

2014 Summary of Legislation



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For information on legislative revenue and legislative fiscal measures, see:

[Legislative Revenue Office](#)

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Agriculture and Natural Resources

House Bill 4049

Ocean vessel Dungeness crab permits

State law requires a permit to operate a vessel in the ocean Dungeness crab fishery. Currently, a vessel permit may be revoked by the Fish and Wildlife Commission based on the actions of the individual operating the vessel. The Commercial Fishery Permit Board currently reviews limited-entry permit renewals and transfer denials for other commercial fisheries; House Bill 4049 gives authority to the Board to revoke or refuse to issue a vessel permit for the Dungeness crab fishery as well.

With some exceptions, ocean Dungeness crab vessel permits may be transferred to another vessel provided that vessel is not more than 10 feet longer than the vessel from which it is obtained or more than 99 feet in length. House Bill 4049 would allow these permits to be transferred to a larger vessel under specified circumstances.

Effective date: February 26, 2014

House Bill 4093

Greater sage grouse conservation agreements

Unless exempted, public records used or retained by a public body are subject to public disclosure whenever a member of the public requests them. Public disclosure exemptions have been established in ORS 192.501 under a case-by-case analysis for records requests; this analysis is made by the administrative agency that has authority over the exempted records.

House Bill 4093 amends ORS 192.501 to specify that land management plans required

for voluntary stewardship agreements regarding greater sage grouse conservation that are entered into between landowners and the Department of Agriculture, the Department of Forestry, or a soil and water conservation district are subject to a public disclosure exemption.

Effective date: March 13, 2014

House Bill 4139

Pollinator health

In June 2013, at least 25,000 bees were found dead in a Target parking lot in Wilsonville, Oregon. The Oregon Department of Agriculture (ODA) concluded that the bee deaths were directly related to the pesticide dinotefuran, which had been applied to nearby linden trees to control aphids. ODA subsequently adopted permanent restrictions on the use of certain pesticide products containing dinotefuran and imidacloprid and now requires an Oregon-specific label statement on these products as a condition of annual registration in 2014. Beginning January 1, 2014, application of these products on linden, basswood, or Tilia tree species has been prohibited.

House Bill 4139 directs Oregon State University, in consultation with ODA, to develop educational materials on best practices to avoid adverse effects from pesticides on pollinators. The measure also establishes the Task Force on Pollinator Health to examine issues relevant to pollinator health and report to an interim legislative committee related to agriculture no later than October 1, 2014.

Effective date: March 6, 2014

Senate Bill 1514

RV fees

Recreational vehicle fee revenues collected from registration of travel trailers, campers, and motor homes, as well as fees charged for recreational vehicle trip permits, are distributed to state and county parks for the operation and maintenance of campgrounds and related facilities. Prior to 2007, counties received 30 percent of the funds and the Oregon Parks and Recreation Department (OPRD) received 70 percent. Senate Bill 29 (2007) increased the distribution to counties to 35 percent until July 1, 2015; thereafter, the distribution to counties was to revert to 30 percent.

Senate Bill 1514 changes the distribution of recreational vehicle registration fee revenues to 40 percent for counties and 60 percent for OPRD until July 1, 2015 when the counties' portion of the fee increases to 45 percent.

Effective date: April 1, 2014

Senate Bill 1516

Salmonberry Trail

In both 1997 and 2007, historic storms and flooding devastated portions of the railroad through the Tillamook State Forest linking Tillamook and Banks, Oregon. The 2007 damage was so significant that the railroad owners, the Port of Tillamook Bay Corporation, decided not to repair and reopen the line. In 2011, the Oregon Parks and Recreation Department and the Oregon Department of Forestry were asked by a coalition of interests to explore the possibility of converting this rail line into a trail connection that would accommodate a

mix of users including hikers, bikers, equestrians, and the Oregon Coast Scenic Railroad.

Senate Bill 1516 directs the Parks and Recreation Department and the Department of Forestry to work in cooperation with other stakeholders to develop a plan to construct the Salmonberry Trail along a portion of the former Pacific Railway and Navigation Company line. The measure establishes the elements of the plan and requires both agencies to submit the plan to an appropriate interim committee of the Legislative Assembly no later than October 1, 2015.

Effective date: March 13, 2014

Senate Bill 1584

Exotic animal permits

Under current law, the term “exotic animal” is defined as any member of the family Felidae (felines), except the domestic cat; non-human primates; non-wolf members of the family Canidae (canines) not indigenous to Oregon, except the domestic dog; and any bear, except the black bear. In 2009, the Legislative Assembly enacted Senate Bill 391 which began a phase-out of the state exotic animal permitting program. The measure authorized the Oregon Department of Agriculture (ODA) to issue new permits in some form until January 1, 2011.

Senate Bill 1584 authorized ODA to issue exotic animal permits to people applying before December 31, 2014 who, in addition to meeting other requirements, meet the following criteria: they submit proof that the pet was kept in a place of control or confinement in Oregon prior to January 1, 2010; the pet meets the definition of exotic

animal; and the person has a disability and a physician has recommended the exotic animal to alleviate effects of the disability. ODA's authority to issue an exotic animal permit is repealed on January 2, 2017.

Effective date: February 26, 2014

LEGISLATION NOT ENACTED

House Bill 4100

Requires labeling of genetically engineered raw agricultural commodities and processed food

Genetically engineered (GE) foods are foods produced from organisms that have had specific changes introduced into their DNA using the methods of genetic engineering. The most common GE crops in the United States are soybean, corn, and canola, and many processed food products contain soybean or corn ingredients.

One primary subject of debate related to GE food is whether it should be labeled. Labeling of GE food is currently done on a voluntary basis under the federal Food and Drug Administration (FDA). The FDA does require labeling of all food that has a property not easily perceived at the time of purchase to be labeled accordingly, if a new food includes an allergen that consumers would not expect to be present, or if a food contains a toxicant beyond acceptable limits.

House Bill 4100 would have, had it been approved by the People of Oregon at the 2014 General Election, required labeling, in a clear and conspicuous manner, all of the following: the front or back of packaging

containing a GE raw agricultural commodity; shelves, bins, and other display locations where unpackaged GE raw agricultural commodities are sold; and shipping containers and outer wrappings that are used to transport GE raw agricultural commodities. The labels would have been required to include the words "Genetically Engineered." The measure outlined the proportion of packaged food that would have required a package to be labeled as either "Produced with Genetic Engineering" or the words "Partially Produced with Genetic Engineering."

Senate Joint Memorial 201

Federal management of Oregon and California Revested Lands

In 1937, the Oregon and California (O&C) Revested Lands Sustained Yield Management Act (43 U.S. Code §1181) designated a portion of O&C lands to be used for timber production, distributing a portion of harvest receipts to counties to support public services. In 1990, litigation resulted in an injunction barring timber harvests in northern spotted owl habitat, which led to a decline in payments to counties from federal timber harvests. The Northwest Forest Plan included a safety net program for counties, which began in 1994. In 2000, Congress authorized the Secure Rural Schools and Community Self Determination Act to provide funding to 33 of Oregon's 36 counties, including the O&C counties, to offset the financial loss incurred. On October 2, 2013, Congress passed a one year reauthorization of the Act.

Senate Joint Memorial 201 would have urged the President and Congress to reform federal management of O&C lands.

Business and Commerce

House Bill 4063

Task Force on Statutory Common School Fund Loans

The admission of Oregon as a state in 1859 included a provision designating roughly six percent of the state's acreage for support of schools. Today, roughly 700,000 acres remain in state ownership for that purpose. These lands, and their mineral, timber, and other resources, are managed by the State Land Board; rangeland is leased to ranchers for animal grazing, forestland is managed for timber production, and waterways are leased for various uses. Moneys thus generated accrue to the Common School Fund (Fund). In addition to these sources, the Fund receives moneys from property reverting to the state upon the owner's death, unclaimed property, gifts to the state with no designated purpose, tax revenues from natural resource production, and from the sale of federal lands.

Moneys within the Common School Fund are invested by the State Treasurer and the Oregon Investment Council. Revenue generated from these investments is distributed to K-12 schools throughout Oregon. In 2013, the Fund held a principal of \$1.2 billion, and \$53.1 million was distributed to schools. House Bill 4063 establishes a Task Force on Statutory Common School Fund Loans to study opportunities for making loans from the Fund to finance projects that provide significant in-state economic benefits, including brownfield redevelopment.

Effective date: April 1, 2014

Senate Bill 1540

Allows right of action under Unlawful Trade Practices Act for bad-faith patent infringement claims

Senate Bill 1540 prohibits claiming patent infringement in bad-faith and allows a person who has received a demand letter made in bad-faith to bring an action under the Unlawful Trade Practices Act. The measure specifies that a bad-faith claim can be evidenced by: a demand for a payment of fees within an unreasonable period of time; an unreasonable licensing fee; or a demand lacking a patent number, accurate contact information, comparison of claims, statement of facts, or explanation of the alleged infringement. It also allows a prosecuting attorney to investigate the claims and gives directions to the court on factors to consider in bad-faith claim determinations.

Patent infringement is subject to federal jurisdiction and is litigated in federal courts, but states may pass laws dealing with aspects of patent claims, so long as they do not conflict with the goals and objectives of federal patent law. Recently, local businesses have received demand letters from out-of-state patent aggregating entities demanding payment for patent infringement. The demand letters often offer only vague details on the claimed patent infringement. Businesses reported paying the demand rather than fighting the claim in a costly court proceeding.

Effective date: March 3, 2014

Senate Bill 1558

Workers' compensation group self-insurance

Most employers in Oregon are required to provide assurance that their workers will receive compensation if they suffer an injury while on the job. They can do this either by buying coverage through an insurer (carrier-provided) or they can self-insure, either individually or through a self-insured group. Those that self-insure must post financial security sufficient to ensure payment of benefits with the Department of Consumer and Business Services. Group self-insurance provides that if a member employer is unable to pay for claims for its workers, the other members of the group will do so. Oregon currently has five self-insured groups, covering a total of 987 employers; two of these groups are comprised solely of public entities.

In recent years, some of these self-insured groups have experienced financial troubles; one declared bankruptcy and another decertified. These failures highlighted limitations of group self-insurance coverage. Senate Bill 1558 was introduced to provide an orderly exit from group self-insurance by requiring a one-time vote to exit such coverage and, in doing so, limiting the future joint and several liabilities of group members. The measure also imposes higher standards for self-insured groups that choose to continue to operate, and also expands regulatory authority over groups that have decertified or will do so in the future to ensure that workers receive benefits to which they are entitled.

Effective date: April 1, 2014

Senate Bill 1559

Sale of distilled liquor; OLCC enforcement access to information

As enacted, Senate Bill 1559 provides clarification that only employees of the enforcement division of the Oregon Liquor Control Commission (OLCC) are included in the definition of "criminal justice agency" for purposes of statutes dealing with fingerprinting, criminal background checks, agency information, and data sharing.

In its original form, Senate Bill 1559 would have allowed for the sale of distilled spirits outside of the current system of 248 liquor stores owned and operated by agents of the Oregon Liquor Control Commission. While beer, wine, and cider may already be sold at grocery stores, convenience stores, and other privately owned retail outlets, distilled spirits are sold exclusively at liquor stores since ratification of the 21st Amendment in 1933. The measure was brought forward as the work product of a retail innovations work group, convened by OLCC Chair, Rob Patridge, which considered ways that the state's current system of liquor sales and distribution might be modified in order to improve the consumer experience, including strategies for upgrading current retail agent stores and the possibility of expanding the number and types of locations where distilled spirits might be purchased. The work group considered three models: investing in and enhancing the existing system of liquor stores and distribution; privatization of liquor sales and distribution; and a hybrid between the existing system and privatization. Senate Bill 1559, in its original form, represented this hybrid model.

Effective date: April 1, 2014

Consumer Protection

Senate Bill 1540

Allows right of action under Unlawful Trade Practices Act for bad-faith patent infringement claims

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Patent infringement is subject to federal jurisdiction and is litigated in federal courts, but states may pass laws dealing with aspects of patent claims, so long as they do not conflict with the goals and objectives of federal patent law. Recently, local businesses have received demand letters from out-of-state patent aggregating entities demanding payment for patent infringement. The demand letters often offer only vague details on the claimed patent infringement. Businesses reported paying the demand rather than fighting the claim in a costly court proceeding.

Effective date: March 3, 2014

LEGISLATION NOT ENACTED

House Bill 4102

Student financial aid accounts

It is the practice for a number of post-secondary educational institutions in Oregon to contract with a third-party vendor to handle the disbursement of student financial aid. After tuition and fees are subtracted from the financial aid, any remaining balance is returned to the student.

Depending upon the terms of the contract, the student can receive the funds through a debit card, pre-paid credit card, demand deposit account set up for the student by the vendor, transfer to an account designated by the student, or by paper check.

Students in Oregon, and across the country, who chose to receive their financial aid funds via a debit card, pre-paid credit card, or account set up by the vendor have complained about fees charged to access the funds. There is concern that students are not provided a clear description of the fees prior to selecting the method in which to receive their financial aid or that they are steered away from selecting payment via a paper check or transfer to an existing account. In some contracts, the educational institution participates in a revenue-sharing agreement with the third-party vendor to receive a percentage of the student account balances and transaction volume. In some contracts, the educational institution receives payment back from the third-party vendor to be used to reimburse students who complain about fees charged.

House Bill 4102 would have prohibited public or private post-secondary educational

institutions from entering into contracts with a financial firm to provide disbursement and management services of student financial aid funds unless the following requirements were met: clear and concise disclosure of the fee schedule before the student agreed to use account offered by a third-party financial firm; explanation of all methods available to access financial aid; ability for students to choose to receive financial aid via a paper check or electronic funds transfer, and requirement that the paper check be sent or electronic funds transfer be initiated, at no cost to the student, within three business days of student's request; prohibit charging student a fee per transaction for making a debit transaction using a debit card provided by the third-party financial firm; and prohibit revenue sharing between educational institution and third-party vendor.

Senate Bill 1571

Providing five-day right to rescind contract for certain disaster restoration work

During the 2013 interim, the Senate Committee on General Government, Consumer and Small Business Protection heard concerns from the public on restoration companies approaching homeowners to solicit work immediately after the homeowners' or residents' homes and belongings were lost to fire. Some restoration services, such as "board up" and construction services are regulated by the Construction Contractors Board and are required to be licensed with the Board. Others, such as cleaning services, are not regulated.

Senate Bill 1571 would have given homeowners a five-day right to rescind

contracts entered into for restoration work after a disaster. The rescission right would not have been waivable unless a written good-faith estimate of the cost of services was given to the homeowner. The measure included nonroutine cleaning services and excluded board-up services. This right to rescind would be in addition to the right to revoke a home solicitation sales contract found in ORS 83.720.

Senate Bill 1583

Capturing or retaining location information and electronic data without a warrant.

In 2013, it was revealed that the National Security Agency intercepted telephone calls and Internet communications for over a billion people worldwide, including communications of U.S. citizens within the country. It was reported that aggregate data from communications on all major email providers, social networking sites, video streaming services, and instant messaging accounts were accessed and stored for analysis.

Senate Bill 1583 would have established a prohibition on state officers, agencies, departments, boards and commissions, local governments, school districts, and any other public agency from obtaining location information collected from a cell phone or communication device. The measure would also have prohibited the collection of a person's web browsing history, emails, social media accounts, television program viewing history or data, or contents of any electronic device. The measure exempted certain emergency circumstances and established a process for requesting a warrant for protected information.

Education

House Bill 4007

Modifying interdistrict transfer procedures for public school students

There are three main methods by which a student may attend public school in a school district that is not the student's resident district: interdistrict transfer, contract, and open enrollment. House Bill 2747 (2013) refined the interdistrict transfer process by limiting the type of information a school could request in an application for a consent-based or tuition-based transfer.

House Bill 4007 modifies the interdistrict transfer process in three ways. It allows students currently on interdistrict transfers to have preference in interdistrict transfer determinations for the 2014-15 school year. It also clarifies that if a resident student moves during a school year, both districts must give consent for the student to complete the school year in the school district in which the student was enrolled prior to the move. Finally, the measure clarifies that sending districts may not limit the duration of a transfer to another district.

Effective date: March 3, 2014

House Bill 4018

University governance

As recommended by the Joint Special Committee on University Governance and Operations, House Bill 4018 expands upon the process authorized by Senate Bill 270 (2013) for Oregon's public universities to establish independent governing boards. House Bill 4018 focuses on governance of the technical and regional universities (Eastern Oregon University, Oregon

Institute of Technology, Southern Oregon University, and Western Oregon University, collectively known as the TRUs), as well as issues of overall system governance. The measure moved the deadline for the TRUs to indicate intent to form governing boards to May 15, 2014 (from July 1, 2015) and provided the State Board of Higher Education with the option to endorse such a decision with conditions. Additionally, the measure integrates the Department of Community Colleges and Workforce Development within the Higher Education Coordinating Commission (HECC) and creates a task force to facilitate integration.

In the preceding five years, several formal and informal work groups and task forces were convened to address the desire of Oregon's public universities for greater autonomy. Senate Bill 242 (2011) redefined the Oregon University System (OUS) as a public university system with greater authority and independence and created the HECC to address higher education goals and policy. Senate Bill 270 (2013) authorized independent boards for Portland State University and the University of Oregon and granted Oregon State University the option it later exercised to establish a board. That measure also created the Special Committee on University Governance and Operations to address issues of governing boards for the state's technical and regional universities as well as services previously provided by OUS. Because the Special Committee was not authorized to propose legislation, House Bill 4018 was introduced as a committee measure by the House Committee on Higher Education and Workforce Development.

Effective date: April 1, 2014

House Bill 4019

Information disclosures and recruitment practices for post-secondary institutions

House Bill 4019 requires institutions of post-secondary education in Oregon to provide students with a link to the entity identified annually by the Higher Education Coordinating Commission (HECC) that it determines provides the best information regarding affordability and value of higher education programs. The measure also directs the HECC to work toward developing a website of its own that provides this information. Additionally, the measure establishes regulations for advertising and recruitment practices employed by institutions operating in the state.

In 2013, House Bill 3079 was among several measures introduced to provide potential students with the information to compare costs, completion rates, prospects for employment, and student loan default rates among institutions offering post-secondary educational programs in Oregon. That measure would have required all entities offering such programs to produce fact sheets containing information for a side-by-side comparison of similar offerings. Although a work group convened to address the issue during the interim recommended proposed legislation based on the original measure, the fact sheet requirement was ultimately replaced by the provision of a link to currently available data, while the HECC works to develop a central clearinghouse of comparable information. Consumer protections relating to advertising and recruitment were retained in the final measure.

Effective date: April 1, 2014

House Bill 4058

Apprenticeships included in 40-40-20 education goals

With enactment of Senate Bill 253 (2011), the Legislative Assembly declared that the mission of all educational institutions beyond high school in Oregon includes the achievement of the following by 2025: At least 40 percent of adult Oregonians will have earned a baccalaureate degree or higher; at least 40 percent will have earned an associate's degree or post-secondary credential; and the remaining 20 percent or fewer will have earned a high school diploma. This formula is commonly identified by the abbreviation 40-40-20.

House Bill 4058 added a provision to the 40-40-20 formula to clarify that the earning of a post-secondary credential may be satisfied by the completion of an apprenticeship program that is registered with the State Apprenticeship and Training Council.

Effective date: January 1, 2015

House Bill 4087

Creation of the Task Force on School Safety

House Bill 4087 establishes a 14-member Task Force on School Safety to study: the establishment of a database of school floor plans for law enforcement and first responders; statewide coordination of incident responses; and the efficacy of standardizing incident responses across the state.

Schools and first responders around the state are not required to synchronize planning of coordinated incident responses. They may or

may not be sharing information with each other or with other jurisdictions. They may or may not be in agreement as to best practices. And they may be in various stages of completion of such planning locally, with existing school-by-school and agency-by-agency differences. Depending on the type of emergency, all statewide emergency response resources may be brought to bear when an incident occurs. Adequate planning and coordination are critical to success.

Effective date: April 1, 2014

House Bill 4090

Summer meals programs

The United States Department of Agriculture (USDA) provides program operating regulations to support the Afterschool Meal and Snack Program. The Summer Food Service Program is designed to feed children in low-income areas, regardless of the child's household income, during the summer when school is not in session.

House Bill 4090 allows addition of summer food service programs to the list of programs that can receive grant funds, thereby allowing schools to spend money granted through the United States Department of Agriculture's Afterschool Meal and Snack Program on summer programs. Before the passage of House Bill 4090, these meal programs provided through schools ceased operation during the summer months.

Effective date: March 3, 2014

House Bill 4116

Aspirations to college grant program

House Bill 4116 directs the Department of Community Colleges and Workforce Development and the Higher Education Coordinating Commission to establish a grant program to fund initiatives at community colleges intended to increase enrollment of underserved, low-income and first-generation students. The measure specifies that funds may be used for counseling programs, advising services, and assistance in the acquisition of financial aid and that priority may be given to programs with demonstrated support from the private sector, the community, and local governments. While the introduced measure requested funding of \$1.5 million for the programs, the final appropriation was reduced to \$750,000.

House Bill 3232 (2013) delineated a series of strategic investments for the Oregon Education Investment Board designed to target specific programs to improve K-12 education and increase access to post-secondary opportunities. Provisions related to improving community college access and completion for first-generation and otherwise underserved students were amended out of the measure before passage. House Bill 4116 restores funding for these programs to provide wraparound services including recruitment, counseling, and mentoring that emphasize retention and completion based on the success of currently operating programs such as the Future Success Program at Portland Community College.

Effective date: March 11, 2014

House Bill 4120

Scholarships

Existing statute requires the Higher Education Coordinating Commission to award scholarships to children of public safety officers killed or disabled in the line of duty. The student can use the scholarship at any state public university or community college, at the Oregon Health and Science University, or any Oregon-based regionally accredited independent institution. The scholarship shall pay for tuition and all fees, but may not exceed the tuition and fees charged by the University of Oregon. The student is entitled to renew the scholarship until the student has received the equivalent of four years of undergraduate education and four years of post-graduate education.

House Bill 4120 expands eligibility for the scholarship to children of slain or disabled reserve officers and volunteer firefighters. The measure applies to scholarships awarded on or after the effective date, regardless of when the reserve officer or volunteer firefighter was killed or disabled.

Oregon City Reserve Officer Robert Libke was fatally shot November 3, 2013, when responding to a call about a house fire and a gunman at large. Reserve Officer Libke worked as a general supervisor at Evraz Oregon Steel while training with the Oregon City Police Department.

Effective date: January 1, 2015

House Bill 4150

Proficiency-based evaluation and grading systems

House Bill 4150 revises assessment and grading system standards for school districts, specifically relating to proficiency-based evaluation and grading. It mandates that the superintendent of any school district using a proficiency-based education or grading system either revise the duties of an existing committee or form a new committee to advise upon the development and implementation of the proficiency-based education or grading system. It also allows use of accommodations for students using work samples to demonstrate proficiency in Essential Learning Skills.

In 2011, the Legislative Assembly enacted House Bill 2220, concerning student assessment, grading, and proficiency-based evaluation. That measure made several changes to statute to emphasize progress toward the attainment of grade-level proficiency in a continuum of knowledge and skills. Since passage, the measure has generated considerable discussion and feedback about proficiency-based assessment, and implementation of its procedures has generated mixed results. Some districts experienced a smooth implementation process, while others express considerable difficulty with the perceived mandate to implement proficiency-based evaluation. House Bill 4150 clarifies areas of confusion, specifically noting that proficiency-based assessment is not mandated by state law.

Effective date: March 6, 2014

Senate Bill 1509

Native American mascots

Senate Bill 1509 allows district school boards to enter into an agreement with a federally recognized tribe to determine the appropriate scope of use for a Native American mascot in a district school, subject to rules adopted by the State Board of Education. The measure also mandates that the Oregon Department of Education meet with the state's nine federally recognized tribes in determining rules describing acceptable uses of Native American mascot representation, and that the State Board of Education adopt rules no later than January 1, 2017.

The Board of Education adopted OAR 581-021-0047 on May 17, 2012, prohibiting public schools from using Native American mascots. Public schools have until July 1, 2017 to comply with the prohibition before the Superintendent of Public Instruction may withhold all or part of state funding for the school district. The prohibition against Native American mascots includes team names such as: Redskins, Savages, Indians, Indianettes, Chiefs, Chieftains, and Braves, along with any associated visual image or symbol. Public schools are allowed to continue using "Warrior" if the corresponding image or symbol does not depict an American Indian.

Effective date: March 6, 2014

Senate Bill 1524

"Oregon Promise" study of free community college funding for Oregon students

Senate Bill 1524 directs the Higher Education Coordinating Commission to study the viability of allowing students who graduated from an Oregon high school to attend community college without paying tuition and fees at the community college for a specified period. The Commission is directed to report findings of the study to the Legislative Assembly prior to the convening of the 2015 legislative session.

The policy of funding two years of community college for Oregon students was popularly called the "Oregon Promise" program.

Effective date: March 11, 2014

Senate Bill 1574

Student access to dual-credit programs

Senate Bill 1574 explicitly mandates that dual-credit programs at a school must be made available to students enrolled in any grade from nine through 12.

Dual-credit programs allow high school students to earn both grade-level and college-level credit for completion of the program. These programs are often taught in conjunction with local community colleges. Prior to Senate Bill 1574's effective date, there was no specific age mandate for access to dual-credit programs, and some institutions had limited access to dual-credit programs by rule to students in upper grades.

Effective date: January 1, 2015

Senate Joint Resolution 203

Allowing judges to be employed by Oregon National Guard or any board or commission established to supervise and coordinate the activities of Oregon's institutions of post-secondary education

Currently, section 8, Article XV of the Constitution of the State of Oregon allows persons employed by the State Board of Higher Education, or a member of a school board or an employee of a school board, to serve in the Legislative Assembly without violating either: (1) section 1, Article III, which prohibits persons from exercising any duties or functions of more than one branch of government; or (2) section 10, Article II, which prohibits a person from holding more than one lucrative office. There is no similar allowance for those holding judicial office to be employed as teachers in the public education system. A 1979 Oregon Supreme Court decision, *In the Matter of Sawyer*, found that a judge regularly employed as a part-time teacher by a state-funded school violated the separation of powers section of the Oregon Constitution.

Senate Joint Resolution 203, if approved by voters at the 2014 General Election, would allow judges to teach in a public university or serve in the Oregon National Guard while concurrently serving as a judge.

Filed with Secretary of State: March 4, 2014

LEGISLATION NOT ENACTED

House Bill 4062

Privacy and security of student data

The Oregon Department of Education (ODE) is required by law to collect and store student records. ODE is also responsible for securing its information systems and protecting the privacy of data collected, used, shared, and stored. The protection and proper handling of student records is a component of ODE's Information Security and Privacy Program. The Oregon State Board of Education adopts rules on standards for the creation, use, retention, custody, and disclosure of student records, including access of student education records that are consistent with requirements of the applicable state and federal law.

House Bill 4062 would have greatly restricted the ability of ODE to maintain, share, or transport student data. It also would have required a risk assessment of every storage system of student data statewide. While the measure was not enacted, proponents of the measure and ODE agreed to work on concerns raised and to discuss potential legislation ahead of the 2015 legislative session.

House Bill 4069

Task Force on Career and Technical Education Teaching

House Bill 4069 would have established the Task Force on Career and Technical Education Teaching to study and report on strategies for increasing the availability and quality of teachers of career and technical education (CTE) courses. Membership was to have included representatives of universities, community colleges, career schools, school districts, education service districts, public school teachers, the Department of Education, the Teacher Standards and Practices Commission, the Oregon Education Investment Board, and private industry. The measure directed the task force to accomplish the following: study and identify approaches to improve the availability and quality of CTE teachers; make recommendations on implementing identified approaches; consider multiple alternative methods of teacher preparation and certification; explore a variety of appropriate preparation programs and level of funding; and review compensation and professional development opportunities for CTE teachers.

CTE programs have been recognized for improving high school graduation rates, post-secondary education, and employment opportunities and workforce development. Several recent initiatives have been directed at the revitalization of CTE programs in Oregon high schools. House Bill 4069 was introduced to address the critical shortage of individuals qualified to teach CTE courses.

House Bill 4076

Fixed-cost baccalaureate degrees

House Bill 4076 would have directed Eastern Oregon University, the Oregon Institute of Technology, Southern Oregon University, and Western Oregon University to develop pilot programs for fixed-cost baccalaureate degrees. These pilot programs were to have been designed to create long-term and sustainable benefits to the local economy and to enable students to graduate with less debt than would otherwise be required to obtain a degree from that university. The Higher Education Coordinating Commission (HECC) would have been tasked with assisting the universities in development of the pilot programs and reporting to the Legislative Assembly on their status and success.

Many recent legislative initiatives have been directed toward increasing access to higher education, addressing the explosion of student loan debt, developing a well-educated workforce, and achieving the state's 40-40-20 education goals. House Bill 4076 was introduced to address all these issues by piloting fixed-cost baccalaureate degree programs at Oregon's technical and regional universities. Institutions of higher education in Texas, Wisconsin, and Florida (among others) have recently developed degree programs with fixed costs. House Bill 4076 proposed utilizing the HECC to lead collaboration between the universities, community colleges, and high schools to develop a pathway to fixed-cost baccalaureate degrees.

House Bill 4077

Composition of the Oregon Education Investment Board

House Bill 4077 would have added one member to the Oregon Education Investment Board (OEIB), with the qualification that the member also serve as a member of a school district board.

Senate Bill 909 (2011) created the OEIB, indicating that the Board would be comprised of 13 members. Twelve members of the board are appointed by the Governor, with a requirement that each congressional district be represented. The Governor, or his designee, is the final member.

House Bill 4127

Composition of the Oregon Education Investment Board

House Bill 4127 would have required that the majority of members of the Oregon Education Investment Board (OEIB) be public educational professionals who work, or have worked, on a regular basis in a public educational setting. Furthermore, it would have required that four or more members work, or have worked, on a regular basis in public education from kindergarten through grade 12, specifically requiring that two of those four members be or have been teachers licensed under relevant licensing statutes.

Senate Bill 909 (2011) created the OEIB, specifying a composition of 13 members. Twelve members of the board are appointed by the Governor, with a requirement that each congressional district be represented. The Governor, or his designee, is the final member.

House Bill 4134

Allocation of funds available to support community-based prevention and intervention programs

House Bill 4134 would have directed the Youth Development Council to allocate funds for community-based prevention and intervention programs and services based upon indicators of need for youth ages six through 20 years old. It also would have created the Juvenile Crime Prevention Funding Committee, and tasked that Committee with identifying existing prevention and intervention funding policies and recommending best practices for the future.

Existing law mandates that juvenile crime prevention and intervention partnership programs be targeted at high-risk juvenile crime prevention plans. These programs have historically operated at the county level, and funds were dispersed through county-level governments. That changed in 2013 with enactment of House Bill 3231, which brought many of these kinds of programs, all strictly focused on juvenile crime prevention and intervention, under the purview of the Oregon Department of Education. House Bill 4134 was intended to expand the scope of programs that could receive funds to include tribal governments and other programs based upon a variety of indicators of need.

Elections and Ethics

Senate Bill 1515

Creates work group to study Internet voting

The Internet has become a tool for election officials to ensure ballots are delivered to and received from Military personnel stationed overseas. The federal Military and Overseas Voter Empowerment (MOVE) Act, required electronic delivery of unvoted ballots to military and overseas voters. In addition, many states, including Oregon, permit a military or long-term absentee voted ballot to be returned as an attachment to an email. The increasing utilization of Internet resources and online tools for election purposes has led to an increase in research and testing of Internet voting, which is a form of electronic voting that involves casting a ballot through the Internet.

Internet voting was first used for binding elections in 2000 in the United States in a pilot program across several states targeting overseas voters. Since then, nine more countries have implemented Internet voting: two use Internet voting nationwide (Estonia and United Arab Emirates); five use Internet voting in some parts of the country or for certain members of the electorate (Australia, Canada, France, Mexico, and Switzerland); and two have ongoing pilots (India and Norway).

Senate Bill 1515, as introduced, would have required a work group to investigate issues, feasibility, and administration of Internet voting in Oregon, including considering how Internet voting could increase elector participation in elections, with an emphasis on Oregonians serving in or with the Armed Forces of the United States. The measure also would have directed the work group to estimate costs and savings associated with

an Internet voting system and review best practices from the experience of Internet voting by other states, countries, and businesses.

Prior to its passage, Senate Bill 1515 was amended to remove the provisions regarding the work group and to include provisions related to technical issues within elections law, including amending statutes related to measures adopted in 2013 to ensure proper implementation.

Effective date: April 1, 2014

Senate Bill 1544

Changes membership and meeting requirements of Citizens' Initiative Review Commission

The Oregon Citizen Initiative Review process was created by House Bill 2895 (2009), which authorized the Secretary of State to have non-profit organizations form citizen panels to review and create official statements on ballot initiative measures. For each initiative to be reviewed, a 24-member citizen panel is created by Healthy Democracy Oregon, the designated non-partisan, non-profit organization. Panelists are selected based on geographic location, party affiliation, age, voting history, and other demographic factors.

In 2011, the Legislative Assembly enacted House Bill 2634, creating the Citizens' Initiative Review Commission to facilitate the review by citizen panels of one or more initiative petitions for a regular general election. The Commission is comprised of 11 members: three members, appointed by Governor, must have at some time been selected to serve on an explanatory statement committee; one member

recommended by the leadership of the Democratic party in the Senate and one member recommended by the leadership of the Republican party in the Senate; one member recommended by the leadership of the political party with the largest representation in the Senate that is not the same party as the Governor; and four electors who have served on a citizen panel.

Senate Bill 1544 removes the sunset date for the Commission and establishes it as a semi-independent agency. The measure increases the number of voters on the Commission from four to six, reduces the number of moderators to two, and permits the Commission to establish, by rule, compensation for participants. In addition, the measure allows the initiative review panel to meet on not fewer than three and not more than five consecutive days for a total of not less than 24 hours.

Effective date: March 13, 2014

LEGISLATION NOT ENACTED

House Bill 4054

Establishes ballot title for referendum 301(Senate Bill 833, 2013)

Senate Bill 833 (2013) directed ODOT to create and issue a driver card that is subject to all statutes and procedures that govern driver licenses and driver permits, with the exception that the driver card does not require applicants to prove they are legally present in the United States. The driver card is to be valid for four years, must not indicate that it is a license or permit, and must include a distinguishing feature to identify it as a driver card. A driver card would not be usable for identification purposes except to designate that the individual is an organ donor, an emancipated minor, a veteran, or to establish identity for civil proceedings or missing person investigations.

Senate Bill 833 has been referred, by referendum, to voters for their approval or disapproval at the November 2014 General Election. House Bill 4054 would have provided the corresponding ballot language for the referral.

Energy

House Bill 4041

Loans for renewable energy and energy efficiency improvements

In 2009, the Legislative Assembly enacted House Bill 2626, which authorized local governments to provide loans for renewable energy and energy efficiency improvements. Local governments are currently authorized to finance this loan program by either issuing revenue bonds or by borrowing funds from the Oregon Department of Energy under the Energy Efficiency and Sustainable Technologies Loan Program for small-scale local energy projects.

House Bill 4041 expands the energy improvement program by authorizing local governments to facilitate private financing of energy improvements by property owners, provided the costs of the financed improvements do not exceed the cumulative energy cost savings over the life of the improvements.

Effective date: March 6, 2014

House Bill 4042

Net metering of marine energy resources

Net metering is a utility interconnection model that enables customers to offset some or all of their energy use with onsite renewable energy generation and be billed for only the net energy consumed. Customers who install solar or wind energy systems can receive, from their utility provider, a modified meter that can track both energy received from, and put back into, the power grid.

House Bill 4042 adds renewable marine energy to the types of facilities that generate energy for which the availability of net metering is required.

Effective date: January 1, 2015

House Bill 4107

Alternative Fuel Vehicle Revolving Fund

Senate Bill 583 (2013) established the Alternative Fuel Vehicle Revolving Fund to provide loans to Oregon's public bodies and federally recognized tribes. These loans assist in the purchase of new alternative fuel vehicles and help convert existing gasoline or diesel vehicles to alternative fuels. The Department of Energy administers the fund and related loans through a similar process utilized in its Small Scale Energy Loan Program. Proceeds of up to \$3 million from a tax credit auction are used to build the revolving fund.

House Bill 4107 extends the loan program to private businesses or companies that operate a fleet of motor vehicles in areas described in ORS 468A.390 (areas of state subject to motor vehicle emission inspection program) or ORS 815.300 (exemptions from requirements to have a pollution control system), and which do not hire fleet drivers who qualify as independent contractors.

Effective date: March 6, 2014

House Bill 4126

Renewable Portfolio Standard and renewable energy tariffs

The Legislative Assembly created the Renewable Portfolio Standard (RPS) with the passage of Senate Bill 838 in 2007. Under the RPS, Oregon utilities are required to deliver a percentage of the electricity they provide from eligible renewable sources by 2025, with large utilities also being held to interim standards. Utilities may utilize any combination of the following options to comply with the standard: construction of an eligible facility (or continued operation of an existing one) and use of the power and associated renewable energy credits; purchase power and associated credits from an eligible facility owned by another party; purchase “unbundled” renewable energy credits (without also purchasing the electricity generated to create the credit); or make alternative compliance payments with an option to use the funds for energy efficiency or to build an eligible facility in the future. Different classes and sizes of utilities have different requirements under the RPS.

Under current law, utilities are limited in the amount of their RPS obligation that may be met by use of unbundled credits. House Bill 4126 specifies the amount of unbundled credits that large utilities (those that sell electricity equivalent to three percent or more of all electricity sold to retail consumers) may utilize to meet the RPS in the future. In addition, House Bill 4126 directs the Public Utility Commission to study the impact of allowing electric companies to offer voluntary renewable energy tariffs to non-residential customers and to use the results of the study to determine whether it is reasonable and in the public interest to allow electric companies to

do so. The measure authorizes the use of such tariffs upon determination by the Commission to allow such tariffs.

Effective date: January 1, 2015

LEGISLATION NOT ENACTED

Senate Bill 1578

Green energy in public buildings

Oregon law requires public entities to spend 1.5 percent of the total contract price of a public improvement contract for new construction or major renovation of a public building on green energy technology. Public entities include, but are not limited to, state agencies, community colleges, school districts and education services districts, and local government. This requirement was originally established by the 2007 Legislative Assembly and amended in 2012 to include geothermal energy. In 2013, the law was amended to allow a contracting agency to meet the green energy technology requirement using off-site energy generation, provided it meets certain requirements. The 2013 measure also required reporting by contracting agencies and the Oregon Department of Energy regarding actions taken to comply with the requirement.

Senate Bill 1578 would have added woody biomass as an eligible fuel for space or water heating, or to provide heat for combined heat and power systems, to the definition of green energy technology for the purpose of the requirement that a public body spend 1.5 percent of the total contract price on green energy technology.

Environmental Quality

House Joint Memorial 201

Urges increased safety standards for new and existing rail cars used to transport crude oil

Crude oil shipments by rail have increased in recent years, due in large part to the rise in production from the Bakken formation and Canada's oil sands. Due to a lack of pipelines, crude oil is being shipped to refineries by rail cars. Many of these shipments travel through populated areas, which has raised concerns that rail company safety plans do not adequately address potential safety issues, and that current rail cars used to transport crude oil and other flammable liquids may rupture too easily in the event of an accident.

House Joint Memorial 201 urges Congress and the Pipeline and Hazardous Materials Safety Administration to enhance safety standards for new and existing rail cars used to transport crude oil and other flammable liquids.

Filed with Secretary of State: February 27, 2014

LEGISLATION NOT ENACTED

Senate Bill 1510

Review and permit process for projects with statewide environmental significance

In 2011, the Legislative Assembly established the Economic Recovery Review Council (ERRC) following a review of the permit processes at state agencies, in order

to create an environment where agencies work together to meet a 120-day timeline. The ERRC was created along with two distinct programs over which the Council has oversight. The Council consists of agency directors from five state agencies: Business Oregon, Environmental Quality, Land Conservation and Development, State Lands, and Transportation.

Senate Bill 1510 would have changed the name of the ERRC to the Economic Recovery and Environmental Review Council and expanded the scope of the Council to include the review of nominations for an enhanced consideration of projects of statewide environmental significance. The measure established a process for a lead agency to undertake to prepare a detailed environmental impact statement on a project.

Senate Bill 1511

Radon testing in publicly funded schools

Radon is a naturally occurring gas that seeps into buildings from the surrounding soil. The federal Environmental Protection Agency (EPA) ranks indoor radon among the most serious environmental health problems facing us today. After smoking, it is the second leading cause of lung cancer in the United States causing an estimated 14,000 lung cancer deaths a year. The EPA estimates that more than 70,000 schoolrooms in use today have high, short-term radon levels.

Senate Bill 1511 would have required publicly funded schools that undertake certain renovations specified in the measure to test for radon and undertake mitigation measures if testing results meet or exceed certain parameters. The measure would also

have required schools to report the test results to the Oregon Health Authority (OHA). The OHA would have been required to reimburse the schools for the cost of the testing once test results were reported.

Senate Bill 1570

Low carbon fuel standard

Research indicates that transportation produces over a third of Oregon's greenhouse gas emissions. The 2009 Legislative Assembly enacted House Bill 2186, which authorized the Environmental Quality Commission to develop a low-carbon fuel standard for Oregon. The Department of Environmental Quality convened an advisory committee of

stakeholders to discuss, debate, and offer recommendations for various design elements of Oregon's low-carbon fuel standards.

Senate Bill 1570 would have repealed the sunset on provisions of the low-carbon fuel standard statute. The measure would have prohibited the Environmental Quality Commission from requiring compliance with the low-carbon fuel standard if the Oregon Department of Administrative Services' division that serves as the office of economic analysis found that the projected incremental cost of compliance would exceed four percent of the projected annual average cost of gasoline or diesel in Oregon.

Government

House Bill 4015

Regional solutions

In 2013, the Legislative Assembly enacted House Bill 2620, which directed the Governor, in coordination with the Director of the Oregon Department of Administrative Services, to develop a plan to align state economic and community development programs with regional priorities and to present the plan to the Legislative Assembly in 2014. As a part of this process, a Project Steering Team surveyed over 2,100 Oregonians to identify barriers that prevent growth and prosperity on a regional level and to help envision new ways of delivering services. The Project Steering Team made the short-term recommendation that the initial focus should be placed on integrating regional solutions priorities in awarding processes for statewide grants and loans relating to economic and community development.

House Bill 4015 addresses the work of the Project Steering Team by requiring certain state agencies responsible for grant, loan, or incentive programs to consider regional priorities for community and economic development, as designated by a regional solutions advisory committee, in the consideration of project funding decisions. The measure establishes the Regional Solutions Program within the Governor's Office, consisting of regional solutions centers, teams, and advisory committees. House Bill 4015 also requires regional solutions coordinators to convene stakeholders, with the assistance of the Oregon Consensus Program, to provide

alternative dispute resolution services in order to resolve disputed issues when implementing projects that involve significant environmental issues.

Effective date: April 1, 2014

House Bill 4086

Mass Transit Records

Unless exempted, public records used or retained by a public body are subject to public disclosure whenever a member of the public requests them. Public disclosure exemptions have been established in ORS 192.501 under a case-by-case analysis for records requests. This analysis is made by the administrative agency that has authority over the exempted records.

House Bill 4086 amends ORS 192.501 so that personally identifiable information collected on passengers of a mass transit system are exempt from public disclosure unless the person requesting disclosure is able to prove, to the relevant administrative agency, that public interest in disclosure outweighs the private interest in the exemption.

Effective date: January 1, 2015

House Bill 4111

Public Infrastructure Commission

The American Society of Civil Engineers' Oregon Infrastructure Report Card gives Oregon a "C-minus," citing 135 high-hazard dams, 433 structurally deficient bridges, and 65 percent of roads at poor or mediocre quality, the latter costing the average motorist \$173 per year. The report card also indicates an estimated \$2.8 billion in anticipated need over the next 20 years to address drinking water infrastructure and \$3.8 billion during the same period needed to address waste water infrastructure. The executive branches of Oregon, California, Washington, and British Columbia formed the West Coast Infrastructure Exchange (WCX) to identify new methods for financing and facilitating infrastructure development to address these needs.

In 2013, the Legislative Assembly enacted House Bill 2345, creating the Oregon Innovation in Infrastructure Task Force to make recommendations regarding innovative practices related to public infrastructure, as well as a recommendation regarding Oregon's participation in the WCX. The Task Force reviewed various methods available to encourage and utilize private financing for the construction of public infrastructure projects. Unlike privatization, which involves a private business entity building and operating a facility and setting fees for the use of the facility, private financing maintains public ownership of the facility, though it can allow for a contract with a private entity for operations and maintenance. The Task Force received information from entities such as Partnerships B.C., which utilize private financing tools for infrastructure development, in preparing its recommendations.

House Bill 4111 establishes the Public Infrastructure Commission and directs the State Treasurer to screen proposed infrastructure projects to determine whether they would benefit from private capital and innovative procurement methods.

Effective date: March 13, 2014

House Bill 4122

Public contracts for information technology initiatives

The process that public contracting agencies follow when procuring goods and services is governed by statute, agency policy, and agency administrative rule. In most cases, state agencies, boards, and commissions are required to follow the policies and administrative rules adopted by the Department of Administrative Services (DAS). Some agencies, such as the Oregon Health Authority, are currently exempt from this requirement.

House Bill 4122 requires state contracting agencies and public corporations to procure independent quality management services to review information technology initiatives with an estimated cost exceeding \$5 million, or that meet criteria established by DAS or the State Chief Information Officer (CIO). The measure prohibits state contracting agencies and public corporations from artificially disaggregating large IT initiatives so as to avoid the new requirements. Preliminary and final reports prepared by the quality assurance contractor must be distributed to the State CIO, DAS Director, and the appropriate agency director, board, commission, or governing body. House Bill 4122 requires state contracting agencies and public corporations to consult with and

follow the rules, policies, and procedures of the State CIO and DAS Director in determining the extent of quality management services or preliminary quality assurance services required for an IT initiative. These provisions apply to executive branch state agencies and public corporations, even if an entity is exempt from the Public Contracting Code under ORS 279A.050 (2) or (7).

House Bill 4122 also requires state and local contracting agencies to determine whether a bidder or proposer on any procurement for goods and services (not just IT initiatives) has complied with the state and local tax laws. Bidders and proposers must demonstrate compliance by submitting a signed affidavit that attests the bidder or proposer has complied with state and local tax laws.

Effective date: March 19, 2014

House Bill 4135

State Chief Information Officer

The Office of the Chief Information Officer (CIO) was established in 2013 through passage of House Bill 3258. The CIO is appointed by the Governor and is responsible for overseeing policy for, and coordination of, planning, architecture, and standardization of all information and telecommunications technology (IT) within state government so that statewide and individual state agencies' plans and activities are addressed in the most integrated, economic, and efficient manner and in a manner that most effectively meets the program needs of state agencies.

House Bill 4135 establishes a pilot period between July 1, 2014, and June 30, 2015,

during which certain duties, responsibilities, and powers of the CIO are expanded to include: advising state agencies, boards, or commissions in developing, acquiring, maintaining, or implementing IT resources; identifying and specifying priorities for and overseeing significant or multi-agency IT initiatives; reviewing, evaluating, and recommending adjustments to individual agency IT plans, policies, or budgets; ensuring that individual agency IT plans align with state strategic plans; and maintaining and supporting the state's shared services and IT portfolio. The CIO is directed to report progress made during the pilot period to the Joint Legislative Committee on Information Management and Technology on or before the Legislative Assembly convenes for its 2015 session.

Effective date: April 1, 2014

Senate Bill 1518

Changes definition of supervisory employee to exclude certain firefighters for collective bargaining purposes

The Public Employee Collective Bargaining Act (PECBA) codifies laws governing employment relations between public employers and their employees in counties, cities, school districts, transportation districts, state and local governments, and some private employees not subject to the jurisdiction of the National Labor Relations Board. Under the PECBA, certain persons are prohibited from organizing, including: elected officials; persons appointed to serve on boards or commissions; and confidential, managerial, or supervisory employees.

Senate Bill 1518 modifies the definition of supervisory employees to exclude firefighters who assign, transfer, or direct

the work of other employees, but do not have authority to hire, discharge, or impose economic discipline on other employees. Such firefighters would then be eligible to organize.

Effective date: March 3, 2014

Senate Bill 1549

Regulation of accountants

Persons participating in activities that fall under ORS Chapter 703 are considered to be investigators and are required to be licensed by the Oregon Department of Public Safety Standards and Training (DPSST) unless otherwise excepted. Existing exceptions are provided for a number of professions, many of which are regulated by different governmental agencies. Currently, there is no such exemption for certified public accountants (CPAs) hired by the Board of Accountancy to assist in compliance investigations; as a result, such individuals must obtain a second license through DPSST.

Senate Bill 1549 specifies that regulations relating to investigators do not apply to persons engaged in the practice of public accountancy and who are licensed by the Oregon Board of Accountancy. Proponents of the measure assert that there is no public policy rationale for licensure by both DPSST and the Board of Accountancy, even for certified public accountants who engage in investigatory work.

Effective date: March 6, 2014

LEGISLATION NOT ENACTED

House Bill 4027

Transfers Oregon Arts Commission and Trust for Cultural Development Account from Oregon Business Development Department

The Trust for Cultural Development, established in 2001 by the Legislative Assembly, is a private-public effort that generates significant new resources to sustain arts, heritage, and humanities in Oregon. The Trust was initially authorized along with the cultural tax credit, cultural license plate, and ability to transfer state assets to build the Cultural Trust. The Trust's county and tribal coalitions, one in each of the state's 36 counties and in six of the nine federally recognized tribes, guarantee that cultural dollars reach into every region of the state. The Trust uses the incentive of a matching tax credit to increase giving to culture. Individuals making contributions of up to \$500, couples making gifts of up to \$1,000, and Oregon corporations giving up to \$2,500 to one or more of 1,300 cultural nonprofits qualify for a tax credit when they make equal gifts to the Trust in the same tax year. The Trust has raised over \$25 million in new funds for culture since 2002 and granted over \$12.5 million since 2003. Over 21,000 Oregonians have contributed to the Trust since the cultural tax credit took effect in December 2002 and has a permanent fund of over \$17 million.

The Oregon Arts Commission (OAC) was established in 1967 to support the arts in Oregon and ensure their excellence. It consists of nine Commissioners, appointed

by the Governor, who determine policies, establish long-range plans, and review applications to grant programs to determine funding levels. The OAC's purpose is to lead through advocacy, policy development, and planning to seek funding for and make grants to arts organizations and artists, build coalitions, and encourage collaborations among the public and private sectors, arts and culture organizations, and artists.

The OAC and Trust are a part of the Oregon Business Development Department (OBDD), in recognition of the expanding role the arts play in the broader social, economic, and educational arenas of Oregon communities. The OAC is supported with general funds, federal funds from the National Endowment for the Arts, and funds from the Trust. House Bill 4027 would have transferred both entities from the OBDD to another state entity.

House Bill 4071

Mark Odom Hatfield statue in National Statuary Hall

The National Statuary Hall Collection in the United States Capitol Building is comprised of statues donated by individual states to honor persons notable in their history. The entire collection now consists of 100 statues contributed by 50 states. Each statue is the gift of a state, not of an individual or group of citizens. Proceedings for the donation of a statue usually begin in the state legislature with the enactment of a resolution that names the citizen to be commemorated and cites his or her qualifications, specifies a committee or commission to represent the state in selecting the sculptor, and provides for a method of obtaining the necessary funds to carry the resolution into effect.

House Bill 4071 would have initiated the fundraising, design, and planning process for replacing the Jason Lee statue with a Mark Odom Hatfield statue in National Statuary Hall in the United States Capitol. The measure would have provided for the relocation of the Jason Lee statue to Salem. In addition, it would have established a process for the replacing commissioning and replacing Oregon's statues in the National Statuary Hall.

House Bill 4119

Public contracting for architectural and engineering services

Under existing law, when a contracting agency is selecting a contractor to provide architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services, the selection must be based on qualifications and not price. Compensation can only be determined after the contracting agency has selected the candidate. If the two parties are unable to negotiate a contract at a compensation level that is both reasonable and fair to the contracting agency and acceptable to the contractor, the contracting agency then may negotiate with the next most qualified candidate. On projects for which the estimated cost of architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services for the project do not exceed \$100,000, the contracting agencies are allowed to directly appoint a firm.

House Bill 4119 would have clarified that, like larger contracts that the contracting agency solicits through a competitive proposal process, the compensation for a directly appointed consultant can only be

determined after the candidate has been selected and before the contract is signed.

House Bill 4144

Establishes Oregon Investment Department as public investment agency

House Bill 4144, also known as the Investment Modernization Act, would have established the Oregon Investment Department (OID) under the supervision of a director appointed by the Oregon Investment Council (OIC). The State Treasurer was to serve as vice chairperson of the OIC until becoming chair on January 1, 2017. The OIC would have become the state investment agency separate from the State Treasury, and was to assume responsibility from the State Treasurer's Investment Division. The OIC would have been responsible for managing Oregon's investment program and staff, which would reportedly enable investment functions to be in-sourced--reducing investment costs--and improve portfolio management.

The Oregon State Treasury's Investment Division employs approximately 25 people to oversee nearly \$70 billion in assets from the state pension, school, and accident insurance funds. The current structure of the Investment Division has remained essentially unchanged since the 1970s, while the size and complexity of the investment portfolio has changed significantly, with the portfolio of traditional stocks and bonds having been replaced with investments in illiquid and less transparent private partnerships. Under the current investment model, decisions are divided among three different entities: the State Treasurer, who has authority over hiring of investment staff; the Legislative Assembly, which has financing authority; and the OIC which has

responsibility for investment management. As a result of this structure, the state must rely on outside, third-party consultants to help manage much of the state's investments.

Senate Bill 1522

Regulates law enforcement use of automatic license plate reader systems

Automatic license plate reader systems (ALPRs) are small cameras that can be mounted on police cars or stationary physical structures, such as traffic light posts or bridges. The cameras capture the license plate number of each passing vehicle and match it to a time and location stamp. Law enforcement uses these cameras to match vehicle plate information against information available in databases such as the Law Enforcement Data System, the National Crime Information Center, and missing persons clearinghouses. There is no statewide policy on the use or disposal of information captured by these cameras.

Senate Bill 1522 would have prohibited the use of ALPRs outside of specified law enforcement and Department of Transportation purposes. Data collected by law enforcement for permissible uses, such as enforcing traffic violations, identifying vehicles associated with outstanding warrants or missing or endangered persons, would be destroyed within 14 days of capture unless the data produced a match or was held through a court order. The measure also required public bodies using ALPRs to adopt policies on ALPR use and privacy, to make those policies available on the agency's website, and to report on practices and statistics associated with ALPR use.

Senate Joint Resolution 201

Proposing constitutional amendment to change length of annual sessions of Legislative Assembly

Senate Joint Resolution 201 would have referred to voters, for approval or rejection, at the November 2014 General Election, an amendment to the Oregon Constitution to change the number of days that the Legislative Assembly may meet while in session. The measure would have limited sessions in odd-numbered years to not more than 150 calendar days, and even-numbered years to not more than 45 calendar days; in both cases, a session could have been

extended by five days with the consent of two-thirds of members of each chamber.

The constitutional amendment approved by voters in 2010 amended Article IV, Section 10 of the Oregon Constitution by amending the requirement that “the sessions of the Legislative Assembly shall be held biennially at the Capitol of the State commencing on the second Monday of September, in the year eighteen hundred and fifty eight, and on the same day of every second year thereafter, unless a different day shall have been appointed by law.”

Health Care

House Bill 4013

Electronic prescription transmissions for Schedule II controlled substances; step therapy protocols, reimbursement and clinical criteria

Federal law allows for prescribing of controlled substances in Schedules II – V by electronic means. ORS 475.185 prohibits the electronic prescribing of Schedule II controlled substances (e.g., codeine or morphine, or stimulants). House Bill 4013 authorizes practitioners to electronically transmit prescriptions for Schedule II controlled substances in non-emergency situations.

Step therapy is a technique employed by managed care health plans to control prescription drug utilization. Typically, step therapy (sometimes referred to as “fail-first”) protocols require a patient to try a particular medication or series of medications prior to obtaining other drugs to treat a specific condition. House Bill 4013 provides a statutory definition for step therapy and requires prescribers to have access to clear clinical criteria for step therapy protocol (the process by which a prescriber may submit to the insurer the practitioner’s medical rationale), and specifies the documentation that a practitioner must submit to the insurer, determining the appropriateness of step therapy for a specific patient.

Effective date: March 13, 2014

House Bill 4050

Reinsurance for businesses with 51-100 employees

“Self-insurance” is a term used to describe an option by which a company opts to assume the financial risk for managing its healthcare costs, rather than contracting with an insurer. Under self-insurance plans, the employer assumes the direct financial risk of providing health care benefits to employees and sets aside funds to manage that risk. Many employers choose self-insurance because it provides transparency, cost savings, portability, and flexibility for the employer to design a healthcare benefit plan that is customized for the employees. Reinsurance is important to self-insured plans because it keeps employees’ health coverage intact and protects the employers’ health insurance fund.

Beginning in 1996, Oregon law prohibited small businesses from self-insuring; as the definition of “small business” has changed, so has the self-insurance prohibition. House Bill 4050 removes the reinsurance prohibition, which allows small businesses that self-insure to purchase reinsurance.

Effective date: March 13, 2014

House Bill 4074

Medical imaging licensing requirements

House Bill 2245 (2009) required that all technologists licensed by the Board of Medical Imaging to have credentials issued by a nationally recognized organization; the requirement took effect January 1, 2014. Currently, all imaging modalities require a license to practice in Oregon, and these licenses are in addition to a technologist's primary X-ray license.

Meeting the minimum standards to sit for a national exam has proven to be a challenge for many technologists in rural hospital settings. Some rural hospitals lack the necessary patient volumes to sustain or garner the required hours of experience within the established time frame. House Bill 4074 authorizes the Board of Medical Imaging to waive certain requirements for individuals who have substantial experience, as determined by the Board, and who are medical imaging employees of a rural hospital.

Effective date: March 13, 2014

House Bill 4085

Colorectal cancer screening

According to the current recommendations of the United States Preventive Services Task Force (USPSTF), an independent panel of clinicians and scientists, insurers are required to provide coverage for evidence-based items or services that have a rating of "A" or "B." The letter grade rating indicates that the panel has determined that there is a high certainty that the services have a

substantial or moderate net benefit. Colorectal cancer screening in adults beginning at age 50 is an A-rated service and is required under federal law.

A major component of a colonoscopy is polyp detection and removal. On February 20, 2013, the Department of Labor, Health and Human Services and the Treasury released guidance describing colonoscopy coverage and cost-sharing requirements. The guidance states that the removal of polyps, during a colonoscopy is an integral part of the procedure and therefore not subject to cost-sharing. House Bill 4085 modifies the requirements for insurance coverage of colorectal cancer screening examinations and polyp removal.

Effective date: March 3, 2014

House Bill 4108

Durable medical equipment re-use programs

Durable medical equipment (DME) is any equipment that provides therapeutic benefits to a patient in need due to a medical condition and/or illness. DME includes, but is not limited to wheelchairs (manual and electric), traction equipment, canes, crutches, walkers, dialysis machines, ventilators, oxygen monitors, lifts, etc. Used DME is often refurbished and issued to new clients, allowing the same equipment to serve several patients over time. Some states have enacted successful DME recycling programs.

House Bill 4108 requires the Oregon Health Authority (OHA) to contract with one or more community-based care organizations to operate a pilot project to test whether used

durable medical equipment could be provided to medical assistance recipients in a safe, functionally appropriate, and cost-effective manner. The pilot project shall serve medical assistance recipients who live in Washington, Multnomah, Clackamas, Umatilla, Marion, and Polk counties and may be expanded as OHA sees appropriate. The measure appropriates \$75,000 from the General Fund for providing grants to community care organizations operating the pilot project. OHA is directed to assess the success of the pilot project and report back to the Legislative Assembly by February 1, 2016.

Effective date: April 1, 2014

House Bill 4109

Basic Health Program Option

A Basic Health Program (BHP) is an insurance affordability program, allowed in the federal Affordable Care Act, to make health insurance more accessible to lower-income individuals who do not qualify for Medicaid.

House Bill 4109 requires the Oregon Health Authority (OHA) to commission an independent study on the feasibility of establishing a BHP in Oregon and report the findings to the Legislative Assembly no later than November 30, 2014. The study must estimate the affected populations, available federal funding, state expenses and administrative costs, impact to Oregon's health insurance exchange, the rate of coverage of the BHP option compared to the non-basic health plan environment, and the additional impacts to affected populations regarding affordability and continuity of

coverage. The measure allocates \$60,000 from the General Fund to the OHA's budget to contract for the study.

Effective date: April 1, 2014

House Bill 4110

Health benefit plan covered services for person in custody of county jail

Currently, when an individual is arrested, whether it is by the Oregon State Police, a city police officer, or by a sheriff's deputy, the individual is housed in the county jail. Sometimes, the length of stay can be days, weeks, months, and maybe years. Once these individuals are placed in custody, federal health care programs stop (Veterans Benefits, Medicaid, and Medicare), state benefits stop (Oregon Health Plan) and private insurance coverage ceases, leaving the inmates' health care costs to the Office of the Sheriff's public safety budget.

House Bill 4110 prohibits insurers from denying reimbursement under a health benefit plan for covered services provided to pre-adjudicated persons in the custody of a local supervisory authority. Additionally, the measure requires insurers to reimburse local supervisory authorities at no less than 115 percent of the Medicare rate for the services provided. Finally, the measure details specific rights and prohibitions of insurers related to reimbursements and the provided services, and prohibits public bodies from paying plan premiums on behalf of a person in the custody of a local supervisory authority.

Effective date: January 1, 2015

House Bill 4154

Oregon Health Insurance Exchange

Cover Oregon is the health insurance exchange for Oregon. Health insurance exchanges were authorized in 2010 as part of the federal Affordable Care Act (ACA), which allowed states to either establish their own health insurance exchanges or allow the federal government to administer one for the state. In 2011, the Oregon Legislative Assembly passed Senate Bill 99, creating Oregon's exchange.

House Bill 4154 requires Cover Oregon to request federal approval to protect Oregon residents and businesses from the consequence of operational delays in the Cover Oregon website. The measure provides employees of Cover Oregon subject to the state whistleblower protections and temporarily expands the Governor's power to remove members of the Cover Oregon Board.

Effective date: March 19, 2014

Senate Bill 1519

Testing of autoclave or heat sterilization device in dental offices

The mission of the Oregon Board of Dentistry (OBD) is to protect the public by assuring that Oregonians receive the highest possible quality oral health care. The OBD has required that dental office sterilizers be monitored weekly since 2004. Additionally, the OBD requires retention of the weekly records for the current year, plus the two previous years. The OBD has recently begun

to request the spore testing records when they receive a sterilizer-related complaint.

Senate Bill 1519 requires dentists to test, at least weekly, their autoclaves and other heat sterilization devices. The measure also directs the OBD to dismiss any pending disciplinary matter and to remove the licensee's name from the website where the name is posted in connection with any disciplinary action relating to the testing of an autoclave or heat sterilization device. Additionally, the measure specifies that the disciplined licensee may not bring cause of action against the entity that tested the licensee's device on grounds related to that specific testing.

Effective date: March 3, 2014

Senate Bill 1526

Children's Health Insurance Program

The Children's Health Insurance Program (CHIP) provides health coverage to approximately eight million children in families with incomes too high to qualify for Medicaid, but that cannot afford private insurance coverage. Signed into law in 1997, CHIP provides federal matching funds to states to provide this coverage. Like Medicaid, CHIP is administered by the states, but is jointly funded by the federal government and states. The federal matching rate for state CHIP programs is typically about 15 percentage points higher than the Medicaid matching rate for each state; thus, a state with a 50 percent Medicaid Federal Medical Assistance Percentages (FMAP) has an "enhanced" CHIP matching rate of 65 percent. Every state administers its own CHIP program with broad guidance from CMS.

Senate Bill 1526 requires the Oregon Health Authority (OHA) to investigate whether the Centers for Medicare and Medicaid Services (CMS) would approve matching funds from federal CHIP to the state for subsidizing health insurance costs provided by a commercial insurer to eligible children for the Health Care for All Oregon Children Program. The measure also directs OHA to report the findings to the interim health care committees by September 15, 2014.

Effective date: March 3, 2014

Senate Bill 1542

Oregon Home Care Commission home care workers registry

In 2000, the citizens of Oregon voted to amend the State Constitution to create the Oregon Home Care Commission. The Commission is responsible for ensuring the quality of home care services that are funded by the Department of Human Services for seniors and people with disabilities covered by Medicaid. Additionally, the Commission is responsible for addressing the needs of persons with developmental disabilities, mental illnesses, their family members, and personal support workers. The Commission facilitates filing workers' compensation claims for both home care workers and personal support workers.

Senate Bill 1542 directs the Commission to administer a program enabling private payers to buy home care services through the home care registry. The measure specifies that the Commission will be responsible for a variety of tasks, including publicizing the registry, screening workers, setting standards, providing referrals, establishing rates, and paying wages. Additionally, the measure requires that

private pay consumers pay the Private Pay Consumer program in advance for services and authorizes the Commission to establish payment rates to generate sufficient revenue to reimburse up to 107 percent of the costs associated with the program. Finally, Senate Bill 1542 ensures that the state incurs no liability for the costs of the private pay, in-home care program by specifying that: (1) the Commission may modify private payer payment rates if payment revenue is insufficient to cover the costs of the program, and; (2) if payment modification does not generate sufficient revenue to pay the costs of the program, the Commission may suspend the program following 30-days advance, written notice to private payers and home care workers participating in the program.

Effective date: April 1, 2014

Senate Bill 1553

Oregon Public Guardian and conservator within office of Long Term Care Ombudsman

Guardianship and conservatorship are court-ordered protections that are ordered for those not capable of protecting themselves. When a court finds that a person is incapable of making decisions about his or her own basic health, safety, and financial needs, such that serious physical injury or illness is likely to occur, a guardianship or conservatorship may be ordered. The basis for incapacity may stem from severe mental health conditions, developmental disabilities, and age-related conditions.

Senate Bill 1553 directs the Long Term Care Ombudsman (LTCO), in consultation with the Residential Facilities Advisory Committee, to appoint the Oregon Public

Guardian and Conservator (PG) in the office of the Long Term Care Ombudsman to provide public guardian and conservator services for persons claiming to be without relatives or friends willing or able to serve as guardians or conservators and claiming to lack the financial resources necessary to obtain a private guardian or conservator. In addition, the measure specifies that the LTCO is charged with supervising, monitoring, advising, and supporting the PG and permits the PG/LTCO to hire or contract with volunteers, staff, deputy public guardians, and conservators, as well as other qualified individuals to carry out the provisions of the measure.

Effective date: April 1, 2014

Senate Bill 1562

Health insurance coverage for diabetes management during pregnancy; Cover Oregon reporting requirements

Diabetic women who become pregnant have a higher risk of birth abnormalities or neonatal death, as well as delivery problems as a result of the fetus's exposure to high blood sugars. House Bill 2432 (2013) prohibited cost sharing for health services, medications, and supplies that are medically necessary for a pregnant woman to manage her diabetes from conception to six weeks postpartum. Senate Bill 1562 clarifies that the benefit provided under House Bill 2432 extends from pregnancy through six weeks postpartum.

Cover Oregon is the health insurance exchange for Oregon. Health insurance exchanges were authorized as part of the federal Affordable Care Act in 2010, which allowed states to either establish their own health insurance exchanges or allow the

federal government-run one on the state's behalf. In 2011, the Legislative Assembly created Oregon's exchange by enacting Senate Bill 99. Senate Bill 1562 requires state agencies to provide to the executive director of the Oregon Health Exchange Corporation any reports or findings resulting from an independent review, investigation, or audit of the development, implementation, or quality control of the health insurance exchange if the review, investigation, or audit is contracted for or paid for, in whole or in part, by a state agency.

Effective date: March 13, 2014

Senate Bill 1577

Missing vulnerable adult policies; detection and prevention of improper payments in state medical assistance program

Modeled after Amber Alert systems for missing children, Silver Alert programs enable authorities to use a public notification system to broadcast information when a vulnerable adult goes missing. In many cases, the missing adults are people with Alzheimer's disease, dementia, or other mental disabilities. Senate Bill 1577 establishes a Silver Alert program in Oregon to aid in the return of missing vulnerable adults, including individuals with Alzheimer's disease and dementia; impaired with mental conditions, intellectual or developmental disability; or brain injury.

In 2011, the Centers for Medicare & Medicaid Services (CMS) implemented the Fraud Prevention Initiative, a tool to fight fraud and protect taxpayer dollars. The federal government estimates that state Medicaid programs attribute \$18 billion annually to fraud. Currently, the Medicaid

practice is to pay claims as they are presented and attempt to recover overpayments or fraud later; this is referred to as the “pay and chase” model. In many cases, it is more difficult to recover dollars than it is to deny initial payment claims. Senate Bill 1577 requires the Oregon Health Authority to request proposals to establish and operate systems and technologies designed to detect and prevent improper payments in state medical assistance programs and to incorporate the latest technologies for preventing fraud and abuse before it occurs.

Effective date: March 3, 2014

Senate Bill 1579

Requires health plans with prescription drug benefits and coordinated care organizations to adopt synchronization policy for refill dates of patients’ prescriptions

Medication synchronization allows patients to synchronize their medication refills all on a specified day during the month or cycle, or according to the patient’s plan. Synchronization facilitates a process to codify medication therapy management through increased engagement of the practitioner, the pharmacist, and the patient.

Senate Bill 1579 requires each health benefit plan, self-insured health plan, and coordinated care organization to have a synchronization plan in place by January 31, 2015.

Effective date: January 1, 2015

Senate Bill 1582

Temporary Medical Insurance Program

The Oregon Medical Insurance Pool (OMIP) was created in 1987 to provide medical insurance coverage to Oregon residents with pre-existing conditions. OMIP clients were, by the end of 2013, to be transferred directly to the Oregon Health Plan (OHP) or directed toward Cover Oregon for eligibility determination and then coverage in either a Qualified Health Plan (QHP) or OHP. However, as the Cover Oregon rollout became increasingly delayed, it became apparent that not all of the OMIP members would make it through the Cover Oregon process, leaving some without health insurance coverage on January 1, 2014. The OHA began the process of creating the Temporary Medical Insurance Program (TMIP) in December 2013. The program was implemented in time to provide a safety net for former OMIP members so they would not be without health insurance on January 1, 2014.

Senate Bill 1582 authorizes the OMIP board to pay for costs of the TMIP, and indicates that the first funding source to be used is the ending balance remaining from the expired premium tax. The measure also provides flexibility to the Oregon reinsurance program for potential changes to the federal reinsurance program. Senate Bill 1582 also allows insurers to continue a transitional health benefit plan until December 31, 2015 or later, if the federal government issues guidance that allows an extended period for such renewals.

Effective date: March 19, 2014

LEGISLATION NOT ENACTED

Senate Bill 1560

Telemedicine services

Telemedicine is the use of medical information exchanged from one site to another via electronic communications for patient care. Telemedicine includes a variety of applications and services using two-way video, email, smart phones, wireless tools, and other forms of telecommunications technology.

Senate Bill 1560 would have expanded reimbursement for telemedicine services from those delivered in hospitals, health clinics, and other healthcare institutions to include services delivered to patients in their homes, schools, and workplaces. A work group, organized by Telehealth Alliance of Oregon, is working to develop recommendations to be considered for the 2015 legislative session.

Senate Bill 1569

Requires Oregon Health Authority to establish and maintain list of high-priority chemicals of concern for children's health and used in children's products

Recalls of children's toys and products, containing dangerous chemicals, have increased during the past several years. With this increase of notifications, awareness and regulations relating to dangerous chemical exposure has increased as well.

Senate Bill 1569 would have required the Oregon Health Authority (OHA) to establish and maintain a list of chemicals that pose a concern for children's health that are used in children's products. The measure would have required manufacturers of children's products sold or offered for sale in Oregon to provide notice, on an annual basis, to OHA if their products contain a chemical on the list. To ensure compliance with notification requirements, OHA would have been permitted to conduct testing of children's products sold or offered for sale in Oregon.

The measure was modeled after similar legislation enacted in Washington, the Children's Safe Products Act of 2008. The Washington act requires major companies making children's products to report the presence of toxic chemicals in their products and for the Washington Department of Ecology, in consultation with the Department of Health, to develop a list of chemicals that manufacturers must report on; this list is called the Reporting List of Chemicals of High Concern to Children. The chemicals on the list are toxic and have either been found in children's products or have been documented to be present in human tissue (blood, breast milk, etc.).

Human Services

House Bill 4028

Balancing the risks and benefits of lottery games

The Oregon State Lottery is mandated to maximize revenues, commensurate with the public good. At least 84 percent of total annual lottery revenues must be returned to the public by law, with at least 50 percent returned in the form of prizes. As of June 2009, approximately 47,019 adult Oregonians were considered problem gamblers, with 27,658 of those considered pathological. The State of Oregon Department of Human Services' Gambling Programs Evaluation Update of 2009 estimated the annual socioeconomic cost of problem gamblers receiving treatment in Oregon to be in excess of \$41.5 million per year.

House Bill 4028 states that the Lottery may expend funds that are already allocated for costs of administration for the prevention and treatment of problem gambling, consistent with state policy of minimizing risks and mitigating harm associated with lottery games.

Effective date: March 13, 2014

House Bill 4038

Sales of manufactured home parks to residents

Owners of manufactured home parks may rent space to residents for placement of manufactured homes. Owners provide basic utilities, and sometimes also provide amenities such as shared community and recreational areas. Manufactured home parks are a significant source of affordable

housing. When a park is sold, residents can experience substantial burdens. They may be forced to relocate, potentially at great expense. If they cannot relocate, their home's value can be entirely diminished.

Current law provides for the sale of manufactured dwelling parks to tenant associations. If a tenant association exists and has informed a park owner in advance of its interest in purchasing a park, then the owner must notify the association of any potential sale. Thereafter, the association has a 14-day right of first refusal. House Bill 4038 requires park owners to notify individual park residents if the owner is interested in selling the park, prior to marketing it or considering offers. It also creates a process for unassociated residents to organize to compete to purchase the park.

Effective date: January 1, 2015

House Bill 4065

Notice of sale of foreclosed home to include possibility of meth contamination

Methamphetamine (meth) is made from common household items that are mixed together, or "cooked," to produce the drug. The chemicals used to manufacture meth may cause cancer, brain/nervous system injury, injury to the liver and kidneys, birth defects, and reproductive disorders. Meth production also generates a large amount of toxic chemical waste. This waste can contaminate all surfaces where the methamphetamine is made. If not properly decontaminated, the contamination will persist on surfaces for years. Even after proper decontamination there is risk of exposure. In Oregon, if a property is known to have been the site of meth production or storage, it is considered uninhabitable until

it is decontaminated by a certified contractor and the Oregon Health Authority issues a certificate of fitness.

When real property that was acquired as a result of foreclosure is sold, it is typically sold “as is,” with no opportunity for purchasers to test for substances before bidding. House Bill 4065 requires a statement to be included on the notice of a trustee’s sale of a foreclosed residence, cautioning prospective purchasers about the possibility of methamphetamine contamination.

Effective date: January 1, 2015

House Bill 4151

Modifying civil investigations of elder abuse

House Bill 4151 makes modifications to civil processes: it changes certain civil definitions of abuse, creates deadlines for investigations by the Department of Human Services (DHS), and requires certain recordkeeping and information-sharing by DHS. It also makes the work group a permanent body, named the “Oregon Elder Abuse Prevention Work Group,” and reinstates its original mandate from 2011.

House Bill 4151 is the third measure drafted by a work group that began meeting in 2011, in order to align and improve Oregon’s criminal and civil processes for reporting and investigating allegations of elder abuse. The previous two measures drafted by the work group were House Bills 4084 and 2205 (from 2012 and 2013, respectively). Those measures made modifications to criminal laws and processes, and expanded Oregon’s mandatory reporting statutes to include elder abuse. The first Elder Abuse Work Group was created by House Bill 2325 (2011). That

Work Group was renewed, and given revised direction, by House Bill 4084 (2012). Similarly, House Bill 2205 (2013) continued the Work Group.

Effective date: April 1, 2014

LEGISLATION NOT ENACTED

House Bill 4073 and House Bill 4115

Regulating electronic cigarettes

Electronic cigarettes are battery-operated, handheld devices that simulate smoking. They were developed largely in response to smoking bans, to enable the inhaled consumption of nicotine without producing smoke. Use of electronic cigarettes is commonly called “vaping” instead of smoking. Electronic cigarettes contain a heating element to convert liquid inside a replaceable cartridge, which may include nicotine, into a water-based mist or vapor for inhalation. The liquid may also contain other chemicals, or be “flavored.” Electronic cigarettes do not produce smoke or other byproducts of burning tobacco that conventional cigarettes do. The primary design is rod-shaped and not easily confused with conventional cigarettes, although some designs deliberately mimic the look of a conventional cigarette. Research into a wide range of concerns is generally inconclusive, including: first- and second-hand health effects for adults and children; the possibility of enabling new nicotine addicts; the potential use as a smoking reduction or cessation tool for existing nicotine addicts; and the potential for misuse for delivery of

controlled substances. Currently, about 27 states have at least prohibited the sale of electronic cigarettes to minors.

Both House Bill 4073 and 4115 would have expanded the applicability of laws governing minors' access to, possession of, and use of

tobacco products to include vapor products. House Bill 4115 would also have extended Oregon's ban on smoking in cars with children present, and provisions of Oregon's Indoor Clean Air Act to include vaping and vapor products.

Judiciary

House Bill 4035

Corrections officers and weapons in vehicles

Currently, a corrections officer cannot keep a firearm in his or her vehicle while on Department of Corrections' (DOC) property, even if the officer has a concealed firearm permit. This is a matter of department policy.

House Bill 4035 allows a corrections officer, employed by the DOC, to possess a weapon in the officer's personal vehicle when the vehicle is in a DOC parking lot if: (1) the officer is present in his or her official capacity; (2) he or she has a valid Oregon concealed handgun license; (3) the weapon is in a locked container, including the glove compartment or trunk, inside the vehicle; and (4) the department does not provide a secured location. House Bill 4035 requires the officer to keep his or her firearm in the secured DOC location if one is available.

Effective date: June 6, 2014

House Bill 4066

Electronic court filing fees

House Bill 4066 authorizes the Chief Justice to establish fees for using the new electronic court records system and repeals the sunset on court filing fee increases approved in the 2013 legislative session.

Currently, Oregon courts use the Oregon Judicial Information Network system (OJIN) to electronically track cases. OJIN is thirty years old, and is being replaced with a new electronic court records system that offers expanded capabilities. In 2013, the Legislative Assembly authorized a five

percent filing fee increase to help fund the implementation of the new e-Court system. The five percent increase was scheduled to expire on June 30, 2013. Additionally, while the Chief Justice of Oregon has statutory authority to establish reasonable fees for access and use of OJIN, that authority did not extend to the new e-Court system.

Effective date: March 19, 2014

House Bill 4068

Concealed firearm permit and marijuana possession

House Bill 4068 allows a person with one violation or misdemeanor conviction for marijuana possession or one court diversion for marijuana possession to apply for a concealed firearm permit, regardless of whether the conviction was in Oregon or in another state. It also allows a person convicted of misdemeanor marijuana possession to obtain a concealed firearm permit after waiting four years from the date of conviction. Currently, a person who has been convicted of a misdemeanor violation for possessing marijuana is disqualified from obtaining a concealed firearm permit, as are persons convicted in other states for similar misdemeanor marijuana possession crimes.

It is a crime to possess marijuana in Oregon unless a person has a right to do so under Oregon's Medical Marijuana Act, (*see* ORS 475.300 to 475.346). The penalty for illegally possessing marijuana depends on the amount possessed. If the amount possessed is four avoirdupois ounces or more, possession is a Class C felony. If the amount is less than four avoirdupois ounces, but more than one avoirdupois ounce, possession is a Class B misdemeanor. If the

amount possessed is less than one avoirdupois ounce, possession is a violation with a presumptive fine of \$650. Possession of one-quarter ounce or more of a marijuana product is a Class C felony. Possession of under that amount is a Class B misdemeanor.

Effective date: January 1, 2015

House Bill 4081

Regulation of charitable organizations

In 2013, the Legislature enacted House Bill 2060, which gave the Attorney General the authority to issue an order to disqualify a charitable organization from receiving tax-deductible contributions if the Attorney General found that 30 percent or less of the charitable organization's total annual expenses were spent on program services. Charitable organizations report their expenses and contributions to the Attorney General on a periodic basis.

House Bill 4081 authorizes the Attorney General to take action against charitable organizations that willfully make false or misleading statements on annual reports or registration statements. The measure allows the Attorney General to suspend, revoke, or deny registration to, or impose a fine against, an organization that fails to correct willfully misleading documents or fails to file the required information.

Effective date: January 1, 2015

House Bill 4086

Mass Transit Records

Unless exempted, public records used or retained by a public body are subject to public disclosure whenever a member of the public requests them. Public disclosure exemptions have been established in ORS 192.501 under a case-by-case analysis for records requests. This analysis is made by the administrative agency that has authority over the exempted records.

House Bill 4086 amends ORS 192.501 so that personally identifiable information collected on passengers of a mass transit system are exempt from public disclosure unless the person requesting disclosure is able to prove, to the relevant administrative agency, that public interest in disclosure outweighs the private interest in the exemption.

Effective date: January 1, 2015

House Bill 4094

Providing limited immunity from minor in possession prosecution when minor seeks medical treatment for self or another.

Currently, ORS 471.430 prohibits a person who is under 21 years of age from purchasing, acquiring, or attempting to purchase alcoholic beverages. Violation of this section is known as a "minor in possession" or MIP charge. Conviction results in a Class B violation. Testimony indicated that young adults may not seek needed medical attention for a person suffering from an alcohol-related medical emergency because of the fear of receiving a MIP charge.

House Bill 4094 provides immunity to minors who seek medical or law enforcement assistance for themselves or another due to alcohol consumption and the only evidence of the violation is gathered from the act of seeking help. The measure does not provide immunity against other crimes or offenses, such as driving under the influence of intoxicants.

Effective date: January 1, 2015

House Bill 4114

Authorizing courts to establish protected person special advocates programs

A fiduciary relationship is a legal relationship in which a court gives a person or entity, the fiduciary, the duty and power to make decisions for another. A fiduciary may be: a guardian, who makes personal decisions for another; a conservator, who makes financial decisions for another; or both. Prior to the appointment of a guardian or conservator for an adult, the court must appoint a visitor to interview, investigate, and report on the need for the protection and the fitness of the potential fiduciary. After the appointment of a guardian or conservator, the only follow-up contact a court may have with a protected person or fiduciary is in the filing of the required annual guardianship report.

House Bill 4114 authorizes district courts to develop programs for using trained volunteers to serve as protected person special advocates. The advocates may visit the fiduciary and the protected person, review medical and financial records, assist

the fiduciary and protected person with connecting to community resources, and report to the court on the status of the protected person.

Effective date: March 6, 2014

Senate Bill 1531

Local control over medical marijuana facilities

Senate Bill 1531 allows a county or city to regulate the hours a medical marijuana facility may operate, where a facility may be located, and the manner by which medical marijuana is dispensed if the facility is within the county's or city's jurisdiction. Senate Bill 1531 also permits a county or city to place a moratorium on the operation of a medical marijuana facility until May 1, 2015, if moratorium is enacted no later than May 1, 2014. If a county or city places a moratorium on the operation, then anyone who operates or works for a medical marijuana facility is not immune from criminal liability.

Furthermore, Senate Bill 1531 prohibits the transfer of marijuana-infused products unless the product is properly packaged, and requires the Oregon Health Authority to consider the federal Poison Prevention Packaging Act when adopting regulations for the packaging of marijuana-infused products.

Effective Date: March 19, 2014

Senate Bill 1536

Juvenile court records

Senate Bill 1536 defines “public defense provider” and clarifies which of the juvenile court records public defense providers are allowed to see. It clarifies that terms “record of the case” and “supplemental confidential file” are included documents filed prior to the effective date of Senate Bill 622 (2013). It grants the Oregon Judicial Department (OJD) authority to permit access to juvenile court records to certain specified agencies, such as the Office of Public Defense Services, the Attorney General, and district attorneys. It gives the Chief Justice of the Oregon Supreme Court and the Chief Judge of the Oregon Court of Appeals, or a presiding judge of a judicial circuit, the authority to permit researchers or evaluators access to juvenile court records. It makes disclosure provisions operative on September 30, 2015. Finally, it clarifies that for adoption cases filed before January 1, 2014, a person over the age of 18 who would like access to his or her adoption records can obtain his or her name at birth, the names of his or her birth parents, and petitioners to the adoption proceedings.

Juvenile court records are kept separate and apart from other court records. They are confidential and can only be disclosed to certain persons involved in either the juvenile court proceeding or with the juvenile. The general public does not have access. However, Oregon juvenile court proceedings are open to the public.

Senate Bill 622 (2013) defined the “record of the case” and the “supplemental confidential file” in juvenile court proceedings. It outlined who has access to those records and files, and clarified that Native American tribes have the right to

inspect and copy the record of the case, including the confidential file, when tribal members are involved. After passage of Senate Bill 622, the OJD determined that the key application of provisions of Senate Bill 622 inadvertently created two sets of rules governing access to court records. Senate Bill 1536 is intended to rectify this unintended problem.

Effective date: March 13, 2014

Senate Bill 1540

Allows right of action under Unlawful Trade Practices Act for bad-faith patent infringement claims

Senate Bill 1540 prohibits claiming patent infringement in bad-faith and allows a person who has received a demand letter made in bad-faith to bring an action under the Unlawful Trade Practices Act. The measure specifies that a bad-faith claim can be evidenced by: a demand for a payment of fees within an unreasonable period of time; an unreasonable licensing fee; or a demand lacking a patent number, accurate contact information, comparison of claims, statement of facts, or explanation of the alleged infringement. It also allows a prosecuting attorney to investigate the claims and gives directions to the court on factors to consider in bad-faith claim determinations.

Patent infringement is subject to federal jurisdiction and is litigated in federal courts, but states may pass laws dealing with aspects of patent claims, so long as they do not conflict with the goals and objectives of federal patent law. Recently, local businesses have received demand letters from out-of-state patent aggregating entities demanding payment for patent infringement.

The demand letters often offer only vague details on the claimed patent infringement. Businesses reported paying the demand rather than fighting the claim in a costly court proceeding.

Effective date: March 3, 2014

Senate Bill 1550

Timing for commencing trials

Senate Bill 1550 requires that a trial must commence within two years from the date of the filing of the charging instrument if the most serious offense in the instrument is a misdemeanor, and within three years if the most serious offense in the charging instrument is a felony. These time limits cease to apply if the defendant fails to appear at trial. The measure excludes periods when the defendant is: being examined for fitness to proceed; determined to be unfit to proceed; being examined for mental disease, defect, or other mental defense raised by the defendant; or otherwise unable to appear because of illness. Senate Bill 1550 also excludes periods of time for interlocutory appeal or stays of proceeding by an appellate court in a mandamus or habeas proceeding, as well as any periods of time during which the defendant has attempted to avoid apprehension or prosecution or the defendant's location cannot be determined by due diligence. The measure requires a court to dismiss the charging instrument without prejudice unless the court finds substantial and compelling reasons to allow the proceeding to continue. Finally, the measure includes "reserve" police officer within the term "police officer."

Under former ORS 135.747, if a defendant was not brought to trial within a reasonable

time, then the charges were dismissed "without prejudice." "Without prejudice" meant that the person could be indicted again unless that statute of limitations had run out. One of the purposes of this statute was to clear court dockets of criminal matters that had been on the docket for a long period of time and were probably no longer prosecutable. ORS 135.747 was repealed, by House Bill 2962 (2013), on April 1, 2014. The purpose of this repeal was to give interested parties an opportunity to develop a new statutory framework for bringing defendants to trial in a timely manner.

Effective date: March 13, 2014

LEGISLATION NOT ENACTED

House Bill 4026

Use of ignition interlock devices in DUII diversion programs

Oregon allows some persons who have been charged with driving under the influence of intoxicants (DUII) to undergo a diversion program. Successful completion of the program may result in the DUII charge being dismissed. In order to complete a diversion program, a person must pay the required fees, complete a drug and alcohol assessment and treatment program, attend a victim impact panel, refrain from using any drugs or alcohol during the diversion program, and install an ignition interlock device on all vehicles the person may operate during the term of the diversion program.

House Bill 4026 would have changed the method for use of ignition interlock devices in diversion programs. The introduced version of the measure would have required that all negative reports be downloaded and sent to the specified parties. The B version of the measure would have limited the required use of interlock devices to cases in which the person had a blood alcohol content of 0.15 percent by weight or refused to provide a chemical test. In all other cases, the court would determine whether the person should have an ignition interlock device installed on their vehicles.

House Bill 4036

Felony assault by a state hospital patient

House Bill 4036 would have expanded the crime of assault in the third degree to include knowingly or intentionally causing physical injury to an employee or patient of the Oregon State Hospital.

Assault in the third degree is a Class C felony, and is punishable by up to five years in prison. The classification of assault is related to the severity of the injury, the mental state of the assailant, and any relevant special circumstances. The Oregon State Hospital testified that from July, 2012 to June, 2013 there were 771 assaults on employees of the hospital by patients. The Oregon Legislature allocated \$200,000 to the Marion County District Attorney's office for the prosecution of assaults committed by patients of the hospital against staff.

House Bill 4143

Redistribution of class-action award remainder to Legal Services Program

When an award of damages is made in favor of the injured parties in a class action suit, a percentage of the injured parties do not file a claim and do not receive their portion of the award. Under current Oregon law, damages are set aside for all injured parties in a class action suit and all unclaimed damages are returned to the defendant. Procedures for notifying the class of the award are found in Rule 32(f) of the Oregon Rules of Civil Procedure.

House Bill 4143 would have directed courts to order all unclaimed damages of a class action suit to be deposited in the Legal Aid Supplementary Account. The interest earned on the money in the Account would have been disbursed on a quarterly basis to the Oregon State Bar only for use in funding the Legal Services Program. The measure also removed the specific language on class notification of awards and instead gave the court discretion to determine how to notify the class.

Senate Bill 1551

Background checks for firearm transfers

Senate Bill 1551 would have required a person transferring a firearm to another person in a private sale or transfer, including but not limited to sales executed both at and outside of gun shows, to do a background check on the other person. The bill included exemptions from this provision for a transfer to: a person's spouse or domestic partner; a person's parent or step-parent; a person's child or step-child; a person's sibling; a

person's grandparent; a person's previously listed spouse; or, a person's niece or nephew. Additionally, Senate Bill 1551 would have exempted a transfer by a personal representative of a deceased person.

Under ORS 166.412, a gun dealer must do a criminal records background check through the Oregon State Police on the prospective purchaser. ORS 166.438 requires a person transferring a firearm at a gun show to also do a background check on a prospective purchaser through the State Police. Currently, there is no obligation on the seller of a firearm who is not: (a) a gun dealer, or (b) a seller at a gun show, to do a background check of the prospective purchaser.

The Oregon Constitution provides Oregonians the right to bear arms collectively through a militia. The Second Amendment to the United States Constitution provides that, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Senate Bill 1556

Recreational use of marijuana

Senate Bill 1556 would have referred an initiative to the voters for the November 2014 general election. If successful, that initiative would have directed the 2015 Legislative Assembly to, "enact laws that define, limit, or otherwise regulate the possession, transfer, production, and taxation of marijuana that are not otherwise defined, limited, and regulated by the Oregon Medical Marijuana Act." Senate Bill 1556 would also have directed the 2015 Legislative Assembly to allow a person 21 years or older to possess, transfer, or produce marijuana. Finally, Senate Bill 1556 would have allowed a person to legally keep eight ounces or less of marijuana and four or fewer plants in the person's home, and would have allowed a person to keep up to one ounce of marijuana in a public place so long as the person is not using it and the marijuana is not in public view.

ORS 475.300 to 475.346, the Oregon Medical Marijuana Act, allows doctors to prescribe marijuana to patients suffering from a debilitating medical condition. Otherwise, the possession, distribution, and production of marijuana is illegal in Oregon.

Labor and Employment

House Bill 4104

Interim medical benefits on workers' compensation claims

House Bill 4104 removes the limitation on interim medical benefits for specified types of services. It requires health benefit plans to expedite pre-authorizations, and guarantee payment of expenses for medical services provided prior to the acceptance or denial of the claim, according to the terms, conditions, and benefits of the plan. It also indicates that once a claim is accepted, the workers' compensation insurer or self-insured employer shall pay for medical services provided, subject to terms and conditions of workers' compensation statutes. In the case where a claim is denied, then the health benefit plan shall pay for medical services provided according to the terms, conditions, and benefits of the plan. Additionally, the measure removes the requirement that the workers' compensation insurer or self-insured employer pay any balance after the health benefit plan makes payment on denied claims. Furthermore, the measure amends the state insurance code to specify that health benefit plans may not exclude, and shall expedite pre-authorizations required for, work-related injuries or occupational diseases when the worker is waiting for a workers' compensation claim to be accepted or denied. Finally, the measure also requires plans to guarantee payment of pre-authorized medical services according to the terms, conditions, and benefits of the plan if the claim is found not to be a compensable workers' compensation claim.

A workers' compensation claim must be accepted or denied within 60 days after the employer has notice or knowledge of the claim. During the time it takes to make the determination, the worker is eligible to

receive interim medical benefits for diagnostics, pain alleviation, and services to stabilize the worker's condition and prevent further disability. Prior to 2001, there was no guarantee the medical provider would be paid for services provided before the claim was accepted or denied. Without guaranteed payment, medical providers were reluctant to provide services. Passage of Senate Bill 485 (2001) was intended to provide assurance of full payment to the medical provider.

Effective date: January 1, 2015

Senate Bill 1518

Changes definition of supervisory employee to exclude certain firefighters for collective bargaining purposes

The Public Employee Collective Bargaining Act (PECBA) codifies laws governing employment relations between public employers and their employees in counties, cities, school districts, transportation districts, state and local governments, and some private employees not subject to the jurisdiction of the National Labor Relations Board. Under the PECBA, certain persons are prohibited from organizing, including: elected officials; persons appointed to serve on boards or commissions; and confidential, managerial, or supervisory employees.

Senate Bill 1518 modifies the definition of supervisory employees to exclude firefighters who assign, transfer, or direct the work of other employees, but do not have authority to hire, discharge, or impose economic discipline on other employees. Such firefighters would then be eligible to organize.

Effective date: March 3, 2014

Land Use

House Bill 4029

Annexation process for tracts of land on the City of Damascus boundary

House Bill 4029 establishes a process and authorizes owners of tracts of lands located on the Damascus boundary and within one-half mile of another city to withdraw from the city. The measure also requires the legislative body of the city to hold a hearing on the withdrawal within 30 days after receipt of the written statement, and to withdraw the tract from the city at or immediately after the close of the hearing.

ORS 197.757 requires newly incorporated cities to have comprehensive plans and land use regulations acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with the statewide planning goals no later than four years after the date of incorporation. The City of Damascus incorporated in 2004 but was unable to complete its plan by the 2008 deadline and has missed three subsequent extensions. In 2010, the Damascus City Council adopted its first comprehensive plan and map and requested acknowledgement but a May 2011 city referendum overturned the comprehensive plan. In 2012, a local initiative required the public to vote on ordinances or plans. In November 2013, LCDC voted to initiate enforcement proceedings under ORS 197.324 for failure to make satisfactory progress towards its compliance schedule, failure to comply with LCDC orders, and failure to adopt a comprehensive plan and land use regulations.

Effective date: March 19, 2014

House Bill 4078

Validation of the Urban Growth Boundary, and the Washington County urban and rural reserves

State land use laws require Metro to maintain a 20-year supply of buildable land within the urban growth boundary (UGB). On October 20, 2011, after completing public hearings on a proposed expansion, the Metro Council unanimously adopted Ordinance No. 11-1264B (Ordinance), which expanded the UGB to fill a projected unmet need for housing and industries. After holding public hearings, the Land Conservation and Development Commission (LCDC) voted unanimously to accept the expansion of the UGB by the Ordinance on June 14, 2012. Three appeals of the decision were subsequently filed with the Court of Appeals. On February 20, 2014, the Court of Appeals reversed and remanded decisions made by LCDC, Metro, and the three urban counties of the Portland region designating urban and rural reserves.

House Bill 4078 validates the UGB, and the Washington County urban and rural reserves adopted by Metro, except for certain areas as specified in the measure. The measure stipulates that land in a Metro county that is planned and zoned for farm, forest, or mixed farm and forest use, and is not designated as an urban reserve, may not be included within the UGB before at least 75 percent of the land in the county has been included in the UGB and planned and zoned for urban uses. House Bill 4078 allows the metropolitan service district an additional year to complete inventory, determination, and analysis. The measure also requires LCDC to issue a final order within 180 days after LCDC votes whether to approve a specified decision.

Effective date: April 1, 2014

LEGISLATION NOT ENACTED

House Bill 4017

Keizer Local Improvement District

Local Improvement Districts (LIDs) are a financing tool for developing infrastructure which provides a specific benefit to the properties included in the LID. It can be used to finance water, sewer, storm water, or road and sidewalk improvements that do not provide capacity improvement. LIDs are authorized generally by ORS 223.387 to 223.401; these statutes allow local governments to create a local procedure for creating and finalizing assessments for benefits from a local improvement.

House Bill 4017 applied to a property in Keizer, Oregon which was originally purchased for \$0.2 million. The LID improvements and subsequent rezoning increased the value to \$2 million. The assessment on the property for the LID was \$6 million. At the time of consideration, the property was being foreclosed on by the City of Keizer. House Bill 4017 would have established that in this situation, if the court had found that the assessment or reassessment exceeded the dollar value of the special benefit attributable to the local improvement on the date that it was imposed, the court had to issue a judgment revising the original assessment down to the dollar value of the special benefit attributable to the local improvement on the date that it was imposed.

House Bill 4128

Annexation votes

Annexation is the process of incorporating a piece of property into the boundaries of a city, thereby making the property and those who live there eligible for services provided by the city. Annexation can be initiated by the city or by the property owner. It is a locally driven process with guiding state statutes, including ORS Chapters 195 and 222.

Currently, ORS Chapter 222.750 states that if a city charter, ordinance, or resolution requires a city to hold an election on the question of annexation, a combined majority of votes cast in the city and the territory are required to approve the annexation. House Bill 4128 would have required a majority of votes within a city, in addition to a majority of votes within the area to be annexed, if the area to be annexed was 100 acres or larger.

Senate Bill 1575

Uses in forest and mixed farm/forest zones

State law defines permitted and conditional uses outside of an urban growth boundary. Permitted uses are typically related to farm and forest use; conditional uses are usually not related. Permitted uses are reviewed by a planning official but do not generally involve consideration of discretionary approval criteria, special permits, or conditions. Conditional uses allow activities that are not acceptable throughout the entire zone, but may be appropriate where not

found to be incompatible with nearby farm and forest operations. A county may include conditions in the conditional use permit to reduce impacts on the surrounding area.

Senate Bill 1575 would have established that a permanent or temporary facility for utilizing raw logs as an outright permitted use of land zoned for forest use or mixed farm and forest use.

Transportation

House Bill 4047

Task Force on Transportation and Customer Service Efficiency

The Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT) operates field offices throughout the state that provide customer service for a number of transactions, including: application for and renewal of driver licenses and identification cards; creation and renewal of vehicle registrations; titling of motor vehicles; and written and road tests for licensure. Not all services are provided at all DMV offices; some offices are referred to as “full service” offices. While office hours for DMV offices vary, no office is open on weekends, or state or federal holidays. The DMV’s website suggests that the best time to visit a field office is before noon, during the middle of the week, and during the middle of the month. Conversely, the longest waits occur during lunch time, on Mondays, Tuesdays, and Fridays, on the first or last week of the month, or the day before or after a holiday. The website also provides information for completing transactions online as an alternative to visiting a field office.

House Bill 4047 creates a Task Force on Transportation and Customer Service Efficiency, comprised of 11 members (which includes two nonvoting legislative members) to study the efficiency of services provided at DMV field offices and to make recommendations to ODOT’s Director on changes and improvements that could and should be made to DMV’s customer service delivery methods. State agencies are directed to provide information as requested,

and staffing is to be provided by the Department of Administrative Services. The Task Force is directed to submit a report of its findings and recommendations to the Legislative Assembly by November 1, 2014.

Effective date: April 1, 2014

House Bill 4086

Mass Transit Records

Unless exempted, public records used or retained by a public body are subject to public disclosure whenever a member of the public requests them. Public disclosure exemptions have been established in ORS 192.501 under a case-by-case analysis for records requests. This analysis is made by the administrative agency that has authority over the exempted records.

House Bill 4086 amends ORS 192.501 so that personally identifiable information collected on passengers of a mass transit system are exempt from public disclosure unless the person requesting disclosure is able to prove, to the relevant administrative agency, that public interest in disclosure outweighs the private interest in the exemption.

Effective date: January 1, 2015

House Bill 4131

Payment of fuel taxes for alternative fuel vehicles

Under current law, motor vehicle users pay taxes on the fuel they use in their vehicle, whether it is gasoline, diesel, propane, compressed natural gas, or biodiesel fuel. The tax is paid at the pump when the fuel is purchased. The State of Oregon taxes motor fuels at a rate of 30 cents per gallon. The same is true for vehicles that run on propane or compressed natural gasoline (CNG). However, because these fuels are dispensed in gaseous form, it is necessary to convert the amount of propane and CNG to a figure that is equal to a gallon of liquid fuel. For propane, this is calculated by dividing taxable gallons by 1.3; for CNG, it is calculated by dividing taxable gallons by 1.2. All commercial fueling stations are set up to collect motor fuel taxes. However, not all commercial fueling stations that carry propane or CNG for non-roadway use also sell those fuels for use in vehicles due to the complexity of calculating and collecting the converted use-fuel tax. As a result, fueling options are limited for owners of vehicles that use propane or CNG.

House Bill 4131 allows an owner of a vehicle that utilizes propane or CNG to purchase a decal annually, in lieu of paying the use-fuel tax at the pump. The fee for the decal is based primarily on the weight of the vehicle. Persons with such a decal would be able to fuel their vehicle at any commercial fueling station that dispenses propane and/or CNG. The measure creates a program similar to those that have existed in California, Washington, and Idaho since the 1970s.

Effective date: July 1, 2015

House Bill 4149

Expedited vehicle titling

House Bill 4149 establishes a separate route for acquiring an expedited vehicle title from the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation. Upon request by a vehicle dealer, and with payment of an additional \$100 fee, the dealer will receive the vehicle title with a shorter turnaround time, projected to be approximately five business days, compared to the typical time frame of three weeks.

The DMV provides a service in which a vehicle dealer may expedite the process for receiving a replacement title on a vehicle in cases where documentation timelines are a factor due to federal odometer rules. Federal rule requires that the odometer disclosure from the owner of record be made on the title itself. In cases where the title is lost, a replacement title must first be obtained to enable proper disclosure.

Effective date: January 1, 2015

LEGISLATION NOT ENACTED

House Bill 4113

Interstate 5 Bridge Replacement Project

The Interstate 5 bridge replacement project, also known as the Columbia River Crossing (CRC), is a bridge, transit, highway, bicycle, and pedestrian improvement project originally proposed by the Oregon Department of Transportation (ODOT), the Washington State Department of Transportation (WSDOT), and multiple federal and local agencies. The project proposes to replace the existing two highway spans on Interstate 5 across the Columbia River with two new spans, along with new interchanges on both the Oregon and Washington sides of the river and extension of light rail public transit into Vancouver, Washington.

Following passage of House Bill 2800 (2013), which authorized Oregon's participation in and funding of the project, the State of Washington failed to enact similar legislation to authorize funding. The project was subsequently revised to focus on a segment of the I-5 corridor, beginning at the State Route 14 interchange in south Vancouver and extending to just north of Columbia Boulevard in north Portland. The project's stated intent is to improve safety, reduce traffic congestion, increase mobility of motorists, freight traffic, transit riders, bicyclists and pedestrians, and to mitigate seismic risks.

House Bill 4113 would have authorized Oregon to pursue a single-state approach to funding and constructing the Columbia River Crossing. The measure revised the

total project cost to \$2.9 billion, revised stipulations required to be met prior to issuing bonds to finance the project, and outlined requirements for agreements with the State of Washington to ensure Oregon's ability to construct portions of the highway project in Washington and the light rail portion of the project in the City of Vancouver. The measure would also have provided required elements of a toll collection and enforcement program, and specified several studies to be performed during and following construction of the bridge.

Senate Bill 1502

Road user fee pilot project; jurisdictional transfer of highways; project funding reallocation

The Road User Fee Task Force (RUFTF) was established by the 2001 Legislative Assembly to study revenue options and recommend a replacement for the current road tax system, which consists of a combination of motor vehicle fuel taxes and weight-mile taxes. RUFTF was created out of concern that the gas tax is a declining revenue source over the long term, while road maintenance and modernization costs continue to rise. The Oregon Department of Transportation (ODOT) conducted two pilot projects to examine the potential for utilizing a road usage charge that allows drivers to pay for the miles they drive on public roads; the second pilot project was conducted in 2012-13. Senate Bill 810 (2013) established a voluntary program for up to 5,000 vehicles to pay a per-mile charge in lieu of motor fuel taxes. Senate Bill 1502 would have increased to 10,000 the total number of vehicles that could participate. Senate Bill 1502 also provided a revised system for determining loaded

weight allowances for vehicle combinations. These tables typically apply to self-loading log trucks that utilize an onboard crane for loading. Previously, these trucks were issued two separate permits; the measure allows a process by which the trucks can be covered under a single permit.

In addition, Senate Bill 1502 would have required ODOT to enter into negotiations for possible jurisdictional transfer of two highway segments for potential addition to the state highway system. The first of these was Cornelius Pass Road, currently under the jurisdiction of Multnomah County and

Washington County. The second was George Millican Road, currently under jurisdiction of Crook County and Deschutes County. As part of the negotiation, segments of the state highway system within the applicable counties were to be transferred to county jurisdiction and removed from the state highway system. The measure also required a report to the Legislative Assembly regarding the jurisdictional transfers during the 2015 legislative session.

Veterans and Emergency Preparedness

House Bill 4021

Expanding in-state tuition for veterans

In 2013, the legislature passed House Bill 2158, relaxing residency requirements for out-of-state veterans newly enrolling in undergraduate programs at public institutions, so long as the veteran received an honorable discharge, or a general discharge under honorable conditions, and was physically present in Oregon within 12 months of enrollment. House Bill 4021 extends in-state tuition to include nonresident veteran graduate students as well.

Effective date: March 6, 2014

House Bill 4022

The Kelsey Smith Act, requiring disclosure of cell phone location in an emergency

On June 2, 2007, Kelsey Smith, of Overland Park, Kansas, was forcibly abducted from a store parking lot, raped, and strangled to death with her own belt. She was 18 and had recently graduated from high school. Calls were made to her mobile phone that evening. Through law enforcement efforts her cellular service disclosed call information, after four days, and identified the nearest cellular tower. Her body was located within about 45 minutes, approximately 20 miles from where she was abducted.

House Bill 4022 creates the Kelsey Smith Act, requiring cellular device location information to be provided to law enforcement when they are responding to emergencies involving serious injury or death.

Effective date: January 1, 2015

House Bill 4023

Dedicating the Warm Springs Veterans Memorial Highway, supporting private employers that hire veterans, and attempting to support Campus Veterans Service Officers

House Bill 4023 does the following: it supports private employers that hire and promote veterans and their spouses; it recognizes Oregon veterans who are members of the Confederated Tribes of the Warm Springs Reservation; and it names a portion of U.S. Highway 26 (within the boundaries of the Warm Springs Reservation) in their honor, the “Warm Springs Veterans Memorial Highway.”

There are 499 veterans who are members of the Confederated Tribes of the Warm Springs Reservation of Oregon. In addition to sharing experiences with other veterans from all walks of life, these 499 veterans have a unique history and heritage. They are members of a sovereign nation located within Oregon’s borders who have served the United States through multiple conflicts, from the founding of the Reservation itself and the Early Indian Wars, up to present-day conflicts. They have served with courage and distinction.

Effective date: April 1, 2014

House Bill 4087

Creation of the Task Force on School Safety

House Bill 4087 establishes a 14-member Task Force on School Safety to study: the establishment of a database of school floor plans for law enforcement and first responders; statewide coordination of incident responses; and the efficacy of standardizing incident responses across the state.

Schools and first responders around the state are not required to synchronize planning of coordinated incident responses. They may or may not be sharing information with each other or with other jurisdictions. They may or may not be in agreement as to best practices. And they may be in various stages of completion of such planning locally, with existing school-by-school and agency-by-agency differences. Depending on the type of emergency, all statewide emergency response resources may be brought to bear when an incident occurs. Adequate planning and coordination are critical to success.

Effective date: April 1, 2014

Senate Bill 1506

Joining the Interstate Compact on Educational Opportunity for Military Children

Senate Bill 1506 enables Oregon to join, along with 46 other states, the Interstate Compact on Educational Opportunity for Military Children (the Compact). The purpose of the Compact is to resolve issues that children of military families may face when they transfer schools from state-to-state.

Children whose parents are in the military often have to change schools as their parents are moved from one military base to another. Each school district has its own local rules, policies, and procedures governing transfer students. For the children of military parents, these different rules, policies, and procedures can make the transition more difficult. The Compact provides for more consistent treatment of children with a parent (or parents) in the military in order to avoid adverse impacts on their education as a result of the parent's military service.

Effective date: January 1, 2015

Water

House Bill 4049

Ocean vessel Dungeness crab permits

House Bill 4049 does two things: it gives authority to the Commercial Fishery Permit Board (Board) to revoke or refuse to issue a vessel permit for the Dungeness crab fishery; and it allows these permits to be transferred to a larger vessel under specified circumstances.

State law requires a permit to operate a vessel in the ocean Dungeness crab fishery. Currently, a vessel permit may be revoked by the Fish and Wildlife Commission based on the actions of the individual operating the vessel. The Board currently reviews limited-entry permit renewals and transfer denials for other commercial fisheries.

With some exceptions, ocean Dungeness crab vessel permits may be transferred to another vessel provided that vessel is not more than 10 feet longer than the vessel from which it is obtained or more than 99 feet in length.

Effective date: February 26, 2014

LEGISLATION NOT ENACTED

House Bill 4044, House Bill 4064, and Senate Bill 1572

Procedures for regulating water rights

Oregon water law is based on a prior appropriation system. Under this system, the first person to obtain a water right on a stream is the last to be shut off in times of low streamflows. In water-short times, the water right holder with the oldest date of priority can demand the water specified in their water right regardless of the needs of junior users.

Three identical measures were introduced in 2014: House Bill 4044, House Bill 4064, and Senate Bill 1572. These measures would have required clear and convincing evidence of a substantial and quantifiable effect if a proposed final order or planned action by the Water Resources Department (WRD) restricted or conditioned the exercise of a proposed or existing water right to prevent impairment, interference, or otherwise benefit a superior water right. The measures would have prohibited the WRD from amending a proposed final order if a request for a hearing was received, and prohibited the WRD from alleging in a legal proceeding additional facts, grounds, legal theories, findings, or holdings to support a planned action if not stated in a written notice.

Senate Bill 1512

Temporary transfer or lease for instream use of determined water rights in the Klamath Basin

Passage of the Water Code in 1909 established, for the first time in Oregon, a system for acquiring, certifying, and documenting rights regarding the use of water. Water rights that began before 1909 and federal water rights are determined through a process called an “adjudication.” There are two phases to an adjudication. In the first phase, the Water Resources Department (Department) determines

federal and pre-1909 rights and then provisionally recognizes those determined rights; the second phase involves a court review of the agency’s decision. The court then issues a decree that identifies a priority date and other aspects of each water right. After the Department has delivered its determination to the court, a watermaster can regulate in favor of determined claims, but these claims may not be transferred or leased until a final court decree is issued.

In the Klamath Basin, the second phase of the adjudication has begun. Senate Bill 1512 would have allowed the temporary transfer or lease for instream use of determined water rights in the Klamath Basin.