

**2020 SUMMARY OF LEGISLATION**

---



**Business  
and  
Labor**

---



## TASK FORCES AND REPORTING REQUIREMENTS

---

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

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

---

## [House Bill 4076](#)

**Not Enacted**

### Age Discrimination

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

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

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

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

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

---

## [House Bill 4107-B](#)

**Not Enacted**

### Discrimination

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

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

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

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

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

---

---

[Senate Bill 1567-A](#)**Not Enacted****Law Enforcement Arbitration**

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

**Committees:** Senate Judiciary, House Judiciary

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

**Bill Summary:** Senate Bill 1567-A would have required an arbitrator who makes a finding of misconduct consistent with the law enforcement agency's finding of misconduct, to impose the same disciplinary action that was imposed by the agency, so long as the discipline was done pursuant to a discipline guide or matrix that was adopted by the agency as a result of collective bargaining.

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

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

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

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

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

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

---

## [Senate Bill 1569-B](#)

**Not Enacted**

### Towing Regulation

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

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

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

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

---

## [House Bill 4013-A](#)

**Not Enacted**

### Kratom Regulatory Authority

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

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

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

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

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

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

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

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

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

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

---

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

**Not Enacted**

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

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

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

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

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

---

## [Senate Bill 1525](#)

**Not Enacted**

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

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

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

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

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

---

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

Not Enacted

## Eastern Oregon Border Board Grant and Loan Programs

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

**Committees:** House Economic Development

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

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

---

[House Bill 4033-A](#)

Not Enacted

## Business Capital Access Programs

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

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

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

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

---

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

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

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

**Background and Current Law:** The Oregon Business Development Department, commonly known as Business Oregon, is the state's economic development agency. Its mission is to invest in Oregon businesses, communities, and people to promote a globally competitive, diverse, and inclusive economy. Its current target industries include the apparel and outdoor gear industry.

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

---

[House Bill 4008](#)

Not Enacted

## Auto Insurance Coverage Exemptions

**At the request of:** House Interim Committee on Business and Labor for American Property Casualty Insurance Association

**Committees:** House Business and Labor

**Background and Current Law:** Current law allows a motor vehicle liability insurance policy to exclude, by name, any person other than the named insured based on the person's driving record or for any reason established by rule by the Department of Consumer and Business Services. Every policy must provide the same liability coverage for each family member residing in the same household as the policyholder even if the policyholder does not disclose that additional drivers have regular access to the vehicle. Without disclosure, the premium will not reflect the risk to the insurer. Coverage is also extended to people who do not reside in the household and who do not have regular access to the policyholder's vehicle, such as a neighbor or out-of-town houseguest.

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

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

---

[House Bill 4125-A](#)

Not Enacted

## Cancellation Notice for Newer Auto Policies

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

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

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

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

---

---

[House Bill 4057](#)

Not Enacted

**Betting on Collegiate Sporting Events**

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

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

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

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

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

---

[House Bill 4153-A](#)

Not Enacted

**Lottery Games Offered on Mobile Devices**

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

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

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

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

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

---

[Senate Bill 1540-B](#)**Not Enacted****Student Loan Servicer Licensing****Chief Sponsors:** Sen. Taylor; Rep. Power**Committees:** Senate Judiciary, Joint Ways and Means**Background and Current Law:** Federal reports estimate that there are over 45 million Americans with student loan debt totaling more than \$1.6 trillion. Billing and processing payments for student loans are handled by a variety of loan servicers.**Bill Summary:** Senate Bill 1540-B would have required student loan servicers to obtain a license from the Department of Consumer and Business Services (DCBS). The measure would have given DCBS authority to regulate student loan servicers and provide a variety of requirements for a servicer before they can do business in Oregon.

---

[House Bill 4078](#)**Not Enacted****Regulating the Sale of Nicotine Inhalant Delivery Systems (Vaping)****Chief Sponsors:** Rep. Marsh; Sens. Taylor, Monnes Anderson; Rep. Nosse**At the request of:** Attorney General Ellen Rosenblum**Committees:** House Health Care, Senate Health Care**Background and Current Law:** Oregon law currently prohibits the sale and receipt of tobacco products, including inhalant delivery systems purchased through mail order or on the Internet from out-of-state sellers. Current law requires that an out-of-state seller verify that the purchaser meets the required minimum age (21) prior to shipping any products; and the seller must also use a shipping method that requires a signature and photo identification from the customer or another non-minor individual residing at the same address upon delivery. Oregon law also requires all delivery sellers to obtain a distributor's license.**Bill Summary:** House Bill 4078 would have prohibited the sale of inhalant delivery systems by mail, telephone, or the Internet.

---

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

**Not Enacted**

### Noncompetition Agreements

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

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

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

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

---

## [Senate Concurrent Resolution 207](#)

**Not Enacted**

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

**Chief Sponsors:** Sen. Courtney

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

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

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

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

---

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

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

---

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

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

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

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

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

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

---

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

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

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

---

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

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

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

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

---

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

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

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

---

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

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

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

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

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

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