [Governors' Commission on Senior Services](#).

### **Parents Providing Attendant Care**

In January 2021, DHS implemented processes to allow parents of minor children to be paid caregivers. Under normal circumstances, parents of minor children in Oregon are considered their child's representative as part of their parenting role. The Centers for Medicare and Medicaid Services (CMS) approved an 1135 waiver of [42 CFR § 441.505](#) to temporarily allow payment for attendant services and supports provided by an individual's representative if the state makes a reasonable assessment that the caregiver is capable of rendering such services. [Senate Bill 91](#) directs DHS to compensate parents for providing attendant care services to minor children who have very high medical or behavioral needs. The bill also directs DHS to initiate an application for approval of a new waiver.

[House Bill 3256](#) allows a child who resides in a developmental disabilities child foster home to be attended by their parent or guardian only with approval from DHS. The bill also allows a child up to age 26 to reside in a developmental disabilities child foster home with approval from DHS.

### **Workforce and Providers**

Parents who are experiencing a crisis may, through a properly executed power of attorney, temporarily delegate responsibility for caring for a child to a respite service provider. [House Bill 2599](#) waives fees for enrollment in the Central Background Registry for individuals affiliated with respite service providers.

Recruiting and retaining the large number of professionals required to provide high quality care for aging Oregonians is a major challenge. [Senate Bill 602](#) (*not enacted*) would have directed the Commissioner of the Bureau of Labor and Industries to appoint a long term care





wage board to study challenges to recruiting and retaining long term care employees.

Direct support professionals work closely with people who have intellectual and developmental disabilities to support their needs and ability to live in their communities. [House Bill 2457 A](#) (*not enacted*) would have required DHS to reimburse provider agencies for the cost of care provided by direct support professionals that would be sufficient to compensate them at least 150 percent of the Portland-area minimum wage as adjusted for inflation.

Operators of adult foster homes are licensed by DHS and may receive reimbursement payments from the department for residents who are enrolled in Medicaid. [House Bill 2495](#) (*not enacted*) would have directed DHS to restructure its methodology for calculating Medicaid reimbursement rates to adult foster care providers by increasing base rates and adopting an acuity-based payment method to reduce the need for exceptional payments by January 1, 2024. The bill also would have directed DHS to increase base rates and add-on payments by 50 percent over amounts paid until a restructured methodology is adopted.

Current law requires the [Oregon Home Care Commission](#) to operate a program that allows individuals to hire the services of in-home care workers who are employed and paid by the Commission via its statewide registry. The program sets standard payment rates for workers and charges consumers for the cost of employing the workers and administering the program. [House Bill 2500 A](#) (*not enacted*) would have directed DHS, the Oregon Health Authority, and the Home Care Commission to develop processes for home care workers, personal support workers, and personal care attendants to receive mileage reimbursement when working in homes that are 25 miles or more from an available provider.

Programs of All-Inclusive Care for the Elderly (PACE) is a model of service delivery that provides comprehensive health services for

older adults. [House Bill 2589 A](#) (*not enacted*) would have directed DHS to conduct studies to determine sufficient staffing and compensation for case workers who perform enrollment and eligibility services for programs of all-inclusive care for the elderly to process enrollment applications within a 45-day window.

Long term care facilities provide inpatient medical, nursing, rehabilitation, and other health-related care and services to people with disabilities and medical needs. Long term care facilities include nursing facilities, assisted living and residential care facilities, and adult foster homes. [House Bill 2954 A](#) (*not enacted*) would have directed the Department of Early Learning and Care, in consultation with DHS and subject to available funding, to establish a pilot program to provide financial assistance for child care costs to long term care facility employees.

## **Systems of Care**

### **Agency With Choice**

Agency With Choice allows people with disabilities and/or their representatives to select their own support service professionals. The program provides these individuals and/or their designated employer the opportunity to manage some or all of their services in their home and other community settings. [Senate Bill 104](#) directs DHS to contract with one or more organizations to deliver Agency With Choice services, including varied administrative and employment-related supports, by July 1, 2024. [Senate Bill 570 A](#) (*not enacted*) would have directed DHS to contract with up to two consumer-directed employers to provide the Agency With Choice services, including varied administrative and employment-related supports, and specified criteria employers must meet.



## Aging

Oregonians over age 65 are an increasingly large proportion of the state's population. [House Bill 2869 A](#) (*not enacted*) would have established a 25-member workgroup to develop a framework for a multi-sector plan for aging to be administered by DHS, and required the workgroup to report to legislative committees.

## Community Information Exchange

A community information exchange (CIE) is a network of health care and social service partners that uses a digital platform that allows authorized access to a shared resource directory, “closed loop” referrals, reporting, social needs screening, and other features designed to connect people to multiple supports and social services efficiently. [House Bill 4150](#) (2022) directed the Health Information Technology Oversight Council within the Oregon Health Authority to convene a workgroup that made recommendations and produced a report on how the state could leverage CIEs to improve social and health outcomes. [House Bill 2440](#) (*not enacted*) would have established privacy restrictions for entities that participate in a community information exchange by specifying conditions under which personally identifying information may be accessed, disclosed, and retained. [House Bill 3303 A](#) (*not enacted*) would have established the Community Information Exchange Board (Board), specified the Board’s membership and duties, and charged the Board with studying community information exchanges (CIEs) and making recommendations on best practices. [HB 3303 A](#) (*not enacted*) would have required the Oregon Health Authority to evaluate CIEs in Oregon and publish a list of CIEs that align with board-identified best practices.

## System of Care Advisory Council

The [System of Care Advisory Council](#) was established in 2019 by [Senate Bill 1](#), which emerged out of a 2018 workgroup convened by the Governor, President of the Senate, and Chief Justice of the Supreme Court to address systemic challenges in meeting the needs of children with mental or behavioral health conditions across the state's juvenile justice, child welfare, and health care systems. [Senate Bill 968](#) modifies the duties and membership of the System of Care Advisory Council by allowing council members under age 25 to continue serving past that age and clarifying the Council’s reporting requirements and interagency collaboration.

## Workforce

DHS is the largest state agency in terms of workforce size, with roughly 10,200 full-time equivalent positions. [House Bill 2804](#) requires DHS to use workload models to assess the capacity and needs of its workforce in every program or administrative unit and biennially report to legislative committees.



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# 2023 Legislative Summary Brief

## Labor & Employment



### Apprenticeship and On-the-Job Training

Apprentices learn while earning on the job under the standards approved by the Oregon State Apprenticeship and Training Council (OSATC) and under an apprenticeship agreement that OSATC recognizes. There are over 60 approved apprenticeship programs available in Oregon, ranging from traditional skilled trades such as plumbers and electricians to newer occupations such as medical assistants and software developers.

In September 2021, OSATC approved a firefighter apprenticeship standard with the Oregon State Fire Council Joint Apprentice and Training Committee (JATC). Apprentices in the program must complete 4,000 hours of on-the-job training in skills such as Structural Firefighting, Pre-Fire Planning, and Fire Prevention. [House Bill 2294](#) allocates \$5 million to the Bureau of Labor of Industries (BOLI) to expand firefighter apprenticeship pilot projects in Oregon.

Current law requires apprenticeships in public improvement project contracts over \$3 million. A state contracting agency must require (a) that a contractor employ apprentices to perform 12 percent of the work hours that workers in apprenticeable occupations perform, and (b) when a subcontract price exceeds the lesser of \$1 million or 25 percent of the price of the contract, that the subcontractor employ apprentices to perform 12 percent of the work hours that workers in apprenticeable occupations perform. The Oregon Department of Transportation and emergency procurements are exempt from the apprenticeship utilization requirement.

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[House Bill 2649](#) expands the apprenticeship utilization requirement and establishes a mechanism to enforce the requirement. The measure expands the requirement to include Oregon Department of Transportation, Higher Education Coordinating Commission (HECC), a public university, and a community college district, and increases the apprenticeship utilization requirement to 15 percent or more in 2027. It requires a Qualifying Agency (QA) to reduce payment to the contractor, and permits a contractor to reduce payment to the subcontractor, when the contractor or subcontractor does not meet the 12 percent or more apprenticeship utilization requirement. It



also requires an entity that receives any state or federal Workforce Innovation and Opportunity Act (WIOA) funds to establish wage standards and training plans for individuals who participate in a program administered by the entity, if, under the program, the entity provides individuals with paid work experience.

[House Bill 3306](#) requires an entity that receives any state or federal WIOA funds to establish wage standards for individuals who participate in a program administered by the entity, if individuals are provided paid work experience. The measure requires that an entity develop and share a training plan with the participant that includes a wage progression schedule and a description of requirements that the individual must meet to progress to higher wage rates. [House Bill 3307](#) provides employment-related anti-discrimination law protections under [ORS chapter 659A](#) (2021) to individuals participating in registered apprenticeship programs or any private sector on-the-job training programs.

## **Collective Bargaining**

The Employment Relations Board (ERB) resolves disputes concerning labor relations and administers the collective bargaining law that covers public employees of the State of Oregon and its cities, counties, school districts, and other local governments. [House Bill 2573](#) requires the ERB to develop procedures that may be used for preparing and signing authorizations designating bargaining representatives, and using an electronic record and an electronic signature. The measure specifies information that must be included on a petition for representation submitted with the electronic signature.

An exclusive representation of a bargaining unit is permitted to charge employees who are not members of the labor organization reasonable fees and costs for representation unrelated to the negotiation of a collective bargaining agreement. Currently, the statute applies to

public safety organizations that represent municipal officers, sheriffs and deputy sheriffs, and police officers commissioned by a university. [House Bill 2864](#) adds employees of the Department of Corrections and Oregon Corrections Enterprises, and parole and probation officers who supervise adult offenders, to the list of employees who may be charged reasonable fees and costs for representation on issues unrelated to negotiation of a collective bargaining agreement.

## **Construction and Building Codes**

The Construction Contractors Board (CCB) comprises nine members investigating and enforcing construction contractor regulations and licensing requirements. Oregon law governs when the CCB may take disciplinary action against a construction contractor licensee or applicant and when the CCB may investigate complaints. [Senate Bill 228](#) expands the CCB's rulemaking authority to accept jurisdiction over complaints in exceptional circumstances. It also expands the circumstances under which the CCB may take disciplinary action against a construction contractor licensee or applicant for violation of Oregon's construction contractor regulations.

A surety bond is a promise by a bonding company to pay all or a portion of a Construction Contractors Board (CCB) final order if a contractor fails to pay the order and works to protect consumers. A surety bond is required for all CCB licensed entities. The type depends on the contractor's endorsement: residential or commercial work, or both. [House Bill 2922](#) increases the surety bond amount required for all CCB-licensed entities by \$5,000.

Retainage is a portion of the agreed-upon contract price deliberately withheld until the work is substantially complete to ensure a contractor will satisfy its obligations under a





construction contract. Retainage held by a public contracting agency must be paid to the contractor as part of the final payment and interest earned on money retained is due to the contractor. Currently, a public or private contracting party is required to place retainage in an interest-bearing escrow account when the contract price exceeds \$500,000. [House Bill 2870 B](#) (*not enacted*) would have changed retainage requirements to allow a contractor to submit surety bonds for all or a portion of the retainage required for public improvement contracts. A contractor on a large commercial structure or public improvement contract must accept a surety bond from subcontractors or suppliers from which the contractor has withheld retainage if the contracting agency has accepted a surety bond in lieu of retainage from the contractor.

## **Employment Protections**

The Legislative Assembly considered several measures that addressed working conditions and employment protections. [Senate Bill 851](#) directs the Bureau of Labor and Industries (BOLI) to prepare a model respectful workplace policy that employers may adopt. BOLI will also create informational material for employers on workplace bullying. [Senate Bill 925](#) (*not enacted*) would have made it an unlawful employment practice for an employer or employment agency to advertise a job or promotion without disclosing the pay range and a general description of the employment benefits for the job in the posting.

Oregon law currently prohibits age discrimination. A person complaining of age discrimination may file a complaint with BOLI or file a court action. [House Bill 2800](#) (*not enacted*) would have clarified the meaning of “because of age” in employment age-based discrimination law. It also would have prohibited an employer from seeking a job applicant's age.

Warehouse distribution centers employ a growing proportion of the workforce and support the delivery of products from online shopping. Data from BOLI and the Occupational Safety and Health Administration indicate that warehouse workers perform dangerous jobs and are injured more often than coal miners, lumberjacks, trash collectors, and police officers. [House Bill 3568](#) (*not enacted*) would have provided warehouse distribution workers with protections from undisclosed work speed quotas and from speed quotas that prevent workers from taking meal and rest breaks.

## **Leave Laws**

Oregon law provides a variety of protections for employees to take time off work for illness and family care. The Oregon Family Leave Act (OFLA) requires employers with 25 or more employees to provide employees with up to 12 weeks of unpaid protected time off for certain conditions, such as illness and childbirth. In 2019, the Legislative Assembly enacted [House Bill 2005](#), known as Paid Leave Oregon. Paid Leave Oregon provides employees with paid time off for certain family, medical, or safety-related conditions. Employees and employers make contributions into the program to sustain it. Employers may also opt out of the program if they offer their employees a plan that is equivalent to Paid Leave Oregon.

[Senate Bill 912](#) makes statutory changes to the Paid Leave Oregon program related to overpayments, collections, and potential penalties for violations of equivalent plan requirements. [Senate Bill 913](#) makes several technical changes to the Paid Leave Oregon program, including modifying procedures for requesting a hearing and disclosures of confidential information. It also changes the fixed maximum wage subject to Paid Leave Oregon contributions to match the U.S. Social Security contribution and benefit base limit.



[Senate Bill 999](#) makes several modifications to both Paid Leave Oregon and OFLA. The measure defined “one-year period” within both programs to determine the amount of leave a person may take within a one-year period within each program. It also redefined “family member” within OFLA and clarified the meaning of “family member by reason of affinity” within each program. The measure also specifies that leave taken under OFLA must be taken concurrently with leave under the federal Family and Medical Leave Act and Paid Leave Oregon.

## **Unemployment Insurance**

The Work Share program was created in 1983 in an effort for businesses to avoid layoffs, retain talent during a temporary decline in business, and continually provide reduced wages plus unemployment benefits to subsidize the reduction in wages. With an approved Work Share plan, the employer reduces the hours of work for a group of workers rather than reducing the number of workers it employs, and partial unemployment insurance (UI) benefits supplement the workers' reduced wages. To be eligible to participate in the Work Share program, an employer must have three or more employees, and employees must: be eligible for UI benefits, have their hours reduced by at least 20 percent and not more than 40 percent, be fully available for work, have worked continuously for six months full-time or one year part-time, and not be seasonal workers.

[House Bill 3331](#) amends eligibility requirements to qualify for Work Share benefits. The measure removes the requirement that an affected employee must have been continuously employed and have worked for the employer for six months on a full-time basis or for one year on a part-time basis to qualify for Work Share benefits. The measure also expands the percentage reduction in hours an employee may work to qualify for Work Share benefits to at least 10 percent and not more than 50 percent.

## **Wages and Benefits**

The prevailing wage rate (PWR) is the hourly wage, including all fringe benefits, that the Commissioner of the Bureau of Labor and Industries (BOLI) determines is paid in the locality to the majority of workers employed in a specified trade or occupation. [Senate Bill 594](#) expands the definition of public works for purposes of paying the PWR to include demolition or removal of hazardous waste from a road, highway, building, structure, or improvement of any type that: a public agency contracts or carries on to serve the public interest; uses \$750,000 or more in public agency funds; occurs with or without public agency funds on property owned by a public university; or occurs on real property owned by a state agency.

[House Bill 2057 A](#) (*not enacted*) would have established joint and several liability between a contractor and subcontractor on a non-PWR project for unpaid wages. Upon request, a subcontractor would have been required to provide the contractor-certified payroll records to determine whether the subcontractor paid workers in full, and if a subcontractor failed to provide records, a contractor would have been able to withhold payment.

[House Bill 4002](#) (2022) established maximum allowable hours and overtime wage requirements for Oregon agricultural workers and a refundable tax credit against personal and corporate income taxes to offset a percentage of the additional cost of overtime wages paid by a crop or animal production business. The measure required the Oregon Department of Agriculture (ODA) and Oregon Business Development Department (OBDD) to make recommendations to the 82nd Legislative Assembly regarding the establishment of a grant, loan, or lending program to which \$10 million will be allocated for providing financial assistance to employers to mitigate the costs of compliance with the overtime compensation



requirements. [House Bill 2058](#) establishes the required program. It directs OBDD to develop and administer a program to provide up to \$40,000 of repayable awards to agricultural employers to mitigate costs associated with compliance with agricultural overtime compensation requirements.

In 2021, the Legislative Assembly passed [House Bill 2818](#), temporarily exempting hiring and retention bonuses from the definition of "compensation" for purposes of the pay equity law ([ORS 652.210 to ORS 652.235](#), 2021). The exemption was extended through September 28, 2022. [House Bill 3205 A](#) (*not enacted*) would have directed BOLI to adopt rules regarding Oregon's pay equity laws, including clarifying the payment of bonuses based on bona fide factors.

## **Workers' Compensation**

Workers' compensation insurance provides medical treatment and lost wages to employees or their dependents when employment-related accidents or illnesses occur. Oregon employers are required to carry workers' compensation insurance or be self-insured. The Workers' Compensation Division is located within the Department of Consumer and Business Services and administers Oregon's workers' compensation system.

[House Bill 3412](#) expands access to medical services within the workers' compensation system by permitting physician assistants to provide compensable medical services and authorize payment of temporary disability benefits under the same rules as nurse practitioners for workers' compensation claims.

Most Oregon employers must allow an injured worker to return to their former positions when they can do so, or to suitable positions when the employee cannot perform their former position but can still perform some other job. An employee may file a complaint with the Bureau of Labor and Industries or bring a civil suit

against their employer, if the employer discriminates against them in hiring or other conditions of employment because the employee exercised their workers' compensation rights. [House Bill 3471](#) makes it an unlawful employment practice for an employer to offer to settle all or part of a worker's claim for workers' compensation conditional upon a worker entering into a no-rehire agreement, or for an employer to negotiate a settlement agreement conditional on a worker agreeing to a no-rehire provision.

## **Working Conditions and Workplace Safety**

The Legislative Assembly enacted two measures to address workplace safety. Federal law requires civil penalties for violations of federal workplace safety or health requirements and that the civil penalties be adjusted based on inflation. Federal law also allows states to operate their own occupational safety and health programs if those programs are as effective as the federal Occupational Safety and Health Administration plan. Oregon has operated its own occupational safety and health program since 1973 when the Oregon Safe Employment Act was enacted.

Oregon law governs when the Director of the Department of Consumer and Business Services (DCBS) may enter and conduct investigations of places of employment. [Senate Bill 592](#) specifies when the Director of DCBS may conduct comprehensive inspections of places of employment. It also requires comprehensive inspections when an accident investigation reveals a violation caused or contributed to a work-related fatality, or when three or more willful or repeated violations occur within a one-year period at a place of employment. The measure also establishes minimum and maximum civil penalties for certain violations and requires the director to adjust civil penalties annually.



It is unlawful for an employer to fire or otherwise discriminate against any employee or prospective employee because the employee exercised their rights under the Oregon Safe Employment Act. [Senate Bill 907](#) also makes it an unlawful employment practice for an employer to fire or discriminate against an employee or prospective employee because they refuse to expose themselves to serious injury or death from a hazardous condition at their place of employment when there are no reasonable alternatives, and the person is acting in good faith.

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## Agriculture

For nearly 35 years, Oregon has had a regulatory program for confined animal feeding operations (CAFO) requiring such facilities to have approved permits to operate. In recent years, a newly approved Eastern Oregon dairy CAFO was cited with hundreds of environmental violations shortly after opening, and several large chicken operations were proposed in the mid-Willamette Valley. These highly publicized events spurred several legislative workgroups to evaluate the impacts of large facilities and discuss whether the current regulatory framework provided sufficient protections. The conversations culminated in the passage of [Senate Bill 85](#) during the 2023 legislative session. The measure creates a five-year pause on the livestock watering exemption, which has allowed unlimited groundwater withdrawals for CAFOs and requires new CAFO applicants to create and submit a water supply plan to state agencies. It also bans new large CAFOs from operating and disposing of waste in Oregon groundwater management areas. Inspections are required before animals are brought to new facilities, and permit applicants must mail notices about public comment opportunities to neighbors within a half mile of a proposed operation. The measure also requires applicants to request a land use compatibility statement from the city or county. It allows a local government to require a new operation to include a setback or buffer if the operation is adjacent to residential property.

The Legislative Assembly also took a step towards addressing another long-standing controversy: the co-existence of Oregon’s *Brassica* seed crop producers and canola growers in the Willamette Valley. [Senate Bill](#)

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See the 2023 **Legislative Summary Report** for [Natural Resources](#), which highlights policy measures that received public hearings during Oregon’s 2023 Regular Legislative Session.

[789](#) extends the sunset on current canola growing restrictions within the Willamette Valley Protected District to July 1, 2024, and directs the Oregon Department of Agriculture (ODA) to convene a stakeholder workgroup and publish a report during the 2023 interim to make recommendations on conflict mitigation, including future geographic or acreage limitations, field identification, and a publicly-accessible map of crop locations.

Several measures were enacted that aimed to enhance local food production, processing, and sales. For over a decade, Oregon has had a farm-direct law allowing small farmers to produce and sell low-risk, value-added products that they prepare in their home kitchens from the



produce they grow. [Senate Bill 507](#) expands the list of agricultural products allowed under the program to include freeze-dried fruits and vegetables, steam or water-bath canned jams and other products, herbal products, certain fruit and vegetable juices, and maple and walnut syrups. The measure also raises the annual sales limit, allows for internet sales, and allows for third-party contracting for sales support.

Oregon has a cottage food industry that allows individuals to prepare baked goods or confectionary items in their home kitchen for sale with relatively few requirements imposed by the state. [Senate Bill 643](#) expands the list of allowable foods to include packaged coffee beans, teas, popcorn, jams, jellies, honey, syrup, fruit butters, nut mixes, repackaged freeze-dried foods, repackaged dried and dehydrated foods, and powdered drink mixes. The measure also raises the annual sales limit, expands permissible sales methods, specifies label requirements, and prohibits household pets in the food preparation area.

[House Bill 2689](#) extends a licensing exemption that has existed since 2011 for small-scale poultry slaughtering operations to include small-scale rabbit slaughtering operations, provided that the rabbits are intended for use as human food. [Senate Bill 479](#) directs ODA to adopt rules that expand the slaughter and processing options for meat donated to charitable organizations to include custom-exempt slaughter and processing facilities, rather than only federal or state meat inspection facilities.

## **Fish and Wildlife**

In 2011, the Legislative Assembly directed the Oregon Department of Agriculture (ODA) to establish a program to provide grants to assist counties with implementing wolf depredation prevention, and to compensate ranchers when wolf depredation occurs. In recent years, between 16 and 49 confirmed wolf depredations have occurred annually in the state. [House Bill](#)

[5506](#) appropriates \$1 million during the 2023 legislative session to replenish the program. Two related measures were the subject of significant discussion but were not enacted. [House Bill 2631](#) (*not enacted*) and [House Bill 2633](#) (*not enacted*) would have modified the compensation rate for probable or confirmed losses to livestock and working dogs, and would have disallowed compensation for missing livestock. [Senate Bill 886](#) requires the Oregon Department of Fish and Wildlife (ODFW) to submit a report to the Legislative Assembly on wolf-livestock conflict data, and to summarize the options for wolf location data-sharing with livestock producers that were discussed in the Oregon Wolf Conservation and Management Plan review. The measure also removes the requirement that ODFW obtain a confidentiality agreement when disclosing certain fish or wildlife data to the federal government, a tribal government, or other specified public bodies.

Beavers were another species that generated interest during the 2023 legislative session. Beavers are defined and managed differently under two separate laws in Oregon. Beavers causing damage on private property are defined as predatory animals and rodents under animal laws administered by ODA, and unlimited taking of beaver on private land without a permit is allowed. Beavers are also defined as furbearers under wildlife laws administered by ODFW, and a take permit is needed to kill a beaver. The Legislative Assembly enacted [House Bill 3464](#), removes beaver from the statutory definition of "predatory animal", and allows for killing beaver only by permit, with exceptions for threats to infrastructure or crops and for certain small forestland owners. The bill also requires the adoption of rules and publishing of an annual report related to the killing of beaver in Oregon.

Related to fish, when anglers catch a fish and don't intend to eat it, they typically have to release the fish back into the water under Oregon sport fishing regulations. However, certain nonnative fish species have been



thriving in Oregon rivers and eating juvenile salmon as part of their diet. During the 2023 session, arguments were made that these fish should not be released back into the river. [House Bill 2966](#) authorizes ODFW to waive requirements related to fish health, immediate release, and the use of artificial baits for nonnative black bass and walleye angling competitions, and to permit any person to remove and dispose of a nonnative aquatic species from specified areas if ODFW determines that the species is adversely affecting native fish within that body of water. Efforts to regulate aquaculture through [Senate Bill 89](#) (*not enacted*) and promote private aquaculture through [Senate Bill 65](#) (*not enacted*) were unsuccessful.

## Forests

One of the most significant shifts in forest management in recent years was the passage of [Senate Bill 1546 \(2022\)](#), which established the Elliott State Research Forest, under a new independent state agency, from state forest lands previously overseen by the State Land Board and managed by the Department of State Lands as a Common School Fund land asset. [Senate Bill 161](#) modifies certain deadlines to ensure specific tasks were accomplished and the Elliott State Research Forest provisions could become operative on January 1, 2024, as planned.

The Legislative Assembly has repeatedly considered modifying the purpose, management, and funding level of the Oregon Forest Resources Institute (OFRI) following the 2020 media investigations and a 2021 state audit that revealed the tax-funded organization may have engaged in activities outside the scope of its statutory authority. In 2023, [House Bill 3019](#) (*not enacted*) was the primary vehicle for making changes to OFRI, but it did not pass. The measure would have directed the Board of Forestry, rather than the OFRI Board, to annually set the privilege tax rate, and would

have redistributed revenues originally designated solely to OFRI operations, to be divided among the OFRI Fund, Oregon Forest and Protection Fund, and Oregon State University Extension Service for implementation of the Oregon Environmental Literacy Plan. The measure would have also modified the OFRI Board composition and expenditure limitations and required additional reporting and oversight.

Several tax credits related to forests were considered during the 2023 legislative session. [House Bill 2161](#) increases the value of the small forestland owner forest conservation tax credit by modifying the calculation methodology. [House Bill 2245](#) (*not enacted*) would have reinstated a reforestation tax credit against personal income, corporate income, and excise taxes by allowing preliminary certificates to be issued from December 31, 2023, to December 31, 2029. Finally, [House Bill 2685](#) (*not enacted*) would have reinstated a tax credit for processing or collecting biomass and changed the definition of eligible biomass and the credit rate for the purposes of the tax credit.

## Land Use

### Exclusive Farm Use (EFU) Zones

Oregon's statewide land use program requires that certain farmland is preserved for commercial farming and ranching through exclusive farm use (EFU) zoning. EFU zoning helps prevent nonfarm uses that are not compatible with agriculture but, over the years, the Legislative Assembly has approved exemptions for other uses. During the 2023 legislative session, the Legislative Assembly evaluated several proposed additions to the list of exemptions for permissible nonfarm uses on EFU land. [House Bill 2203](#) (*not enacted*) would have allowed recreational vehicles to be sited on farmland if they were used by individuals providing security services to protect farm equipment. [House Bill 2487](#) (*not enacted*) would



have allowed for EFU-zoned lands to be used for weddings or other events in Eastern Oregon counties with a population of less than 85,000 individuals. [Senate Bill 1087](#) (*not enacted*) would have allowed EFU-zoned lands to be used for farm cafés in Lane County.

## Land Use Board of Appeals

Local land use decisions, such as comprehensive plan amendments and zoning code changes, are permitted to be appealed to the Land Use Board of Appeals (LUBA). Appeals can be repeated, and parties can raise new issues on those repeat appeals. [House Bill 3458](#) changes that process so that after a party appeals to LUBA for the first time, receives a LUBA decision, and the case is remanded back to the local government or special district—the party can only appeal to LUBA again to challenge new evidence or revised findings. The measure also allows LUBA to sever its decisions so that the parts of a land use law that LUBA affirms as legal can go into effect, while other remanded parts can receive the necessary attention and work from the local government or special district to remedy the problems identified by LUBA.

## Modifications to Recently Passed Laws

The Legislative Assembly passed a few land use measures during the 2021 legislative session that required modifications to effectuate the chief sponsors' intent. [Senate Bill 16 \(2021\)](#) aims to increase rural residential housing options in the Eastern Oregon Border Economic Development Region (Border Region) in response to significant residential growth in Idaho. The measure authorized counties to partition and rezone up to 200 acres of land within the Border Region from exclusive farm use to residential use, provided that the rezoned lands were not high-value farmland. In the months following the bill's passage, it became

apparent that the measure's definition of "high-value farmland" included certain irrigation districts, drainage districts, water improvement districts, water control districts, and a portion of the Snake River Valley viticultural area. The sponsors hoped these areas would be available for rural residential rezoning. In 2023, the Legislative Assembly enacted [Senate Bill 70](#) to allow for the rezoning of those areas and added requirements that the rezoned lands be located within a rural fire protection district, comply with applicable fire prevention codes, and not be located within a designated 100-year floodplain.

Similarly, [Senate Bill 391 \(2021\)](#) was enacted to increase housing supply in rural areas. The measure allowed counties to authorize landowners in rural residential zones to construct one accessory dwelling unit (ADU), provided that certain requirements were met. One of those requirements was that a statewide wildfire risk map had to be approved before a county could approve the rural residential ADU. It was anticipated that a statewide wildfire risk map would be completed by mid-2022. However, the map was delayed, which meant that ADU development was delayed. In 2023, the Legislative Assembly enacted [Senate Bill 644](#), eliminating the map requirement and providing three related pathways for ADU approval: (1) if a statewide wildfire map was not yet approved, ADUs could be approved provided that they complied with the higher R327 wildfire building code standards; (2) if a statewide wildfire map was approved and the property was identified as extreme or high wildfire risk, ADUs could be approved as long as they met the R327 standard; and (3) if a state wildfire map was approved and the property was identified as moderate or low wildfire risk, there was no R327 requirement for ADU approval. Following the passage of the measure, counties began approving rural residential ADUs in Oregon.



## ***Rebuilding Post-Disaster Dwellings***

In the wake of the 2020 Labor Day fires, there has been increased legislative attention to laws related to rebuilding homes and structures after a natural disaster occurs. [House Bill 2192](#) addresses an inconsistency in grammatical verb tense between two very similar laws enabling altering or rebuilding on farmlands versus on forest lands. One of the laws seemed to suggest that certain structural features like a roof had to be in place at the time of application for rebuilding to be permitted ([ORS 215.755](#), 2021), while the other law suggested the structural features had to have been in place prior to the disaster or event ([ORS 215.291](#), 2021). The measure makes the two consistent so that alteration or rebuilding could be approved on both farm and forestlands as long as the structural features had been intact within three years before the application was filed.

## **Renewable Energy Siting**

Significant challenges for renewable energy expansion in Oregon include the siting of renewable energy facilities and transmission, and conflicting stakeholder land use interests. The 2023 Legislative Assembly attempted to tackle these challenges through three primary bills, one of which was enacted. [House Bill 3409](#) focuses on solar power generation and transmission. The measure tasks the Land Conservation and Development Commission with establishing mandatory and discretionary criteria for local governments to site solar facilities and identifying the characteristics of Eastern Oregon lands best suited for solar siting. It also establishes a rules advisory committee to recommend renewable energy siting assessment tools, and practices for mitigating the impacts of solar generation facility and transmission development.

[House Bill 2989](#) (*not enacted*) would have established a siting workgroup with a broader scope than the [House Bill 3409](#) charge, co-

convened by the Oregon Department of Energy (ODOE) and the Department of Land Conservation and Development (DLCD). The workgroup would have been directed to address barriers in the current state and local regulatory framework to renewable energy broadly, transmission development, and meeting Oregon's energy goals. [House Bill 3181 A](#) (*not enacted*) would have directed ODOE and DLCD to jointly establish a Finding Opportunities and Reducing Conflict in Energy Siting process to identify locations best suited for renewable energy or transmission development and to establish an Advisory Committee to support the process. It would have required ODOE to maintain and periodically update a renewable energy siting assessment tool. It would have also permitted each Eastern Oregon county to adopt a mapped inventory of areas best suited for siting and to allow for the expedited review of siting or development on inventoried lands. Finally, the measure would have directed ODOE and DLCD to provide financial and technical assistance to public bodies, tribal government, and community organizations.

## **Semiconductor Siting**

One of the most publicized measures of the 2023 legislative session was [Senate Bill 4](#); its objective is to help grow the semiconductor and advanced manufacturing industry in Oregon. In addition to appropriating more than \$400 million for grants and loans to qualifying businesses for site development, research, and workforce development, the measure also authorizes major land use powers for the Governor. The measure allows the Governor to issue an Executive Order to identify lands to bring into the existing urban growth boundary for industrial uses that relate to the semiconductor industry, advanced manufacturing, or the supply chain. The Governor is authorized to designate up to eight sites: two that exceed 500 acres and six that are 500 acres or less. The measure also





provides for a public process before the Governor's issuance of the Executive Order.

## **Natural Resources Planning and Operations**

The [House Bill 3409](#) provisions that originated in [Senate Bill 530](#) (*not enacted as a standalone bill*) establish a state policy to advance natural climate solutions to mitigate the future impacts of climate change on "natural and working lands." Natural and working lands are defined as farming and ranching lands, working forest lands, lands used for recreation, urban green spaces, and other land types such as grasslands, sagebrush steppes, deserts, freshwater and riparian systems, wetlands, coastal and estuarine areas, and submerged and submersible lands. The measure directs the Oregon Climate Action Commission (formerly Oregon Global Warming Commission) and certain state agencies to establish a baseline for net biological carbon sequestration and storage on natural and working lands, in addition to activity-based and community impact metrics, to evaluate progress toward meeting sequestration and storage goals against the established baseline. It creates a fund to provide incentives and financial assistance to help landowners and managers, Indian tribes, and environmental justice communities adopt natural climate solutions. It also seeds the fund with \$10 million. The Commission and agencies are also directed to develop a net biological carbon sequestration and storage inventory, study relevant workforce and training programs, and appoint an advisory committee to make recommendations related to the natural climate solutions program.

## **Outdoor Recreation**

[Senate Bill 812](#) authorizes local governments to prohibit or regulate drone use in parks owned by the local government, with exceptions for

drones used for utility line inspections and emergency operations. The legislation builds on [Senate Bill 109 \(2021\)](#), which directed the Oregon Parks and Recreation Commission to manage drone use in state parks to protect the natural, cultural, scenic, and recreational resources on park property while providing for recreational enjoyment of drone use.

The Legislative Assembly also considered the request for additional funding to complete the remaining 40 miles of the Oregon Coast Trail. [Senate Bill 679 A](#) (*not enacted*) would have appropriated \$250,000 to the Oregon Parks and Recreation Department for planning and coordination to assist in the completion of the trail.

## **Water**

Legislators developed a drought and water security budget framework during the 2023 legislative session to provide a vision for investments to create a path towards a sustainable water future for Oregon. [House Bill 2010](#) incorporates many of the framework proposals and invested \$23 million to support water needs at regional, state, and local levels. Various water policy measures were also enacted.

## **Domestic Water**

The Legislative Assembly considered and enacted multiple measures affecting domestic water end users. [House Bill 2010](#) provisions, originally part of [House Bill 2813](#) (*not enacted as a standalone bill*), establish the Community Drinking Water Enhancement and Protection Fund. The measure directs the Oregon Watershed Enhancement Board to establish a grant program for water suppliers to protect, restore, or enhance drinking water through land acquisition, entering into covenants and easements, or repaying loans to finance related projects.





[Senate Bill 835](#) and [Senate Bill 931](#) changed the rules for approving sewer systems for accessory dwelling units (ADU) and for circumstances where nearby community or area-wide sewerage systems are not sufficiently available. [House Bill 2010](#) provisions that originated in [House Bill 3231](#) (*not enacted as a standalone bill*) charge the Department of Environmental Quality with investigating barriers to expanding water reuse or recycled water programs in Oregon and with making recommendations for successful expansion.

[House Bill 2010](#) provisions that originated in [House Bill 3321](#) (*not enacted as a standalone bill*) appropriate funds for a study of the needs and vulnerabilities of small and very small community water systems. The study must investigate topics such as water supply reliability, source and treated water quality, utility board and operations management, infrastructure, disasters, funding and financial stability, regulations and safe drinking water standards, and other opportunities. The measure also requires the Oregon Association for Water Utilities to provide technical, financial, and managerial support and resources to those small systems.

## Water Management

State support for local and regional water management was another theme in the 2023 legislative session. The Legislative Assembly has supported an Oregon Water Resources Department pilot program for place-based integrated water resources planning since 2015, which has provided four areas of the state an opportunity for local water interests to voluntarily work in partnership with the state to understand and meet their instream and out-of-stream water supply needs. [House Bill 2010](#) provisions that originated in [House Bill 3163](#) (*not enacted as a standalone bill*) make that place-based planning program permanent, establishing a fund and providing grants for additional locally initiated and led efforts in future years.

[House Bill 2010](#) also affected certain management areas and watersheds. Examples include the provisions that originated in [House Bill 3099](#) (*not enacted as a standalone bill*), which appropriate funds to establish a collaborative process for water management in the Chewaucan River watershed in Lake County, and [House Bill 3130](#) (*not enacted as a standalone bill*) which funds advice and assistance to ground water users in the Harney Valley Groundwater Area of Concern related to voluntary ground water agreements. To enhance and replenish ground water stored in underground aquifers in water-constrained areas, the provisions that originated in [Senate Bill 455](#) (*not enacted as a standalone bill*) direct the Oregon Business Development Department to establish the Aquifer Recharge Due Diligence Grant Program and Aquifer Recharge Testing Forgivable Loan Program to offer grants and forgivable loans to public bodies for activities related to aquifer recharge, storage, and recovery.

## Water Rights

As drought has become more persistent and severe, Oregon's water supplies have been negatively impacted. Legislators have reacted by considering changes to water rights and water right transfers. To provide assurances to water right holders facing drought conditions, [Senate Bill 718](#) specifies that a year in which the Governor declares that drought exists within a county does not count toward the five-year water right forfeiture time period. Other bills addressed how water rights may be used or split. [House Bill 3164](#) makes the split season leasing program permanent, allowing certain water rights holders to split the use of water rights within the same year and removing the prohibition on leasing water rights for split use for more than 10 years total. [House Bill 3097](#) allows municipal corporations and people's utility districts to apply for water use certificates for hydroelectric power generation upon written



authorization by the underlying water right holder.

To address issues related to obtaining or transferring a water right, [House Bill 3187](#) temporarily expands water right examiner certification eligibility to individuals employed by certain types of districts for at least seven years and have relevant technical experience conducting similar work. [House Bill 3346 A](#) (*not enacted*) would have required the Oregon Water Resources Department to work with the Oregon Department of Justice, the Office of Administrative Hearings, and the Oregon Department of Fish and Wildlife to reduce the water rights and transfer protest backlog.

## **Water Quality**

The 2023 legislative session included several measures related to water quality. Please see the 2023 [Energy and Environment Legislative Summary Brief](#) for details.

## **Wildfire**

During the 2021 legislative session, the Legislative Assembly enacted [Senate Bill 762 \(2021\)](#), a major initiative to modernize and improve wildfire preparedness that contained three key strategies: creating fire-adapted communities, increasing the resiliency of Oregon's landscapes, and developing a safe and effective response to fire. In 2023, the Legislative Assembly passed two bills to enhance the effectiveness of the wildfire programs initiated in 2021. [Senate Bill 80](#) modifies various wildfire provisions from SB 762 (2021), including making changes to the state wildfire map and the process for its creation, allowing nonprofits and faith-based organizations to help create cleaner air spaces, speeding up Wildfire Programs Advisory Council appointments, creating and modifying the allocations of state funds for landscape resiliency and community risk reduction projects, and creating a prescribed fire liability

pilot program. The measure also allocates millions of dollars to state agencies for wildfire programs. [Senate Bill 82](#) requires insurers to send a notice to insured homeowners for policy cancellations, decisions not to renew, or premium increases, that contains information on property-specific characteristics and the impact of homeowner wildfire risk mitigation actions. The measure also requires insurers to make information about underwriting and rates publicly available and prohibits insurers from using the state wildfire map as a basis for homeowner insurance policy changes.

One bill related to the state's new wildfire programs did not pass. [Senate Bill 509 A](#) (*not enacted*) would have directed the State Fire Marshal to establish a new neighborhood protection cooperative program, user-friendly public website, 20-year strategic plan, and interagency data collection system. Some of the latter items moved forward through non-legislative pathways later in the months following the 2023 legislative session.

In recent years, the Legislative Assembly has also had a heightened interest in federal forest management and fire response since many fires begin on federal land and often cross boundaries to state and private lands in Oregon. The Good Neighbor Authority (GNA) is a major tool that has allowed the United States Forest Service (USFS) to enter into cooperative agreements with states so that states can help perform landscape resilience services on National Forest System lands. A GNA Master Agreement between the USFS and the State of Oregon was signed in March of 2016. In 2023, the Legislative Assembly enacted [Senate Bill 872](#), which directs the Oregon Department of Forestry to expand certain GNA activities and to request that federal agencies fund these activities. [Senate Bill 928 A](#) (*not enacted*) would have instructed the State Forester and other specified entities to step in and help put out fires originating on lands owned or managed by the USFS.



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# Transportation and Infrastructure



## All-Terrain Vehicles

All-terrain vehicles, or ATVs, have seen changes in design and manufacture with technological improvements and rider behavior and preferences. Oregon law includes four classes of ATVs: Class Is are three- or four-wheeled and use straddle seating and handlebar steering; Class IIs are typically off-road versions of street-legal vehicles; Class IIIs are off-road motorcycles; and Class IVs are functionally similar to on-road vehicles but are smaller and built for off-road use. The statutory definitions for these classes reference maximum weight, wheel size, and types of equipment.

[Senate Bill 889](#) increases the maximum size of Class IV ATVs to reflect changes in the types of vehicles produced by manufacturers. It also decreases the maximum width and replaces existing requirements for windshield wipers with a requirement that the windshield be kept clear when operated off-road, and modifies definitions of Class I and IV to specify their being designed for off-road use. The recommendations were brought forward by the Oregon Parks and Recreation Department’s [ATV Advisory Committee](#).

Other legislation considered but not enacted included [Senate Bill 888](#) (*not enacted*), which would have required operators of certain ATVs to carry and present ATV operator permits and valid driver licenses when riding on public lands, and to complete safety courses and examinations. Two other measures would have permitted operation of ATVs on highways under certain circumstances, such as with county approval ([House Bill 2796](#), *not enacted*) or if the

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vehicles had met specified standards to operate on roads ([House Bill 3248](#), *not enacted*).

## Aviation

Airports play a major role in Oregon’s seismic resiliency planning, given the expected loss of infrastructure and need for emergency food and



supplies. [House Bill 3058](#) directs the Department of Aviation to develop a plan for strategic investments at Oregon airports to prepare for potential natural disasters, including earthquakes. The report will be delivered to the Legislative Assembly no later than January 1, 2024.

Advanced Air Mobility (AAM) refers to emerging technology designed to move people and/or cargo between places historically unserved by aviation, including within urban settings. Vehicles using AAM are likely to be capable of vertical takeoff, like a helicopter, and may be electric or hybrid vehicles. Efforts are underway in certain locations to develop terminals for these vehicles, known as vertiports. [House Bill 2834](#) prohibits local governments from granting exclusive rights to a single operator for development of vertiports or vertiport operations within their jurisdictions.

The Legislative Assembly considered [House Bill 2269 A \(not enacted\)](#) to grant the Oregon Department of Aviation rulemaking authority to set certain fees by administrative rule, and to adjust the fees periodically for inflation, which would have replaced statutory fees for activities such as aircraft registration, aircraft title transfer, and aircraft dealer licenses.

## **Bridges**

Several major bridge projects are in various stages of planning, including: the Earthquake Ready Burnside Bridge Project in Portland; the Hood River-White Salmon Interstate Bridge Replacement Project; the Bridge of the Gods Seismic Strengthening Project in Cascade Locks; and the Interstate 5 Bridge Replacement Project on Interstate 5 in Portland. All four projects require both state and federal funding to complete.

[House Bill 5005](#) was amended to include a commitment to provide \$250 million over the next four biennia for \$1 billion in funding for the Interstate 5 Bridge Replacement Project. This

amount matches a similar commitment made the year before by the Washington Legislature for the project. [House Bill 3622 A \(not enacted\)](#) would have provided \$20 million each for the Hood River-White Salmon Bridge and the Burnside Bridge and \$6 million for the Bridge of the Gods. Funding for the first two of those projects was included in [House Bill 5030](#).

## **DMV**

The Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT) is responsible for credentialing drivers to operate vehicles in Oregon and titling and registering those vehicles. With structural funding issues facing DMV, and in response to complications from the COVID pandemic limitations, [House Bill 2100](#) increases the maximum statutory fees for several services and documents provided by the agency. It also increases the maximum fee that vehicle dealers may charge for document processing as agents of DMV.

The transportation omnibus bill [House Bill 2099](#) includes provisions to align Oregon commercial driving statute with federal law; clarifies ODOT's authority to issue temporary permits and licenses; and clarifies the definition of "qualified provider" for driving tests.

## **Electric Vehicles**

Oregon has several programs to help accelerate the proliferation of electric vehicles (EVs). One such program includes a timeline for state agencies to convert vehicle fleets to EVs. [House Bill 3550](#) modifies the program to specify that state agencies purchasing light-duty vehicles may only purchase zero-emission vehicles, effective January 1, 2025, except in cases where it will not be feasible to do so for the intended purpose.

Other state programs are intended to enhance the proliferation of EV charging infrastructure.





[Senate Bill 582](#) creates requirements and incentives to boost the Electric Vehicle Infrastructure Training Program (EVITP). It also specifies that agencies authorizing funding for EV infrastructure must utilize at least one electrician with EVITP certification, and at least 25 percent of electricians with such certification on projects supplying 25 kilowatts or more.

Other legislation introduced, but not enacted, would have enhanced the electric vehicle rebate programs created by [House Bill 2017](#) (2017). That program provides up to \$12 million per year for EV rebates to qualified buyers but is expected to have insufficient funds to meet demand beginning this year. [House Bill 2613](#) (*not enacted*) would have appropriated \$30 million from the General Fund to the Department of Environmental Quality (DEQ) to fund EV rebates. [House Bill 2571 A](#) (*not enacted*) would have directed DEQ to establish a rebate program to purchase electric bicycles.

## **Fuels and Fueling**

For years, Oregon and New Jersey were the only two states that did not allow for self-service of gasoline at retail fueling stations. That changed in 2015, when Oregon provided for self-service in certain locations and under certain conditions. [House Bill 2426](#) extends self-service of gasoline statewide by allowing stations to set up to half of their pumps to operate as self-serve, while maintaining a requirement that stations continue to provide full service to at least half of their pumps in most of western Oregon. A second measure, [House Bill 3260](#), provides an exception for a single gas station in Detroit that is the only fueling station in a part of the state devastated by the September 2020 wildfires; this measure's provisions sunset in 2029.

The omnibus transportation measure, [House Bill 2099](#), includes provisions adding liquefied petroleum gas to use fuel statutes. It also revises volumes of compressed natural gas,

liquefied petroleum gas, liquefied natural gas, and hydrogen for taxation as use fuels. [House Bill 3550](#) directs the Department of Administrative Services to use biofuels, or electricity derived from biofuels, instead of diesel for new facilities or machinery.

## **Jurisdictional Transfers**

Like many other states, Oregon is home to several prominent roads developed for significantly different purposes than they currently serve. Population growth and development patterns can result in different types and volumes of use. Local governments and the Oregon Department of Transportation (ODOT) have studied a number of potential transfers of jurisdiction for years; however, the transfer process can be complicated because it is often necessary to make significant and costly upgrades to a given highway facility prior to the transfer.

[House Bill 2793](#) directs ODOT to establish a Jurisdictional Transfer Advisory Committee, comprising 11 government and advocacy members. The advisory committee will solicit and review applications for potential jurisdictional transfers and annually select three applications to forward to the Joint Committee on Transportation for consideration.

[House Bill 2756 A](#) (*not enacted*) would have allocated \$50 million to the portion of Hall Boulevard within the City of Tigard to bring it to a condition of good repair, and then directed ODOT to transfer that road segment to the City of Tigard.

## **Ports and Marine**

Oregon's system of public ports provides a gateway to world markets for many of Oregon's businesses and producers. While some ports seek to expand or broaden their operations, all ports rely on regular maintenance of their facilities to continue moving goods. Ports also



continue to grapple with disruptions to global shipping related to the pandemic.

[Senate Bill 814](#) establishes state policy to allow Oregon's public ports to coordinate, make agreements, and implement actions on subjects such as rates and charges, planning, management, and marketing operations, use of public port facilities, and other matters related to cargo and passenger service operations. This policy seeks to ensure there is no conflict with applicable state or federal antitrust laws.

Regarding port infrastructure, provisions included in the transportation omnibus bill [House Bill 2099](#) specify that the Oregon Department of Transportation may issue multimodal transportation grants, including grants for port facilities and infrastructure, through the Connect Oregon program at any time when at least \$50 million is available within the Connect Oregon Fund. [House Bill 3382](#) allows the International Port of Coos Bay to adopt an exception to land use planning goals related to estuarine resources for proposed port maintenance and improvement projects. Another measure, [Senate Bill 949](#) (*not enacted*), would have authorized ports to assess public bodies to share the cost of removing sediment from port waters where the public body owns or controls a culvert, creek, or other source that discharged water into port waters during the prior calendar year.

Finally, [House Concurrent Resolution 20](#) commemorates the 150<sup>th</sup> anniversary of the opening of the Willamette Falls Locks near Oregon City. While the locks system has been inoperative since 2011, the Willamette Falls Locks Commission completed an agreement to take ownership of the facility to restore operations.

## **Rail – Freight and Passenger**

Oregon's rail transportation system comprises two Class I railroads and 17 short-line railroads, which move people and goods throughout the

state. Most of these railroads are privately owned and vary significantly in size and in tonnage of goods transported. The State of Oregon has limited funding sources for assisting railroads with infrastructure and maintenance. The omnibus transportation measure [House Bill 2099](#) includes provisions that specify that the Oregon Department of Transportation (ODOT) may issue multimodal transportation grants, including grants for rail facilities and infrastructure, through the Connect Oregon program at any time when at least \$50 million is available within the Connect Oregon Fund.

[Senate Bill 16](#) authorizes moneys from the State Rail Rehabilitation Fund to be expended on projects that increase capacity, improve safety, reduce greenhouse gas emissions, and provide state matching funds to leverage federal discretionary grant funding for rail projects. Another measure, [House Bill 3406](#), contains provisions regarding rail rehabilitation tax credits that eliminate the distinctions between short line railroads qualifying for the tax credit.

Several measures were introduced that would have addressed passenger rail service in Oregon. [House Bill 2691 A](#) (*not enacted*) would have directed ODOT to study options for expanding passenger rail service in Oregon, and required any multi-state agreement on high-speed passenger rail to include service to Eugene. [House Bill 2692](#) (*not enacted*) would have directed ODOT to work with the Washington State Department of Transportation and the British Columbia Ministry of Transportation and Infrastructure to develop plans to fund and operate rail transportation. [Senate Bill 846](#) (*not enacted*) would have directed Metro to study rail corridors within its boundaries to determine the feasibility of using them to carry passenger trains. And [House Bill 2662 A](#) (*not enacted*) would have established the Willamette Valley Commuter Rail Task Force to study the expansion of the Westside Express Service commuter rail line from Wilsonville to Salem.



## **Roads and Highways**

Revenues from Oregon's state gasoline tax and weight-mile tax are divided between ODOT (50 percent), counties (30 percent) and cities (20 percent); an additional amount is provided to the smallest cities via grants from the Small City Account. Legislation enacted in 2023 was intended to provide additional flexibility to cities and counties in how they can spend their share of state and federal road funds. Provisions of [House Bill 2099](#) specify that moneys allocated from the Small City Account may be used on projects required for compliance with state and federal law, and clarifies that all moneys in the Account are to be expended. [House Bill 2101](#) directs ODOT to allocate \$35 million per year to replace federal surface transportation funds received by local governments on a dollar-for-dollar basis to provide flexibility in using those funds.

## **Transportation Taxes and Fees**

[House Bill 2100](#) increases the maximum fees that can be assessed by the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation for a variety of services and documents related to driving privileges, vehicle ownership, and vehicle registration. The measure also increases the maximum fee that vehicle dealers may charge for document processing.

The [Highway Cost Allocation Study](#) (HCAS) is performed every two years. It is used to balance revenues from gasoline taxes and weight-mile taxes to reflect the relative impact of light and heavy vehicles on the cost of maintaining and improving Oregon's road system. [House Bill 3406](#) revises the requirements of the HCAS to include an examination of the most recent study to determine the accuracy of published results. The measure also directs the Department of

Administrative Services to analyze the last three iterations of the study to evaluate their accuracy.

[House Bill 3297](#) (*not enacted*) would have made participation in Oregon's per-mile road usage charge program mandatory for all passenger vehicles model year 2028 and later with an MPG rating of 30 or greater, effective July 1, 2027. The state has operated a voluntary road usage charge program, [OReGO](#), since 2012, in which participants pay an amount based on the number of miles traveled on Oregon roads. The program currently has fewer than 1,000 participants.

## **Traffic Enforcement**

Oregon law currently provides for three different types of photo enforcement of highway speed laws. The oldest of these methods allows 10 cities to use photo radar to issue citations for speed violations within their jurisdictions. [House Bill 2095](#) expands this authority to any city in Oregon that chooses to use the technology and eliminates the statutory limit of four hours of operation per day per location.

The Legislative Assembly granted the City of Portland authority to establish designated speeds below the statutory speeds for certain residential streets and arterials; it later extended this authority to all cities. [House Bill 2095](#) allows cities to modify speed limits on certain roads under their jurisdiction to up to 10 miles per hour lower than the statute guidelines, provided that the new posted speed is not less than 20 miles per hour. [House Bill 3188](#) grants the same authority to Marion County for roads under its jurisdiction.

[Senate Bill 422 A](#) (*not enacted*) would have allowed motorcycle operators to travel between lanes under certain conditions. A similar measure made it to the governor's desk in 2021 and was vetoed by Governor Brown.



## Vehicle Dealers and Dismantlers

slot to be filled by either a chief of police or a county sheriff.

Vehicle dealers in Oregon are allowed to utilize special vehicle transporter plates for trucks that transport vehicles to dealerships for sale. Provisions of the transportation omnibus bill, [House Bill 2099](#), limit the number of special vehicle transporter plates that any single business may hold to 10; the measure also prohibits the use of vehicle transporter plates outside of the State of Oregon.

Many vehicle dealers in Oregon are registered as agents of the DMV to process paperwork for titling and registration of vehicles. The fees that dealers may charge for these services is set in statute. [House Bill 2100](#) increases the maximum fee that vehicle dealers may charge for document processing. It also modifies the amount to be paid by a dealer to an integrator (a person who enters into a contract with ODOT to process documents). [House Bill 3080](#) directs ODOT to adopt rules to allow vehicle dealers and financial institutions to submit vehicle titles related to vehicle sales electronically and permits dealers to retain title records in electronic format.

ODOT regulates towers and towing companies through the State Board of Towing (Board), which the Legislative Assembly established in 2021. [House Bill 3583](#) modifies the membership of the Board by allowing the law enforcement

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# Veterans



## Commemorations and Memorials

The Legislative Assembly passed several concurrent resolutions to commemorate and honor the lives of Oregon veterans and their service to the state. [Senate Concurrent Resolution 6](#) memorializes the life of Representative Ralph Davis Brown (1944-2022), a member of the National Guard who served as mayor and city council member for the City of Cornelius and then served as state Representative for House District 29.

[Senate Concurrent Resolution 7](#) celebrates the life of Curtis “Curt” Benefiel (1926-2015), who served in the United States Navy and was a lifelong educator. [Senate Concurrent Resolution 8](#) memorializes the life of Donald C. “Don” Carey (1925-2019), who served with honor and distinction during World War II in the United States Air Force. He became a celebrated high school golf coach at Stayton High School and the most successful basketball coach in Oregon history.

[Senate Concurrent Resolution 11](#) memorializes the service and sacrifice of Lance Corporal Don Edward Darnall (1946-1966), who was drafted into the United States Marine Corps to serve in the Vietnam War and was killed in action at 20 years of age, in the Quang Tri Province.

[House Concurrent Resolution 27](#) recognizes Robert A. Hales (1967-2008), who served in the United States Army and became a volunteer firefighter for the Scappoose Rural Fire Protection District. After 12 hours of fighting multiple wildfires, he lost his life in the line of duty.

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[House Concurrent Resolution 28](#) recognizes and honors Lieutenant Colonel Herman A. “Mac” MacDonald, Jr. (1929-2022). Lieutenant Colonel MacDonald Jr. was commanding officer of the 1st Force Reconnaissance Company of the United States Marine Corps, was deployed to Vietnam in a United States Special Forces Unit, and served as a military aide to the Secretary of Housing and Urban Development George Romney. He was highly decorated for his military service, and following his retirement, he became a teacher and high school principal at the Salem School District. He was an advocate for Veterans in Oregon and was the curator of the Oregon Military Educational Display.

Other measures deliberated this session that recognized military service to the state include [Senate Concurrent Resolution 2](#), which honors Oregon National Guard service members. In recent years, over 1,900 Guard members were deployed to assist with Oregonians’ safety and





well-being, including the 2020 winter flooding in Eastern Oregon; the COVID-19 pandemic; the catastrophic 2020 Labor Day wildfires; and the 2021 winter ice storms in western Oregon. The resolution also recognizes that in 2020 and 2021 the Oregon National Guard deployed more than 2,000 airmen and soldiers outside of Oregon on missions supporting national interest and security.

Fallen Hero roadside memorial signs recognize Oregonians who were killed in the line of duty, became prisoners of war, or who were missing in action while serving the Armed Forces. Previous legislation required that the remains of these Oregonians need to be returned to Oregon to receive Fallen Hero status and [House Bill 2144](#) removes that requirement.

Gold Star Families are those who have lost a family member through active-duty service in the United States Armed Forces. [House Bill 2146](#) designates the Oregon section of U.S. Highway 30 from U.S. Highway 101 to the Idaho border as the Oregon Gold Star Families Memorial Highway.

[House Bill 3001](#) directs the Department of Transportation to waive fees for Fallen Hero roadside memorial highway signs and Gold Star Family vehicle registration plates. [House Bill 3000](#) (*not enacted*) would have appropriated \$20,000 in General Funds to cover costs associated with Fallen Hero roadside memorial signs and Gold Star Family vehicle registration plates.

Any member of the U.S. Armed Forces who dies while on active duty, or veterans who are discharged under conditions other than dishonorable, may be eligible for burial in a national cemetery. However, burial benefits do not always include covering the cost of the burial. There have been instances in Oregon of the cremated remains of veterans being discovered and unclaimed, and as a result, are uninterred. [House Bill 2147](#) designates the governing body of each county designate a person to ensure the interment of unclaimed

cremated remains of veterans and their survivors.

[House Bill 3421](#) requires any Veterans Day and Memorial Day commemorative events and ceremonies held by the state government be held on the respective, legal holiday. The measure also declares Legislative Assembly expectation that all state-owned and state-maintained facilities, memorials, and war memorials be clean and well-maintained for Memorial Day and Veterans Day.

## **Employment and Benefits**

While there are several federal and state programs to assist veterans in furthering their education, either within the university system, through professional training, or as part of apprenticeship programs, there are still situations where a veteran may not currently qualify for assistance, leaving them unable to continue their educational training. The Legislative Assembly created the Veteran Education Bridge Grant Program in 2019 to provide grants to allow veterans to continue their study; however, this program was scheduled to sunset in January of 2022. [House Bill 2271](#) makes the Veteran Education Bridge Grant Program permanent, and extended applicability to career schools, apprenticeship programs registered with the State Apprenticeship and Training Council, and on-the-job training programs offered by public employers.

Oregon provides businesses owned by a service-disabled veteran with contract preferences with state, county, and city governments, as well as special jurisdiction contracts with hospitals and universities. Qualifications include U.S. citizenship, majority ownership and day-to-day control of the business by the veteran, and size of business. [House Bill 2295](#) extends eligibility for public contract preferences to businesses owned by any veteran, regardless of disability status.



Current law entitles public employees who serve in the National Guard, Guard Reserve, or a reserve component of the Armed Forces or Public Health Service, with a 15-day leave of absence without loss of time, pay, or regular leave for initial or annual active-duty training. Most Guard members are required to participate in two weeks of training each year, in addition to monthly two-day trainings, which usually takes place on weekends. [House Bill 2865](#) entitles public employees who serve in National Guard roles with military leave of absence of up to 21 days per year.

The Legislative Assembly considered several measures related to taxes and military pensions. [Senate Bill 181](#) (*not enacted*) would have exempted, from state income tax, military pay received by Oregon National Guard members while on active service to the state or on state active duty. [Senate Bill 884](#) (*not enacted*) would have increased property tax exemptions for Oregon veterans with disabilities and granted exemptions to surviving spouses of disabled veterans.

## **Military**

The Oregon Military Department supports the Oregon Youth Challenge Program (OYCP) as a voluntary, military-style alternative school for youth ages 16-19, who are at risk of dropping out of school. OYCP participants can earn a diploma, school credit, or prepare for the

General Education Development (GED) test. The program lasts for 22 weeks, after which participants receive up to 12 months of mentored support. [Senate Bill 1034](#) directs the Department of Education to transfer, from the State School Fund, moneys sufficient to pay the costs outstanding after receipt of federal funds or General Fund appropriations, to the Oregon Military Department for operation of the Oregon Youth Challenge Program.

The Office of State Judge Advocate, commonly known as JAG, provides legal services and counsel to commanders and members of the Oregon National Guard. Current law allows the Adjutant General to appoint commissioned officers as temporary Assistant State Judge Advocates. [Senate Bill 994](#) permits the Adjutant General to appoint non-commissioned members of the Oregon National Guard as temporary Assistant State Judge Advocates, allowing Guard members to gain valuable work and legal experience while in law school or studying for the Oregon State Bar examination.

[Senate Bill 1033](#) modifies the definition of “active service” and creates a definition for “active service of the state” and “state active duty” to better reflect duties performed by Oregon National Guard members while under deployment.

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