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# GOVERNMENT

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## 2018 SUMMARY OF LEGISLATION: MEASURE SUMMARIES

The *2018 Summary of Legislation – Government* summarizes selected measures related to this policy area that were considered by the 79th Oregon Legislative Assembly, including bills, memorials, and resolutions. This publication will become part of a more comprehensive *2018 Summary of Legislation* that includes all topic area summaries and committee membership lists.

This publication begins with a table highlighting measures that establish task forces or create reporting requirements. The summaries of selected measures follow in three groups—bills, memorials, and resolutions—each listed in numerical order.

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

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

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

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# GOVERNMENT TASK FORCES AND REPORTING REQUIREMENTS

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

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

[Senate Bill 1501](#)

Effective Date: June 2, 2018

**State Fair Council Membership**

**Chief Sponsors:** Sen. Courtney

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

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

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

**Oregon Laws 2018:** Chapter 68

[Senate Bill 1514](#)

Not Enacted

**Sunset Review of Boards and Commissions**

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

**Committees:** Senate General Government and Accountability

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

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

## Legislative Session Start Date

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

**Committees:** Senate Rules, House Rules

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

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

**Oregon Laws 2018:** Chapter 78

## **Marijuana Regulation**

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

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

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

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

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

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

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

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

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

**Oregon Laws 2018:** Chapter 103

### [Senate Bill 1545](#)

Not Enacted

#### State Agency Payments for eCourt

**At the request of:** Chief Justice Balmer for Judicial Department

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

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

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

### [Senate Bill 1556-A](#)

Not Enacted

#### Lawsuits on Trust Deed Interest Transfers

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

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

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

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

### [Senate Bill 1559](#)

Effective Date: January 1, 2019

#### Whistleblower Protection Manual

**Chief Sponsors:** Sen. Winters

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

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

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

**Oregon Laws 2018:** Chapter 83

### [Senate Bill 1565](#)

Effective Date: June 2, 2018

#### Piloting State Procurement Tools

**At the request of:** Governor Brown

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

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

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

**Oregon Laws 2018:** Chapter 85

### [House Bill 4023](#)

Effective Date: April 3, 2018

#### Rural Broadband Access and Service

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

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

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

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

**Oregon Laws 2018:** Chapter 51

### [House Bill 4052](#)

Effective Date: June 2, 2018

#### Small Business Rules Advisory Committee

**Chief Sponsors:** Rep. Gomberg

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

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

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

**Oregon Laws 2018:** Chapter 20

### [House Bill 4054](#)

Effective Date: January 1, 2019

#### Coordination of Portland Homeless Camp Cleanup

**Chief Sponsors:** Rep. Reardon; Sen. Monroe

**Committees:** House Transportation Policy, Senate Business and Transportation

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

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

**Oregon Laws 2018:** Chapter 21

### [House Bill 4056](#)

Effective Date: March 16, 2018

#### Scholarships for Children of Deceased or Disabled Public Safety Officers

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

**Committees:** House Judiciary, Senate Judiciary

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

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

**Oregon Laws 2018:** Chapter 23

### [House Bill 4073](#)

Effective Date: March 16, 2018

#### Temporary Interment Permits

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

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

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

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

**Oregon Laws 2018:** Chapter 27

### [House Bill 4086-A](#)

Not Enacted

#### Building Officials and Inspectors

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

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

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

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

### [House Bill 4111](#)

Effective Date: April 3, 2018

#### Real ID Compliant Driver License Fee

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

**Committees:** House Transportation Policy, Senate Business and Transportation

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

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

**Oregon Laws 2018:** Chapter 60

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

Not Enacted

#### Public Contracting Using Qualifications-Based Selection

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

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

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

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

## Plea and Release Agreements

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

**Committees:** House Judiciary, Senate Judiciary

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

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

**Oregon Laws 2018:** Chapter 37