CITY OF PORTLAND

Legislative Report

2013 SESSION

City of Portland Council

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Commissioner Dan Saltzman
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Introduction

Introduction
The 2013 Legislative Session

On July 8, 2013, the 77th Oregon Legislative Assembly adjourned sine die. On the final day of session, several major pieces of legislation were approved, including two of the City's key priorities: a bill to extend the 9-1-1 telephone excise tax and legislation that increases housing choice for thousands of low-income Oregonians by prohibiting discrimination against Section 8 voucher holders.

Other City priorities fared well this session. Mayors from around the state joined Mayor Charlie Hales for a first-of-its-kind Mayors for Oregon School Kids lobby day, meeting with legislators to stress the importance of adequate K-12 funding to communities around the state. Commissioner Amanda Fritz emphasized the importance of increasing funding for mental health to legislators. Both K-12 education and mental health services were funded at unprecedented levels this session. Commissioner Nick Fish made several visits to Salem to lobby in support of the City's affordable housing agenda. Under the leadership of Commissioner Dan Saltzman, the City supported many bills of primary importance to rural Oregon communities. Commissioner Steve Novick was an effective advocate for public safety reform. Finally, the Legislature did not impose any significant new preemptions during the legislative session.

Two City of Portland priorities were left unfinished this session: comprehensive property tax reform and gun safety legislation. Despite substantial advocacy and hearings on both topics, legislation was not enacted on either issue.

This past session the City worked on six Initiatives, bills that the City requested and shepherded through the legislative process. The City was successful on half of its Initiatives: two relating to preserving options for affordable housing and one to enable low-speed shared narrow residential roadways as an option for improving unpaved neighborhood streets. Bills that sought to clarify the independent authority of the City's Fire and Police Disability and Retirement Fund and to provide more options to address alcohol-related crime and neighborhood livability issues did not move forward during the 2013 Session.

See below for a snapshot of the City's key legislative priorities and initiatives.

City of Portland Priorities		
Issue	*Status*	*Success*
Improve Funding for K-12 Education (SB 5519)	Record level funding, $6.75 billion	✓
Public Safety Budgeting & Mental Health Care (HB 3194, HB 5030)	Major public safety reforms passed and a significant increase (18.4%) in mental health care funding	✓

9-1-1 Emergency Communications Funding (HB 3317)	9-1-1 telephone excise tax reauthorized until 2020	✓
Preemptions of Local Government Authority	No significant preemptions were imposed on the City	✓
Remove Barriers to Housing Choice (HB 2639)	Section 8 anti-discrimination bill passed	✓
Property Tax Reform (SJR 10/HJR 8, SJR 11/HJR 13)	Hearings held; bills did not advance	
Support for Rural Communities	Successful on all components of the Rural Partnership Agenda	✓
Gun Safety (SB 347, SB 699, SB 700, SB 796)	Hearings held; package did not advance	

City of Portland Initiatives		
Issue	*Status*	*Success*
Homebuyer Opportunity Tax Exemption (HB 2349)	Passed into law; effective October 7, 2013	✓
Independent Authority of FPDR (SB 685/HB 3050)	Bill did not advance	
Shared Narrow Residential Roadways (SB 345)	Passed into law; effective June 24, 2013	✓
Alcohol Impact Areas (HB 2702)	Hearings held; bill did not advance	
Immediate Cessation of Alcohol Sales (HB 2008)	Hearings held; bill did not advance	
Low Income Housing Property Tax Initiative (HB 3112)	Passed into law; effective October 7, 2013	✓

When the Legislature convened on February 4th, the House of Representatives was under new leadership. After a session of shared governance between Republicans and Democrats in the House during 2011 and 2012, the 2013 Session swore in a 34-26 majority of Democrats and the nation's first openly lesbian Speaker of the House, Tina Kotek of North Portland. In the Senate, governance remained the same, with 16 Democrats and 14 Republicans. Senator Peter Courtney of Salem was reelected Senate President for a record sixth time and Senator Diane Rosenbaum of Southeast Portland was reelected as Senate Majority Leader.

The Legislature wasted no time in the first month of session, passing a bill that provides tuition equity for undocumented students (HB 2787, p. 20). Also in February, the Legislature approved a $450 million funding authorization for the Columbia River Crossing (HB 2800, p. 88), provided the project meet certain milestones. Rather than authorize and dedicate new revenue to fund the project, legislators instead crafted the bill to rely on the Oregon Department of Transportation's existing bonding authority until they could consider a more robust transportation package.

At that point, focus began to shift toward reforms to the Public Employee Retirement System (PERS) and proposals to raise revenue. The Senate approved PERS reform legislation (SB 822, p. 59) in April on a party-line vote with many Republicans claiming that the legislation did not go far enough to cut public pensions. On the revenue side, the House brought a package to the floor (HB 2456, p. 80) that would have raised $275 million from top earners and corporations but it failed to garner a three-fifths majority of votes. Instead the House passed a pared-down plan to close overseas tax loopholes.

As Session progressed, Governor Kitzhaber tried to find support for a "grand bargain" that would raise additional revenue for schools, community colleges and other programs and further contain PERS costs. Several meetings at the Governor's mansion, Mahonia Hall, failed to bring a deal to fruition during the 2013 Session.

Meanwhile, the May Revenue Forecast brought positive news to budget writers with the most positive revenue forecast legislators had received in years; lawmakers now had approximately $271 million in additional revenue to fund state services. The Governor called on legislators to begin moving state agency budgets the following week.

The K-12 education budget was held up in the Senate when it became apparent that a $1 billion increase in funding over the previous budget cycle was not enough to prevent cuts in all school districts. The vote was delayed a week, while legislators worked to develop a deal to raise more revenue for schools. When the deal failed to materialize, the K-12 budget came back up for a vote and passed on party-lines.

Late in session, the Senate tried again to pass two bills (SB 857, p. 59, and HB 2456, p. 80) that would have raised revenue and implemented further PERS reforms. When the revenue bill failed to receive the needed three-fifths vote, the PERS bill was also shelved. With the failure of the latest proposal for a "grand bargain," the Joint Ways and Means Committee began to move the major state agency budgets that had been held up during legislative leadership negotiations. Shortly after the adjournment of the 2013 Session, talks began again during the legislative interim about trying to find a path to a "grand bargain" of increased revenue and additional PERS reform.

At the conclusion of the session, a total of 2,679 bills were introduced. Of those, the City tracked 1,825 bills. The Governor signed a total of 787 bills into law and vetoed only one bill dealing with Native American mascots (SB 205). This is slightly more that the 731 bills signed into law during the 2011 Legislative Session.

In closing, the Office of Government Relations is grateful to the Mayor, members of the City Council, council staff, bureau directors, bureau legislative liaisons, and innumerable bureau staff for their support and hard work to support the City's legislative interests this past session. Thank you for your efforts – we are proud to represent the City of Portland.

Bill Summaries

Building Codes

SB 582 – State Building Code Administration

SB 582 makes a number of changes to administration of the state building code. Specifically, the bill includes provisions that clarify the ability of a building permit applicant to appeal any matter relating to the interpretation, application, administration, or enforcement of building code provisions or statutes to the Oregon Building Codes Division (BCD) and authorizes the BCD to enter into partnership agreements with municipal building inspection programs. Additionally, the bill includes nearly identical language to SB 625 (p. 6) to clarify the respective roles of a building official and fire marshal.

Effective: June 26, 2013
Chapter 528

SB 609 – Certification for Building Inspectors

SB 609 would have changed the requirements for obtaining certification as a building official or building inspector by increasing the prerequisite requirements for certification as an electrical inspector or plumbing inspector. The bill would have required that inspectors maintain their journeyman certifications, creating an added expense to jurisdictions. SB 609 also would have placed an additional requirement on specialty inspector certificate holders that was not originally a part of HB 3462 from the 2009 session (for more information see HB 2698, p. 7). The bill was referred to the Senate Business and Transportation committee where it did not receive a public hearing and remained upon adjournment.

SB 625 – State Fire Marshals and Building Code Standards

SB 625 codifies Attorney General opinions regarding the respective roles of building officials, fire marshals and related rules. The bill authorizes the Director of the Department of Consumer and Business Services (DCBS) or a local building official to determine whether a building or building plans meet state building code standards, including fire and life safety standards. SB 625 requires a building official to give consideration to advice from the State Fire Marshal or local fire officials that does not conflict with the building code, but states that the building official retains the authority to make a final decision about the building code. This bill applies only to non-residential building plans and inspections.

Effective: January 1, 2014
Chapter 487

Building Codes

SB 770 – Construction Standards for Breweries

This legislation would have given breweries a single occupancy classification for the purpose of state building code construction standards. SB 770 also would have allowed a specific exception if a single occupancy classification unduly compromised health and safety. The bill was referred to the Senate Business and Transportation Committee where it failed to receive a hearing.

HB 2698 – Specialized Building Inspector Qualifications

In 2009, the Legislature created a pilot program with the passage of House Bill 3462 for the purpose of cross-training building inspectors so that an inspector could perform an inspection in more than one specialty code. HB 2698 makes the policy permanent by eliminating the January 1, 2016 sunset date on the authorization for the specialized building inspector training, qualification, and certification program.

Effective: January 1, 2014
Chapter 110

HB 2978 – Building Code Enforcement and Regulation of Building Inspectors

When building work is commenced without applicable permits, HB 2978 authorizes a municipality to assess an investigation fee equal to the actual or average cost of ensuring work on a building is in compliance with state building code requirements. The bill also prohibits a building inspector from inspecting work if a relative (broadly defined) has a financial interest in, or business affiliation with, the project or structure.

Effective: January 1, 2014
Chapter 324

HB 3144 – Building Code Division Agreements

HB 3144 would have allowed the Director of the Department of Consumer and Business Services to enter into agreements with one or more municipalities to operate the building inspection program in an agreed upon geographic area. HB 3144 was approved in the House Consumer Protection and Government Efficiency Committee and was subsequently referred to Ways and Means, where it did not move forward. Similar provisions, however, were included in SB 582 (p. 6).

Building Codes

HB 3145 – Building Code Administration for State-Funded Capital Construction Projects

HB 3145 would have specified that for capital construction projects receiving more than $1 million in state funding, the administration and enforcement of the state building code provisions lies with the Department of Consumer and Business Services (the Building Codes Division). Currently, whichever municipality is responsible (or the State, if responsibility has not been delegated to a municipality) for administration and enforcement of the building code in a given geographic area will administer and enforce the building code for such capital construction projects. This bill was sent from the House Committee on Consumer Protection and Government Efficiency to the House Rules Committee on a procedural vote to allow additional work on the bill. However, stakeholders were unable to reach a compromise and the bill failed to move forward.

HB 3326 – State Building Code Administration

This bill proposed several provisions related to administration of the state building code that were incorporated into SB 582 (p. 6), which was enacted into law. HB 3326 also included provisions that did not move forward as part of SB 582, including language that would have authorized the Director of the Department of Consumer and Business Services to limit the application of state building code provisions if the Director considered a provision unclear, duplicative, inadequate or unsuitable for certain types of structures or structure uses. The bill received a public hearing in the House Consumer Protection and Government Efficiency Committee but did not advance further.

For other bills relating to Building Codes, please see:

- SB 692 – Energy Efficient Appliances, p. 24
- SB 840 – Water Efficient Appliances, p. 92

Civil Law

SB 50 – Trial Court Jurisdiction

SB 50 was requested by the Oregon Judicial Department to address a jurisdictional issue that can arise when a case is appealed from the trial court to the Court of Appeals. On occasion, a party may file a notice of appeal before the trial court judgment or appealable order has been entered. SB 50 amends current statute to clarify that the trial court retains jurisdiction to enter a judgment or appealable order after the notice of appeal is filed if the judge signed the judgment or appealable order before the notice of appeal was filed. This modification will improve efficiency in processing and proceeding with appeals.

Effective: March 18, 2013
Chapter 10

HB 2562 – Fine Revisions

HB 2562 is a housekeeping measure that updates various rules as they relate to electronic court processes. Concepts from HB 2857, which simplifies court fees that were modified during the 2011 session, were amended into HB 2562. Although the 2011 changes to court fees were intended to be revenue neutral, the municipal and judicial courts maintain that they suffered from decreased funding and therefore proposed changes to the criminal fine account that were amended into HB 2562. Specifically, HB 2562 redirects $16 of each fine collected in municipal courts from the state to the counties.

Effective: July 29, 2013
Chapter 685

HB 2668 – Public Accommodation Loophole

Oregon's Public Accommodation Law, first enacted in 1953, prevented discrimination based on "race, religion, color, or national origin" in a "place of service," which included any hotel, restaurant, or venue offering "public entertainment, recreation, or amusement." In 1976, the Oregon Supreme Court found the phrase "place or service" to be ambiguous and determined that the legislative intent was "business or commercial services which offer goods or services to the public." This limitation of public accommodation laws to business or commercial services prevents certain challenges under the law. HB 2668 expands the definition of "place of public accommodation" to include places owned or maintained, and services provided by, public bodies.

Effective: January 1, 2014
Chapter 429

Consumer Protection

HB 2824 – Towing Signs

Current statute specifies certain circumstances when a tower may tow a vehicle without first contacting the owner of a facility where a vehicle is parked, including when a vehicle parks in violation of a prominently posted parking prohibition. HB 2824 clarifies that the prominently posted no parking sign must warn that parking is prohibited 24 hours a day.

Effective: January 1, 2014
Chapter 135

HB 3154 – Private Parking Lot Signs

HB 3154 would have required the owner of a private parking facility to disclose rules and charges for parking violations in writing, as well as on outdoor signs and ticket machines. The bill would have established the maximum amount a parking facility owner could assess for parking violations and specified the hours during which a "weekend rate," if any, applies. HB 3154 also would have created a cause of action against an owner for violation; required the court to award three times the amount of a wrongly assessed fine, fee, or charge; and allowed for attorney fees. The bill was sent to House Consumer Protection and Government Efficiency, where it did not receive a public hearing.

HB 3159 – Towing Regulation

HB 3159 authorizes cities and counties to regulate maximum rates and licensing for private property impound towing and assess a license fee on towers for the administrative costs of operating a regulatory program. The City supported the bill, which passed toward the end of session.

Effective: July 29, 2013
Chapter 691

Economic Development

SB 19 – Definition of "Rural Area" for the Strategic Investment Program

The Strategic Investment Program (SIP) provides a 15-year property tax abatement to qualifying traded sector development by capping a project's assessed value at $100 million in a qualifying "urban area" or $25 million in a "rural area." Rural area is defined as land outside an Urban Growth Boundary (UGB) as of December 2002. Land that was inside a UGB prior to 2002 is considered "urban" with an assessed value for the project capped at $100 million, while lands added to a UGB after 2002 are considered "rural" for SIP purposes with an assessed value project cap of $25 million. This has resulted in situations where similarly situated lands within a region can have significantly different incentives for industrial development. The City of Gresham advocated for SB 19, citing regional disparities and adjacent properties within the UGB with considerable differences in eligibility for the SIP because of when each property was brought within the UGB. SB 19 would have defined "rural area" to mean an area outside the acknowledged UGB on the date when an application is submitted for the SIP. The proposed definition would have mirrored the rural area definition in the Enterprise Zone statute. The City of Hillsboro opposed the bill, citing the need to retain a valuable business recruitment tool. The Senate Rural Communities and Economic Development Committee held a hearing on the bill, but did not move it forward.

SB 245 – Enterprise and Electronic Commerce Zones

Currently, to designate an enterprise zone or electronic commerce zone, modify zone boundaries, or add zone sponsors, a request must first be submitted to Business Oregon for approval. SB 245 would have allowed local governments to take these actions and required Business Oregon to affirm compliance with state law. The bill also would have increased the maximum number of electronic commerce zones statewide from ten to fifteen. SB 245 was approved by both the Senate Rural Communities and Economic Development Committee and the Senate Finance and Revenue Committee. However, the bill was then referred to the Joint Committee on Tax Credits and did not receive further consideration.

SB 246 – Industrial Lands Site Readiness

SB 246 establishes the Oregon Industrial Site Readiness Program, a tax reimbursement and forgivable loan program at Business Oregon, to help finance local government investments in industrial site preparation. The bill specifies that, subject to a local government agreement with the state, income taxes generated once an industrial site is developed may repay the full amount of the local government's site preparation investments or up to 50 percent of the program loan amount provided to the local government for site preparation investments. SB 246 authorizes Business Oregon to make up to $10 million in tax reimbursements and loan agreements per year; however

the bill does not provide funding for loans. The Bureau of Planning and Sustainability provided testimony in support of the bill.

Effective: October 7, 2013
Chapter 763

SB 253 – Industrial Lands Site Assessment

SB 253 establishes, but does not fund, the Oregon Industrial Site Readiness Assessment Program at Business Oregon. The Program provides grants to local entities to perform due diligence assessments of industrial sites, create plans to make industrial sites market-ready and conduct regional industrial site inventories.

Effective: January 1, 2014
Chapter 764

SB 469 – Brownfield Settlements

SB 469 would have required the Department of Environmental Quality (DEQ) to use the proceeds from any property contamination settlement to reimburse a second party who cleans up the contaminated property. The bill also proposed that a person who signs a consent judgment with DEQ to clean up a contaminated property would no longer be protected against contribution claims made by non-parties to the settlement who also clean up at the site. This would have removed an incentive for persons to resolve liability for contaminated property through a settlement with DEQ. SB 469 did not receive a public hearing.

SB 476 – Brownfield Prospective Purchaser Agreements

As introduced, SB 476 would have required state agencies to prepare an environmental impact statement before making certain decisions or approving certain permit applications. As amended and approved by the Legislature, this measure requires the Department of Environmental Quality (DEQ) to provide notice of a pending agreement for removal or remedial action at a brownfield site to other parties with DEQ agreements on the site. The legislation gives notified parties the ability to participate in negotiations, submit comments, and intervene before the entry of a proposed agreement as a consent judgment by a circuit court.

Effective: June 13, 2013.
Chapter 412

Economic Development

SB 680 – Brownfield Settlements

This bill would have provided that persons who sign a consent judgment with the Department of Environmental Quality (DEQ) to clean up a contaminated property would no longer be protected against contribution claims made by non-parties to the settlement who also clean up at the site. This would have removed an incentive for persons to resolve liability for contaminated property through a settlement with DEQ. The bill was heard in the Senate Judiciary Committee but did not advance further.

HB 2267 – Film and Video Production Incentives

HB 2267 proposed to increase funding from $6 million to $12 million annually for the Oregon Production Investment Fund (OPIF) and was the subject of multiple hearings. Ultimately, the Legislature approved a comprehensive tax credit package (HB 3367, p. 73) in the final week of session that included $10 million in annual funding for OPIF. The program supports film and video production in Oregon and policy changes in HB 3367 also allow media postproduction and interactive video game development to qualify for the OPIF.

HB 2284 – Industrial Land Site Readiness

HB 2284 would have directed the Oregon Business Development Department to establish and administer a program to make partially forgivable loans to qualified project sponsors for the development of industrial sites certified as state or regionally significant. The bill was approved in the House Transportation and Economic Development Committee and heard in the Joint Ways and Means Subcommittee on Transportation and Economic Development, but ultimately the concept was refined and moved forward in another bill, SB 246 (p. 11).

HB 2285 – Industrial Land Site Assessment

HB 2285 would have required Business Oregon to establish and administer the Oregon Industrial Site Readiness Program. The Program would provide grants for due diligence assessments of large industrial sites, create detailed development plans to make large industrial sites market-ready, and conduct regional industrial site inventories. The bill was approved in the House Transportation and Economic Development Committee and heard in the Joint Ways and Means Subcommittee on Transportation and Economic Development. Ultimately, the concept was refined and moved forward in another bill, SB 253 (p. 12).

Economic Development

HB 2286 – Brownfield Property Tax Assessment

HB 2286 would have required that the real market value of a contaminated site be determined using a declining allowance for adjustment factors if a property owner does not commence substantial remedial work. The adjustment for contamination would have ended after ten years, if the property owner had not commenced substantial remediation work. The bill was referred to the House Revenue Committee but did not advance.

HB 2296 – Benefit Corporations

HB 2296 permits the creation of, or conversion of an existing business into, a benefit company. Benefit companies conduct business activities with a broader mission than simply maximizing profit. Status as a benefit company allows a business to pursue social and/or environmental causes and gives the company a certain amount of latitude to define the public benefits it will pursue, such as environmental stewardship or enhanced employee benefits.

Effective: January 1, 2014
Chapter 269

HB 2330 – Oregon Growth Board Task Force

HB 2330 would have established the Oregon Growth Board Task Force, charged with implementing policies, procedures, and recommendations for investment, reinvestment, management and coordination of funds in the Oregon Growth Account and Oregon Growth Fund. The bill was approved by the House Transportation and Economic Development Committee and was sent to the Joint Committee on Ways and Means, where it did not receive further consideration.

HB 2345 – Oregon Innovation in Infrastructure Task Force

This bill establishes the ten-member Oregon Innovation in Infrastructure Task Force. The Task Force is charged with making recommendations to the Legislature regarding participation in the West Coast Infrastructure Exchange, a partnership with innovators in other states and regions on the west coast to evaluate the status of existing infrastructure and to develop and implement critical infrastructure projects. This includes, but is not limited to, projects involving energy transmission and efficiency, water storage capacity, municipal water systems, and wastewater management. The task force is required to submit a report to an interim committee of the Legislative Assembly no later than December 31, 2014. In addition, the bill allows funds in the Marine Navigation Improvement Fund to be used for the construction costs of dredging activities, as well as studies of maintenance projects related to existing federally

authorized navigation improvement projects, given that federal funding for such projects has become extremely limited.

Effective: July 12, 2013
Chapter 621

HB 2452 – Emerging Growth Businesses

HB 2452 would have required the Oregon Growth Account Board to invest between $2 and $4 million of Oregon Growth Account (OGA) funds in approved Oregon Seed Fund entities that provide support to emerging growth businesses in the state. Currently, the OGA invests in the Portland Seed Fund. HB 2452 included a provision that required 80 percent of recipients be firms located outside of the Portland metro area. Because the vast majority of emerging startups are located in and around Portland, the 80 percent rule would have been very limiting. HB 2452 was referred to the House Transportation and Economic Development Committee where it did not receive a public hearing.

HB 2472 – Renewable Energy Equipment Manufacturing

HB 2472 would have extended the sunset on a tax credit for renewable energy resource equipment manufacturing facilities from January 1, 2014 to January 1, 2020. This tax credit is available to manufacturers of renewable energy and electric vehicle components and is claimed primarily by manufacturers in the solar energy industry. The bill was approved by the House Energy and Environment Committee and then referred to the Joint Committee on Tax Credits, where it did not advance further.

HB 2534 – Urban Renewal Board Membership

This bill would have required an urban renewal agency to exercise its powers through a board that included one member from each overlapping taxing district, other than the municipality. HB 2534 would have required the approval of all other local taxing jurisdictions within a proposed urban renewal area before a municipality may approve the urban renewal plan. This bill was referred to the House Transportation and Economic Development Committee where it did not receive a public hearing.

HB 2620 – State & Regional Development Coordination

HB 2620 establishes a state commitment to regional and community-based problem solving. The bill directs the Governor to create a plan aligning state economic and community development programs with regional and community based development programs. HB 2620 also directs the Governor to ensure that natural resource agency

representatives participate in regional solution teams and are available at regional solution centers to the maximum extent possible.

Effective: January 1, 2014
Chapter 738

HB 2657 – Industrial Land Conversion

This bill would have required a property owner to complete certain actions before a local government could approve a quasi-judicial rezone of industrial land for non-industrial use. The required actions would have included advertising the availability of the land to potential industrial developers and demonstrating that since the land was planned and zoned for industrial use circumstances changed that reduced the utility of the land for industrial use or increased the potential for conflicts with other uses in the vicinity. HB 2657 passed in the House 31 to 24 but did not move out of committee in the Senate.

HB 2658 – Brownfield Remediation Tax Credit

HB 2286 was introduced to provide a credit against income taxes for taxpayers who create jobs through brownfield remediation. The bill would have established the Industrial Sites Cleanup Fund, requiring the Department of Environmental Quality to establish a grant and loan program for certain removal and remedial actions. This bill did not receive a public hearing.

HB 2659 – Brownfields Study

This bill would have required the Department of Environmental Quality to study issues related to contaminated properties and to report to interim legislative committees before November 1, 2013. HB 2659 was referred to the House Energy and Environment Committee where it did not receive a public hearing.

HB 2735 – Food Processing Property Tax Exemption

This legislation extends the sunset for a state property tax exemption for food processing from 2013 to 2020. Food processing businesses are defined as those that freeze, can, dehydrate, concentrate, preserve, process, or repack fruit, vegetables, nuts, legumes, or seafood.

Effective: October 7, 2013
Chapter 210

Economic Development

HB 2763 – Tax Credits for Equity Investments

The Oregon Low Income Community Jobs Initiative, also known as the Oregon New Markets Tax Credit program, was created in 2011. It is a financing tool that provides incentives for qualifying business projects in low-income areas with the intent of stimulating investment. HB 2763 increases the maximum amount of qualified low-income community investments eligible for the tax credit from $4 million to $8 million and establishes a five-year carry forward for the tax credit. HB 2763 was approved by the Legislature.

Effective: October 7, 2013
Chapter 744

HB 2799 – Strategic Investment Program for Solar Energy

HB 2799 would have lowered the required minimum total cost of solar photovoltaic projects eligible for the State's Strategic Investment Program. This bill was referred to the House Energy and Environment Committee, where it did not advance.

HB 2839 – Measure 49 Exception for Industrial Development

HB 2839 removes the requirement that a city pay compensation for regulations that plan and rezone land for industrial use within, or to be included within, the urban growth boundary. This allows a city to designate land for industrial use without being required to pay compensation if the rezoning reduces the fair market value of the property.

Effective: January 1, 2014
Chapter 279

HB 3030 – Brownfield Redevelopment

This bill would have recapitalized the State Brownfield Redevelopment Fund with $10 million and directed Business Oregon to coordinate with the Department of Environment Quality to support site assessment of brownfields. The City of Portland Bureau of Environmental Services provided testimony in support of the proposal, which was approved by the House Energy and Environment Committee and referred to the Joint Ways and Means Committee but subsequently not funded. However, brownfield remediation is an eligible expense for tax reimbursement agreements under SB 246 (p. 11), legislation that did pass this session.

Economic Development

HB 3450 – James Beard Public Market

HB 3450 was introduced to provide funding for the next stage of development to create the James Beard Public Market at the West Morrison Bridgehead. While the original bill was not approved, an allocation of $250,000 was included in an end of session budget package (HB 5008).

SB 5533 – Funding for Special Public Works Fund & Regional Solutions

Senate Bill 5533 authorizes $141.3 million of lottery bond proceeds for a number of projects, including $12 million for the Special Public Works Fund, which issues grants and loans to help local governments finance basic infrastructure needs. Regional Solutions projects also received $10 million from lottery bond proceeds. Complimentary legislation (HB 5028) directs Business Oregon to report to the Interim Joint Ways and Means Committee in November 2013 regarding the governance of statewide Regional Solutions Centers, Business Oregon's potential oversight and ability to distribute money to the Centers, and how future funding for the program would potentially be allocated and awarded.

Effective: August 14, 2013
Chapter 786

For other bills relating to Economic Development, please see:

- SB 306 – Carbon Tax Study, p. 30
- SB 321 – Renewable Energy Equipment Manufacturing Tax Credit, p. 76
- SB 814 – Environmental Cleanup Insurance Claims, p. 31
- HB 2224 – Renewable Energy Equipment Manufacturing Tax Credit, p. 76
- HB 2497 – Carbon Tax, p. 33
- HB 2792 – Carbon-Based Fuel Tax, p. 34

Education

SJR 1 – Oregon Opportunity Initiative

SJR 1 is a proposed constitutional amendment that the Legislature referred to Oregon voters to finance the Oregon Student Opportunity Fund, which would create a constitutionally-dedicated permanent fund for education. In the short-term, monies from the fund would be invested to generate income for student aid grants; and in the long-term for areas such as Science, Technology, Engineering, and Mathematics, vocational training, and other workforce development programs. The Fund would be created by issuing general obligation bonds in 2014. Subsequent bonds would be issued each year until the Fund reaches its goal of producing the revenue needed to fully fund the unmet needs of Oregon students for two years of their college education. SJR 1 was linked to SB 11 (p. 19), which would have provided a statutory mechanism to implement the constitutional change if voters approve SJR 1. The Legislature approved SJR 1, but not SB 11.

Filed with Secretary of State: July 8, 2013

SB 11 – Bonds for Oregon Student Opportunity Fund

SB 11, in concert with SJR 1 (p. 19), would have authorized the issuance of bonds to finance the Oregon Student Opportunity Fund. Specifically, SB 1 would have provided a statutory mechanism to implement the constitutional change if SJR 1 is approved by voters, including establishing the Article XI-R Bond Fund to provide monies for post-secondary education financial assistance. Article XI bonds are traditionally for "brick and mortar" projects and there was no prior precedent for state funding of a scholarship program through bond issuance. At the time of adjournment, the bill was in the Senate Committee on Education and Workforce Development.

SB 270 – Local Governance Boards for U of O, PSU

SB 270 reflects the recommendations of the Joint Special Committee on University Governance created during the 2012 Session. The bill establishes institutional boards for the University of Oregon and Portland State University, and sets a timeline for Oregon State University to consider establishing an institutional board. The bill includes composition requirements for institutional boards and creates a process for other universities to establish institutional boards. SB 270 allows universities with an institutional board to issue revenue bonds and establishes the Work Group on University Shared Services.

Effective: August 14, 2013
Chapter 768

Education

SB 5506 – Seismic School Upgrades

SB 5506 is the omnibus bonding authorization bill that lawmakers approved on the final day of session. The bill includes approval of $15 million in Article XI-M bonding authority for the seismic rehabilitation of public education buildings. The City of Portland supported funding for this purpose in its 2013 Legislative Agenda.

Effective: July 29, 2013
Chapter 705

SB 5519 – Education Funding

The Legislature approved a $6.55 billion general fund budget for the State School Fund this session. Combined with PERS savings approved in SB 822 (p. 59), K-12 education will receive $6.75 billion over the next two years, which is $1 billion more for K-12 education than was funded in the 2011-2013 budget. This "stability budget" means most school districts will not have to make any cuts to the upcoming year's budget, with some notable exceptions including school districts in Hillsboro, Parkrose, and Eugene.

Effective: July 19, 2013
Chapter 638

HB 2689 – Youth Partnerships

HB 2689 permits public bodies to enter into cooperative agreements with non-profit youth job development organizations allowing youth participants (age 13 to 22) to work on public land and natural resource conservation, protection, rehabilitation or improvement projects. The bill exempts these agreements from the Public Contracting Code. The measure also adds youth job development programs to the types of entities eligible to receive funding through the Career and Technical Education Revitalization Grant Program.

Effective: January 1, 2014
Chapter 131

HB 2787 – Tuition Equity

HB 2787 allows graduates of Oregon high schools, who were brought to the United States illegally by their parents, to pay the same in-state tuition rates paid by their classmates who are legal residents of Oregon and the United States. Portland City

Education

Council submitted letters in support of HB 2787, joining the Oregon Student Association, CAUSA, the Urban League of Portland, and others in advocating for the bill.

Effective: July 1, 2013
Chapter 17

HB 2912 – Career Technical Education

In order to comply with federal requirements, HB 2912 directs the Oregon Department of Education, Department of Community College and Workforce Development, and the Bureau of Labor and Industries to establish joint advisory committees comprised of representatives from public universities, community colleges, public schools, businesses, and unions. These committees are charged with recommending actions related to career and technical education programs and ways to effectively use existing resources; create clear articulation and pathways between high school programs and post-secondary programs; ensure that the current industry workforce needs are being met and that curriculum is current; and increase opportunities for internships, apprenticeships, and other paths to employment in the region.

Effective Date: August 14, 2013
Chapter 745

Elections

HJR 15 – Funding for Citizen Initiatives

HJR 15 would have asked voters to amend the Oregon Constitution to require that an initiative petition proposing a law or constitutional amendment with a fiscal impact also provides a new tax, fee, or increase in existing tax or fee in order to cover immediate and future costs of the new law. HJR 15 was heard in House Rules, but ultimately did not move this session.

HB 2887 – Reapportionment of Congressional Districts

Currently, the Oregon Constitution and the U.S. Constitution do not provide a redistricting mechanism if the Legislative Assembly fails to complete a congressional plan. The only available method of redress is for an affected individual or group of individuals to petition the courts to address the inequality in district populations based on the new census data. HB 2887 establishes the process for adjudicating a congressional redistricting plan if the Legislature is unable to complete a plan before the July 1st deadline, if a congressional plan is vetoed by the Governor, or if an elector challenges the congressional redistricting enacted by the Legislative Assembly.

Effective: January 1, 2014
Chapter 611

Energy

SB 242 – Greenhouse Gas Emission Standards

SB 242 updates Oregon's greenhouse gas emission standard by modifying the definition of "baseload energy" to include out of state coal-fired power plants. The bill deletes a provision requiring the Public Utility Commission (PUC) to review and modify the greenhouse gas emission standard. SB 242 also allows an electric company, electricity service supplier, or customer of electric company or electricity service supplier to petition the PUC to study the greenhouse gas emissions standard to determine whether the standard is still necessary and if it should be retained, repealed or modified.

Effective: January 1, 2014
Chapter 172

SB 488 – Low Carbon Fuel Standard

This bill would have lifted the sunset on Oregon's Clean Fuels Program, scheduled to end in 2015. The program was created to reduce the carbon content of fuels in the state, as well as align Oregon with California and Washington to create a west coast market for alternative fuels. The bill was approved in the Senate Environment and Natural Resources Committee but did not pass on the Senate floor.

SB 561 – Tariffs for Property-Specific Energy Conservation and Renewable Energy Projects

SB 561 authorizes the Public Utility Commission, upon application by a public utility, to set tariff schedules for a public utility to recover the cost of assisting in financing the installation or implementation of renewable energy generation or energy conservation measures on a customer's property. This assistance can be in the form of loans or direct payments to third parties, and customers must agree to pay a tariff that would be added to their utility bill.

Effective: January 1, 2014
Chapter 344

SB 562 – Community Net-Metering

This bill would have directed Oregon electric utilities to offer net-metering for community renewable energy facilities. The Bureau of Planning Sustainability provided testimony in favor of SB 562, noting that allowing renters and building lessees access to net metering programs is an important step in supporting the 2009 City of Portland/ Multnomah County Climate Action Plan. The bill was heard in the Senate Business and Transportation Committee, but did not advance further.

Energy

SB 692 – Energy Efficient Appliances

In 2005, the Oregon Legislature passed minimum energy efficiency requirements for 11 types of appliances, including washing machines and DVD players. The Legislature added more devices to the list in the 2007 session. SB 692 updates these standards and brings Oregon's requirements for energy-efficient appliances in line with those in California, helping to ensure that those products not meeting the highest standards will not be directed across the border to Oregon. SB 692 adds televisions, battery chargers, and some specific electric lamps to Oregon's appliance standards statute.

Effective: January 1, 2014
Chapter 418

SB 837 – In-Conduit Hydroelectricity Fish Passage Mitigation

SB 837 creates a Fish Passage Restoration Subaccount in the Oregon Department of Fish and Wildlife (ODFW) to fund priority fish passage restoration projects. The bill allows a developer of an in-conduit hydroelectric project to choose whether to provide fish passage, as required by ODFW, or pay into the subaccount. SB 837 also creates the Fish Passage Task Force to advise ODFW regarding which projects to fund with the subaccount. The Task Force will place emphasis on projects listed as a statewide priority that also pay fees for certificates to use water for hydroelectric purposes, as well as projects that have the ability to leverage matching funds. Resulting from negotiations involving the Governor's Office, the bill passed with little opposition.

Effective: July 25, 2013
Chapter 674

SB 844 – Carbon Reduction Program

SB 844 creates a voluntary incentive program for natural gas public utilities to invest in projects that reduce emissions. The legislation specifies criteria for participation in the program, including: projects must reduce emissions and benefit the utility's customers; but for the incentive, the utility would otherwise not make the investment; stakeholders must be involved in project development; and the aggregate effect of projects undertaken by a utility must not exceed a rate impact specified by the Public Utility Commission (PUC) by rule. SB 844 also requires that the PUC conduct a biennial study regarding whether federal or state laws provide adequate incentives for projects to reduce emissions, and directs the PUC to submit a report to the Legislative Assembly by February 1 of each odd-numbered year.

Effective: January 1, 2014
Chapter 607

Energy

HB 2004 – Low Income Energy Assistance

In 2011, the Legislature enacted legislation that directs the Public Utility Commission to collect an additional $5 million per year for the Low Income Bill Home Energy Assistance program, in the event that certain economic triggers were met. HB 2004 removes the economic triggers for collecting the additional $5 million and instead provides authority to the director of the Oregon Housing and Community Services Department to request the increase in the near term and convene a work group to decide which state agency would be best suited to administer the Program in the future.

Effective: June 4, 2013
Chapter 254

HB 2105 – Energy Facility Siting Streamlining

Part of the Governor's 10-Year Energy Plan, HB 2105 directs the Energy Facility Siting Commission to determine how to streamline the regulatory process to protect natural resources and remove market barriers for energy development in Oregon. The bill requires the Oregon Department of Energy to report its findings and recommendations to the Legislature on or before November 1, 2013.

Effective: May 14, 2013
Chapter 107

HB 2106 – Criteria of Energy Facility Siting Council

Under current law, the Energy Facility Siting Council may issue a site certificate for an energy facility that does not meet one or more of its standards, as long as the Council determines that the overall public benefit of the proposed facility outweighs the effect of the proposed facility on the resources that the standards were established to protect. HB 2106 directs the Council to adopt rules to identify its criteria for making siting determinations based on public benefit.

Effective: June 4, 2013
Chapter 263

HB 2108 – Renewable Portfolio Standard

HB 2108 would have allowed certain small public utilities to bypass the state Renewable Portfolio Standard requirements that may be triggered by new and large electricity customers. The bill was referred to the House Energy and Environment Committee, where it did not receive a public hearing.

Energy

HB 2220 – Energy Conservation Strategic Plan

This bill would have required the Oregon Department of Energy, in consultation with other state agencies, to develop a strategic plan on energy conservation and energy efficiency innovation. The bill was referred to the House Energy and Environment Committee, where it did not receive a public hearing.

HB 2344 – Small Scale Local Energy Projects

HB 2344 would have provided the Oregon Department of Energy with the explicit authority to enter into public-private partnership agreements with state, local, tribal and federal governments and private entities for energy efficiency projects. These agreements or other arrangements could have included project financing, planning, acquisition, development, design, construction, reconstruction, replacement, maintenance, repair, leasing and operation of energy projects or other agreements. The bill had a public hearing in the House Energy and Environment Committee but failed to advance this session.

HB 2435 – Biodiesel Fuel Excise Tax Exemption & Net Metering of Geothermal Energy

HB 2435 exempts diesel fuel from the fuel excise tax if it is blended with at least twenty percent biodiesel produced from used cooking oil. The fuel excise tax is currently 30 cents per gallon. The exemption does not apply to fuel used in vehicles with weights above 26,000 lbs (which pay the weight mile tax rather than fuel tax), fuel that is not sold in retail operations, or fuel that is sold in operations involving fleet fueling or bulk sales. The fuel tax exemption applies to fuel sold on or after January 1, 2014 and sunsets January 1, 2020. HB 2435 also makes geothermal energy eligible for net-metering under state statutes.

Effective: October 7, 2013
Chapter 648

HB 2436 – Modifications to the Energy Efficiency and Sustainable Technology Act

The 2009 Legislative Assembly passed the Energy Efficiency and Sustainable Technology (EEAST) Act. The EEAST loan program was created to provide a financing mechanism for production of renewable energy, or to increase energy efficiency of residences or businesses, while utilizing local workforces. These loans are paid back through monthly

utility bills. HB 2436 modifies requirements for primary contractors and energy project managers participating in the program. The bill also adds definitions of "primary contractor" and "utility service territories," stipulates where EEAST loan funds may be spent and who may administer EEAST loan funds, and removes the requirement on utilities to transfer an EEAST loan to a new owner if property is transferred.

Effective: January 1, 2014
Chapter 8

HB 2713 – Renewable Portfolio Standard & Columbia River Water

HB 2713 would have specified that electricity from a hydroelectric facility located on the Columbia River and abutting Oregon would qualify for the state Renewable Portfolio Standard, to the extent that the electricity generated was attributable to Oregon's share of electricity. The bill was referred to the House Energy and Environment Committee, where it did not receive a public hearing.

HB 2795 – Community Net-Metering

Oregon law currently permits homeowners or business owners to "net meter" electricity production on a building they own, allowing them to deduct the amount of electricity they produce from their retail electric bill. The Bureau of Planning and Sustainability provided testimony in support of HB 2795 to the House Energy and Environment Committee, which would have established community net-metering, extending the benefits of net metering to multiple electricity customer accounts served by a single solar power installation. The bill did not advance from committee.

HB 2796 – Aggregation of Electricity Generated from Net-Metering Facilities

This bill would have allowed a utility customer to aggregate electricity generated by multiple net-metering facilities if those facilities were served by the same electric utility. The Bureau of Planning and Sustainability provided testimony in support of HB 2796 to the House Energy and Environment Committee, but the bill did not move forward.

HB 2801 – Standards for Home Energy Assessments

HB 2801 requires that home energy assessors are trained and licensed by the Construction Contractors Board (CCB), while creating standards for home energy assessments. The bill also requires that a state licensed or certified appraiser consider

energy efficiency improvements made to a building when issuing an opinion on the value of property.

Effective: June 13, 2013
Chapter 383

HB 2807 – Oregon Department of Energy Budget Transparency

This legislation requires the Oregon Department of Energy (ODOE) Director to convene a public meeting with energy resource suppliers and interested parties to discuss the projected revenue needed to fund ODOE programs. The bill reduces the energy resource supplier assessment cap to .375 percent of a supplier's gross operating revenue. HB 2807 also includes a number of administrative updates to the governance of ODOE.

Effective: January 1, 2014
Chapter 656

HB 2893 – Solar Volumetric Incentive Rate & Study of Solar Energy Incentives

HB 2893 extends the deadline for new participants to enroll in the volumetric incentive rate pilot program by one year to March 31, 2016. The bill authorizes an additional 2.5 megawatts for photovoltaic energy systems with a nameplate generating capacity between five kilowatts and 100 kilowatts to the pilot program. The legislation also requires the Public Utility Commission, in consultation with the Oregon Department of Energy, to study the effectiveness of programs that provide incentives for solar photovoltaic energy systems. City of Portland staff participated in a work group that developed the bill's provisions.

Effective: May 28, 2013
Chapter 244

HB 2894 – Energy Conservation Tax Credits

HB 2894 would have modified the Oregon Department of Energy's Energy Incentives Program in several ways. The bill would have raised the cap for small premium projects from $20,000 to $50,000, provided an incentive for acquiring alternative fuel vehicle fleets, and made transit services credits one-year credits. An amendment adopted in the House Energy and Environment Committee would have accelerated the use of tax credits to energy facilities that are focused on research, development, or demonstration of new energy efficient technologies. HB 2894 was approved in the House, passed out of the Senate Finance and Revenue Committee, but was sent back to Committee from the Senate floor, thus never receiving a full vote.

Energy

HB 3169 – Green Energy Technology Requirement

HB 3169 revises the statutory requirement that construction or renovation of a public building involving state funds spend 1.5 percent of the total contract price on green energy technology. The bill allows off-site energy generation to fulfill the requirement and mandates reporting by contracting agencies and the Oregon Department of Energy regarding actions taken to comply with the requirement.

Effective: July 2, 2013
Chapter 612

HB 3301 – Electric Vehicle Charging Stations

HB 3301 authorizes the owner of a lot in a planned community, or a unit in a condominium, to install and use an electric vehicle charging station. The bill also prohibits a homeowner association or an association of unit owners from banning the installation or the use of a charging station for the personal, noncommercial use by the owner.

Effective: January 1, 2014
Chapter 438

For other bills relating to Energy, please see:

- SB 306 – Carbon Tax Study, p. 30
- SB 321 – Renewable Energy Equipment Manufacturing Tax Credit, p. 76
- SB 583 – Alternative Fuel Vehicles, p. 84
- HB 2224 – Renewable Energy Equipment Manufacturing Tax Credit, p. 76
- HB 2497 – Carbon Tax, p. 33
- HB 2792 – Carbon-Based Fuel Tax, p. 34

Environment

SB 116 – Shipping Transport of Aquatic Invasive Species

In 2007, the Legislature passed SB 643 to create the Shipping Transport of Aquatic Invasive Species Task Force, with a sunset date of January 2009. The Task Force was recreated by the Legislature in 2009. SB 116 recreates the Task Force for a third time for the purpose of studying and making recommendations on combating the introduction of aquatic non-indigenous species associated with shipping-related transport; evaluating funding mechanisms to support and maintain prevention efforts and ballast water program activities; and shipping industry compliance with the ballast water statute. The Task Force will sunset again on January 2, 2019.

Effective: July 1, 2013
Chapter 594

SB 306 – Carbon Tax Study

In March 2013, the Senate Finance and Revenue Committee heard an informational briefing on the implications of imposing a tax on carbon emissions. SB 306 directs the Legislative Revenue Officer to prepare a preliminary report by December 1, 2013 and a final report by November 15, 2014 to the Legislature on the feasibility of a tax or fee on greenhouse gas emissions.

Effective: August 14, 2013
Chapter 770

SB 571 – Invasive Species Council

This bill adds the State Marine Board Director, or designated representative, and one additional appointed member to the Invasive Species Council. The City supported this change in its 2013 legislative agenda.

Effective: January 1, 2014
Chapter 181

SB 633 – Preemption of Regulations on Genetically Modified Organisms (GMOs)

This bill would have preempted local regulation of GMOs by declaring that regulation of agricultural, flower, vegetable, and nursery seed and seed products is reserved to the state. SB 633 would have prohibited a local government from enacting or enforcing a local measure or law that inhibits or prevents production or use of specified seed or seed products. The bill would have excluded land owned by a local government from this regulatory preemption. The bill was approved in the Senate but failed to come to a

vote in the House. SB 633 came on the heels of a proposed county initiative in Southern Oregon banning genetically modified seed.

SB 709 – Forest Fires

SB 709 prescribes damages allowed in the event of wildfire on public or private forest land and allows recovery of twice the amount of economic and property damages if the fire was the result of recklessness, gross negligence, willfulness, or malice. The bill also defines "fair market value" for calculating damages, permits legal action for unlawful taking of wildlife, and provides the evidentiary standard for fault in wildfire cases.

Effective: June 4, 2013
Chapter 307

SB 800 – Pesticide Application Reporting

As amended, this legislation would have established a seven member Task Force on Pesticide Application Reporting to study and develop recommendations on whether state and local governments should be required to report pesticide use. SB 800 moved out of the Senate Environment and Natural Resources Committee but was sent from the Senate floor back to committee, where the bill remained for the duration of session.

SB 814 – Environmental Cleanup Insurance Claims

The City of Portland joined Portland waterfront businesses and the Port of Portland in support of this bill, which includes several provisions to help ensure that general liability insurance companies handle environmental claims in a timely and appropriate manner. The bill was carefully drafted and draws upon current Washington and California State laws governing the process for settling environmental claims under general liability insurance policies. Passage of this bill will help keep cleanup efforts, which are funded through insurance claims, on track. With greater certainty about the timing of insurance settlements, policy holders may have some relief from bearing the entire burden of the costs of environmental investigation and cleanup activities. In testimony supporting the bill, the City noted the importance of the issue to the Portland Harbor Superfund site clean up efforts. Timely processing of environmental claims will be critical when Oregon businesses and governmental entities begin remedial activities associated with cleanup of the Harbor and will result in environmental and public health benefits.

Effective: June 10, 2013
Chapter 350

Environment

HB 2048 – Paint Stewardship

This bill repeals the sunset on a paint stewardship program created by the Legislature in 2009 to promote the reuse, recycling, and safe disposal of architectural paint. HB 2048 also requires stewardship organizations to provide retailers with information for customers on opportunities to return unused paint, specifies paint stewardship program plan requirements, and provides paint drop-off location standards.

Effective: July 29, 2013
Chapter 677

HB 2233 – Abandoned and Derelict Vessels

HB 2233 improves the ability of public agencies to seize abandoned and derelict marine vessels, and creates a Class A violation for failure to remove an abandoned vessel or remedy a derelict vessel. The City of Portland provided testimony in support of the bill.

Effective: January 1, 2014
Chapter 680

HB 2247 – Noxious Weed Control Enforcement

HB 2247 authorizes the Oregon Department of Agriculture to assess a civil penalty of up to $10,000 for violating weed control laws, such as noxious weed quarantines or county weed control district regulations. The bill also repeals obsolete statutes that pre-date the consolidation of Oregon's noxious weed laws in 2011.

Effective: January 1, 2014
Chapter 195

HB 2336 – Toxic Air Emissions

This legislation was introduced in response to concerns of North Portland residents who were exposed to offensive odors from nearby industrial activities. HB 2336 would have required the Environmental Quality Commission to adopt provisions requiring that Title V air quality permit applications include an analysis of actions the facility may take to reduce toxic air emissions. The House Energy and Environment Committee held a public hearing but did not advance the bill.

Environment

HB 2396 – Removal-Fill Permits for Woody Debris

This legislation requires a Department of State Lands permit to remove large woody debris from Oregon waters, with certain exceptions. The Bureau of Environmental Services provided testimony in support of the new permit requirement.

Effective: January 1, 2014
Chapter 198

HB 2497 – Carbon Tax

This bill would have imposed a fee on each fuel supplier and utility based on the carbon in their end-products consumed in Oregon. The tax on oil and natural gas would have been limited to six percent of the market value of the oil or natural gas. Tax revenues would have been distributed to the State Highway Fund, Common School Fund, Energy Crisis Trust Fund, and Renewable Energy Resources Account. HB 2497 was referred to the House Energy and Environment Committee, where it did not receive a public hearing. Another carbon-based fuel tax bill, HB 2792 (p. 34), did receive a hearing in the same committee.

HB 2516 – Conservation Education

The Watershed Conservation Fund and the Watershed Conservation Grant Fund comprise the majority of the Oregon Watershed Enhancement Board's funding and are used for either agency operations or for providing grants to local watershed groups. HB 2516 would have allowed grants of those funds to outdoor education programs like Outdoor School, as well. This bill was approved in the House Energy and Environment Committee and then was sent to Ways and Means where it received no further consideration.

HB 2697 – Fish Carcasses

Prior to passage of HB 2697, the State's littering laws prohibited a person from discarding any dead animal carcass into a water body. HB 2697 allows a person to return a fish carcass to the stream from which the fish was caught, as long as the person retains proof of compliance with fishing regulations. Since the 1990s, the Oregon Department of Fish and Wildlife has used volunteers to distribute fish carcasses in streams. Such placement enhances the nutrients in the water, is recognized as a benefit to fish stocks, and is helpful in the recovery of salmon populations.

Effective: May 16, 2013
Chapter 132

Environment

HB 2792 – Carbon-Based Fuel Tax

This bill would have imposed a tax on fuel suppliers and utilities in Oregon, calculated based on all carbon-based fuel sold by a fuel supplier to consumers or used to produce carbon-generated electricity supplied by utilities. Revenue collected by HB 2792 would have been distributed to the State Highway Fund, Common School Fund, Department of Energy, Department of Environmental Quality, Department of Land Conservation and Development, and the Department of Education. HB 2792 received a public hearing in the House Energy and Environment Committee but did not advance.

HB 3162 – Toxics in Children's Toys

HB 3162, the "Toxics Disclosure for Healthy Kids Act," would have required large manufacturers to report if any of 19 specified dangerous chemicals are used in the children's products they make, and to phase out chemicals from certain high-exposure products over five years. Currently, this information is unavailable to parents and health officials. The bill would have limited the inclusion of toxic chemicals from products that young children touch, chew, or inhale. The bill was approved in the House and in the Senate Rules Committee, but was sent back to committee from the Senate floor when it failed to garner enough support to pass.

HB 3337 – Ecosystem Services

The Legislature passed SB 513 in 2009, outlining an approach to ecosystem services that set the stage for the development of market-based programs in which regulated parties or voluntary buyers purchase ecosystem services from private landowners. HB 3337 would have implemented many of the recommendations of a work group that was convened by the Oregon Watershed Enhancement Board as the result of the 2009 legislation. The bill was approved by the House and scheduled for a floor vote in the Senate, but then was referred to the Senate Rules Committee where it died.

HB 3364 – Integrated Pest Management

Integrated pest management (IPM) programs use information on pest ecology, in combination with available pest control methods, to manage pest damage economically and with the least possible hazard to people, property, and the environment. HB 3364 revises the IPM definition in state law and establishes the IPM Coordinating Committee comprised of state and public university employees to share information, develop adaptive approaches to improve IPM programs, and report to the Legislative Assembly.

Effective: June 4, 2013
Chapter 289

Environment

HB 3492 – Toxic Air Emissions

HB 3492 would have defined major hazardous air pollutant sources and required those facilities to create a plan to analyze internal processes and determine any cost-effective ways to lessen, or avoid completely, the generation of toxic air pollutants. HB 3492 was approved in the House Energy and Environment Committee and then sent to the Joint Ways and Means Committee, where it failed to advance further.

For other bills relating to Environment, please see:

- SB 246 – Industrial Lands Site Readiness, p. 11
- SB 469 – Brownfields Settlements, p. 12
- SB 476 – Brownfield Prospective Purchaser Agreements, p. 12
- SB 680 – Brownfield Settlements, p. 13
- SB 837 – In-Conduit Hydroelectricity Fish Passage Mitigation, p. 24
- HB 2286 – Brownfield Property Tax Assessment, p. 14
- HB 2658 – Brownfield Remediation Tax Credit, p. 16
- HB 2659 – Brownfields Study, p. 16
- HB 3030 – Brownfield Redevelopment, p. 17

Ethics

HB 2078 – Lobbyist Registration

HB 2078 is an omnibus bill addressing lobbyist registration in Oregon. The bill changes the length of time a lobbyist has to register once meeting the lobbying threshold or taking on a new client from three days to ten days. It also requires that entities comprised of more than one lobbyist report expenditures for each lobbyist. The bill adjusts the grace period to ensure that lobbyists are registered prior to the beginning of a legislative session in an even-numbered year. Finally, HB 2078 removes the requirement that the Oregon Government Ethics Commission submit a report of lobbyist violations to the Legislative Assembly.

Effective: January 1, 2014
Chapter 262

HB 2079 – Definition of "Relative" in Ethics Law

HB 2079 combines two separate definitions of "relative" used in different parts of Oregon's statues and standardizes the definition of "member of household" used in Oregon law. Under the bill, "relative" is defined as the spouse, parent, stepparent, child, stepchild, sibling, stepsibling, son-in-law, and daughter-in-law of the public official or candidate and the parent, stepparent, child, stepchild, sibling, stepsibling, son-in-law, and daughter in-law of the spouse of the public official or candidate.

Effective: January 1, 2014
Chapter 42

HB 3528 – Lobbyist Interactions

This bill was introduced to clear up ambiguity around whether a registered lobbyist needs to declare his or her expenses when interacting with other lobbyists. Under existing statute, a lobbyist would be required to report food, drink, and entertainment expenses if the individual approaches another lobbyist with the intent to ask him or her to assist in influencing legislative action. HB 3528 exempts registered lobbyists from reporting money spent on lobbying another registered lobbyist to the Oregon Government Ethics Commission. The exemption does not apply if the person lobbied is a legislative official, an executive official, or a member of a state board or commission.

Effective: July 29, 2013
Chapter 701

General Government

SCR 4 –Oregon Solutions Network Streamlining

SCR 4 directs state agencies to support the Governor's regional coordinators and regional advisory committees to provide technical assistance and to allocate financial resources and investments according to regional priorities.

Filed with Secretary of State: June 7, 2013

SB 465 – Notice of Substantial Damage

In order to participate in the National Flood Insurance Program, local governments must adopt and enforce floodplain management ordinances that meet minimum Federal standards. For most property transactions, sellers must complete a property disclosure statement and disclose if a structure is in a floodplain, if it has been damaged by floods, and if there have been any insurance claims, repairs, or remediation concerning the property. However, certain sellers (e.g., financial institutions) are exempt from this disclosure requirement. As a result, buyers may not receive notice of flood-related damage and the need to bring a structure into compliance with local ordinances. SB 465 allows local governments to have the county clerk record a "notice of substantial damage" when residential structures are substantially damaged by flooding. Recording this damage provides notice so that prospective purchasers will be aware of the potential need to repair damage in order to comply with applicable ordinances and codes.

Effective: June 4, 2013
Chapter 303

SB 631 – Public Health Inspections of Public Restaurants

This bill requires restaurants operated by public entities to undergo routine health inspections by specifically making public bodies and entities that operate restaurants subject to inspection laws. This bill was introduced in response to an outbreak of a suspected norovirus at the Oregon Zoo in December 2012.

Effective: January 1, 2014
Chapter 306

HB 2429 – Securing Personal Information

HB 2429 would have required public bodies to establish policies for secure removal of personal information from electronic devices owned, leased by, or under the control of the public body. The bill would also have prohibited a public body from using photocopiers that it does not own, lease, or control. The bill was amended in the House

Consumer Protection and Government Efficiency Committee to address issues identified by the City of Portland and other public bodies and then referred to the Joint Ways and Means Committee for consideration, where no further action was taken.

HB 2642 – Nonmonetary Assistance

This legislation would have directed state agencies and local governments, upon request by a business that commits to conduct business in Oregon and hire an unspecified number of Oregonians, to provide nonmonetary assistance. The assistance would take the form of expediting and prioritizing review of applications and providing information and technical assistance related to the issuance of registrations, licenses, certifications, or permits necessary to conduct business in Oregon. The bill was heard by the House Business and Labor Committee, but did not move forward.

HB 2643 – Small Business Fee Database

HB 2643 directs the Secretary of State to maintain the Oregon License Directory, a searchable internet database of licenses, permits, and registrations for which fees and fee-related regulations are imposed on small businesses by local and state agencies. The bill also requires local and state agencies to report and update information designated by the Secretary of State via administrative rule for inclusion in the directory.

Effective: July 1, 2013
Chapter 580

HB 2654 – Social Media Privacy

With the increasing prevalence of social media, HB 2654 addresses employees' right to privacy regarding their social media accounts. The bill defines as an unlawful employment practice situations where an employer requires or requests access to an employee or job applicant's personal social media account, or if an employer compels an employee to add to their list of contacts information associated with their personal social media account. The measure allows employers to conduct investigations and does not prohibit accessing publicly available information.

Effective: January 1, 2014
Chapter 204

General Government

HB 2917 – Compensation for Condemned Property

HB 2917 would have required offers of just compensation for condemned properties to not be less than the real market value of property as determined by the county assessor or the Department of Revenue. The bill was sent to the House Consumer Protection and Government Efficiency Committee, where it did not receive a public hearing.

HB 2924 – Local Government Bankruptcy

HB 2924 would have authorized local governments and special government bodies to file for relief under federal bankruptcy law, take actions necessary to carry out confirmed plans, and incur and pay expenses incidental to bankruptcy proceedings. The bill was referred to the House Rules Committee where it failed to receive a public hearing.

HB 2963 – Regulation of Conduct on Sidewalks

This legislation would have clarified that nothing in state law preempts a local jurisdiction from regulating conduct on sidewalks. HB 2963 was supported by the Portland Business Alliance and Downtown Clean and Safe, and was opposed by the American Civil Liberties Union and the Oregon Law Center. The bill was approved by the House 57-2, but failed to advance in the Senate following a public hearing in the Senate Judiciary Committee.

HB 3415 – Public Radio Tower Access Lease Rates

This bill requires public bodies to charge a market rate when providing private business access to a radio tower that the business uses to deliver for-hire radio communications, radio paging, or cellular communications service.

Effective: January 1, 2014
Chapter 440

HB 3503 – Liens

This bill would have modified the calculation of the minimum price for which real property may be sold in order to recover unpaid final assessments against the property for local improvements. House Bill 3503 was referred to the House Rules Committee, where it did not receive a public hearing.

General Government

For other bills relating to General Government, please see:

- HB 2674 – Americans with Disabilities Act Accommodations, p. 64
- HB 3169 – Green Energy Technology Requirement, p. 29

Health Care & Public Health

SB 337 – Health Care Benefits to Retirees

SB 337 would have repealed the requirement that local governments make employee health care insurance coverage available to retirees and their families until they and their spouses become eligible for Medicare. The bill was referred to the Senate General Government, Consumer and Small Business Protection Committee where it did not receive a public hearing.

SB 365 – Autism Coverage

This bill requires health benefit plans to include coverage for Autism Spectrum Disorders. It also establishes the Behavior Analysis Regulatory Board within the Oregon Health Licensing Agency to provide licensure and regulatory oversight for practitioners of Applied Behavior Analysis. The bill passed in both chambers overwhelmingly.

Effective: August 14, 2013
Chapter 771

SB 444 – Smoking in Cars with Kids

This legislation makes it a Class D traffic violation, enforceable only as a secondary offence, if a driver smokes in a vehicle with a minor. The bill increases the penalty to a Class C traffic violation on subsequent offenses.

Effective: January 1, 2014
Chapter 361

SB 823 – Mental Health Care Reform

SB 823 was introduced early in session as a comprehensive package to address mental health care in Oregon targeted at children and adolescents. Despite the support of the Senate Health Care and Human Services Committee, the bill was not approved by the Joint Ways and Means Committee. The bill would have required the Oregon Health Authority to create new programs and expand existing programs to increase mental health services capacity statewide. A separate proposed revenue package would have allocated $20 million toward these programs, but that bill (HB 2456, p. 80) failed on the Senate floor and the conversation on additional funding for mental health services was tabled for the remainder of session.

Health Care & Public Health

HB 2279 – Local Government Participation in State Health Plans

HB 2279 allows local government entities to participate in benefit plans offered by the state's Public Employee Benefit Board (PEBB) and Oregon Educator's Benefit Board (OEBB). There is no mandate to join either program. PEBB and OEBB are directed to make rules around how to address the effects of the municipalities joining their plans. Proponents assert that this change will help manage rising health care costs.

Effective: January 1, 2014
Chapter 731

HB 3160 – Insurance Companies and the Unfair Trade Practices Act

Under current law, insurance companies are exempt from the Unfair Trade Practices Act, Oregon's primary consumer protection statute. HB 3160 would have removed that exemption and required that insurance companies meet the same standards as every other industry in Oregon. HB 3160 narrowly passed the House, but did not come to a vote in the Senate.

HB 3390 – Paid Sick Leave

City Council submitted multiple letters in support of this proposal to create a statewide standard for paid sick leave. Both the House Business and Labor Committee and the House Rules Committee held hearings on HB 3390, but the bill failed to advance to the House floor. The Chair of the House Rules Committee, however, clearly directed stakeholders to work in the interim on a statewide paid sick leave proposal for the February 2014 Session.

HB 5030 – Oregon Health Authority Budget

Despite the failure of SB 823 (p. 41), the Legislature did approve an enhanced budget of 18.4 percent over the last biennium for addiction and mental health services within the Oregon Health Authority Budget. HB 5030 dedicates an additional $26.6 million in General Fund dollars to increase system capacity. The plan includes three residential treatment homes in Pendleton that are scheduled to open by January 2014. The budget also includes a $21.8 million of General Fund investment in the children's mental health system. Operational costs are included for the new Junction City state hospital facility for the last three months of the biennium.

Effective: July 1, 2013
Chapter 668

Health Care & Public Health

For other bills relating to Health Care and Public Health, please see:

- SB 421 – Civil Commitment Standards, p. 66
- SB 440 – Loan Repayment for Rural Medical Practitioners, p. 73
- SB 445 – Pre-Payment of Post-Employment Benefits, p. 49
- SB 631 – Public Health Inspections of Public Restaurants, p. 37
- HB 2456 – Revenue Proposal, p. 80
- HB 2594 – Civil Commitments Orders, p. 69
- HB 2858 – Loan Forgiveness for Rural Medical Practitioners, p. 73

Housing

SB 558 – Mediation in Foreclosures

Last session the Legislature passed SB 1552, which required mediation in non-judicial foreclosures. Instead of complying with the requirements of SB 1552, large banks abandoned non-judicial foreclosures in favor of judicial foreclosures, which lacked mediation requirements. SB 558 extends the mediation requirement to the judicial foreclosure process, closing a loophole that has allowed lenders to avoid mediation with homeowners.

Effective June 4, 2013
Chapter 304

SB 765 – Housing Audit Testing

This bill would have required those who receive public funds to conduct housing discrimination audit testing to furnish their audit testing records upon request. SB 765 would have established a record retention schedule and applied public records law to housing discrimination audit testing records. The bill was referred to the Senate General Government, Consumer and Small Business Protection Committee where it failed to receive a public hearing.

HB 2349 – Homebuyer Opportunity Tax Exemption

HB 2349 is a City of Portland Initiative that extends the sunset date on the single family housing tax exemption from 2015 to 2025. The City uses this exemption to operate the Homebuyer Opportunity Limited Tax Exemption Program (HOLTE), a tool for revitalizing neighborhoods and helping first time homebuyers and those currently priced out of the market achieve homeownership. The bill was amended to remove the requirement that property tax abatements issued under this legislation be used in "distressed areas." This requirement limited the HOLTE Program to only a few parts of the City. The amendment will allow the City greater flexibility when using property tax abatements to increase housing choice throughout Portland.

Effective: October 7, 2013
Chapter 426

HB 2417 – Veteran's Housing

HB 2417 raises the document recording fee by $5 and designates the additional revenues collected toward funding housing assistance for veterans. For the 2013-2015

biennium, the Department of Housing and Community Services projects additional revenues of $5.83 million for the program based on collections beginning January 1, 2014.

Effective: January 1, 2014
Chapter 646

HB 2489 – Senior and Disabled Property Tax Deferral Program

House Bill 2489 makes a number of important improvements to the Senior and Disabled Property Tax Deferral Program, which allows low-income seniors to defer their annual property taxes until they move, die, or sell their homes. While the Senior and Disabled Property Tax Deferral Program was successful in its mission and financially solvent for decades, in recent years the viability of the program was put into question as enrollment increased, housing values declined, and the economy worsened. In 2011, the Oregon Legislature responded to the program's lack of funds by passing an enrollment cap and stricter eligibility rules for the program, subsequently disqualifying approximately half of the participants from the program. In 2012, legislators approved a two year reprieve for those participants who had been disqualified solely because they had a reverse mortgage. HB 2489 makes that reprieve permanent and is expected to help 1,400 senior citizens and disabled Oregonians re-enter the tax deferment program.

Effective: October 7, 2013
Chapter 31

HB 2639 – Barriers to Housing/Section 8 Housing

HB 2639 redefines "source of income" for purposes of prohibiting discrimination in renting or leasing real property. Under current law, landlords are permitted to advertise that they do not accept applications from individuals who use federal housing vouchers to pay for rental housing. This bill requires landlords in Oregon to accept applications from voucher holders and screen the applicant in the same manner they would screen any other applicant. The bill received final approval on the Senate floor on the last day of the 2013 Legislative Session.

Effective: January 1, 2014
Chapter 740

Housing

HB 2662 – Liens for Neglected Properties

HB 2662 prohibits owners of foreclosed residential real property from neglecting the property during the period of vacancy. This bill gives clear authority to local governments to attach liens to neglected properties for work done maintaining the property during the term of vacancy.

Effective: June 6, 2013
Chapter: 317

HB 2890 – Inclusionary Zoning

This bill would have allowed local governments to impose conditions on approved permits that establish a sales price for residential development or require that property be designated for sale to any particular class or group of purchasers. Called "inclusionary zoning," such a policy could require that a certain number of units in new construction be affordable for people with low-to-moderate incomes. This bill was referred to the House Human Services and Housing Committee and received several hearings but did not advance in time for the first bill deadline and died in committee. A Senate version of the bill (SB 475) was referred to the Senate General Government, Consumer and Small Business Protection Committee but it did not receive a public hearing.

HB 3002 – Property Tax Exemption for Senior and Disabled Oregonians

This legislation would have excluded certain low income senior citizens and persons with disabilities from property tax rates applicable to local option taxes not subject to compression and any rate increase due to application of the changed property ratio to the homestead. The bill was referred to the House Revenue Committee where it failed to receive a public hearing this session.

SB 3007 – Manufactured Home Purchasing Option

This bill would have allowed residents of a manufactured home park the right of first refusal to purchase the park before the owner sells to a third party, providing residents an opportunity to preserve the location of their homes. The City submitted testimony to the House Human Services and Housing Committee supporting the bill, but the committee did not move the bill forward.

Housing

HB 3112 – Municipal Low-Income Housing Tax Exempt Status

HB 3112 is a City of Portland Initiative that clarifies the tax exempt status of municipal property used for affordable housing. The bill addresses a problem with a specific property in the City. In 2001, the City acquired the Fairfield Hotel, an 82-unit single-room occupancy rental property for Section 8 housing located in downtown Portland. In recent years, the Multnomah County Tax Assessor determined that the Fairfield was taxable. A lawsuit challenging the Assessor's determination was initiated, but rather than continuing to litigate the issue, the City and Multnomah County both agreed that the statute should be updated to clarify that municipal property used for affordable housing is exempt from property taxes, just like any other municipal property that is used for a municipal purpose. This bill is an important part of the city's strategy to preserve affordable housing units in Portland.

Effective: October 7, 2013
Chapter 386

HB 3332 – Residential Care for the Mentally Ill

HB 3332 would have appropriated General Fund dollars toward, and required the Oregon Health Authority to seek grant opportunities for, crisis intervention and residential care facilities for people experiencing mental illness. The bill was passed out of committee and sent to the Joint Ways and Means Committee, where it did not receive additional consideration.

HB 5015 – Budget for Housing and Community Services Department

HB 5015 is the budget for the Housing and Community Services Department. The Department provides financing and support for the development of affordable housing, and administers federal and state programs to alleviate homelessness and poverty. The Joint Ways and Means Committee recommended a total funds budget of $670.3 million and 77.08 full time equivalent employees. This recommendation is equivalent to approximately one year of operations, and reflects the expectation that the Department report in February 2014 on alternative, sustainable models of effective service delivery. A budget note provided guidance to the Department on what the report should encompass, including programs and functions that should be discontinued due to redundancies in other agencies and sectors, unsustainable funding, or lack of demand. The budget note requested a plan for implementing recommended changes including: a timeline of when functions will be discontinued, transferred, or consolidated; when the remaining 2014-15 housing-related expenditure limitation or appropriations should be

granted; and how commitments related to bonds, grant agreements, and other legal or contractual obligations will be met.

Effective: July 1, 2013
Chapter 561

HB 5506 – Affordable Housing Preservation

The City submitted testimony to the Capital Construction Subcommittee supporting the Housing Alliance's capital request for $20 million in lottery-backed bonds to preserve federally subsidized affordable housing. Ultimately, HB 5506 authorized $5 million in lottery backed bonds for preservation. These funds will be used to leverage local investments in affordable housing preservation projects.

Effective: July 29, 2013
Chapter 705

For other bills relating to Housing, please see:

- HB 3367 – Farm Worker Housing Tax Credit, p. 73

Human Resources

SB 1 – Veterans Day

SB 1 requires employers to provide veterans with time off work on Veterans Day to honor their service, unless granting the time off would cause significant economic or operational disruption or undue hardship. If employers cannot provide veterans with time off on Veterans Day, they must provide veterans with a different day off as a replacement. The time off can be paid or unpaid.

Effective: April 4, 2013
Chapter 28

SB 445 – Pre-Payment of Post-Employment Benefits

This bill would have required a public body that agrees to pay or provide any benefits to retired employees, other than payments required or provided by statutes governing retirement benefits for retired public employees, to create separate accounts for funding those benefits. The bill also would have required the public body to make annual contributions to the accounts in amounts necessary to amortize liability for benefits in 25 years or less. Upon introduction, the bill was referred to the Senate Rules Committee, where it remained at the time of adjournment.

SB 747 – Arbitration in Police Contracts

Limited to cities with more than 300,000 people, this bill would have prohibited the City of Portland from entering into collective bargaining agreements that provide for binding arbitration of issues related to discipline or termination of city police officers for misconduct involving unlawful use of force. The bill was heard in the Senate General Government, Consumer and Small Business Protection Committee but failed to advance.

HB 2418 – Supervisory Employees

This bill proposed to change the definition of "supervisory employee" in public employee collective bargaining law. HB 2418 would have required public safety workers to have economic discipline authority in order to be considered supervisory employees, opening up union eligibility to currently ineligible middle and upper management in public safety agencies across the state. The City submitted written opposition to the bill and testified before the Senate General Government, Consumer and Small Business Protection Committee and the Senate Rules Committee. The bill failed on the Senate floor in the last days of the Legislative Session.

Human Resources

HB 2448 – Mid-term Arbitration

HB 2448 would have extended arbitration rights to strike-permitted employees in mid-term bargaining. Arbitration rights in mid-term bargaining are currently reserved to public safety employees because, for public safety reasons, they are not permitted to strike. The City submitted written opposition and testified before the Senate General Government, Consumer and Small Business Protection Committee against the bill. In late May, the Committee declined to take further action on the bill, rendering it dead for the 2013 Legislative Session.

HB 2669 – Workplace Protections for Interns

Currently, Oregon workplace protections apply only to employees, and since student interns are not technically considered employees, specific protections are not available to them. HB 2669 provides specific protections against discrimination to student interns, including: discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status or age; discrimination based on military service; discrimination based on a disability; discrimination against whistle blowing; discrimination based on being a victim of domestic violence, sexual assault, harassment, or stalking; and other considerations. The measure does not create an employment relationship for the purposes of wage and hour laws, minimum wage, child labor laws, occupational safety and health laws, workers' compensation, unemployment, Oregon Family Leave Act, or other leave laws.

Effective: June 13, 2013
Chapter 379

HB 2683 – Direct Deposit

Currently, employers in Oregon may ask employees to agree to direct deposit of their wages. House Bill 2683 allows an employer to direct deposit an employee's wages without the agreement of the employee, unless the employee makes a verbal or written request for a paper check.

Effective: January 1, 2014
Chapter 380

HB 2903 – Domestic Violence Leave Law

Expanding on legislation passed in 2007, HB 2903 extends protected leave to victims of domestic violence who are new and part-time employees. Such leave can be used for obtaining legal or law enforcement assistance; medical attention; services from

domestic violence shelters or rape crisis centers; psychological counseling; or relocation. The bill requires employers with six or more employees to post a summary of statutes and related administrative rules regarding the employment rights of victims of domestic violence, harassment, sexual assault, or stalking.

Effective: January 1, 2014
Chapter 321

HB 2950 – Bereavement Leave

HB 2950 allows an employee who is eligible for the Oregon Family Leave Act (OFLA) to take up to two weeks of unpaid leave to attend the service for a deceased family member, make arrangements for a deceased family member, or grieve the death of a family member. This leave is counted toward the 12-week limit under OFLA and the leave must be taken within 60 days of the death of the family member.

Effective: January 1, 2014
Chapter 384

HB 3042 – Wage Discrimination

Current law protects against wage discrimination based on sex. HB 3042 would have extended protections to include race, color, religion, sexual orientation, national origin, martial status, disability, and age. The bill would have given enforcement authority to the Bureau of Labor and Industries. HB 3042 received a public hearing in the House Business and Labor Committee, but failed to advance.

HB 3142 – Wage Claims

Introduced by the Bureau of Labor and Industries, HB 3142 would have modified the definitions of employment-related terms in statutes relating to hours, wages, wage claims, employment conditions, employment agencies, farm labor contractors and construction contractors. The bill would have replaced established, accepted definitions of "employer," "employee," and "wages," which have been vetted and developed by significant administrative decisions and case law over many years, with vague and broad language. For example, the bill proposed defining an "employer" to include, "any other person acting directly or indirectly in the interest of an employer in relation to an employee." Such a broad definition could make a public employer such as the City of Portland liable for wages left unpaid by third parties and lead to many wage claims against the City. The bill was approved by the House Business and Labor Committee. However, once HB 3142 reached the House floor, it was referred to the House Rules Committee, where no further action was taken on the bill.

Human Resources

HB 3307 – Required Break Periods

Under current law, when an employee does not receive meal periods and rest periods, they are not entitled to any financial remedy when the employer is found in violation. HB 3307 would have required the employer to pay one and one-half hours of pay for each day the required meal periods and rest periods were not taken or paid, and it provided a private right of action for the employee if the employer does not do so. The bill was approved by the House Business and Labor Committee. Once it reached the House floor, HB 3307 was referred to the House Rules Committee where no further action was taken on the bill.

HB 3342 – Public Sector Neutrality

Approved by party-line votes in both the House and the Senate, HB 3342 prohibits a public employer from using public funds to deter, support, assist, or promote union organizing. The bill prohibits retaliation for enforcement of the measure and specifies that an employer may offer an opinion on union organizing, if requested by the employee. Enforcement and rule making authority for the bill resides with the Employment Relations Board. Violation of this law can result in an unfair labor practice and an employer found in violation of the measure may be fined an amount equal to triple the funds the employer expended in prohibited activities.

Effective: July 1, 2013
Chapter 663

Land Use

SB 77 – Consolidated Land Use Appeals

SB 77 requires the Land Use Board of Appeals (LUBA) to track and report specific land use review data on their website, including the number of reviews of land use decisions or limited land use decisions when a petition is filed; the rate at which reviews result in a decision to uphold, reverse, or remand; and information about petitioners and respondents. Earlier versions of SB 77 also would have consolidated certain land use appeals at LUBA, but those provisions were removed from the final bill.

Effective: June 26, 2013
Chapter 513

SB 220 & HB 3396 – Land Use Board of Appeals (LUBA) Standing

Both of these bills would have required that a person be adversely affected by a land use decision in order to have standing to appeal the decision to LUBA. Neither bill received a hearing.

SB 251 – Streamlining Land Development Permitting

In 2011, Governor John Kitzhaber issued an executive order establishing Regional Advisory Committees to identify economic development priorities to guide work and leverage resources in all 11 regions in the state. SB 251 would have allowed the Governor to convene meetings to establish a permit review plan and schedule for land development projects that address these significant regional priorities. The bill also would have authorized local governments to request the Governor convene a meeting. SB 251 was approved by the Senate Rural Communities and Economic Development Committee and then referred to the Joint Ways and Means Committee, but did not progress further.

SB 462 – Composting Facilities

SB 462 requires composting facilities that begin using non-vegetative feedstocks, or that modify operations in a manner requiring new land use approval, to undergo a pre-application conference with relevant agencies and hold a community meeting prior to applying for land use approval. The bill also includes a provision intended to address the Stafford Basin that prohibits the Department of Environmental Quality and Metro from permitting a composting facility within 1,500 feet of a school within a rural residential exception area.

Effective: June 26, 2013
Chapter 524

Land Use

SB 733 – Extraterritorial Service

SB 733 would have allowed the Director of the Department of State Lands to approve, on a case-by-case basis, off-site compensatory mitigation in a watershed located in an adjacent state to Oregon, if the watershed also exists in Oregon. The bill did not receive a public hearing.

HB 2028 – Annexation Nonremonstrance Agreements

A city or special district may provide services to landowners outside its territory through intergovernmental agreements with the county or other local government. A city or district can also require a landowner to agree to eventual annexation in exchange for providing services to the landowner. HB 2028 would have restricted the authority of cities and special districts to require consent to eventual annexation as a condition of providing certain extraterritorial services. This bill was approved by the House Land Use Committee, but was later sent back to committee, where it remained upon adjournment.

HB 2255 –Employment Land Planning and Development

HB 2255 was drafted to provide new tools for communities to plan for employment lands. First, the bill would have created industrial reserves, which are lands planned to meet a community's long-range needs for industrial growth for ten to twenty years into the future. In the meantime, the lands would remain in rural use until they are needed for development. Second, HB 2255 would have created a new permit-based siting process for very large new industrial uses. This bill received two public hearings in the House Land Use Committee but failed to advance.

HB 2617 – Island Annexation

Current law states that voter approval of a proposed annexation is determined by a combined majority of votes cast in the city and the territory proposed to be annexed. HB 2617 would have required that for annexation of areas of 100 acres or greater subject to voter approval, both a majority of votes within a city and a majority of votes within the area to be annexed would be necessary to approve the annexation. The bill would not have applied directly to cities that do not require voter approval of annexations. HB 2617 was sent to the floor from the House Land Use Committee, but was later sent back to committee to die.

Land Use

HB 2618 – Annexation and Service Delivery

In 2012, the Marion County Circuit held in *Marion County Fire District #1 v. City of Keizer and Keizer Fire District* that a city is only authorized to withdraw an area from a special district when the city will be responsible for providing the service that had been provided by the district. HB 2618 codifies this policy in statute.

Effective: October 7, 2013
Chapter 277

HB 3040 – Prohibition of New Landfills on Farmland

As introduced, HB 3040 would have prohibited new or expanded solid waste facilities, including landfills, compost facilities, transfer stations, and waste-to-energy facilities, on farmland. The bill was amended in the House Land Use Committee to prohibit new landfills on exclusive farm use land and would have also created an agency-led study group to evaluate the extent and impact of nonfarm uses on farmland. The amended bill was approved by the House Land Use Committee and then sent to the Joint Ways and Means Committee, where it was not brought up for further consideration.

HB 3067 – Area 93 Jurisdictional Transfer

This bill establishes a process for Multnomah County and Washington County to agree on a jurisdictional transfer of Area 93, also known as Bonny Slope, so that urban services can be provided to the area. Area 93 is located in unincorporated Multnomah County adjacent to Washington County, on the other side of a rural reserve from the City of Portland. Washington and Multnomah counties, which both supported the bill, have until January 1, 2014 to approve a final agreement.

Effective: June 6, 2013
Chapter 326

HB 3087 – Appeals Fees

HB 3087 would have limited the fee amount that cities and counties can charge for the appeal of a quasi-judicial land use decision to ten percent of the original application fee or $1,000, whichever is less. Current statute limits such appeals fees to the actual or average cost of processing an appeal. The bill also would have required cities and counties to refund the full amount of the appeal, in addition to the transcript fee, should the appellate authority decline to review the local decision. The bill was the subject of a public hearing in the House Judiciary Committee, but did not advance to the floor.

Land Use

HB 3362 – Post-Acknowledgement Land Use Decision-Making

This bill would have limited review of post-acknowledgement legislative changes by the Land Use Board of Appeals to only comprehensive plans and plan implementation regulation issues raised during a local planning process. HB 3362 would have also required the Department of Land Conservation and Development to study citizen involvement in local land use planning and to identify changes that can reduce appeals by ensuring more effective involvement in local land use planning. The bill had a hearing in the House Land Use Committee but failed to move this session.

SB 5530 – Budget for Department of Land Conservation and Development

The Legislature approved a seven percent budget increase for the Department of Land Conservation and Development for the 2013-15 biennium. The budget includes funding for hazards mitigation planning, Oregon sustainable transportation planning, regional resource protection, information management modernization, and $1.2 million for the local government grant program. Legislators also approved budget notes addressing an information management modernization initiative and improving work processes for local governments developing post-acknowledgement plan amendments.

Effective: July 1, 2013
Chapter 547

SB 5531 – Budget for Land Use Board of Appeals

Legislators approved an 18.6 percent budget increase for the Land Use Board of Appeals in the 2013-15 biennium, totaling $1.6 million and 6 full time positions.

Effective: July 1, 2013
Chapter 448

For other bills relating to Land Use, please see:

- HB 2657 – Industrial Land Conversion, p. 16
- HB 2890 – Inclusionary Zoning, p. 46
- HB 3479 – Local Improvement Assessments, p. 89

Memorials & Resolutions

SCR 7 – Honoring Charles Jordan

SCR 7 honors Charles Jordan, former city councilor and director of Portland Parks and Recreation. A legislative resolution is the highest honor that the Legislature can bestow on an Oregonian. SCR 7 passed unanimously in the House and Senate and was entered into the legislative record.

Filed with Secretary of State: May 30, 2013

SCR 8 – Honoring Rob Ingram

SCR 8 honors Rob Ingram, who served as director of the Office of Youth Violence Prevention. This resolution honored Rob Ingram for his lifetime of service and commitment to reducing violence in the community. SCR 8 passed unanimously in the House and Senate and was entered into the legislative record.

Filed with Secretary of State: June 3, 2013

SJM 9 – Urging Congress to Overturn *Citizens United*

This memorial was drafted to encourage the United States Congress to overturn the Supreme Court's ruling in *Citizens United v. Federal Election Commission* and ensure that federal, state and local governments have the authority to regulate campaign contributions and expenditures. This memorial was referred to the Senate Rules Committee and was not considered this session.

Parks

HB 3081 – Acquisition of Forest Park by State Parks & Recreation

This bill would have required the Oregon Parks and Recreation Commission to make reasonable efforts to arrive at an agreement with Portland Parks and Recreation to acquire Forest Park. HB 3081 was referred to the House Energy and Environment Committee, where it did not receive further consideration.

Public Employees Retirement System (PERS) & Fire and Police Disability and Retirement Fund (FPDR)

SB 685 & HB 3050 – Independent Authority of the FPDR

These City Initiatives sought to affirm the independent authority of FPDR by clarifying that local alternatives to the state Public Employees Retirement System (PERS) and the Workers' Compensation Law and Administrative Rules are (like PERS and Workers' Compensation) not a mandatory subject of collective bargaining. This clarification would have ensured that the reforms to FPDR overwhelmingly approved by Portland voters in 2012 would be upheld. Neither bill received a public hearing.

SB 822 – PERS Reform

The only successful PERS reform legislation during the regular session was SB 822, despite ongoing debate and competing proposals. SB 822 changes the cost of living adjustment (COLA) paid to retirees under PERS. This modified COLA uses a graduated formula based on the annual benefit amount. The bill also ends the supplemental tax benefit for retirees who do not pay Oregon income taxes because they live out-of-state. These changes save PERS $460 million system–wide for the 2013-2015 biennium. An accompanying budget note directs the PERS Board to defer employer 2013-15 rate increases by up to 1.9 percent of covered payroll, saving PERS employers system-wide $350 million during the 2013-15 biennium. Although SB 822 took effect on May 6, 2013, a lawsuit has been filed challenging the constitutionality of the reforms.

Effective: May 6, 2013
Chapter 53

SB 857 – PERS Reform

After passage of SB 822, legislators and the Governor continued to discuss a potential "grand bargain" that included additional PERS reform and state tax changes. SB 857 would have further reduced the cost of living adjustment paid to retirees to 1.25 percent on the first $60,000 of annual benefits and 0.15 percent on benefits above $60,000. The bill also proposed eliminating the option of receiving retirement benefits calculated using the Money Match formula for inactive PERS members, who no longer work in a PERS-covered position, and whose effective date of retirement occurred after September 1, 2013. SB 857 was approved by the Senate Finance and Revenue Committee, but after the companion tax bill (HB 2456, p. 80) failed on the Senate floor, SB 857 was referred back to committee and did not receive further consideration.

PERS & FPDR

HB 3243 – PERS Deceased Member Benefits

This bill addresses a specific situation where a police officer who was not yet vested in PERS was killed in Eastern Oregon. Legislators crafted HB 3243 so that the officer's family could receive the pension he accumulated during his three years of service. The bill was approved unanimously in the House and the Senate.

Effective: June 13, 2013
Chapter 387

HB 3487 – PERS Benefits for Workers Killed on the Job

Similar to HB 3243 (p. 60), HB 3487 allows any deceased member of PERS killed in the course and scope of the member's employment to be considered vested under the Oregon Public Service Retirement Plan (OPSRP). While HB 3243 included only police officers, HB 3487 applies to any member of PERS or OPSRP. The death benefit approved in this bill will be provided for the life of the spouse or equivalent and will be the actuarial amount of half of the pension that would otherwise have been paid to the deceased member.

Effective: July 1, 2013
Chapter 589

For other bills relating to PERS & FPDR, please see:

- SB 445 – Pre-Payment of Post-Employment Benefits, p. 49

Public Contracting

SB 254 – Construction Manager/General Contractor (CMGC)

This bill was the product of an interim workgroup that convened following the 2012 short session. SB 254 specifies conditions when a contracting agency may use alternative methods to award contracts for CMGC services. Further, the bill directs the Attorney General to develop model rules for procuring CMGC services and requires contracting agencies to conduct procurements in accordance with the rules. Contracting agencies are also required to make more extensive findings before awarding contracts for CMGC services. The bill passed with unanimous support.

Effective: June 26, 2013
Chapter 522

SB 405 – Retainage

This bill limits the retainage amount for contractor and subcontractor work on construction contracts and public improvement projects to no more than five percent of the contract price. SB 405 passed early in session with little opposition.

Effective: January 1, 2014
Chapter 410

SB 557 – Elimination of the Landscape Contractors Board

SB 557 would have made numerous changes to the statutes governing professional landscape contractors and eliminated the Landscape Contractors Board, which regulated continuing education requirements for landscape contractors. The measure would have established a task force to determine if the Landscape Contractors Board's powers should be transferred to the Construction Contractors Board and to make recommendations on changes to administrative rules and statutes that ensure licensees have the necessary knowledge and skills. This bill was approved in the Senate Business and Transportation Committee and then sent to the Joint Ways and Means Committee, where it failed to advance further.

SB 627 – Increased Threshold for Procurements

Introduced at the request of the Oregon School Boards Association, SB 627 would have raised the threshold for requiring a cost analysis for procurement from $250,000 to $2 million. Advocates cited the low threshold for cost analysis as an administrative burden, especially to small school districts with limited resources that frequently contract out for food or transportation services. The bill received a public hearing in the Senate Business and Transportation Committee but did not advance this session.

Public Contracting

SB 644 – Quality Based Selection Direct Appointments

Currently, contracting agencies may directly appoint a contractor and consider the bid price for architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services if the value of the services is under $100,000. This bill would have prohibited contracting agencies from considering price in direct appointments under $100,000. The City lobbied against this bill, which passed the Senate but failed to advance out of the House Consumer Protection and Government Efficiency Committee.

SB 707 – Continuing Education for Landscape Contractors

This bill would have eliminated the continuing education requirement for landscape construction professionals. The bill was referred to the Senate Business and Transportation, where it did not receive a public hearing.

SB 805 – Judicial Review of Cost Analysis and Feasibility Determinations

SB 805 would have permitted a contracting agency employee who conducts cost analysis or determines the feasibility of procurement, or a representative of that employee's bargaining unit, to seek judicial review of a cost analysis or feasibility determination. The measure would have required the contracting agency to include the profit the potential contractor stood to realize in its cost analysis. Designed to prevent contracting out for services, the City lobbied against this bill, which moved out of the Senate Rules Committee to the Senate floor, but then was sent back to committee on a procedural vote. The bill failed to receive further consideration.

HB 2127 – Health Care Requirements for Government Contractors

HB 2127 would have required contracting agencies to demonstrate that contractors have provided health insurance to employees for two years prior to bidding on a public improvement projects. This bill was pushed by private unions who argued that they face a disadvantage when non-union contractors do not provide benefits to their employees. The Oregon Department of Transportation raised concerns with the bill, which would have put the state at risk of losing federal transportation dollars because of federal regulations on prequalification requirements for contractors. The bill received a hearing in the House Consumer Protection and Government Efficiency Committee, but failed to advance this session.

Public Contracting

HB 2212 – Small Business Procurement Level

This bill increases the amount used to classify public procurements as "small procurements" under the Public Contracting Code from a maximum of $5,000 to a maximum of $10,000.

Effective: January 1, 2014
Chapter 66

HB 2402 – Buy American Materials

HB 2402 would have required that American-made materials, such as iron and steel, be used in any public works project over $750,000. The bill was introduced at the request of the Oregon State Building and Construction Trades Council, but faced opposition from local governments. After a public hearing in the House Consumer Protection and Government Efficiency Committee, the bill did not advance further.

HB 2540 – Discipline for Construction Contractors

Oregon law requires anyone who performs construction activities involving improvements to real property, for compensation, to be licensed with the Construction Contractors Board (CCB). HB 2540 allows the CCB to revoke, suspend or refuse to issue a license if the Board finds a person has engaged in dishonest conduct. Dishonest conduct specifically includes evading any of the following obligations: income taxes, Social Security contributions, unemployment insurance taxes, workers' compensation premiums, wage and hour laws, occupational safety and health laws, child support, alimony, judgments, garnishments, or other laws or debts identified by the CCB by rule.

Effective: January 1, 2014
Chapter 251

HB 2652 – Out-of-State Contractors

HB 2652 would have prohibited a public agency from entering into a contract for services with a contractor located outside United States to perform all or part of the services that are the basis of the public contract. Following a public hearing in the House Consumer Protection and Government Efficiency Committee, the bill did not receive further consideration.

Public Contracting

HB 2674 – Americans with Disabilities Act Accommodations

HB 2674 would have required a public body to reserve one percent of an appropriation for constructing, reconstructing, or renovating a park or public building for the purpose of renovating or improving existing parks or public buildings to meet current Americans with Disabilities Act accessibility standards and regulations. Proponents specifically cited the Oregon University System and Oregon courthouses as posing accessibility challenges for persons with disabilities. HB 2674 received a public hearing in the House Human Services and Housing Committee, but failed to advance this session.

HB 2677 – Prevailing Wage

Currently, contractors are required to pay the prevailing wage for projects receiving over $750,000 in public subsidies. However, any tax breaks awarded to a project are not included in the calculation for this minimum amount. HB 2677 would have required the inclusion of tax incentives in the projected cost to determine if prevailing wage would be required. This bill was targeted at projects in enterprise zones and those using tax credits, like the business energy tax credit. HB 2677 received a public hearing in the House Business and Labor Committee but failed to advance this session.

HB 3400 – Buy Oregon Tracking for State Agencies

This legislation requires the state's Oregon Transparency Website to include a description of each state agency's in-state and out-of-state percentage of expenditures under all contracts for goods or services entered into by each agency during each biennium. The bill does not apply to local governments.

Effective: January 1, 2014
Chapter 357

HB 3473 – Buy America

Similar to HB 2402 (p. 63), but with a lower cost threshold, HB 3473 would have required that American-made materials, such as iron and steel, be used in any public works project over $50,000. The bill had a public hearing in the House Business and Labor Committee, but failed to advance further.

Public Records

HB 2374 – Revised Public Records Law

HB 2374 would have revised the procedures for requesting and responding to public records requests in the following ways: limiting copy fees, modifying the appeal process, and establishing the Public Records Exemptions Accountability Commission. The bill would have prohibited charging for the cost of locating documents and limited public agencies to only charging for the cost of copies. HB 2374 would have required all public record denial challenges go to the Attorney General instead of the District Attorney. The bill also would have required public agencies to create indexes of all decisions, correspondence, and instructions to staff. HB 2374 was referred to the House Rules Committee, where it did not receive consideration.

HB 3486 – 9-1-1 Records Exemption

This bill would have exempted the disclosure of audio recordings of a 9-1-1 caller's voice from public records law, unless public interest required disclosure. The bill was referred to the House Consumer Protection and Government Efficiency Committee late in session and did not receive a hearing.

Public Safety

SB 9 – Fines for Cell Phone Use While Driving

As introduced, SB 9 would have increased the penalty for operating a motor vehicle while using a mobile communication device or texting without using a hands-free accessory to a Class B violation. Class B violations carry a presumptive fine of $260 and a maximum fine of $1000. The bill was amended in the Joint Ways and Means Committee to make the violation for the offense of operating a motor vehicle while using a mobile communications device a Class C violation with a maximum fine of $500. SB 9 also requires the Oregon Department of Transportation to post signs along state highways notifying the public of the maximum fine.

Effective: January 1, 2014
Chapter 757

SB 134 – 9-1-1 Call Center Consolidation

This bill would have modified the organizational structure and process for the state's 9-1-1 emergency reporting system by establishing nine regional centers for 9-1-1 call-answering. The bill was referred to the Senate Veterans and Emergency Preparedness Committee, where it failed to receive a public hearing.

SB 346 – Limit on Gun Magazine Sizes

This bill would have created the crime of unlawfully transferring large capacity magazine, defined as an ammunition feeding device with the capacity to accept more than 10 rounds. This offense would have been punishable by a maximum of one year's imprisonment, a $6,250 fine, or both. SB 346 was referred to the Senate Judiciary Committee, where it did not receive a public hearing.

SB 347 – Guns in Schools

SB 347 would have established a statewide policy that prohibits carrying a gun into a K-12 school building. The bill would have reversed the current status quo by requiring schools to opt into a firearm policy on campus, rather than opt out. Following debate in the Senate Judiciary Committee, the bill was approved on a party-line vote and then sent to the Senate Rules Committee, where it failed to receive further consideration.

SB 421 – Civil Commitment Standards

SB 421 creates a new standard of civil commitment for "extremely dangerous" people and was introduced, in part, in response to the death of a Eugene Police Officer. The bill

authorizes a district attorney to petition the court to initiate commitment proceedings if there is reason to believe a person is an extremely dangerous mentally ill person, and if committed by the court, the person may be supervised by the Psychiatric Security Review Board (PSRB). A person must be committed to the state hospital or a secure intensive community inpatient facility and PSRB must hold a hearing six months after the commitment, and then every two years, to determine the status of the commitment. SB 421 closes the criminal justice system loophole for dangerous offenders who are mentally ill and unlikely to regain the ability to aid and assist in their own defense, ensuring that they are committed to custody if they are dangerous.

Effective: August 1, 2013
Chapter 715

SB 463 – Racial Impact Statements

SB 463 allows for the creation of racial impact statements and is modeled after legislation in Iowa, the state with the highest rate of racial disparity among inmates in the country. The bill requires the Oregon Criminal Justice Commission, at the written request of one legislative member from each political party, to prepare a statement on a proposed measure's impact on the racial and ethnic composition of a criminal offender population or recipients of human services.

Effective: January 1, 2014
Chapter 600

SB 598 – 9-1-1 Multiline Telephones

SB 598 requires that new telephone systems in large buildings be capable of identifying the precise location of a 9-1-1 caller. Currently, in many large buildings, 9-1-1 dispatchers receive the general building address but not the precise location of the call inside the building, which slows emergency response.

Effective: January 1, 2014
Chapter 305

SB 673 – Child Sex Trafficking

After many revisions to this bill, the Senate and House agreed on a Conference Committee report that makes paying for sex with a minor a felony on the first offense. The bill also gives prosecutors additional tools to go after sex traffickers, allows victims the ability to seek restitution, and offers victims the protection of Oregon's rape shield law. City Council submitted letters throughout the legislative process in support of

toughening penalties for offenders and protection for victims.

Effective: August 1, 2013
Chapter 720

SB 699 – Guns in Public Buildings

This legislation would have required Concealed Handgun License (CHL) holders to carry their weapons concealed while in public buildings. Following a heated debate in the Senate Judiciary Committee, the bill was approved on a split vote and then sent to the Senate Rules Committee, where it did not receive further consideration.

SB 700 – Background Checks on Private Gun Sales

The City of Portland testified in support of SB 700, which would have required criminal background checks before guns could be transferred between private parties. This law would have extended to gun shows, where there is currently no requirement for a background check when a dealer sells to a buyer. The bill was approved on a split vote in the Senate Judiciary Committee and then sent to the Senate Rules Committee, where it did not receive further consideration.

SB 796 – Requirement for Concealed Handgun Licenses

SB 796 would have required Concealed Handgun License (CHL) applicants to complete in-person training with a classroom instructor as part of the gun safety program. The bill would have prohibited online classes to receive a CHL. The Senate Judiciary Committee approved this bill on a party-line vote and sent it to the Senate Rules Committee, where the bill did not advance further.

HB 2007 – Regulation of Lottery Establishments

HB 2007 proposed to deem a lottery retailer an illegal "casino" if 50 percent or more of its net income was derived from lottery games. The House Business and Labor Committee held a work session on HB 2007 and voted to advance the bill to the House Rules Committee where no further action was taken. A work group was briefly convened to look at the issue, but the work group was dissolved after the Oregon Liquor Control Commission adopted restrictions on several lottery retailers' licenses on Hayden Island.

Public Safety

HB 2008 – Immediate Cessation of Alcohol Sales

HB 2008 would have authorized law enforcement to temporarily close a business for 72 hours following alcohol-related violence. During the cessation period of up to 72 hours, law enforcement would have worked with business-owners to address ongoing public safety concerns and implemented a plan to prevent such infractions in the future. HB 2008 also proposed two other changes to state law: clarifying what Oregon Liquor Control Commission (OLCC) has to prove before it can intervene when bars have ongoing public safety problems, and designating a seat on the OLCC for someone with a public safety background. The House Business and Labor Committee held a work session on this City Initiative in April, and then voted to refer the bill to the Rules Committee, where the bill died.

HB 2265 – Photo Radar in Highway and Interstate Work Zones

This bill allows the use of photo radar in highway work zones, including on interstate highways, where workers are present or the configuration of the roadway has been temporarily changed. HB 2265 also removes the sunset on the statutory authorization to use photo radar in a highway work zone.

Effective: January 1, 2014
Chapter 373

HB 2403 – Metal Recycling

In 2009, the Legislature approved SB 570 to curb metal theft. SB 570 requires scrap metal recyclers to mail payment to an address matching seller's official identification. HB 2403 allows a Post Office (PO) Box to be used for transactions with a scrap metal business if the PO Box is listed on a government issued photo identification card. The bill also allows a check to be released to an individual upon law enforcement approval if a check is not delivered to the intended recipient within 10 days.

Effective: May 16, 2013
Chapter 122

HB 2594 – Civil Commitments Orders

HB 2594 permits a judge in a civil commitment proceeding to order up to 12 months of out-patient, community-based mental health care. Currently, prosecutors have a very high burden of proof in order to prevail in a civil commitment proceeding and the judge only has the option to order an individual be committed to the Oregon State Hospital.

This bill opens a door to the community mental health system that does not currently exist in the judicial system. This bill received approval in the final days of session.

Effective: January 1, 2014
Chapter 737

HB 2601 – Red Light Camera Photographs

Currently, red light traffic photographs can only be used to enforce the offense of failure to obey a traffic control device. HB 2601 also allows such photographs to be used as evidence in judicial proceedings for Class A misdemeanors and felonies.

Effective: January 1, 2014
Chapter 428

HB 2679 – Criminal Gang Activity

This bill would have created the crime of criminal gang activity, punishable by a maximum of five years imprisonment, $125,000 fine, or both. Some advocates opposed HB 2679 because it would put more youth in the juvenile justice system. The bill received a public hearing in the House Judiciary Committee, but did not advance this session.

HB 2702 – Alcohol Impact Areas

This City of Portland Initiative would have clarified the Oregon Liquor Control Commission's authority to create and implement "alcohol impact areas." HB 2702 would have allowed the city to limit the sale of certain alcoholic beverages in defined areas to help curb street drinking and related crimes. The bill had a hearing in the House Business and Labor Committee in March. However, there were insufficient votes on the committee to advance the bill to the House floor.

HB 2710 – Drones

This bill establishes a strict set of rules for how law enforcement agencies may use drone technology, giving Oregonians additional civil liberties protections. HB 2710 prohibits law enforcement agencies from using a drone to acquire information on a suspect without a warrant. Additionally, the bill preempts local government regulation of drones; forbids

weaponized drones; and, beginning in 2016, requires public bodies to register drones with the Oregon Department of Aviation.

Effective: July 29, 2013
Chapter 686

HB 2886 – Local Government Input on Oregon Liquor Control Commission (OLCC) Licenses

The City testified in support of this legislation that would have required the OLCC to consider unfavorable recommendations from local governments when granting liquor licenses. Such a policy would allow the City of Portland to weigh in on problem establishments or help address the concentration of liquor licenses in a confined area. The House Business and Labor Committee did not take any action on this bill

HB 3194 – Sentencing Reform

HB 3194 reduces sentences for several property and drug crimes, including some marijuana crimes and driving with a suspended license. The reforms are expected to maintain current prison bed levels and save the state $17 million in the next biennium. Legislators intend to reinvest the savings in community corrections and local public safety initiatives.

Effective: July 25, 2013
Chapter 649

HB 3438 – Photo Radar Pilot in a Fairview School Zone

As approved by the House, HB 3438 would have allowed any city in Oregon to operate automated photo radar equipment to enforce speed limits in school zones. The bill was amended in the Senate Business and Transportation Committee and a subsequent conference committee, however, to authorize the City of Fairview to conduct a pilot project for use of photo radar in a school zone until January 22, 2022. Under the measure's provisions, the City of Fairview will be allowed to operate photo radar units in school zones between the hours of 7:00 a.m. and 5:00 p.m. on days when school is in session. The bill also requires Fairview to conduct and present a biennial evaluation of the program to the Legislature by March 1 of each odd-numbered year.

Effective: January 1, 2014
Chapter 697

Public Safety

HB 3460 – Medical Marijuana Regulation

HB 3460 requires the Oregon Health Authority to establish rules for the registration and regulation of medical marijuana dispensary facilities. Currently, medicinal marijuana card holders must either grow their own marijuana or purchase it from a registered grower. Since voters approved medicinal marijuana in 1998, dispensaries have appeared throughout the state but have not been subject to any uniform rules. HB 3460 requires these facilities be properly licensed and the product be tested for pesticide, mold, and mildew prior to distribution. The bill also sets regulations for where dispensaries can and cannot be located. HB 3460 requires that a facility can only be located only within commercial, industrial, and agricultural areas and is not allowed within 1,000 feet of a school or another medical marijuana facility.

Effective: August 14, 2013
Chapter 726

HB 3518 – Poker Parlors

This bill was introduced late in session to address the proliferation of gaming rooms, or poker parlors, appearing in Oregon. These establishments currently exist in a gray area of the law. HB 3518 would have modified the definition of "social game" for purposes of gambling regulation, effectively making many poker parlors illegal. The House Rules Committee held a public hearing but did not take action on the bill, in part citing the late introduction of the measure during session.

HB 5506 – Multnomah County Courthouse

The bonding authorization bill that lawmakers approved on the final day of session included $15 million in article XI-Q bonds toward the replacement of the Multnomah County Courthouse in downtown Portland. The current courthouse is widely considered outdated, overpopulated, and seismically unsound. Support for such funding was a policy position in the City of Portland's 2013 Legislative Agenda.

Effective: July 29, 2013
Chapter 705

For other bills relating to Public Safety, please see:

- SB 597 – Protecting 9-1-1 Funds, p. 77
- HB 2036 – 9-1-1 Funding, p. 82
- HB 2179 – Protecting 9-1-1 Funds, p. 77
- HB 3317 – 9-1-1 Funding, p. 82

Support for Rural Communities

SB 181 – Water Infrastructure

This legislation extends the term of loans made from the state's Water Fund from 25 to 30 years. This modest change in statute will allow smaller communities to extend payments over a longer period of time, thus making loan payments for infrastructure improvements more affordable for small communities.

Effective: January 1, 2014
Chapter 404

SB 440 – Loan Repayment for Rural Medical Practitioners

This bill uses $4 million from the Oregon Health Authority Fund to create a loan repayment program for primary care physicians, including mental health providers, who commit to practice in underserved areas and work with Medicaid and Medicare patients. This bill was the result of an arrangement with the federal government to receive funding for Oregon's health care transformation work.

Effective: May 16, 2013
Chapter 177

HB 2858 – Loan Forgiveness for Rural Medical Practitioners

This bill called for an investment of $1 million to the Rural Scholars Program at the Oregon Health & Science University. While this direct appropriation was not approved by the Joint Ways and Means Committee, the Legislature did approve SB 2, which achieves many of the same goals by establishing the Scholars for a Healthy Oregon Initiative. The Initiative provides free tuition and fees for certain health care students who commit to work in underrepresented locations after graduation, including rural parts of the state.

HB 3367 – Farm Worker Housing Tax Credit

As part of a comprehensive piece of legislation on tax credits, the Legislature approved extending the sunset on the Farm Worker Housing Tax Credit, a program used to help build housing for agricultural workers in Oregon, to January 1, 2020. Due to policy changes in the bill, the program title was updated to the "Agricultural Workforce Housing Tax Credit."

Effective: October 7, 2013
Chapter 750

Support for Rural Communities

HB 5031 – Higher Education Support for Statewide Programs

The legislatively approved budget for the Oregon University System included continued support for the Oregon State University (OSU) Statewides programs. Housed within OSU are the Experiment Stations, Extension Services, and Forest Research Laboratories that provide valuable resources for all 36 counties in areas of agriculture, aquaculture, and other Oregon industries.

Effective: July 1, 2013
Chapter 564

Taxation & Finance

SJR 10 & HJR 8 – Local Option Levies Outside of Compression

A City of Portland priority, these resolutions would have referred a constitutional amendment to Oregon voters to allow local voter approval of local option levies outside the statewide property tax limitations imposed by Measure 5. The proposals received public hearings in both the Senate and House Revenue Committees; neither resolution advanced, however.

SJR 11 & HJR 13 – Reset at Sale

A City of Portland priority, these resolutions would have referred a constitutional amendment to Oregon voters to reset the assessed value of real property to the sales price of the property when it is sold. The Senate and House Revenue Committees held public hearings on the proposals, but chose not to move them forward this session.

SB 261 – Property Tax Exemption for Bonneville Power Administration

This bill exempts from property taxes certain properties leased to the United States for use by the Bonneville Power Administration (BPA) for electricity transmission. Traditionally, transmission infrastructure investments made by the BPA were financed by the United States Treasury. With the reduction in borrowing authority from the Treasury, the BPA instead has been using a third-party finance program to invest in transmission infrastructure. Prior to SB 261, the land and improvements related to this infrastructure were taxable because the land is owned by the third party and not BPA during the financing period.

Effective: October 7, 2013
Chapter 336

SB 307 – Single Sales Factor

This bill revises Oregon's participation in the Multistate Tax Compact, making it clear that the state will continue to use the single sales factor for purposes of Oregon businesses' tax apportionment. The single sales factor only takes into consideration sales within Oregon's borders.

Effective: October 7, 2013
Chapter 407

Taxation & Finance

SB 312 – Changed Property Ratios

Measure 50 provided that any new real property since 1997 has its Maximum Assessed Value (MAV) calculated by multiplying the Real Market Value (RMV) of the new real property by a Changed Property Ratio, a calculation of the average ratio of MAV/RMV in the area. Currently, Changed Property Ratio is calculated on a county-wide basis. SB 312 would have made this calculation instead based on tax code area, which is an area comprised of a unique set of taxing districts. If even one taxing district differs between two properties, they would not be in the same code area. The bill received a public hearing in the Senate Finance and Revenue Committee, where it was supported by the City of Gresham. Ultimately, the bill did not advance.

SB 313 – Maximum Assessed Value

Measure 50 requires the Maximum Assessed Value (MAV) of a property be "103 percent of the property's assessed value from the prior year or 100 percent of the property's maximum assessed value from the prior year, whichever is greater." SB 313 would have changed the MAV calculation to "103 percent of the property's assessed value from the prior year or 103 percent of the property's maximum assessed value from the prior year, whichever is greater" (emphasis added). This change would have allowed the MAV to grow each year even when a property's Real Market Value is less than the MAV. SB 313 received a public hearing in the Senate Finance and Revenue Committee, but did not have enough support to move out of committee.

SB 321 & HB 2224 – Renewable Energy Equipment Manufacturing Tax Credit

These bills would have extended the sunset for the renewable energy resource equipment manufacturing facilities tax credit from 2014 to 2018. Also called the Manufacturing Business Energy Tax Credit (BETC), the House bill was heard in the House Revenue Committee but not advanced to the Joint Tax Credits Committee. The Senate bill was heard in Senate Environment and Natural Resources Committee and also was not moved to the Joint Tax Credits Committee. Extension of the Manufacturing BETC was not included in the tax credit package passed by the Legislature at the end of session (HB 3367, p. 73), but the Joint Committee did express interest in taking up the matter during the February 2014 Session.

SB 505 – Property Tax Special Assessment Correction

SB 505 is a narrowly drafted bill that addresses a situation in Yamhill County where a resident was incorrectly disqualified for a special assessment when she applied to parcel her land under Measure 37 (2004). Upon recognition of this mistake, the County learned

that it was prohibited by law from issuing a refund to the resident. SB 505 allows the County to reimburse this resident.

Effective: October 7, 2013
Chapter 447

SB 547 – Local Government Bonding Authority

This bill aligns statute with Constitutional provisions enacted by Measure 68 (2010). SB 547 allows local governments to issue general obligation bonds for "capital costs," defined as costs of land and other assets having a useful life of more than one year, including acquisition, construction, improvement, remodeling, furnishing, equipping, maintenance or repair, but not including routine maintenance or supplies. Prior to Measure 68, all general obligation bond proceeds had to be used for "capital construction" or "capital improvements" as defined in Article XI, Section 11(13) of the Oregon Constitution. Governor John Kitzhaber exercised his line-item veto power to remove the emergency clause originally in SB 547, and as such the law becomes effective January 1, 2014 instead of upon the date of the Governor's signature.

Effective: January 1, 2014
Chapter 491

SB 597 & HB 2179 – Protecting 9-1-1 Funds

These bills would have clarified that money in the state's Emergency Communications Account could only be used for emergency communications purposes. The intent was to prevent the Legislature from sweeping money from the account for other purposes. SB 597 was approved in the Senate Veterans and Emergency Preparedness Committee and then referred to the Joint Ways and Means Committee, where it did not advance this session. Similarly, HB 2179 was approved in the House Veterans' Services and Emergency Preparedness Committee and then referred to the Joint Ways and Means Committee, where it also did not advance.

SB 669 – Preemption of City Franchise Fees and Privilege Taxes

This bill would have prohibited cities from imposing franchise fees, privilege taxes, or other fees on certain districts for occupancy of streets, alleys, highways, or other public property. This bill was referred to the Senate Business and Transportation Committee, where it did not receive a public hearing.

Taxation & Finance

SB 808 – Veterans' Property Tax Exemption

SB 808 was introduced to provide a property tax exemption for disabled veterans. For all veterans with 100 percent service-connected disability, the bill would have exempted up to $60,000 of the assessed value of a home or personal property from taxation. The bill was approved in the Senate Veterans and Emergency Preparedness Committee and then referred to the Senate Finance and Revenue Committee, where it failed to receive further consideration.

SB 817 – Technical Fixes to Local Budget Law

Introduced at the request of the Multnomah County Tax Supervising and Conservation Commission, SB 817 makes technical adjustments to local budget laws. The 2011 Legislature approved HB 2425, the first comprehensive rewrite of local budget laws since 1963. SB 817 makes additional corrections and updates.

Effective: October 7, 2013
Chapter 420

HJR 19 – Constitutional Amendment on Local Option Levy Authority

This Constitutional amendment would have allowed a local taxing district to approve a local option levy, limited to 10 years. The amendment would have required that renewal of a levy be submitted to voters within two years of the levy's expiration. HJR 19 would have provided that the Measure 5 (1990) limits of $10/$1,000 of real market value and $5/$1000 of real market value do not apply to new levies and would have frozen the assessed value of the homestead property of certain seniors and disabled individuals. HJR 19 had two public hearings in the House Revenue Committee, but did not receive a vote this session.

HJR 20 – Constitutional Amendment on School District Property Taxes

This Constitutional amendment would have allowed school districts to impose taxes in order to fund a public school system at a maximum allowable rate of $6.50 per $1,000 of a property's real market value, or $7.50 per $1,000 of the property's real market value if a district submits the tax rate question to voters. HJR 20 would have required that at least 50 percent of eligible voters participate in the election for the higher rate to pass, unless the election was in an even-numbered year. The amendment also would have prohibited taxes collected in excess of Ballot Measure 5 (1990) limits from being taken into account for purposes of apportioning state funds to school districts and high school districts. Finally, the amendment would have required the Legislature to enact

a program freezing the assessed value for homestead property for certain seniors and disabled individuals. This proposed Constitutional amendment had two public hearings in the House Revenue Committee, but did not receive a vote this session.

HB 2002 – Tax Credit Reports

HB 2067 (2009) established a sunset date for, and thereby set in motion systematic legislative review of, nearly all state tax credits. That legislation, however, did not specifically assign responsibility for preparing analyses of the tax credits. HB 2002 directs the Legislative Revenue Officer to prepare a report analyzing tax credits prior to the start of each odd-year regular session, with the first report due prior to start of 2015 regular session.

Effective: January 1, 2014
Chapter 676

HB 2140 – Oregon Intermediate Term Pool

HB 2140 allows political subdivisions to invest in the Oregon Intermediate Term Pool and any other commingled investment pool established by the State Treasurer.

Effective: May 22, 2013
Chapter 192

HB 2168 – Revenue from Foreclosed Properties to Counties

HB 2168 would have redirected all revenues derived from the sale of foreclosed property due to delinquent taxes to a county's general fund. Current law allows a county to reimburse itself for the costs associated with maintaining and supervising the property, and all proceeds thereafter are distributed to any overlapping tax districts based on the tax rates levied on the property. The bill received a hearing before the House Rules Committee but no further action was taken.

HB 2219 – Central Assessment

Requested by Governor John Kitzhaber, HB 2219 provides that the assessed value of a communication company's property equals real market value as determined under central assessment statutes, maximum assessed value, or value determined under an alternate formula that subtracts the book value of intangible property. The bill was sent to the House Revenue Committee where it not receive consideration.

Taxation & Finance

HB 2227 – Property Tax Exemption Cleanup

Recommendations from the Government Efficiency Task Force included a more uniform set of requirements for the various property tax exemptions relating to housing. HB 2227 is a result of the Task Force and simplifies the application requirements for government entities that lease to other government entities in order to receive a property tax exemption. Clawback provisions were added to the low-income housing exemption and vertical housing exemption programs to make them uniform with other housing exemption programs.

Effective: October 7, 2013
Chapter 193

HB 2455 – Telecommunications Franchise Fees

The House Revenue Committee held a public hearing on HB 2455, as well as proposed "gut and stuff" amendments, to address statutory limitations on city franchise fees. Office for Community Technology staff joined representatives of other cities and the cable industry in urging support for an amendment that would have allowed cities to charge equal fees for telecommunications providers' use of the public right of way. Specifically, the amendment would have removed a statutory preemption on the amount a city may charge that is specific to incumbent telephone service providers. Following a public hearing, HB 2455 failed to advance from committee.

HB 2456 – Tax Reform

HB 2456 was approved on a party-line vote in the House Revenue Committee and sent to the House floor for a vote. The bill would have phased out of itemized deductions on incomes over $125,000 for single tax filers and $250,000 for joint filers. HB 2456 also would have increased the taxes on corporations and required the taxable income or losses of certain corporations that are headquartered in tax haven countries to be included in their Oregon tax return. Because the bill would have raised revenue, at least 36 votes were needed for the bill to pass. When the bill failed by one vote on the House floor, the House unanimously voted to approve a minority report that replaced this omnibus bill with a bill only ending off-shore tax havens.

Once in the Senate, HB 2456 was amended and offered as a companion bill to legislation enacting PERS reform (SB 822, p. 59). The Senate version of the bill proposed reforming the senior medical deduction; lowering the net income threshold for applying the 7.6 percent corporate income tax rate from $10 million to $2.5 million; and adjusting the rate at which corporate collections flow to the Rainy Day Fund from revenue above 6.6 percent to revenue above 7.6 percent until 2017. Like the House bill, the Senate

version would have phased out the personal exemption credit for adjusted gross income between $100,000 and $125,000 for single filers or between $200,000 and $250,000 for joint filers. Additionally, the bill would have expanded earned the income tax credit from 6 percent to 8 percent for 2013 only, and increased tobacco taxes. It also would have specifically directed the revenue raised by the various provisions of the bill to the state school fund, community colleges and higher education, senior programs, and mental health services. The Senate version of HB 2456 was sent to the floor for consideration, where it fell one vote shy of the constitutionally required three-fifths majority. With failure of this bill, the linked PERS reform bill (SB 857, p. 59) was sent back to committee and no further action was taken on PERS or revenue for the remainder of the session.

HB 2509 – Land Value Tax Study

This bill would have established a Task Force on Land Value Taxation consisting of eight members who would examine the revenue shift and equity effects of a change from the current system of property taxation to land value taxation. The bill had a public hearing in the House Revenue Committee but failed to advance this session.

HB 2632 – Urban Renewal Local Option Levies

HB 2632 excludes local option levies approved after January 1, 2013 from the consolidated billing tax rate for purposes of computing urban renewal division of taxes for certain urban renewal plans. This bill was supported by Portland Public Schools.

Effective: October 7, 2013
Chapter 579

HB 2656 – Hotel Taxes and Online Travel Companies

This bill addresses the hotel taxes collected by online travel companies. HB 2656 requires a lodging provider (hotel, motel, conference room, condominium for rent, and other temporary rental facilities) and a lodging intermediary to collect and remit transient lodging taxes based on total retail price, including all charges other than taxes, paid by the person who rents lodging. Prior to this bill, many online retailers argued that the taxes they collected should be based on the wholesale price they paid to hotels and not the total price paid by the consumer.

Effective: October 7, 2013
Chapter 610

Taxation & Finance

HB 2676 – Manufactured Structures Property Tax Exemption

The property tax exemption for low-value manufactured structures in large counties had a sunset date of June 30, 2014. HB 2676 makes the program permanent, primarily benefiting the owners of mobile and manufactured homes. The four counties that fit the criteria for the exemption are Clackamas, Lane, Multnomah, and Washington. The maximum amount that could qualify under this exemption is $15,000 for the fiscal year beginning July 1, 2010.

Effective: October 7, 2013
Chapter 205

HB 2870 –Tobacco Tax Preemption

HB 2870 would have lifted the preemption on counties' authority to impose tobacco taxes. The bill would have limited the amount of a county cigarette and tobacco tax to no more than the statewide tax. It also would have required that at least 40 percent of revenue collected from taxes on cigarettes and tobacco products be used for tobacco use prevention and cessation, and mental health and addiction services. Advocated by Multnomah County, the bill was approved in the House, but failed to garner Senate support. It died in the Senate Finance and Revenue Committee.

HB 3317 & 2036 – 9-1-1 Funding

HB 3317 extends the sunset on the emergency communications tax until 2022. Originally, the bill also required prepaid cell phones to remit this tax, which would have meant up to $1 million annually for the City of Portland. In the closing days of session, the prepaid phone issue was separated from the extension of the existing tax and amended into companion bill HB 2036, which passed the House but failed to advance in the Senate. Ultimately, the Legislature passed HB 3317 without the prepaid requirement, thereby securing existing funding through 2022.

HB 3317
Effective: October 7, 2013
Chapter 749

For other bills relating to Taxation & Finance, please see:

- SB 306 – Carbon Tax Study, p. 30
- HB 2489 – Senior & Disable Property Tax Deferral, p. 45
- HB 2497 – Carbon Tax, p. 33
- HB 2792 – Carbon-Based Fuel Tax, p. 34

Transportation

SB 247 – *Connect*Oregon Plus

*Connect*Oregon Plus is a framework that was developed by transportation stakeholders to address the lack of permanent and sustainable non-roadway funding. SB 247 proposed creating ongoing funding for freight rail, passenger rail, transit, marine, aviation, bicycle and pedestrian capital projects and operations funding for passenger rail and local transit districts. This would have been accomplished by creating a permanent dedication of lottery proceeds to the existing Multimodal Fund. The Senate Business and Transportation Committee heard testimony on SB 247, including support from the City of Portland, but did not advance the bill. A separate package that did pass this session, *Connect*Oregon V (SB 260 & SB 5533, p. 83), provides another round of one-time funding for multimodal projects and added bicycle and pedestrian projects to the types that qualify for funding.

SB 260 & SB 5533 – *Connect*Oregon V

SB 260 authorizes *Connect*Oregon V and adds bicycle and pedestrian projects to the types of multimodal projects that qualify for funding under the program. SB 5533 authorizes $141.3 million of lottery bond proceeds for a number of projects, including $42 million to the Oregon Department of Transportation for *Connect*Oregon V grants and loans. The City of Portland testified in favor of authorizing *Connect*Oregon V with expanded eligibility to include bicycle and pedestrian projects.

SB 260
Effective: August 14, 2013
Chapter 765

SB 5533
Effective: August 14, 2013
Chapter 786

SB 345 – Shared Narrow Residential Roadways

This City of Portland Initiative helps to enable streets shared by pedestrians, bicycles, and low-speed vehicles as a viable option for improving low-traffic unpaved residential roads without the expense of constructing raised curbs and sidewalks. SB 345 allows pedestrians, including wheelchair users, to travel on low-speed narrow residential roadways if signs are posted indicating the presence of pedestrians in the roadway and the pedestrian does not create a traffic hazard. The bill passed both chambers with near unanimous support.

Effective Date: June 24, 2013
Chapter 474

Transportation

SB 408 – Access Management

This bill resulted from the Access Management Oversight Task Force created by SB 254 (2011), which included participation by Portland Bureau of Transportation staff. SB 408 amends access management law, specifying that existing approach roads are presumed to have written permission from the Oregon Department of Transportation in certain circumstances and that written permission qualifies as an approach permit. It makes a property owner with an approach permit responsible for maintenance costs and the performance of an approach road. The bill also requires facility plans to include a methodology for balancing economic development objectives of abutting properties with transportation safety and access management objectives of state highways; outlines requirements for facility plans; and requires the development of access management strategies for highway improvement projects included in the Statewide Transportation Improvement Program.

Effective: January 1, 2014
Chapter 476

SB 583 – Alternative Fuel Vehicles

SB 583 establishes the Alternative Fuel Vehicle Revolving Fund to make loans that assist public bodies with the conversion of existing fleet vehicles to alternative fuel systems and to purchase new alternative fuel vehicles. Priority is given to conversion of existing vehicles. The types of alternative fuels that would be eligible for the program include electric, liquefied natural gas, compressed natural gas, ethanol, methanol, propane, and any other fuel authorized by administrative rule through the Oregon Department of Energy. SB 583 also establishes that persons and corporations may qualify for a tax credit to make certified alternative fuel vehicle donations to the Fund.

Effective: October 7, 2013
Chapter 774

SB 759 – Bike and Pedestrian Safety in Driver's Test

This bill would have required an applicant for a driver license renewal to be tested on their knowledge of traffic laws concerning the safe operation of vehicles around bicycles and pedestrians. The bill did not receive a public hearing.

Transportation

SB 810 – Opt-In Road Usage Charge

SB 810 establishes a voluntary road usage charge program, allowing up to 5,000 drivers to opt into paying a 1.55 cent per mile fee in lieu of the gas tax. It was one of two bills considered late in session that addressed a road user charge (see also HB 2453, p. 87).

Effective: October 7, 2013
Chapter 781

SB 833 – Temporary Drivers' Licenses

SB 833 allows the State to issue a short-term driver's license for undocumented Oregonians. The measure is expected to significantly reduce the number of unlicensed and uninsured drivers. It allows individuals who are not able to provide proof of legal residency to legally obtain an Oregon driver's license, maintaining the requirement that the applicant pass the written and driving skills tests.

Effective: January 1, 2014
Chapter 48

HJR 9 – Constitutional Amendment to Fund Reduction of Vehicle Pollution

HJR 9 proposed a constitutional amendment, subject to voter approval, to allow vehicle-related fees to be used for transportation projects that reduce congestion more effectively than new road capacity alone, and also have the positive effect of reducing transportation's environmental impact. The Oregon Constitution currently limits use of most vehicle-related fees exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state. The resolution was heard in the House Transportation and Economic Development Committee, but did not advance this session.

HB 2277 – Studded Tires Study

As introduced, this bill would have required a permit and assessed a fee for use of studded tires and retractable snow tires. The bill was amended to direct the Oregon Department of Transportation to conduct an updated study on the impact of studded tires on the cost of highway maintenance in Oregon, which was last studied in 2000. However, after being referred to the Joint Ways and Means Committee from the House Transportation and Economic Development Committee, HB 2277 received no further action.

Transportation

HB 2278 – Studded Tires Fees

This bill would have imposed a fee on the retail sale of studded tires and on installation of studs in tires. HB 2278 received a public hearing in the House Transportation and Economic Development Committee, but failed to advance.

HB 2311 – Statewide Transportation Improvement Program Criteria

HB 2001 (2009), also known as the Jobs and Transportation Act, revised criteria for the Oregon Transportation Commission to use when selecting projects for Statewide Transportation Improvement Program funding. HB 2311 would have added one more criterion to the ten already established: whether the project improves connectivity between modes of transportation. HB 2311 was approved in the House and had a public hearing in the Senate Business and Transportation Committee, but failed to advance further this session.

HB 2322 – Sidewalk and Pedestrian Facilities on SE 136th Avenue

This omnibus program change bill approved by the Legislature includes an allocation of $3.6 million to the City of Portland for development and construction of sidewalks and other pedestrian facilities on SE 136th Avenue between SE Division Street and SE Foster Road. The City of Portland actively supported the funding allocation.

Effective: August 14, 2013
Chapter 722

HB 2397 – Studded Tire Fees

HB 2397 would have required tire dealers to collect a fee on the retail sale of each studded tire and the installation of studs in a tire. Under the bill, retailers would have made quarterly reports and transfers of funds to the Department of Revenue, who would have then transferred the money into the State Highway Fund. The bill would have allowed retailers to retain five percent to cover administrative costs and specified that the revenue collected in the State Highway Fund must be used to repair damage to state highways, county roads, and city streets. The bill did not identify how money should be distributed between the state, counties, and cities. The bill had a public hearing in the House Transportation and Economic Development Committee, but failed to advance.

Transportation

HB 2453 – Mandatory Road Usage Charge

HB 2453 would have required drivers of model year 2015 or later electric vehicles, and those rated 55 MPG or higher, to pay a 1.55 cent per mile road usage fee in lieu of the gas tax. HB 2453 was approved by the House Revenue and Joint Ways and Means committees, but did not receive a floor vote. The City of Portland provided testimony in support of moving toward a state road usage charge.

HB 2542 – Increased Penalties for Hit and Run

HB 2542 increases the penalty for a hit and run offense from a one year driver license revocation to three years when a court notes on the record that a person suffered serious physical injury. If the court makes no findings as to injury or death of a person involved in the accident, the statute would still require a one year revocation of driving privileges. This legislation was introduced in part to address the weak penalty for hit and run that could motivate some drivers to leave the scene of a crime if they were driving impaired.

Effective: May 16, 2013
Chapter 124

HB 2732 – Multiuse Trails

This bill would have defined "multiuse trail" and created the offense of failure of motor vehicle operator to yield on a multiuse trail. This offense would have been punishable by a maximum fine of $1,000. The bill also would have created the offense of wearing headphones while operating a bicycle, punishable by a presumptive $25 fine. The bill was referred to the House Transportation and Economic Development Committee, where it failed to receive a public hearing.

HB 2766 – Aviation Fuel Tax Increase

HB 2766 would have increased the fuel tax by $.02 for aviation and jet fuel, generating an estimated $6.4 million in additional revenue. This bill would have directed funding to the Oregon Department of Aviation and deferred maintenance at small regional airports across the state. The bill received a public hearing in the House Transportation and Economic Development Committee, but did not advance.

Transportation

HB 2800 – Columbia River Crossing

In March, the Governor signed this bill authorizing state bonds, backed by state transportation revenues, to construct the I-5 Bridge Replacement Project (Columbia River Crossing). The authorization was contingent upon the project meeting milestones, including: securing $450 million in funding from the State of Washington by September 30, 2013; the United States Department of Transportation submitting a full funding grant application agreement for at least $850 million of Federal Transit Administration funds for Congressional review; securing approval from the Oregon State Treasurer for the findings of an investment grade analysis of project toll revenues and a comprehensive financing plan for the project; and securing a general bridge permit from the United States Coast Guard.

Effective: March 12, 2013
Chapter 4

HB 2918 – Cascades Rail Corridor

HB 2918 authorizes the Oregon Department of Transportation (ODOT) to enter into agreements with the State of Washington and British Columbia to maintain passenger rail service in the Pacific Northwest Rail Corridor (Cascades Rail Corridor), which was designated as a high-speed passenger rail corridor by the U.S. Department of Transportation in 1992. ODOT currently partners with Amtrak to provide daily round-trip passenger service between Eugene and Portland. However, beginning in late 2013, the federal Passenger Rail Investment and Improvement Act will end Amtrak's financial contribution to passenger rail service within the Cascades Rail Corridor and require Oregon and Washington to cover all operational and capital costs. HB 2918 also requires biennial reports to the Legislative Assembly on the status of these intergovernmental agreements, performance of passenger rail service in the corridor, and the financial status of the corridor.

Effective: May 14, 2013
Chapter 112

HB 2945 – Rural Clackamas County Area Commission on Transportation

This bill would have directed Clackamas County to develop a charter for the creation of an Area Commission on Transportation (ACT) for rural parts of the County. The bill was supported by Clackamas County. The Oregon Department of Transportation proposed amendments that were not adopted that would have directed Multnomah, Clackamas, Washington and Hood River counties to make recommendations on formation of an

ACT in the metropolitan region. HB 2945 was referred by the House Transportation and Economic Development Committee to the House Rules Committee, where it failed to advance.

HB 3316 – TriMet Audit

HB 3316 directs the Secretary of State to conduct a performance audit of TriMet on or before January 30, 2014. An earlier version of the bill approved by the House Transportation and Economic Development Committee would have changed the governance of TriMet from a board appointed by the Governor and confirmed by the Senate to a board appointed by Washington, Clackamas, and Multnomah Counties, the City of Portland, Metro, and appointees of the Governor. The bill was subsequently referred to the House Rules Committee, which adopted an amendment replacing those provisions with the audit requirement.

Effective: August 1, 2013
Chapter 713

HB 3320 – Speed Limits in Residential Areas

This bill would have decreased the speed limit in residential areas from 25 miles per hour to 20 miles per hour. The bill was referred to the Transportation and Economic Development Committee, but did not receive a hearing.

HB 3468 – Willamette River Bridges in Multnomah County

This bill proposed to create a task force to "study and develop a funding strategy to pay the cost of seismic upgrades, construction and maintenance of bridges across the Willamette River in Multnomah County." The task force would have included a representative from the City of Portland and other specified entities. After receiving a public hearing in the House Transportation and Economic Development Committee, the bill did not advance further.

HB 3479 – Local Improvement Assessments

This bill prohibits the City of The Dalles, when a property owner applies for a partition, from assessing a fee in lieu of a local improvement district or as a prepayment for a local improvement district, or requiring a non-remonstrance agreement for future formation of a local improvement district. Earlier versions of the bill would have applied to all cities

statewide, but HB 3479 as approved only applies to The Dalles and will sunset after ten years.

Effective: June 18, 2013
Chapter 442

For other bills relating to Transportation, please see:

- SB 9 – Fines for Cell Phone Use While Driving, p. 66
- HB 2265 – Photo Radar in Highway and Interstate Work Zones, p. 69
- HB 2435 – Biodiesel Fuel Excise Exemption & Net Metering of Geothermal Energy, p. 26
- HB 3301 – Electric Vehicle Charging Stations, p. 29
- HB 3438 – Photo Radar Pilot in a Fairview School Zone, p. 71

Water & Water Quality

SB 199 – Split Season Water Rights

SB 199 extends the sunset on the split season water right leasing program from January 2, 2014 to January 2, 2024. The bill establishes a five year term and a total cap of ten years for split season water right leases. It also requires the holder of water rights involved in a split season lease to measure and report use to the Oregon Water Resources Department (OWRD). The bill authorizes OWRD to revoke or modify an in-stream lease if it determines the in-stream use has injured, or may result in injury to, an existing water right.

Effective: January 1, 2014
Chapter 165

SB 217 – Water Right Fees

SB 217 would have imposed an annual management fee on water rights. Fee revenue would have been dedicated to carrying out Oregon Water Resources Department activities involving water rights management. The City supported the bill, which was heard in the Senate Environment and Natural Resources Committee, but did not advance further.

SB 523 – Signage for Water Pollution

Introduced at the request of Willamette Riverkeepers, this bill would have required water quality permit holders who discharge persistent bioaccumulative toxins into Oregon waters at concentrations that cause waters not to meet water quality standards to pay for the installation and maintenance of signs informing water users that pollution is present. SB 523 had a public hearing in the Senate Environment and Natural Resources Committee, but failed to advance.

SB 825 – Forced Extension of Sewer and Water Services

SB 825 would have authorized the owner of property located within the urban growth boundary of a metropolitan service district who is without sanitary sewer or water services, to make a public or private provider of sanitary sewer and water services connect and serve the property if the owner pays all costs to connect and deliver service. This bill was referred to the Senate Rural Communities and Economic Development Committee, where it did not receive a public hearing.

Water & Water Quality

SB 839 & SB 5533 – Lottery Funding for Water Supply Development Fund

SB 5533 authorizes $141.3 million in lottery bond proceeds for a number of projects, including $10 million allocated to the Water Supply Development Fund established by SB 839. The funds will provide loans and grants for water supply projects, including new and expanded storage projects, water conservation and reuse measures, infrastructure improvements, and projects to enhance in-stream flow and environmental needs. As indicated in SB 839, the Oregon Water Resources Department is authorized to expend approximately $1.75 million of the $10 million total allocation on two specific projects in the Willamette and Deschutes Basins. Funding for those two projects are not subject to the terms and conditions of the loan and grant program established in SB 839.

SB 839
Effective: August 14, 2013
Chapter 784

SB 5533
Effective: August 14, 2013
Chapter 786

SB 840 – Water Efficient Appliances

SB 840 would have applied new standards for toilets, urinals, faucets, and showerheads to limit the amount of water used in homes and businesses. The bill was approved in the Senate but did not make it out of the House Energy and Environment Committee.

HB 2249 – Willamette River Basin Bonneville Power Administration Stewardship Fund

This bill establishes a dedicated account within the State Treasury for the long-term investment of mitigation funds received by the Bonneville Power Administration (BPA). These funds resulted from an agreement between the state and the BPA in 2010 to permanently resolve the responsibilities of federal wildlife mitigation. Expenditures from this account will be controlled and directed by the Legislature as part of the Oregon Department of Fish and Wildlife's budget.

Effective: May 16, 2013
Chapter 121

Water & Water Quality

HB 2257 – Names Changes on Water Rights Certificates

HB 2257 would have allowed the Oregon Water Resource Department, upon request, to amend a water right certificate to change names and addresses on the certificate. The bill received a public hearing in the House Agriculture and Natural Resources Committee, but did not advance.

HB 2259 – Water Resource Department Fees

The Oregon Water Resources Department (OWRD) processes water right applications and transfers, issues water right certificates and limited licenses, and conducts a number of other transactions. The fees charged by OWRD for those services are established in statute and were last modified with the passage of SB 788 (2009). HB 2259 makes the 2009 fee schedule permanent and increases fees until July 1, 2017.

Effective: July 25, 2013
Chapter 644

HB 3454 – Water Quality

This bill would have modified certain provisions related to water quality, effectively making all pollution, even if allowed by permit, illegal. The bill was referred to the House Energy and Environment Committee, where it failed to receive a public hearing.

HB 3491 – Columbia River Treaty Updates

This bill would have required the Governor to report to Legislative Assembly regarding the status of Columbia River Treaty 2014/2024 Review, as well as any participation or input of the Governor or any state agency in Columbia River Treaty 2014/2024 Review. These reports would have been filed quarterly from 2013 to 2014, starting on September 15, 2013 and thereafter annually from December 15, 2014 to December 15, 2025. This bill passed unanimously in the House but failed to move out of the Senate Environment and Natural Resources Committee. However, the Legislature did include a note in the Water Resource Department budget directing the agency to provide quarterly reports to the House and Senate environment committees regarding the Columbia River Treaty 2014/2024 Review, including Oregon's perspective on and key interests in hydropower, flood risk management, ecosystem-based function, navigation, and water supply.

Water & Water Quality

SB 5502 – Budget for Department of Agriculture

The Joint Ways and Means Committee approved a total funds budget of $94,881,774 and 477 positions (351.17 full-time equivalents, or FTE) for the Department of Agriculture. This is an 11.3 percent increase from the 2011-13 Legislatively Approved Budget through December 2012, and a 10.9 percent increase from the 2013-15 biennium current service level. The budget maintains the level of service of the 2011-13 Legislatively Adopted Budget and adds resources for pesticide outreach and stewardship, water quality and water quantity, and implementation of the state Integrated Water Resources Strategy.

Effective: July 1, 2013
Chapter 540

SB 5520 – Budget for Department of Environmental Quality

The approved Department of Environmental Quality budget maintains existing service levels and adds resources to restart Oregon Plan for Salmon and Watersheds monitoring, groundwater studies, implementation of the Integrated Water Resources Strategy, and expansion of the Pesticide Stewardship Partnership with the Oregon Department of Agriculture.

Effective: July 1, 2013
Chapter 546

For other bills relating to Water & Water Quality, please see:

- SB 181 – Water Infrastructure, p. 73
- SB 837 – In-Conduit Hydroelectricity Fish Passage Mitigation, p. 24

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