

2020 SUMMARY OF LEGISLATION



**General
Government**



TASK FORCES AND REPORTING REQUIREMENTS

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

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

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

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

[Senate Bill 1510-A](#)

Not Enacted

Prohibition on Campaign Contributions for Unexcused Absences

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

Committees: Senate Rules

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

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

[House Bill 4104](#)

Not Enacted

Use of Campaign Contributions for Caregiving Expenses

Chief Sponsors: Rep. Power; Sen. Taylor

Committees: House Rules

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

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

[House Bill 4123-A](#)

Not Enacted

Reporting Business Sources of Income**Chief Sponsors:** Rep. Rayfield**Committees:** House Rules**Background and Current Law:** ORS 244.050 requires elected officials, candidates, and certain appointed state officials to file a statement of economic interest each year with the Oregon Government Ethics Commission.**Bill Summary:** House Bill 4123-A would have required statements of economic interest to include certain information about sources of income from both the businesses in which the public official or candidate, or member of the household of a public official or candidate, is an officer or holds a directorship, and for all names under which the public official or candidate and members of their households do business. The measure would have also prohibited a candidate or principal campaign committee of a candidate from expending campaign moneys for professional services rendered by a business listed on the candidate's statement of economic interest with certain exceptions.

[House Bill 4124-A](#)

Not Enacted

Political Campaign Contribution Limits**Chief Sponsors:** Rep. Rayfield**Committees:** House Rules, Joint Ways and Means**Background and Current Law:** In Oregon, campaign contributions and expenditures are forms of expression protected by Article I, Section 8 of the Oregon Constitution. Ballot Measure 47 (Chapter 3, Oregon Laws 2007) established campaign finance limits and provided that if its limits were not allowed by the Oregon Constitution on the effective date of the measure, then it would be codified and become effective at the time the Oregon Constitution allows such limitations. The Oregon Supreme Court is currently considering the constitutionality of campaign donation limits enacted in 2016 by Multnomah County.**Bill Summary:** House Bill 4124-A would have created the Task Force on Political Campaign Contribution Limits to study political contribution limits and make recommendations by September 15, 2020 and would have established implementation requirements if the final decision in *Multnomah County v. Elizabeth Trojan* (decided as *Multnomah County v. Mehrwein*, 366 Or. 295 (2020)) renders Ballot Measure 47 operative.

[House Concurrent Resolution 206](#)

Not Adopted

Revisions to Legislative Branch Personnel Rule 27

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

Committees: Joint Conduct

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

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

[Senate Bill 1509-A](#)

Not Enacted

Ballot Envelope and Nomination Threshold Fix

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

Committees: Senate Rules

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

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

[House Bill 4026-A](#)

Not Enacted

Minor Political Party Status

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

Committees: House Rules, Senate Rules

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

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

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

Background and Current Law: Eligible employees of a participating employer in the Public Employees Retirement System (PERS) who were hired after August 28, 2003, are designated as members of the Oregon Public Service Retirement Plan (OPSRP). Employees hired prior to that date are either in the Tier 1 or Tier 2 PERS plan. For OPSRP members, their pension and Individual Account Program (IAP) benefits are based on salary, defined in statute as the remuneration paid to an active member in return for services to the participating public employer, including remuneration in the form of living quarters, board, or other items of value, to the extent the remuneration is *includable in the employee's taxable income* under Oregon law. The housing allowance, according to IRS regulations, can be up to 35 percent of a prison chaplain's salary. The Department of Corrections does not pay a housing allowance above the agreed-upon salary, but up to 35 percent of the salary can be designated as nontaxable income.

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

Senate Bill 1506**Not Enacted****Modification of Public Records Advisory Council and Advocate**

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

Committees: Senate General Government and Emergency Preparedness, House Rules

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

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

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

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

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

[Senate Bill 1507-B](#)

Not Enacted

Alignment with Federal Requirements for Appraisers of Real Property

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

Committees: Senate General Government and Emergency Preparedness

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

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

[Senate Bill 1537](#)

Not Enacted

Omnibus Appropriations for Next Steps in Resilience Planning

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

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

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

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

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

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

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

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

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

[Senate Bill 1562](#)

Not Enacted

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

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

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

[Senate Bill 1569-B](#)

Not Enacted

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

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

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

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

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

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

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

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

[Senate Joint Resolution 201](#)

Not Adopted

Amending Constitutional Quorum Requirements

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

Committees: Senate Rules

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

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