

**CITY OF PORTLAND
LEGISLATIVE REPORT**



**2008
SUPPLEMENTAL SESSION**

CITY OF PORTLAND COUNCIL:

**MAYOR TOM POTTER
COMMISSIONER SAM ADAMS
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CITY OF PORTLAND

2008 SUPPLEMENTAL SESSION LEGISLATIVE REPORT

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TABLE OF CONTENTS

| | |
|---|---|
| TABLE OF CONTENTS | i |
| INTRODUCTION | I |
| CONSUMER PROTECTION | |
| SB 1064 – Regulation of Loan Originators | 1 |
| SB 1090 – Subprime Lending Practices. | 1 |
| HB 3603 – Limitations on Prepayment Penalties | 1 |
| HB 3630 – Regulation of Foreclosure Consultants | 1 |
| EDUCATION | |
| SB 1068 – Full-Day Kindergarten. | 2 |
| HB 3601 – Farm-to-School & School Garden Programs | 2 |
| EMERGENCY MANAGEMENT | |
| HB 3606 – Unemployment Insurance for Disaster Victims..... | 3 |
| HB 3608 – Pacific Northwest Emergency Management Arrangement... .. | 3 |
| HB 3626 – Oregon Local Disaster Assistance Loan Account. | 4 |
| HB 5100 – Oregon Wireless Interoperability Network .. | 4 |
| EMPLOYMENT | |
| HB 3635 – Workplace Medications & Medical Marijuana | 4 |
| ENERGY/ENVIRONMENT | |
| SB 1079 – Ethanol Exemptions..... | 5 |
| HB 3610 – Climate Change..... | 5 |
| HB 3611 – Dental Wastewater | 5 |
| HB 3612 – Energy Efficiency in State Buildings | 6 |
| HB 3619 – Expansion of Business Energy Tax Credit | 6 |
| HB 3627 – Sustainable Agriculture Needs Advisory Committee | 6 |
| HEALTH CARE | |
| SB 1089 – Community Mental Health Assessment..... | 7 |
| HB 3616 – Coverage of Professional Counselors | 7 |
| HJR 100 – Universal Health Care | 7 |
| HOUSING | |
| SB 1073/SB 5556 – Affordable Housing Revolving Loan Fund..... | 7 |
| HB 3619 – Affordable Housing Tax Credits..... | 8 |
| HB 3639 – Housing Discrimination..... | 8 |

LAND USE

SB 5556 – Big Look Task Force... 9

LIQUOR

HB 3636 – Oregon Liquor Control Commission Incentive Program 9

PUBLIC CONTRACTING

SB 1063 – Commercial Construction Contractors..... 10

PUBLIC RECORDS

SB 1086 – Address Confidentiality for Police Officers.. 10

PUBLIC SAFETY

SB 1087/HB 3515 – Mandatory Minimum Sentences 10

SB 1094 – Drivers with Suspended Licenses.... 11

RURAL POLICY

HJM 100 – Rural County Payments 11

TRANSPORTATION

SB 1074 – TriMet Safety 12

SB 1080 – Residency Documentation Requirements for Driver
Licenses 12

SB 1084 – Pedestrians on Roadways.... 12

HB 3622 – Move-It 13

HB 3623 – Roadside Memorials... 13

HJR 101 – Communication on Transportation Funding 13

VETERANS

HB 3625/HB3626 – Small Business Repair Loans..... 13

WATER

SB 1069 – Agriculture and Community Water Act..... 14

Introduction

2008 Supplemental Session

The legislature adjourned the 2008 supplemental session late in the evening on February 22nd, one week ahead of its scheduled close. Over the course of the three-week session, 109 bills were introduced, 73 of which passed.

The supplemental session was viewed by legislative leadership as a test drive for annual sessions, a move that would require Oregon voters to pass a constitutional amendment. Consequently, leadership was intent on running a tight ship by limiting the number of bills introduced and establishing aggressive procedural deadlines.

While the political makeup of the legislative body remained unchanged since the 2007 session, there were new faces in both chambers, as several members in both the House and Senate resigned prior to the conclusion of their terms. Additionally, many veteran members were running campaigns for higher office concurrently with the session.

Legislative leaders went into the month-long session with a clear set of priorities. These priorities included addressing subprime and predatory lending practices, and providing funding for 24/7 state trooper coverage, water storage studies, and services to children and seniors. Additionally, legislators were eager to address mandatory minimum sentences for property crimes and craft an alternative to a ballot initiative that, if passed, is estimated to cost the state \$246 - 400 million.

Many of the budget-related expectations of the supplemental session were lowered by the State Economists' quarterly Economic and Revenue Forecast. Overall, the forecast projected a \$155 million reduction in general fund revenues for the 2007-09 biennium. The forecast also predicted that there will be no personal or corporate kicker for 2009.

The budget bill that ultimately passed out of the Ways & Means Committee included, among other things, funding for: water resource grants that will help Eastern Oregon farmers among others, the Big Look Task Force, Measure 49 claims processing, affordable housing preservation, and additional state troopers. Furthermore, the legislature approved a bonding bill granting the authority to issue \$76 million in bonds for the construction of the Oregon Wireless Interoperability Network (OWIN).

We are thankful to the Mayor, members of the City Council, council staff, Bureau Directors, Legislative Liaisons, and the many bureau staff for their hard work and responsiveness during this short but fast-paced supplemental session. We look forward to working with you as we move from the supplemental session to the development of our 2009 Legislative Agenda. Thank you very much for your hard work and efforts – we are proud to represent the City of Portland.

CONSUMER PROTECTION

SB 1064 – Regulation of Loan Originators

SB 1064 grants the Department of Consumer and Business Services (DCBS) the authority to regulate loan originators. The bill also holds loan originators to the same professional standards as mortgage lenders. The bill is one of two consensus bills that emerged from the Governor's Mortgage Lending Work Group, which was established following the 2007 legislative session. The bill passed both chambers by a wide margin.

Effective: March 11, 2008
Chapter 38

SB 1090 – Subprime Lending Practices

SB 1090 was introduced by Senator Westlund at the request of consumer protection advocates. The bill would have: (1) placed limits on excessive prepayment penalties; (2) required lenders to consider the borrowers ability to pay back the loan (affordability standard); (3) prevented the practice of loan flipping – refinancing existing home loans when there is no tangible net benefit; and (4) placed a prohibition on kick-backs for brokers making loans with extra fees or higher interest rates. The bill was originally heard in the Senate Commerce and Labor Committee where it received significant opposition. The committee moved the bill to the Joint Ways and Means Committee where it remained for the duration of the session, as it did not have enough votes to pass on the floor.

HB 3603 – Limitations on Prepayment Penalties

HB 3603 was originally a workgroup bill that had also been introduced in the Senate (SB 1064). During the last week of the session, amendments were added to the bill that limited prepayment penalties and clarified the disclosures that lenders must make to borrowers. The bill narrowly passed the House but did not make it through the Senate prior to adjournment.

HB 3630 – Regulation of Foreclosure Consultants

A product of the Governor's Mortgage Lending Workgroup, this bill regulates mortgage loan foreclosure consultants and equity purchasers. Specifically, the bill requires foreclosure consulting contracts to include a full description of services provided, total amount and terms of compensation, and information on homeowners' right to cancel the contract. Furthermore, the bill requires lenders

to provide homeowners who are in risk of going into foreclosure with a written notice, in nontechnical language, which clearly outlines the steps that may be taken to avoid foreclosure. The bill passed both chambers after language was added in the House Consumer Protection Committee that clarified to whom the bill applies.

Effective: March 11, 2008
Chapter 19

EDUCATION

SB 1068 – Full-Day Kindergarten

Last year, the Corvallis Unified School District raised concerns regarding the practice of charging for full-day kindergarten. In December 2007, the Attorney General issued an opinion stating that school districts may not charge students tuition to participate in full-day kindergarten programs. SB 1068 is the legislature's response to the Attorney General's ruling. The bill requires school districts to offer half-day kindergarten free of charge, but permits districts to charge for full-day kindergarten. Districts that charge for full-day kindergarten must waive tuition for certain students under circumstances of severe hardship. While the bill passed unanimously, many members voiced their opposition on the grounds that the State should be able to fund full-day kindergarten.

Effective: March 11, 2008
Chapter 40

HB 3601 – Farm-to-School and School Garden Programs

During the 2007 legislative session, the Department of Agriculture was authorized to hire a full-time farm-to-school coordinator to work with the Oregon agricultural sector to develop and promote Oregon agricultural products for school cafeterias. HB 3601 creates a corollary position within the Oregon Department of Education (ODE). The bill also directs ODE to: (1) assist certain school districts in utilizing local food products and produced from school gardens; (2) promote food-and garden-based educational activities; and (3) provide information to school districts on how farm-to-school garden projects may help implement federally mandated wellness policies.

The Joint Ways and Means Co-Chairs included an allocation for the position in their original budget proposal released at the beginning of the supplemental session. However, due to budget constraints imposed by the weak economic and revenue forecast, Ways and Means moved the bill but did not fund the position. HB 3601 passed both chambers by a wide margin. As the bill passed

without an appropriation, the program costs must come out of ODE's existing budget.

Effective: March 11, 2008
Chapter 21

EMERGENCY MANAGEMENT

HB 3606 – Unemployment Insurance for Disaster Victims

This bill grants the Governor the authority to waive the one-week waiting period for payment of Unemployment Insurance (UI) benefits following the declaration of an emergency. The waiver would only apply to those individuals residing within an affected area. The measure stipulates that the Governor's authority to waive the waiting period is contingent upon the federal government's authorization to do so without incurring a penalty. This is because without federal authorization, the state would incur a federal penalty for early payment of UI benefits.

This bill resulted from the December 2007 storms, in which residents of affected communities (whose businesses were affected by the storms) were temporarily out of work. Some individuals found themselves in a loophole because they were ineligible for federal UI, but had to wait a week to receive state UI.

Effective: January 1, 2009
Chapter 23

HB 3608 – Pacific Northwest Emergency Management Arrangement

This bill directs the Governor to participate in the Pacific Northwest Emergency Management Arrangement (PNEMA), an international compact entered into by the states of Oregon, Washington, Idaho, Alaska, the Province of British Columbia, and Yukon Government. The purpose of the compact is to provide for mutual assistance, when requested, among the signatory governments in managing an emergency or disaster.

HB 3608 incorporates PNEMA and its annexes into Oregon statute. The bill specifically authorizes the development of PNEMA implementation procedures such as planning, hazard analysis, service provision efficiencies, gap analysis, logistics, and ongoing consultation. Additionally the bill authorizes the establishment of regional emergency management advisory committees.

Effective: March 11, 2008
Chapter 25

HB 3626 – Oregon Local Disaster Assistance Loan Account

HB 3626 establishes the Oregon Local Disaster Assistance Loan Account, which will provide loans to local governments and school districts to meet federal matching funds requirements for federally declared disasters. HB 3626 established the account and the legislature allocated \$500,000 from the General Fund and \$500,000 in other funds through SB 5556, the budget reconciliation bill. The General Fund appropriation was a one-time appropriation. Both bills passed in each chamber by a wide margin.

Effective: March 11, 2008

Chapter 18

HB 5100 – Oregon Wireless Interoperability Network

HB 5100 was the bonding authority bill from the Joint Ways and Means Committee. Included in the bill was \$76 million in Certificates of Participation to provide resources for the initial stages of construction of the Oregon Wireless Interoperability Network (OWIN). Initial construction will include developing the backbone infrastructure (tower site improvements and a microwave system) in three areas – the seven northwest counties including the Portland metropolitan area, the seven southwest counties, and a loop connecting Bend and Medford. Construction in any of the areas is dependent upon partnership opportunities and the potential for federal funds. The City of Portland supported the bonding authority for OWIN in HB 5100, which ultimately passed both chambers by safe margins.

Effective: March 11, 2008

Chapter 17

EMPLOYMENT

HB 3635 – Workplace Medications & Medical Marijuana

This bill would have eliminated the requirement that employers accommodate the medical use of certain legal medications in the workplace. Employers would have also been granted the right to prohibit employee possession or consumption of medical marijuana in the workplace. The bill was a pared down version of bills that have failed in previous sessions and was limited to only those occupations deemed hazardous by the Oregon Occupational Safety and Health Administration. Introduced by the House Committee on Business and Labor, the bill was referred to the House Rural Policy Committee at the beginning of the

session, where it did not receive a hearing and remained upon adjournment of the legislature.

ENERGY/ENVIRONMENT

SB 1079 – Ethanol Exemptions

SB 1079 provides an exemption for certain vehicles from using gasoline that is blended with ethanol as mandated by the State's renewable fuel standard. New vehicles that are exempted include airplanes, water craft, Class I and Class III off-road vehicles, antique vehicles, racing vehicles, snowmobiles, and tools.

As introduced, this bill related to fuel cardlock cards; the ethanol exemptions were later added to the bill as a result of strong lobbying by the Marine Board and owners of small aircraft. The City worked with those pushing for the exemptions and the proponents of the original bill to ensure that any exemptions would not significantly minimize the scope of the City's renewable fuel standard.

Effective: March 11, 2008
Chapter 44

HB 3610 – Climate Change

This bill, introduced by the House Energy and Environment Committee, would have directed state agencies to identify existing programs and activities that could contribute to meeting the greenhouse gas emission reduction goals established by the 2007 Legislative Assembly (HB 3543). The bill would have also allowed the Environmental Quality Commission to require reporting, by those who import, sell, or distribute electricity or fossil fuels, of data that would have allowed the Department of Environmental Quality to calculate greenhouse gas emissions. While the House Energy and Environment Committee amended the bill in an effort to curb some of the strong opposition it faced, it remained in the Joint Ways and Means Committee upon adjournment as it did not have the necessary votes for passage.

HB 3611 – Dental Wastewater

During the 2007 session, the legislature passed SB 704, which required dentists who use dental materials containing mercury to install an amalgam separator in a wastewater drain to prevent materials containing mercury from passing through the drain. SB 704 granted a time extension for dentists who work with special district wastewater treatment facilities to implement best management practices.

The time allowance, however, did not cover dentists who work with wastewater treatment facilities in cities – a simple drafting mistake. HB 3611 was a technical bill from the House Energy and Environment Committee that corrected this mistake. The bill passed both chambers easily.

Effective: March 3, 2008
Chapter 8

HB 3612 – Energy Efficiency in State Buildings

This bill requires that state agencies reduce their energy usage 20% by the year 2015. The State Energy Efficiency Program (SEED) was established in 1991 and has undergone multiple changes in keeping with advancements in energy conservation. This bill follows on the heels of Governor Kulongoski's executive order in March 2006 that directed state agencies to reduce energy usage by an additional 10 to 20 percent by 2015. The bill passed both chambers unanimously.

Effective: March 11, 2008
Chapter 26

HB 3619 – Expansion of Business Energy Tax Credit

This bill expands the Business Energy Tax Credit (BETC) to allow greater amounts to go to renewable energy manufacturers, without undercutting other users of BETC such as energy efficient projects. Amendments were also added to the bill which increased the cap on affordable housing tax credits (see pg. 8). The bill passed in both chambers by a comfortable margin.

Effective: March 23, 2008
Chapter 29

HB 3627 – Sustainable Agriculture Needs Advisory Committee

HB 3627, which was introduced at the request of the House Agriculture and Natural Resources Committee, would have established the Sustainable Agriculture Needs Advisory Committee. The 11 member committee would have prepared a report on the availability and delivery of information about sustainable agriculture, with the aid of the OSU Extension Service. HB 3627 was referred to the Joint Ways and Means Committee where it remained upon adjournment.

HEALTH CARE

SB 1089 – Community Mental Health Assessment

This bill would have directed the Department of Human Services (DHS) to contract with a private entity or individual in order to conduct an assessment and evaluation of the community mental health care component of the mental health care delivery system. As the bill would have allocated \$150,000 from the General Fund to DHS to conduct the study, it was referred to the Joint Ways and Means Committee, where it remained upon adjournment.

HB 3616 – Coverage of Professional Counselors

This bill would have required health plans to provide coverage for services rendered by Licensed Professional Counselors (LPC) or Licensed Marriage and Family Therapists (LMFT) when they are providing the same services offered by other professionals covered by the plan. Introduced by the House Human Services and Women's Wellness Committee, the bill was drafted to address shortages of certified professionals delivering specific services in rural communities. While the bill originally passed both chambers, the Senate amended the bill, taking out certain consumer protection provisions. The House failed to concur with these changes shortly before adjournment.

HJR 100 – Universal Health Care

Introduced by the House Health Care Committee, HJR 100 would have referred to voters a constitutional amendment declaring health care to be a fundamental human right. The amendment would have come before Oregon voters in the November 2008 general election. The resolution passed the House by a slim margin, but did not make it out of the Senate prior to adjournment.

HOUSING

SB 1073/SB 5556 – Affordable Housing Revolving Loan Fund

SB 1073, which was introduced at the request of the Housing Alliance, would have allocated money to the incubation of the Housing Acquisition Fund, a revolving loan fund with the purpose of preserving existing affordable housing across the state. Despite an unfavorable state revenue forecast, affordable housing was a priority for many legislators, including the Ways and Means Co-Chairs who allocated \$1 million to this effort – the Co-Chairs had allotted \$2 million in their original budget proposal. Instead of using SB 1073, the Co-Chairs

simply used the omnibus budget reconciliation bill (SB 5556) as the vehicle for the allocation. Another \$1 million will be added to this fund by the Oregon Housing and Community Services Department from existing funds.

Effective: March 11, 2008
Chapter 16

HB 3619 – Affordable Housing Tax Credits

HB 3619 increases the monetary cap on affordable housing tax credits from \$13 million to \$17 million per fiscal year. As introduced, the bill would have expanded the Business Energy Tax Credit (BETC) to facilities that manufacture renewable energy production equipment. However, amendments expanding the Oregon Affordable Housing Tax Credit (OAHTC) were added in the House Revenue Committee. The bill passed both chambers without opposition.

Effective: March 23, 2008
Chapter 29

HB 3639 – Housing Discrimination

This bill makes technical corrections to SB 725, which was enacted by the 2007 Legislative Assembly. In passing SB 725, the legislature sought to make Oregon's statutes regarding discrimination in property transactions "substantially equivalent" with federal law in the provision of substantive rights, procedures, remedies, and judicial review. Additionally, SB 725 permits local enforcement of both state and federal fair housing laws.

HB 3639 was drafted in direct response to requests made by the U.S. Department of Housing and Urban Development (HUD) in order to secure Oregon's substantial equivalency certification. Before local enforcement could be finalized, technical errors had to be addressed. The bill passed in both chambers by a comfortable margin.

Effective: March 11, 2008
Chapter 36

LAND USE

SB 5556 – Big Look Task Force

At the very end of the 2007 legislative session, funding was cut for the Big Look Task Force. The task force was originally created by the 2005 legislature in response to Oregon voters passing Measure 37, and was charged with conducting a comprehensive review of the state's land use planning policy. Restoring funding to the task force was a priority of many legislators as well as the Governor. The Ways and Means Co-Chairs restored \$426,008 of funding to the task force. The allocation was included in SB 5556, the legislature's budget reconciliation bill.

Effective: March 11, 2008
Chapter 16

LIQUOR

HB 3636 – Oregon Liquor Control Commission Incentive Program

This bill, as originally introduced, would have provided an incentive program for Oregon Liquor Control Commission (OLCC) liquor agents. Cities expressed concern that greater compensation paid to liquor agents would reduce revenue paid to cities through shared revenues. The bill language was replaced with new language that establishes that the holder of an off-premises sales license may deliver wine or cider to retail customers in Oregon without a direct shipper permit. Prior to the enactment of HB 2171 (passed in 2007), grocers were allowed to make wine and cider deliveries to customers as part of their home delivery services. The amended bill was a legislative response to the 2005 U.S. Supreme Court decision of *Granholm v. Heald*, which ruled that a state cannot enact laws blocking out-of-state wineries from shipping directly to customers in that state, while simultaneously allowing wineries to ship within the state.

Effective: March 11, 2008
Chapter 34

PUBLIC CONTRACTING

SB 1063 – Commercial Construction Contractors

This bill clarifies technical aspects of HB 3242, which the legislature passed during the 2007 legislative session and dealt with the education and experience level of certified commercial contractors. Specifically, SB 1063 clarifies that Level 1 commercial contractors are to have one or more key employees with a combined total of eight years of experience, and Level 2 commercial general contractors must have one or more key employees with a combined total of four years of experience prior to licensure. SB 1063 easily passed both chambers

Effective: July 1, 2008
Chapter 5

PUBLIC RECORDS

SB 1086 – Address Confidentiality for Police Officers

SB 1086 was introduced at the request of the Senate Judiciary Committee to make technical fixes to a bill enacted by the 2007 Legislative Assembly. SB 1086 sought to clarify that a public safety officer's home address and telephone numbers are exempt from disclosure, unless the public interest requires otherwise. This bill was passed by both chambers.

Effective: March 11, 2008
Chapter 48

PUBLIC SAFETY

SB 1087/HB 3515 – Mandatory Minimum Sentences

This bill is the legislature's response to Initiative Petition 40 (IP 40), which will appear on the November 2008 general election ballot. IP 40, sponsored by former legislator Kevin Mannix, would impose mandatory minimum sentences for property crimes and drug dealing offenses. The Legislative Fiscal Office has estimated that, should IP 40 pass, 4,000 to 6,000 inmates would be added to the state's correctional system at a cost of \$256 to \$400 million per biennium.

SB 1087 is an alternative referred by the legislature that would impose mandatory minimum sentences, but also fund drug counseling and treatment. The Legislative Fiscal Office has estimated the legislature's alternative would cost the state roughly \$62 million for the 2009-11 biennium, increasing to over \$100 million in future biennia. Language was added to the bill so that if both initiatives pass, the legislative referral would trump IP 40. SB 1087 contains the substance of the alternative, while HB 3515 contains the ballot title and refers the measure to the November 2008 ballot.

Effective: upon passage at November general election
Chapter 14

SB 1094 – Drivers with Suspended Licenses

This bill would have allowed a police officer to confiscate a registration card and mark a vehicle's license plates with a sticker if the driver of that vehicle was arrested or issued a citation for driving with a suspended or revoked license. The bill would have also granted officers the authority to stop a vehicle with marked plates for the sole purpose of determining if the vehicle was being operated by a person whose license had been suspended or revoked.

In 1989, the legislature established a similar pilot program. The law contained a sunset provision of January 1, 1994, and was repealed on that date. The Senate Judiciary Committee moved this bill with a "do pass" recommendation to the Joint Ways and Means Committee, where it remained upon adjournment.

RURAL POLICY

HJM 100 – Rural County Payments

This joint memorial, which was introduced by the House Committee on Rural Policy, urges Congress to enact the Secure Rural Schools and Community Self-Determination Act of 2000 in order to stabilize payments to rural counties dependent upon income from timber harvesting. The City submitted a letter from council in support of the memorial and efforts to stabilize the financial situation of the state's rural counties. The memorial received strong support in both chambers

Filed with the Secretary of State on March 11, 2008

TRANSPORTATION

SB 1074 – TriMet Safety

This bill was introduced by Gresham-area legislators in response to recent reports of criminal activity on MAX trains. SB 1074 directs TriMet to perform annual evaluations regarding safety issues related to the light rail system, including operational safety and security of light rail passengers from criminal activity. The bill requires TriMet to report its annual evaluations to the legislature and contains a sunset clause repealing the bill on January 2, 2012.

Effective: March 11, 2008
Chapter 43

SB 1080 – Residency Documentation Requirements for Driver Licenses

This bill requires applicants for a driver's license, driver's permit, or an identification card to present documentation providing proof of U.S. citizenship or legal presence in the U.S. Additionally, the Oregon Department of Transportation (ODOT) is required to verify the validity of documents submitted as proof of legal presence. ODOT began verifying the validity of Social Security numbers on February 4, 2008, following an executive order issued by Governor Kulongoski. Despite significant opposition by migrant communities and heated debate, the bill passed both chambers by a comfortable margin.

Effective: February 15, 2008
Chapter 1

SB 1084 – Pedestrians on Roadways

Each year, firefighters participate in a "fill-the-boot" fundraiser for the Muscular Dystrophy Association, wherein motorists are asked to drop a cash donation in a firefighter's boot at specific locations. Under current Oregon law, however, firefighters participating in this fundraiser may be in violation of the offense of a pedestrian with an improper position upon or along a highway.

SB 1084 was introduced to create an exemption for firefighters, allowing them to continue their fundraising activities. The bill was broadened to overcome constitutional concerns and permits pedestrians to move onto, or proceed along, a roadway with a permit from the applicable road authority. Permit holders must have a \$1 million insurance bond. The bill passed by a comfortable margin.

Effective: March 11, 2008
Chapter 47

HB 3622 – Move-It

During the 2007 legislative session HB 2936 was enacted, which contained an amendment requested by the City of Portland that requires drivers to move their vehicles to the side of the road when a driver is not injured in a motor vehicle accident. The purpose of the legislation was to reduce non-recurring congestion.

This bill sought to correct a flaw in the 2007 law. Specifically, the modification makes it clear that a driver needs to move the vehicle to the side of the road only when no person has suffered an apparent injury. The bill received wide support in both chambers.

Effective: March 3, 2008
Chapter 10

HB 3623 – Roadside Memorials

This bill would have directed the Oregon Department of Transportation, upon request, to erect and maintain roadside memorial signs for pedestrians and bicyclists killed in motor vehicle accidents. The memorials would have been limited to state-owned facilities and incidents where the motorist was cited and convicted of an offense related to the accident. Introduced by the House Transportation Committee, the bill passed the House by a wide margin. However, it remained in the Senate upon adjournment of the legislature.

HJR 101 – Communication on Transportation Funding

This resolution urged inclusive communication about transportation funding and urged stakeholders to give consideration to the eventual loss of federal funding used by many rural counties. The City advocated for some technical changes in order to provide more clarity to the resolution. The resolution passed unanimously in the House. In the Senate, HJR 101 received a hearing in the Senate Transportation Committee, where it remained upon adjournment.

VETERANS

HB 3625/HB 3626 – Small Business Repair Loans

This bill, introduced by the House Veterans Affairs Committee, establishes the Veterans' Small Business Repair Loan Program. The program will provide a maximum of two loans of up to \$20,000 each to qualifying veterans who have recently returned from duty abroad. The program will be administered by the

Oregon Department of Veterans Affairs with guidance provided by the Oregon Economic and Community Development Department. HB 3626 became the vehicle for this legislation and the Joint Ways and Means Co-Chairs allocated \$300,000 to the establishment of the program.

Effective: March 11, 2008
Chapter 18

WATER

SB 1069 – Agriculture and Community Water Act

Introduced by the Senate Environment and Natural Resources Committee, this bill establishes the Water Conservation, Reuse and Storage Investment Fund. The bill directs the Water Resources Department (WRD) to provide grants and direct services for feasibility studies relating to water conservation, reuse and storage. Additionally the bill directs the WRD to fund a regional aquifer recovery assessment for the Umatilla Basin. At the end of the session, the Ways and Means Co-Chairs included \$2.5 million for the bill and sent it to both chambers where it passed unanimously.

Effective: March 5, 2008
Chapter 13