CITY OF PORTLAND LEGISLATIVE REPORT



2011 LEGISLATIVE SESSION

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CITY OF PORTLAND

2011 SESSION LEGISLATIVE REPORT

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INTRODUCTION

2011 STATE LEGISLATIVE SESSION

SETTING THE STAGE

The 76th legislative session commenced on January 10th, 2011 and adjourned Sine Die on June 30, 2011, lasting a total of 153 days. Over the course of the 2011 legislative session, 3,021 bills were introduced and 803 bills were passed and signed into law.

The 2011 session was the first to be held since the passage of a constitutional amendment in November 2010 mandating annual legislative sessions and limiting odd-year sessions to 160 days and even-year sessions to 35 days. After meeting in early January for organizational matters, legislators adjourned for the remainder of the month, and reconvened on February 1st to begin legislative business

For the first time in the history of the state, the balance of power in the House was an even 30-30 split between Republicans and Democrats. In order to determine the rules for governance, House members approved a power-sharing agreement that required Republican and Democratic co-chairs for each committee. The House elected Rep. Bruce Hanna (R-Roseburg) and Rep. Arnie Roblan (D-Coos Bay) as co-speakers and Rep. Dave Hunt (D-Gladstone) and Rep. Kevin Cameron (R-Salem) as caucus leaders. In the Senate, Democrats held a narrow 16-14 majority. Sen. Peter Courtney (D-Salem) was re-elected to a fifth term as Senate President and Sen. Ted Ferrioli (R-John Day) continued to serve as Senate Republican Leader. Sen. Diane Rosenbaum (D-Portland) served as Majority Leader, following the appointment of Sen. Richard Devlin as Senate Co-Chair of the Joint Ways and Means Committee.

The 76th legislative body included 11 new legislators (two senators and nine representatives), including two new members of the Portland delegation. Sen. Chuck Thomsen (R-Hood River) was elected to the seat representing Senate District 26, which had been previously represented by Sen. Rick Metsger, and Rep. Patrick Sheehan (R-Clackamas) filled the vacant seat in House District 51, which had previously been held by Rep. Brent Barton.

NOTABLE ISSUES

A challenging budget scenario driven by revenue projections that had suffered due to the state's difficult economic climate, set the stage for the legislative session. For the 2011-13 biennium, the Legislature was working with a total of \$13.9 billion in total General Fund and Lottery Resources. This represented an approximate \$3.5 billion gap in revenue necessary to maintain the level of service offered by state agencies during the 2009-11 biennium. Given this revenue gap, cuts to nearly all state agency budgets were a necessity.

Among the priorities of leadership on both sides of the aisle was funding for education. Legislators sought to show their support for K-12 education funding by passing the budget midway through session, thus protecting it from possible end-of-session budget battles. At the end of the session, once other budgets had been approved, legislators allocated an additional \$25 million, bringing the total K-12 education budget for the biennium to \$5.7 billion.

In addition to education funding, legislators examined a number of tax credits that were set to expire. A new Joint Committee on Tax Credits was formed for the purpose of reviewing state income and corporate excise tax credits that were scheduled to expire in the 2011-2013 biennium. A high profile issue, and City priority, was the extension of the Business Energy Tax Credit (BETC). Ultimately, legislators made significant modifications to the program, allowing it to sunset while establishing a series of new programs with similar objectives. Among other tax credits that were extended were those for film and video production and affordable housing.

Following on the heels of the 2010 census, legislators were constitutionally mandated to undertake redistricting of state legislative and congressional districts. Over the course of the session, the House and Senate Committees on Redistricting held hearings across the state in an effort to seek public input in the process. Agreement was reached on a plan for state redistricting in the final weeks of the session and on congressional redistricting in the final days of the session. The passage of the state and congressional redistricting plans mark the first time in over 50 years that legislators were able to reach agreement on both plans without a subsequent court challenge being filed.

In addition to education, redistricting and tax credits, legislators prioritized bills to spur job creation, reduce government inefficiencies, and increase transparency. Legislators spent a considerable amount of time on health care, a priority for the Governor, and passed bills that increased access to health care through the establishment of a health insurance exchange (SB 99, pg. 51) and transform delivery of health care through the Oregon Health Plan (HB 3650, pg. 50). Additionally, both chambers grappled with how to best protect consumers and deal with issues related to foreclosure.

THE CITY OF PORTLAND'S AGENDA

To develop the 2011 Legislative Agenda, the Office of Government Relations worked closely with the Mayor, Commissioners, and bureaus to develop priorities, initiatives and policy positions. Additionally, the city held three public forums leading up the 2011 designed to engage the community in our legislative agenda. The agenda prioritized economic development, public safety, and neighborhood livability and also identified bills that promoted the city's interest in equity. Below is an outline of the City's priorities and initiatives and their status.

The City's legislative agenda was built upon principles of equity, safety, health, resilience and accountability. Over the course of the session the City engaged in legislation beyond the scope of its priorities and initiatives in order to advance these principles. In order to ensure greater equity among all Oregonians, the City advocated on behalf of legislation that would provide the children of illegal immigrants the ability to access in-state tuition rates at Oregon universities (SB 742, pg. 18) and SB 817, the Oregon Low Income Community Jobs Initiative (pg. 15).

The City of Portland's success over the 2011 legislative session would not have been possible without the support and of the Mayor and members of Council, Council staff, Bureau Directors, Legislative Liaisons and many others who provided technical support and countless hours of work for the duration of the session. The Office of Government Relations is proud to represent the City of Portland.

CITY OF PORTLAND PRIORITIES		
Issue	Status	Approved
Maintaining and expanding incentives for film and television production	Extension of sunset on Oregon Production Investment Fund and Greenlight Labor Rebate programs included in omnibus tax credit bill, HB 3672.	✓
Funding for Pre-K through post- secondary education	Legislature allocated \$5.7 billion for K-12 education and \$709 million for higher education.	√
Business Energy Tax Credit	Legislature approved ramp-down to existing BETC program and established new programs in its place – funding eligibility for City priorities largely in place with exception of alternative transportation modes. Included in omnibus tax credit bill, HB 3672.	✓
Affordable Housing	Affordable Housing Tax Credit and abatement for non-profit housing developments passed, HB 2527 and HB 2354.	√
Rural Partnership	Passage of primary care workforce package (HB 2401 & HB 2397) and revision of farmworker housing tax credit (HB 2154).	✓
State Shared Revenues	Cities maintained share of state shared revenues (liquor and tobacco taxes & 9-1-1 tax for emergency communications).	✓

CITY OF PORTLAND INITIATIVES		
Issue	Status	Approved
Brownfields	HB 3325 – Passed and signed	\checkmark
Redevelopment	into law	·
Non-Disclosure of 9-1-1	SB 346 – Moved from Senate	
Audio Tapes	Judiciary to Senate Rules	
	Committee, where it remained	
	upon adjournment.	
Multi-Unit Housing and	HB 2244 – Passed and signed	
Transit-Oriented	into law	\checkmark
Development Tax		·
Abatement		
Domestic Violence	HB 3151 – Passed and signed	\checkmark
Confidentiality	into law	
Forfeiture of Drug	HB 3150 – Passed and signed	
Assets to Pay For Drug	into law	\checkmark
Treatment		·
Speed Limits	HB 2865 – Passed and signed	\checkmark
	into law	
Recreational Immunity –	HB 3325 – Passed and signed	\checkmark
Use of Trails	into law	

BENEFITS

HB 2038 - Workplace Breastfeeding

This bill would have amended Oregon law relating to the requirement that employers provide rest periods for employees to express breast milk. It would have made the current statute that provides an exemption from providing the rest period if doing so creates an undue hardship on the employer conform to federal law by limiting the exemption to employers with fewer than fifty employees. It also would have modified language regarding the frequency of rest periods and the provision of notice to an employer that an employee intends to express milk in the workplace upon returning to work after child birth. The bill received a public hearing in the House Human Services Committee, where it remained upon adjournment.

HB 2905 – Family Leave for Academic Activities

This bill proposed amending the 1995 Oregon Family Leave Act to grant up to 18 hours of family leave within a one-year period to an employee for academic activities of the employee's child. Upon introduction, the bill was referred to the House Business and Labor Committee, where it remained upon adjournment.

HB 3122 – Resumption of Work After Family Leave

Currently, Oregon statute provides that upon returning from a period of family leave, employees are entitled to return to the position they held prior to taking the leave. HB 3122 would have made state statute consistent with federal law, establishing that upon returning from taking family leave, an employee is entitled to return to an available equivalent position rather than necessarily the same position that the employee held prior to taking leave. The bill was referred to the House Business and Labor Committee where it did not receive a public hearing and remained upon adjournment.

SB 506 – Family Leave upon Death of a Family Member

This bill would have amended the 1995 Oregon Family Leave Act (OFLA) to allow an employee to take up to two weeks of leave to deal with the death of a family member. The two weeks of leave would have counted toward the job-protected leave of up to twelve weeks that OFLA currently requires employers of 25 or more employees to provide workers to care for themselves or a family member in cases of illness, injury, childbirth, and adoption. After passing the

Senate 18-11, the bill was referred to the House Business and Labor Committee where it did not receive a hearing and remained upon adjournment.

SB 605 – Family Leave Expansion

SB 605 sought to amend the Oregon Family Leave Act (1995) by including siblings in the definition of "family member" for the purposes of taking family leave. The bill was referred to the Senate Business, Transportation and Economic Development Committee, where it did not receive a hearing and remained upon adjournment.

BUILDING CODES

HB 2592 – Responding to Building Permit Applications

This bill would have imposed a deadline on the state Department of Consumer and Business Services, or the applicable local municipality, for responding to a building permit application. Unless the agency requested additional time, the bill would have required that final action be taken on the application within one year upon receipt of the application and applicable fees. HB 2592 was referred to the House Business and Labor Committee where it did not receive a hearing and remained upon adjournment.

HB 2620 – Building Permit Fees

HB 2620 proposed modifying when building code permit fees are collected. Specifically, the bill would have required the Department of Consumer and Business Services or any local government municipality that administers and enforces building codes to charge one-third of the fee for permit upon issuing the permit, one-third upon construction beginning and the final one-third upon completion of the project. The bill was referred to the House Committee on Business and Labor, where it remained upon adjournment.

SB 153 – Home Inspections

Home inspectors are required by statute to be certified by the Construction Contractors Board (CCB) and must work for a licensed contractor. An increasing number of businesses have recently provided limited inspections of homes, such as for energy audits, forensic building inspections and as a precondition for a Federal Housing Administration home loan; this has caused some confusion regarding whether such services are sufficient enough to be considered as the services of a home inspector. SB 153 allows the CCB the ability to adopt rules to determine whether limited inspections of one or more systems or components of a house constitute the services of a home inspector. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 79

SB 155 - Construction Contractor Licenses

Prior to the passage of SB 155, statutes related to construction contracting include definitions for both residential and commercial structures, but neither

definition covers minor structures built on the same property, such as a fence or in-ground swimming pool. Because the definitions do not cover minor structures, there has been confusion as to whether a contractor needs a residential or commercial endorsement.

Senate Bill 155 adds the term "appurtenance," which is defined as "any accessory of improvement to real estate associated with a structure," to the definitions of both a "residential structure" and a "small commercial structure." The measure also directs the Construction Contractors Board to adopt rules for exempting residential contractors from continuing education requirements for building code compliance and building exterior shell training, while allowing these contractors to take additional elective courses.

Effective: January 1, 2012

Chapter 170

COLLECTIVE BARGAINING

HB 3140 – Disciplinary Action Against Public Safety Officers

With the passage of HB 2713 in 2009, the Legislature established the Public Safety Officer Bill of Rights, a statewide standard for dealing with investigations that involve public safety officers. After enactment of the measure, it was discovered that a sentence that was to be removed had been inadvertently retained. House Bill 3140 deletes this sentence and clarifies that the bill of rights does not apply to disciplinary actions that are taken against public safety officers who are represented in a collective bargaining unit if the collective bargaining agreement or the established policies of the public safety officers' employer already provide identical procedures and safeguards. The bill passed both chambers by wide margins.

Effective: June 1, 2011

Chapter 202

CONTRACTING

HB 2062 – Procurement Practices

Following the passage of HB 2867 during the 2009 legislative session, it is now required that a contracting agency conduct a cost analysis or feasibility determination before procuring services that have an estimated price that exceeds \$250,000. The State Procurement Office of the Department of Administrative Services convened a work group over the interim to resolve issues with the legislation. The work group included legislators, union representation and state agencies. HB 2062 was the result of this workgroup and contained its recommendations. Specifically, the bill would have: (1) clarified the process for performing a cost analysis or making a feasibility determination before services estimated to exceed \$250,000 are procured; (2) allowed contracting agencies to make a feasibility determination after entering into a contract in an emergency; (3) required contracting agencies to include potential contractor profit in the cost analysis; (4) permitted contracting agency to withhold information until after notice of intent to award contract is issued, and; (5) required contracting agencies to disclose information upon request to public employee collective bargaining unit if procurement will affect members of the unit. HB 2062 received a hearing in the House General Government and Consumer Protection Committee and was then moved to the House Rules Committee where it remained upon adjournment.

HB 2358 – Procurement of Goods Made in the United States

This piece of legislation would have prohibited a contracting agency from awarding a public improvement or public works contract unless iron, steel, wood products and manufactured goods, including equipment used in the project, are produced within the United States. Upon being introduced, HB 2358 was referred to the House General Government and Consumer Protection Committee, where it remained upon adjournment.

HB 3000 – Procurement of Goods Made in Oregon

During the 2009 session, legislation was passed that allowed contracting agencies to pay up to 10 percent more than the lowest bidder for agricultural products produced and transported entirely within Oregon. Agencies could pay an even greater percentage above the lowest bid if good cause was found for doing so. HB 3000 expands the preference to any goods fabricated or processed in the state and to services performed entirely within the state with the exception of specified public improvements and construction contracts. Additionally, the bill allows contracting agencies to give further preference to bidder or proposer that

resides or is headquartered in Oregon if more than one bidder or proposer qualifies for the 10 percent preference. The bill passed the House with unanimous support and by a vote of 16-14 in the Senate.

Effective: June 7, 2011

Chapter 237

HB 3316 – Architects and Engineers Quality-Based Selection

The Quality-Based Selection (QBS) method is a two-tiered process in which potential consultants compete based on their level of experience and technical expertise first and the price for services is negotiated following the selection of a firm and before the contract is finalized. Prior to the passage of HB 3316, statute required QBS to be used for all architectural, engineering or land surveying projects if the services contract is issued by a state contracting agency and by a local agency in projects using over \$100,000 in Highway Funds. HB 3316 requires all public entities to use the QBS process for projects that are anticipated to have more than \$100,000 in architectural, engineering, photogrammetric mapping, transportation planning or land surveying costs.

Effective: June 21, 2011

Chapter 458

HB 3415/SB 772 – Audits of Public Contracts

This bill stems from concern over the use of alternative contracting methods whereby a firm is awarded a contract without going through the usual competitive bid process. HB 3415 would have required a contracting agency to pay a fee equal to one-tenth of one percent of the price of the contract to the Secretary of State (SOS), which has constitutional authority to audit any public account. The bill also established the Public Contracting Audit Account, into which the funds collected by the SOS would be deposited and used to conduct financial, compliance and performance audits of public improvement contracts. The bill received a hearing and moved with a favorable recommendation from the House General Government and Consumer Protection Committee to the Joint Ways and Means Committee, where it remained upon adjournment. SB 772, an identical bill, was heard in the Senate Business, Transportation and Economic Development Committee. The City submitted testimony on a range of concerns including the fact that the City already has an independent elected auditor. SB 722 was moved to the Joint Ways and Means Committee where it remained for the duration of the session.

HB 3429/SB 570 – Use of Wood in Public Buildings

This bill directed the Oregon Department of Administrative Services to adopt administrative rules regarding the use of wood in public buildings in which state funding has been provided. The rules would have required the building to maximize the use of wood products as much as is practicable. The bill received a hearing in the House Agriculture and Natural Resources Committee, where it remained upon adjournment. SB 570, which contained the exact same provisions as those in HB 3429 was referred to the Senate General Government, Consumer and Small Business Protection Committee, where it also remained upon adjournment.

HB 3488 – Procurement Cost Analysis

Contracting agencies, under current statute, must conduct a cost analysis or feasibility determination before procuring services with an estimated price that exceeds \$250,000. Exempt from the requirement are small cities, counties, and community colleges, special districts, the Port of Portland, and procurement for client services. This bill would have made a number of changes to state procurement statutes, including: (1) raising the threshold for requiring a cost analysis or feasibility determination for procurement from \$250,000 to \$2 million; (2) requiring contracting agencies to include its indirect overhead costs in the cost analysis; (3) removing the prohibition on proceeding with a procurement if the contractor's costs are lower solely because the contractor pays employees less than the agency does; and deleted the requirement that contracting agency is to prepare an appropriation request to hire or obtain resources necessary to perform services that agency determined would be less costly to perform inhouse but lacked the necessary staff and resources to perform. After receiving a hearing in the House General Government and Consumer Protection Committee. the bill was referred to the House Rules Committee, where it remained upon adjournment.

HB 3574 – Energy Savings in Public Contracting

This bill would have required public contracting agencies to use an alternative contracting method that would take into account energy savings. The bill did not receive a hearing and remained in committee upon adjournment.

SB 422 – Insurance Requirements in Public Contracts

This bill would have prohibited a contracting agency from requiring a contractor of professional services to obtain or maintain liability insurance with a combined single limit that exceeds \$1 million. The bill made an exception for cases when

an agency makes the determination after considering certain factors or the contracting agency pays a portion of the premium cost attributable to the increased single limit. The bill received a hearing in the Senate Business, Transportation and Economic Development Committee, where it remained upon adjournment of the Legislature.

SB 657 – Retainage on Contract Payments

Current statutes limit the amount that a construction contractor may hold as a retainer to no more than 5 percent of the construction contract, home improvement contract, or public improvement contract payment, to ensure the work is completed satisfactorily. SB 657 would have reduced this amount to one percent of the total contract. The bill did not receive any further action aside from a hearing in the Senate Business, Transportation and Economic Development Committee, where it remained upon adjournment.

SB 667 – Indefinite Quantity Contract

Indefinite quantity contracts are a type of contract that provides for an indefinite quantity of supplies or services during a fixed period of time. They are most often used for service contracts and for architect-engineering services. SB 667 would have specified the process for a public agency to enter into an 'indefinite quantity contract' for architectural, engineering, land surveying and related services if the agency anticipates a recurring need for the service and cannot specify in advance a particular quantity of services needed. The City currently uses these types of contracts. The bill would have required that an agency awarding an indefinite quantity contract to issue a work order for at least the minimum quantity of service stated in the solicitation or pay the contractor a minimum of five percent of the amount the agency budgeted for the term of the contract. Additionally, the bill would have required that indefinite quantity contracts of \$100,000 or less be awarded to certified disadvantaged, minority women or emerging small business enterprise.

SB 770 – Preference for Oregon Residents in Contracting

This bill would have required contracting agencies, under certain circumstances, to give preference to Oregon residents that bid on public contracts including public improvement contracts. The bill was referred to the Senate Business, Transportation and Economic Development Committee, where it received a hearing but remained upon the close of the legislative session. A similar bill, HB 3000 (pg. 6) which was passed by the legislature, establishes the ability for contracting agencies to give preference to goods and services manufactured in Oregon except on public improvement contracts.

SB 772/HB 3415 – Audits of Public Contracts

This bill, which was identical to HB 3415 (see pg. 7) would have established the Public Contracting Audit Account. Contracting agencies would have been required to pay a fee equal to one-tenth of one percent of contract price to the Secretary of State (SOS). These funds would then be placed in the Public Contracting Audit Account and used to conduct financial, compliance and performance audits of public improvement contracts. The bill received a hearing in the Senate Business, Transportation and Economic Development Committee where the City submitted testimony on a range of concerns including the fact that the City already has an independent elected auditor. The bill was then moved to the Joint Ways and Means Committee where it remained for the duration of the session.

SB 890 - Relations with Subcontractors on Public Contracts

Current law requires public contracts to contain provisions directing contractors to promptly pay all persons supplying the contractor and all persons performing work for the contract, as well as to pay all contributions due the Industrial Accident Fund and to the Department of Revenue for withholding. SB 890 would have revised the statutory requirements for prompt payment of subcontractors and suppliers by first-tier contractors under public contracts. Under the measure, public contracts would have been required to specify that payment would be made no later than 30 days after a request is submitted for payment. Exceptions are provided in cases where there is a good faith dispute (such as unsatisfactory job progress, defective work not remedied, evidence that the subcontract cannot be completed for the unpaid balance, etc.), or in cases where the contractor cannot pay due to not having received payment from the contracting agency. The measure moved out of the Senate General Government, Consumer and Small Business Protection Committee with a favorable recommendation as to its passage, however the bill failed on the Senate floor by a vote of 11-18.

For other bills relating to "Contracting," please see:

HB 3574 – Energy Savings in Public Contracting, pg. 8

ECONOMIC DEVELOPMENT

HB 2082 – Cleanup of Brownfields

This legislation would have allowed the Director of the Department of Environmental Quality (DEQ) to approve certain settlements related to the release of hazardous substances associated with brownfields. The intent of the bill was to provide greater legal certainty for innocent parties to purchase and cleanup brownfield sites. Upon adjournment, the bill remained in the Energy, Environment and Water Committee, where it received one hearing. Another bill, HB 3325 (see pg. 13), which did pass, effectively replaced HB 2082.

HB 2167 - Film and Video Tax Credits

The extension of incentives for film and video production via the Oregon Production Investment Fund (OPIF) and the Greenlight Labor Rebate, both of which were scheduled to sunset in 2012, was a top priority for the City. HB 2167 would have extended the OPIF and Greenlight Labor Rebate state incentives for film and video production as well as increase the funding for OPIF beyond its current levels. The City advocated on behalf of the bill before the House Transportation and Economic Development Committee after which it was moved to the Joint Tax Credit Committee. Ultimately, provisions extending both of these programs until 2018 and funding OPIF at \$7.5 million for the 2011-12 fiscal year and then \$6 million per year thereafter were included in HB 3672, the Legislature's omnibus tax credit bill (see pg. 86).

HB 2624 – Prevailing Wage Projects in Enterprise Zones

This bill would have added a property tax exemption for a firm that complies with prevailing wage law on projects that are for the construction or major renovation of a privately owned road, highway, building, structure, or improvement located within an enterprise zone and has a projected cost of at least \$5 million. HB 2624 also would have established how the required fee for public works projects is to be paid to the Bureau of Labor and Industries, the agency responsible for enforcing prevailing wage law. The bill received a hearing in the House Business and Labor Committee, which moved it to the House Revenue Committee with a favorable "do pass" recommendation. The bill did not receive a hearing in the Revenue Committee and remained there upon adjournment.

HB 2770 – Oregon Business Ombudsman

This bill requires the Oregon Business Development Department (OBDD) to explore the feasibility of creating the position of Business Ombudsman within state government. Of the items to be considered is the feasibility of the Ombudsman providing and maintaining information related to new or prospective small businesses in Oregon and methods by which small businesses may ask questions or direct complaints about doing business in Oregon. OBDD is required to report back to the Legislative Assembly prior to the start of the 2013 legislative session.

Effective: January 1, 2012

Chapter 198

HB 2949 – Incentives for Brownfield Cleanup

This bill would have provided a tax credit for taxpayers who purchase and cleanup contaminated brownfield sites. Additionally, HB 2949 directed the Department of Environmental Quality (DEQ) to establish a grant and loan program for brownfield remediation. The bill, supported by the City, was referred to the House Transportation and Economic Development Committee, where it received a hearing and remained for the duration of the legislative session.

HB 3017 – Enterprise Zone Extension

The State's Enterprise Zone program allows for property tax exemptions for three to five years for standard enterprise zones and seven to 15 years for qualifying long-term rural enterprise zones. HB 3017 extended the state enterprise zone program until 2025. Without this extension the program would have sunset in 2013. The City advocated on behalf of the bill citing over \$1 billion in new investment in buildings and equipment that companies participating in the program have made. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 375

HB 3172/SB 317 - Tax Credits for Electronic Commerce

This bill would have extended the sunset on the tax credit for electronic commerce in an enterprise zone, which was set to sunset January 1, 2012. The bill received a hearing in the House Transportation and Economic Development Committee, where it remained upon adjournment. The provisions of the bill, however, were included in the omnibus tax credit bill, HB 3672 (see pg. 86). The

City advocated on behalf of both HB 3172 and HB 3672. An identical bill, SB 317, was also introduced in the Senate and like HB 3172, ultimately remained in the Joint Tax Credit Committee upon the close of the legislative session.

HB 3325 – Brownfield Redevelopment

HB 3325 was a joint City of Portland initiative with the Port of Portland and the Department of Environmental Quality (DEQ) aimed at promoting the redevelopment of brownfield sites. The bill strengthens the liability protections for innocent parties who sign a prospective purchaser agreement with DEQ when purchasing and voluntarily cleaning up brownfield sites. Protections do not extend to instances when the release of substances has occured after the transfer of ownership. The bill passed both chambers unanimously and has been signed into law by the Governor.

Effective: January 1, 2012

Chapter 487

HB 3392 – Corporate Excise Tax Credit

This bill would have established an income or corporate excise tax credit for taxpayers that create or maintain employment positions. The bill was referred to the House Transportation and Economic Development Committee, where it did not receive a hearing and remained upon adjournment of the Legislature.

HB 5005 – Bonding Authorization: Oregon Sustainability Center

In 2009, the Legislative Assembly authorized construction and approved \$75 million in state bonds for the Oregon Sustainability Center (OSC). The approval for such bonds expires after two years if the bonds are not issued. Since 2009, the need for state bonds, which will be repaid by rent from building tenants, has been adjusted to \$37 million. The Legislature's bonding authorization bill included a budget note that directs the Oregon University System (OUS) to report back to the legislature in February 2012 with additional information on the Oregon Sustainability Center in order to secure legislative re-approval of the tenant-backed bonds at that time. The City worked with the OUS, Portland State University (PSU), private sector partners and the Governor's Office to urge continued support for the OSC.

Effective: July 6, 2011

Chapter 614

SB 175 – Youth Employment Program

This bill establishes the Youth Employment Program and the Employer Workforce Training Fund, both of which will be housed in the Department of Community Colleges and Workforce Development and managed by local workforce investment boards. Although the measure does not appropriate funding, it puts forward foundational statutes to assist in obtaining federal and business funds. The bill passed both chambers by wide margins.

Effective: January 1, 2012

Chapter 702

SB 219 – Oregon Business, Retention and Expansion Program

This bill establishes the Oregon Business Retention and Expansion Program in the Oregon Business Development Department (OBDD). The OBDD will lend funds to qualified employers who are creating high wage jobs and may forgive loans made under the program when the performance criteria are met. The program is restricted to firms with 150 or more employees who require the loan to hire at least 50 new full-time employees whose compensation will average at least 150 percent of the state or local average. The program received \$4 million in the OBDD budget, SB 5528.

Effective: June 28, 2011

Chapter 549

SB 441 – Brownfield Cleanup Incentives

This bill, similar to those introduced in the House (HB 3325, HB 2950, and HB 2082), sought to ease the cleanup of brownfield sites. SB 441 would have modified provisions of written agreements by the Department of Environmental Quality that provide innocent parties with release from potential liability for releases of hazardous substances. The bill did not receive a hearing and remained in the Senate Business, Transportation and Economic Development Committee upon adjournment. The concepts in SB 441 were ultimately amended into HB 3325 (see pg. 13), which was signed by the Governor.

SB 437 – Confidentiality Exemption for Business Recruitment

SB 437 exempts information related to initial business recruitment efforts from state public records laws. Prior to SB 437, which passed the Senate by a vote of 19-11 and the House 56-4, this exemption was in place for state agencies, but not local governments. This bill simply expands the business recruitment

exemption to all public entities. The City submitted testimony in support of the bill.

Effective: January 1, 2012

Chapter 424

SB 817 – Oregon Low Income Community Jobs Initiative

This bill creates the Oregon Low Income Community Jobs Initiative, a program that is modeled after the federal New Markets Tax Credit and is intended to stimulate investment in low-to-moderate income communities. The bill establishes a tax credit against income and corporate excise taxes equal to 39 percent of the cost of a qualified equity investment and may be taken over seven years. The total amount of tax credits claimed in any tax year is capped at \$16 million. The bill passed both chambers by comfortable margins.

Effective: September 29, 2011

Chapter 732

SB 867 – Institutional Controls on Contaminated Real Property

In 2003, the National Conference of Commissioners on Uniform State Laws proposed adoption of a Uniform Environmental Covenants Act. The Oregon Law Commission, in 2008, organized a work group to examine the issue, which ultimately found that wholesale replacement of Oregon's existing program was unwarranted. Senate Bill 867 would have codified Oregon's existing Department of Environmental Quality (DEQ) program that uses interests in real property as a means to manage risks associated with hazardous substance contamination. Specifically, the bill would have authorized DEQ to make agreements affecting activities on real property as a means to reduce exposure to hazardous substances and when reasonably related to remediation. The Senate Judiciary Committee moved the bill with a do-pass recommendation; however the bill was referred from the Senate floor back to the Judiciary Committee, where it remained upon adjournment.

For other bills relating to Economic Development, please see:

- HB 3672 Omnibus Tax Credit bill, pg. 86
- SB 315 Tax Credits for Qualified Research Activities, pg. 87
- SB 766 Industrial Lands, pg. 62

EDUCATION

HB 3362 – Career and Technical Education

This bill allows for cooperative programs for career and technical education between school districts, charter schools, and the Bureau of Labor and Industries (BOLI). A new grant program is established by this measure that may award grants to enhance collaboration between education providers and employers. Grants will be reviewed by an advisory committee that will be created by BOLI and the Department of Education. \$2 million in funding has been budgeted for this program.

Effective: August 2, 2011

Chapter 682

HB 3681 – Student Enrollment in Other School Districts

This legislation grants students the ability to enroll in another school district, with the approval of that district. Prior to the passage of HB 3681, a student was required to obtain approval of the district that they wanted to leave.

Effective: January 1, 2012

Chapter 697

SB 175- Workforce Development

Modeled after two successful pilot programs that were funded with federal stimulus dollars, this bill creates the Oregon Employer Workforce Training Program and Oregon Youth Employment Program in Department of Community Colleges and Workforce Development. The first program is designed to improve workforce skills and the second provides teens with job experience.

Effective: January 1, 2012

Chapter 702

SB 242 – Higher Education Reorganization

Over the interim, the Legislative Higher Education Workgroup conducted numerous meetings with stakeholders in order to evaluate impediments in the current system and explore options for higher education reform. SB 242 is the result of the workgroup and reorganizes Oregon's system of higher education with the goal of increasing flexibility, autonomy and accountability. Specifically, the bill redefines the Oregon University System (OUS) as a public university

system with greater authority and independence to manage affairs, operations and obligations. The bill creates the Higher Education Coordinating Commission and authorizes it to coordinate higher education goals and policy with OUS. Additional provisions of the bill include: (1) placing responsibility for liability, defense and indemnity on OUS and State Board of Higher Education; (2) creation of process for State Board of Higher Education to enter into performance compact with state in conjunction with biennial funding request; (3) elimination of requirement to seek permission to exceed expenditure limitation to spend other available moneys, including enrollment fees collected; (4) preservation of labor contracts, retirement, benefits and preferences; (5) authorization of board to purchase property and construct facilities without legislative approval; and (6) changing the name of the Oregon Student Assistance Commission to the Oregon Student Access Commission. The bill passed both chambers by wide margins.

Effective: July, 20, 2011

Chapter 637

SB 248 – Full Day Kindergarten

This bill requires schools to offer full day kindergarten programs beginning in 2015. Additionally, SB 248 modifies the school funding formula so that kindergartners will be considered full-time students. Prior to the passage of SB 248, they had been counted as half of a K-8 student for the purposes of school funding.

Effective: January 1, 2012

Chapter 702

SB 253 – State's Educational Goal

This bill establishes a state goal that, as of 2025, 40 percent of adult Oregonians have at least a bachelor's degree, another 40 percent, an associates degree or professional credential, and the remaining 20 percent, a high school degree or its equivalent.

Effective: January 1, 2012

Chapter 638

SB 254 – Dual Credit Programs for High School Students

Prior to the passage of SB 254, Oregon statutes stated that every community college district shall encourage high school students to begin their college education early by implementing two-plus-two and dual credit programs and shall

make at least one such program available. Districts could apply for and be granted waivers from the Department of Education. SB 254 takes this requirement further, mandating access for all Oregon students to dual credit programs so they can earn college credits while in high school. Specifically, the bill creates an oversight system and grant program to encourage and facilitate accelerated college credit programs, including dual credit, two-plus-two, advanced placement and International Baccalaureate programs. The measure requires the Department of Education to administer the grant program, supply training for teachers who will provide instruction in accelerated college credit programs at the secondary school and award grant funds to assist students in paying for college credits.

Effective: July 20, 2011

Chapter 639

SB 552 – Governor as State Superintendent of Public Instruction

Prior to the passage of SB 552, in Oregon and in 14 other states, the Superintendent of Public Instruction was an elected position. SB 552, however, establishes the Governor as the Oregon state Superintendent of Public Instruction. The bill specifies that the Governor is authorized to appoint a deputy and permits the current Superintendent to fulfill the remainder of her term.

Effective: August 5, 2011

Chapter 731

SB 742 – Tuition Equity

SB 742 would have allowed the Oregon University System (OUS) to consider qualified immigrant students as state residents for tuition purposes. The bill specified that qualified students would be eligible to pay in-state tuition at OUS schools if they: (1) reside in the country and attended school the prior five years; (2) attended an Oregon high school for at least three consecutive years; (3) graduated from an Oregon high school within three years of higher education enrollment; (4) had been admitted to an Oregon University System institution; and (5) filed an affidavit at school showing intention to become a citizen or lawful permanent resident of the United States. SB 742 was similar to legislation that has been enacted in eleven other states.

After passing out of the Senate by an 18-11 vote, the bill was referred to the House Rules Committee, where it remained upon adjournment. A parliamentary maneuver in the final days of the session sought to bring the bill to the House floor, however it was ultimately unsuccessful. The City lobbied in favor of this legislation.

SB 754 – Higher Education Account Created in Emergency Reserve Fund

Linked to changes that SJR 26 would have made, directing kicker funds to an emergency reserve account, this bill would have established a higher education subaccount within the emergency reserve fund. SB 754 proposed to fund the account with the corporate kicker. The bill was also linked to SB 833, which would have reduced the capital gains rate. SB 754 was passed favorably out of the Senate Committee on Finance and Revenue and was referred to the Rules Committee where no further action was taken.

SB 909 - Oregon Education Investment Board

A priority for the Governor, SB 909 restructures the state system for early childhood, K-12 and post-secondary education. The bill establishes the Oregon Education Investment Board (OEIB) to oversee a unified public education system. In addition to defining specifics such as membership, governance and duties of OEIB, the bill creates the Early Learning Council (ELC), which is charged with conducting analysis of plans to merge, redesign or improve coordination of early childhood services and to align childhood services with child-centered outcomes. SB 909 further requires the ELC to submit information gathered to OEIB for its report to the interim legislative committees on education before December 15, 2011. The bill passed both chambers by wide margins.

Effective: June 28, 2011

Chapter 519

SB 5552/SB 5553 – Funding for K-12 Education

SB 5552 was the budget bill for early childhood and K-12 Education. In an attempt to protect the K-12 education budget from the difficult budget decisions at the end of the legislative session, legislators opted to approve the budget in mid-April. Despite allocating an additional \$25 million at the end of the session due to revenue projections that were higher than expected (through HB 5553), the \$5.7 billion budget fell short of what education advocates had sought.

Effective: July 1, 2011

Chapter 20

SJR 20 – Endowments at Public Universities

SJR 20 proposed to amend Oregon's Constitution in order to allow the state to loan credit and incur a specified amount of indebtedness to provide moneys to partially fund endowments at public universities. The bill received a hearing in the

Senate Education and Workforce Development Committee, where it remained upon adjournment.

For other bills relating to Education, please see:

- HJR 14 School Funding, pg. 90
- SJR 26 Transfer of Kicker Into Stability Fund, pg. 92

ELECTIONS

HB 2256 – Election Law: Ballot Qualification, Notification & Signature Gathering

This bill from the Oregon Secretary of State makes several changes to Oregon elections law including: (1) limitation of the petition signature-gathering period to two years to initiate district measures and deletion of notice requirements for signature-gathering that exceeds one year; (2) specification of the notice and filing requirements for district elections and placement of responsibility on district election authorities; (3) clarification of language governing nomination and election of nonpartisan offices; and (4) authorization of county clerks to publish notices of election and ballot titles electronically. The bill passed both chambers by comfortable margins.

Effective: January 1, 2012

Chapter 607

HB 2804 – Voter Registration Requirements

This bill would have required evidence of citizenship for individuals registering to vote in Oregon for the first time. Upon introduction, the bill was referred to the House Rules Committee, where it received a hearing and remained upon adjournment.

HB 2894 – Regulation of Campaign Contributions

This bill would have limited the amount that certain political committees could contribute to political candidates. Specifically, the bill sought to limit contributions from political party committees to: (1) \$2,500 for one candidate in an election period; (2) \$10,000 to any one political committee over the course of an election cycle; and (3) \$10,000 to all political party committees in an election cycle. The bill received a hearing in the House Rules Committee, where it remained upon adjournment.

HB 2912 – Vote Recounts in Non-Partisan Primary Elections

When a non-partisan candidate (other than sheriff, county clerk, or county treasurer) receives a majority of the votes in a primary election, they are elected without running in the general election. Election law has provided for an automatic recount if the vote percentages for the top two candidates are within one-fifth of one percent of each other. HB 2912 requires an automatic recount of

non-partisan primary election when a candidate receives within one-fifth of one percent of a majority vote. The bill comfortably passed both chambers.

Effective: January 1, 2012

Chapter 479

HB 3357 – Administrative Rules Pertaining to Elections

The Secretary of State Elections Division designates candidate, initiative, referendum, and recall, and Vote by Mail manuals, and their respective forms through the administrative rulemaking process. Likewise, the Absentee Ballot Request Form, nomination or election acceptance form, petition circulator training curriculum and associated forms are also designated through administrative rulemaking. This bill would have required that the Secretary of State, when adopting administrative rules relevant to an upcoming election, do so in an expeditious manner. As introduced, the bill required that the administrative rulemaking be done no later than 90 days after the law requiring the rule becomes operative. After passing the House unanimously, the bill was referred to the Senate Rules Committee, where it received a hearing but remained upon adjournment of the legislative session.

SB 544 – Failure to Comply with Election Laws

This bill would have created a private cause of action for any error made by an elections official to comply with elections laws. Upon introduction, the bill was referred to the Senate Rules Committee where it remained for the duration of the legislative session.

SB 989 – State Legislative Redistricting

Every ten years, the Legislative Assembly must redraw legislative and congressional district lines based on new U.S. Census data. Current statutes require that each state legislative district, as nearly practicable, should: (1) be contiguous; (2) be of equal population; (3) utilize existing geographic or political boundaries; (4) not divide communities of common interest; (5) be connected by transportation links; (6) not be drawn for the purpose of favoring any political party, incumbent legislator, or other person; and (7) not dilute the voting strength of any language or ethnic minority group.

In early June 2011, after a series of hearings across the state, the co-chairs of the respective House and Senate redistricting committees announced agreement on a plan for redrawing the boundaries of state legislative districts. After appointment of a Joint Special Committee on Redistricting, the bill was moved on

to each chamber, where it passed by wide margins. The changes that impact the City of Portland included in the state redistricting consist of redrawing three House and two Senate districts currently outside of Portland to include portions of the City. The impacted districts include: HD 50 represented by Rep. Greg Matthews (D-Gresham), HD 49 represented by Rep. Matt Wand (R-Troutdale), HD 31 represented by Rep. Brad Witt (D-Clatskanie). The Senate districts include: SD 25 represented by Sen. Laurie Monnes Anderson (D-Gresham) and SD 16 represented by Sen. Betsy Johnson (D-Scappoose). Maps of the new legislative districts may be found here: http://www.leg.state.or.us/redistricting/.

Effective: January 1, 2012 Chapter 314

SB 990 – Congressional Redistricting

In the final days of the session, legislators reached agreement on a congressional redistricting plan. Oregon statute requires that like state legislative districts, congressional districts should: (1) be contiguous; (2) be of equal population; (3) utilize existing geographic or political boundaries; (4) not divide communities of common interest; (5) be connected by transportation links; (6) not be drawn for the purpose of favoring any political party, incumbent legislator, or other person; and (7) not dilute the voting strength of any language or ethnic minority group. Congressional districts, however, cannot be drawn with any population deviation.

Changes to congressional district boundaries in Portland include shifting downtown Portland from the 1st Congressional District (representation TBD) to the 3rd Congressional District (represented by Rep. Earl Blumenauer) and moving Forest Park and Linnton from the 3rd Congressional District to the 1st Congressional District. The plan also shifts Johns Landing and the neighborhoods in Southwest Portland south of I-5 from the 5th Congressional District (represented by Rep. Kurt Schrader) to the 1st Congressional District, and reassigns the Mt. Scott area from the 3rd Congressional District to the 5th Congressional District. Maps of the congressional redistricting plans may be found here: http://www.leg.state.or.us/redistricting/. The bill received widespread support in both chambers.

Effective: January 1, 2012

Chapter 314

EMERGENCY COMMUNICATIONS

HB 2075 - Pre-Paid Wireless Taxation

This bill would have established a mechanism for pre-paid wireless companies to collect the \$.75 per month 9-1-1 tax on phone lines that other providers of phone service remit. As the bill imposed a tax, a supermajority (36 of 60 in the House and 18 of 30 in the Senate) would have been required for passage. The tax is a major source of funding for the City's call center. The bill received a hearing in the House Revenue Committee, where it remained upon close of the legislative session.

HB 2076 – Automatic Location Identification for Multiline Providers

This bill would have changed the definition of "provider" to include any multiline telephone system. Currently, statute requiring enhanced 9-1-1 does not specifically address multiline telephone systems. As such, these providers are not mandated to provide 9-1-1 call centers with the call number and location information that is required of all local exchange carriers. By changing the definition of "provider" to include multiline telephone systems, the net result would have been to send automatic number identification and automatic location identification to 9-1-1 centers. After passing the House unanimously, the bill was referred to the Senate Veterans and Military Affairs Committee, where it received a number of public hearings, however remained upon adjournment of the legislature.

HB 2741 – Emergency Communications Account

This bill would have designated the Emergency Communications Account as a trust account, exclusively for emergency communication purposes, declaring a contractual obligation of the state to use moneys only for emergency communication purposes. The City testified in support of the bill at a hearing in the House Judiciary Committee, where it remained upon adjournment of the legislative assembly.

HB 5037 – Funding for 9-1-1 Call Centers

The budget bill for the Oregon Military Department, HB 5037, includes the Office of Emergency Management (OEM) which disburses funds from the \$.75 per month 9-1-1 tax that is assessed on telephone lines (both cellular and land). Because the Military Department failed to submit a report that had been required by the 2009 Legislative Assembly, the Joint Ways and Subcommittee on Public

Safety advanced a budget that withheld the last half-year's funding for the 2011-13 biennium, which amounted to \$20 million, of which the City would receive approximately \$3 million. The City worked with other local governments and public safety associations to amend this provision so that the funding of local call centers is not contingent upon the Military Department's actions. Ultimately, the Public Safety Subcommittee reauthorized the remaining allotment of \$20 million in funding.

Effective: July 6, 2011

Chapter 623

SB 346 – Confidentiality of 9-1-1 Communications

This City of Portland initiative would have generally required the consent of a caller to 9-1-1 before an audio recording of the call could be released to the public. The bill specified that transcripts of the call would still be made available upon request and provided certain exemptions to allow limited release of audio tapes. The bill was heard in the Senate Judiciary Committee, which adopted technical amendments and moved the bill to the Senate Rules Committee, where it remained upon adjournment.

EMPLOYMENT

HB 2036 – Alignment with Federal Americans with Disabilities Act

HB 2036 aligns state statutes with federal statutes that prohibit the unlawful discrimination against persons with disabilities so that the provisions governing employment practices are applicable to employers. Additionally, the bill modifies statutes passed during the 2010 legislative session (SB 1045) which prohibited the use of a person's credit history as part of a hiring process, allowing the use of an applicant's credit history for certain public safety officer positions. The bill passed both chambers unanimously and has been signed into law.

Effective: June 1, 2011

Chapter 210

HB 2241 - Definition of "Uniformed Service"

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides service members with protections from employment discrimination. In 2009, the Oregon Legislature passed HB 3256, giving service members the option to pursue a state court remedy for employment discrimination instead of solely relying on the federal remedy provided by USERRA. HB 2241 aligns state statute with federal law, clarifying and broadening the definition of "uniformed service" in the employment context to include service members covered by USERRA. The bill also permits public employees to take a leave of absence for initial active duty for training when serving in the National Guard, National Guard Reserve, or reserve component of the U.S. Armed Forces or U.S. Public Health Service. HB 2241 passed both chambers unanimously and has been signed into law.

Effective: April 14, 2011

Chapter 18

HB 2861 – Wage Discrimination Protected Classes

Current statutes protect against wage discrimination based on the sex of an employee. This bill would have expanded this protection to other defined classes, including race, color, religion, sexual orientation, national origin, marital status, disability or age. The bill received a hearing in the House Business and Labor Committee, where it remained upon adjournment.

HB 2862 – Employee Protections for Volunteers and Interns

This bill proposed extending certain employee protections to individuals who are working for educational purposes, such as an internship, and those who are working without compensation. The bill was referred to the House Business and Labor Committee, where it received a hearing and remained upon close of the session.

HB 3207 – Mandatory Interviews of Veterans

This bill is the result of the Task Force on Veteran's Services, which was established by Governor Kulongoski through executive order and charged with conducting a review of existing policies and procedures and providing recommendations for needed services. One of the task force's findings was that up to 43 percent of Oregon National Guard troops returning from deployment in 2010 remained unemployed for an extended period of time.

HB 3207 requires public employers to interview a veteran if an interview is part of the selection process and the employer determines that the veteran meets the minimum and special qualifications of the position. The City participated in a work group addressing veterans preferences in the hiring process. The bill passed both chambers by wide margins.

Effective: January 1, 2012

Chapter 484

HB 3482 – Unpaid Leave for Victims of Harassment

This bill adds dealing with harassment to the reasons for which an employer with six or more employees must allow an employee to take unpaid leave. Previously, such employers were required to offer unpaid leave for employees to deal with domestic violence, sexual assault or stalking. The bill also requires employers to make reasonable safety accommodations to the victim. HB 3482 passed both chambers comfortably.

Effective: August 2, 2011

Chapter 687

SB 72 – Definition of Disabled Veteran

Prior to the passage of SB 72, the statutory definition of "Disabled Veteran" was a person "entitled to disability compensation" from the U.S. Department of Veterans Affairs. SB 72 modifies this definition to a person "who has a disability

rating" from the U.S. Department of Veterans Affairs. The change was sought because under the federal system, a disabled veteran may have a disability rating that identifies him/her as disabled, however the rating may not be high enough to entitle the person to compensation. SB 72 passed both chambers unanimously and has been signed into law.

Effective: May 16, 2011

Chapter 29

SB 110 – Unemployment Insurance Benefit Claims

State statute requires the Employment Department to provide direct notice to the most recent employer when an individual files for unemployment insurance (UI) benefits. However, in cases where an employer uses the services of employer agents, also referred to as third-party administrators, to handle UI claims, the Department sends the notice to the employer, which then forwards the notice to the agent, which completes the form and returns it back to the Department. This two-step procedure can result in a delay of the claims process. SB 110 allows the Employment Department to directly notify third-party agents of UI benefit claims or denials. The bill passed both chambers unanimously.

Effective: May 5, 2011

Chapter 22

SB 173 - Recoverable Medical Expenses in Workers' Compensation Claims

SB 173 limits the amount recoverable by a medical or health insurance provider for medical services provided in a worker's compensation claim that are resolved by a settlement to the full medical fee-schedule amount. The payment to a medical service provider may be made directly from the settlement proceeds. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 80

SB 277 – Veterans Preference in Hiring

Current statutes require that public employers give preference to veterans or disabled veterans in hiring and promotion decisions related to civil service positions. Following the passage of legislation during the 2009 session, some public employers claimed to no longer be subject to this provision. SB 277

clarifies that all public employers are subject to the hiring and promotion preference for veterans and disabled veterans.

Effective: May 19, 2011

Chapter 82

SB 611 – Statutory Definitions

This bill would have standardized the definitions of "employ," "employee," "employer," and "wages," for the purposes of statutes relating to hours, wages, wage claims, employment conditions, employment agencies, farm labor contractors and construction contractors. The bill, which would have also broadened the definition of "employer," was referred to the Senate General Government, Consumer and Small Business Protection Committee. The bill received a hearing and remained in committee upon adjournment.

SB 984 – Local Government Employer Benefit Trust Fund

Local government's have the option of financing their costs of unemployment insurance by either paying taxes or reimbursing the Unemployment Compensation Trust Fund for the benefits paid attributable to the wages paid by the local government. The reimbursing can be either direct when billed or can be from the Local Government Employer Benefit Trust Fund (LGEBTF). A local government electing to reimburse through the LGEBTF will pay quarterly into the fund a percentage of all gross wages paid to covered employees. The percentage rate to be paid into the LGEBTF by a local government is designed to build, over a three-year period, an account balance equal to about one year of unemployment benefit charges applicable to the wages of the local government.

Under SB 984, a local government employer is allowed to work with the Oregon Employment Department so that it does not overpay into its LGEBTF account and can seek an extended payment plan in replenishing insufficient account balance. The bill passed both chambers unanimously.

Effective: September 29, 2011

Chapter 569

SB 5510 – Employee Relations Board Budget

As passed, the budget for the Employee Relations Board only includes funding for local cases through the first year of the biennium. A workgroup has been

formed that is charged with bringing a plan for continued funding based on fees generated at the local level to the February 2012 Legislative Session.

Effective: July 1, 2012

Chapter 572

ENERGY

HB 2196 – Tax Exemption for Biodiesel Derived From Cooking Oil

Currently, the excise tax rate on diesel fuel is \$.30 per gallon. HB 2196 sought to establish an exemption from the motor vehicle excise tax when the fuel is blended with a minimum of 20 percent biodiesel that is derived from used cooking oil. The bill received a number of hearings, first in the House Energy, Environment and Water Committee and then the Joint Tax Credit Committee, after which, it was referred to the Joint Ways and Means Committee where it remained upon adjournment.

HB 2622 - Oregon Renewable Portfolio Standard

In 2007, the Legislature enacted the Oregon Renewable Portfolio Standard (RPS) with the passage of SB 838. The RPS directs Oregon utilities to meet a percentage of their retail electricity needs with qualified renewable resources. Eligible renewable energy resources include biomass, geothermal, hydropower, ocean thermal, solar, tidal, wave, wind and hydrogen. As introduced, HB 2622 would have allowed energy conservation projects to qualify for the RPS. The bill that became law, however, was amended, removing the original provisions of the bill and inserting language to allow future electricity generated at the Boardman coal power plant to qualify for the RPS if the plant is converted to generate electricity from biomass.

Effective: January 1, 2012

Chapter 225

HB 2827 - Biodiesel Additives

This bill permits the sale of biodiesel with additives to prevent congealing during the cold season from October 1st to February 28th each year. The City supported this legislation, which passed both chambers unanimously.

Effective: June 7, 2011

Chapter 243

HB 2839 – Energy Audits

HB 2839 would have required the seller of a property to obtain an energy audit and provide a copy to every potential buyer that makes a written offer to purchase. The bill allowed the buyer to withdraw their offer within three days after

receiving the energy audit or revoke the offer anytime before closing if the seller does not provide a copy of the energy audit. The bill did not receive a hearing and remained in the House Business and Labor Committee upon adjournment.

HB 2900 – Restructuring of the Oregon Department of Energy

HB 2900 proposed to eliminate the Oregon Department of Energy (ODOE). The bill would have transferred the relevant duties, functions and powers to the Oregon Business Development Department and the Public Utility Commission. Additionally, the bill would have created the Oregon Office of Energy Planning and Siting, which would be responsible for energy research and regulation and siting of energy facilities, among other responsibilities. The bill received a hearing in the House Energy, Environment and Water Committee, where it remained for the duration of the session.

HB 2960 - Cool Schools

HB 2960 was a priority of the Governor. The bill establishes the Clean Energy Deployment Fund, for the purpose of providing grants and loans to support clean energy or energy efficiency projects including those to weatherize, upgrade or retrofit public schools. The program is intended to leverage energy efficiency enhancements with seismic retrofit construction at schools. The bill passed both chambers unanimously and has been signed into law.

Effective: June 23, 2011

Chapter 467

HB 2992 – Hydroelectric Power

This bill would have removed all restrictions currently in place on the use of hydroelectric power from a facility that was operation prior to 1995 as a qualifying source for the state's renewable portfolio standard. HB 2992 received a hearing in the House Energy, Environment and Water Committee, where it remained upon the close of the legislative session. An identical bill, HB 3083, was also introduced but did not advance prior to adjournment.

HB 3301 – Sale of Ethanol Gasoline

In 2007, legislators passed HB 2210, which established a statewide renewable fuel standard. Specifically, the bill mandated that all diesel fuel contain a minimum of 2 percent biodiesel and all gasoline a minimum of 10 percent ethanol. HB 3301 sought to repeal the minimum ethanol requirement. The bill

was referred to the House Transportation and Economic Development Committee, where it remained upon adjournment of the legislative session.

HB 3321 – Renewable Fuel Standard

This bill sought to repeal the Renewable Fuel Standard (RFS) that was passed into law in 2007 (HB 2210). Similar to HB 3301 (see pg. 32), this bill received little traction and remained in the House Agriculture and Natural Resources Committee upon adjournment.

HB 3400 – Energy Performance Scores

HB 3400 would have required the Oregon Department of Energy (ODOE) to analyze the energy performance and assign an energy performance score to commercial and residential buildings. Additionally, the bill directed ODOE to make the scores available in a publicly accessible database. The bill did not receive a hearing and remained in the House Energy, Environment and Water Committee upon adjournment.

HB 3419 – Property Tax Exemptions for Energy Efficient Buildings

HB 3419 would have established property tax exemptions for buildings and fixtures that meet specific energy efficiency guidelines. The bill would have applied to both commercial and residential properties. Upon introduction, the bill was referred to the House Transportation and Economic Development Committee. It did not receive a hearing and remained in committee upon adjournment.

HB 3516 – Solar Installations in Commercial and Residential Zones

This bill makes solar installations an outright allowed use in commercial and residential zones and specifies that solar installations are generally not subject to land use review if mounted parallel to a roofline and not in excess of the height of the roof. The bill further specifies, however, that solar installations in historic districts and on historic or conservation landmarks remain subject to local land use review. Additionally, HB 3516 ensures that solar systems in designated scenic resource areas either be made from low-reflectivity or anti-reflective materials, or be subject to local land use review. The bill passed both chambers by comfortable margins.

Effective: January 1, 2012

Chapter 464

HB 3535 – Energy Performance Scores

The City supported this bill, which would have established a statewide energy performance score system for residential and commercial buildings. HB 3535 received two hearings in the House Energy, Environment and Water Committee, where it remained upon adjournment.

HB 3571 – Renewable Energy Certificates

Prior to passage of HB 3571, the Oregon Department of Energy (ODOE) had adopted rules to establish a system of renewable energy certificates that can be used by an electric utility or electricity service supplier to establish compliance with the state's Renewable Portfolio Standard (RPS). Those rules, however, did not address ownership of renewable energy certificates for facilities built prior to 2005. HB 3571 specifies that the owner of the qualifying facility built prior to 2005 is the owner of the renewable energy certificate. The bill passed both chambers unanimously.

Effective: June 7, 2011

Chapter 248

HB 3632 – Compressed Natural Gas

This bill would have required the Oregon Department of Energy to promote the use of compressed natural gas, and given compressed natural gas distribution facilities the highest priority for energy facility tax credits. HB 3632 received a hearing in the House Revenue Committee, where it remained upon adjournment.

HJM 28 – Hanford Nuclear Reservation

This memorial urges the United States Department of Energy to remove the Hanford Nuclear Reservation from a list of candidate sites for permanent storage of radioactive waste. The memorial passed both chambers unanimously.

Filed with Secretary of State on June 28, 2011

SB 164 – State Energy Commission

This legislation sought to create the State Energy Commission. The bill proposed transferring the duties, functions and powers of the Director of the State Department of Energy and its officers relating to the adoption of administrative

rules, to the proposed commission. The bill did not receive a hearing and remained in committee upon adjournment.

SB 554 – Renewable Resource Generation and Transmission Development

This bill would have created the Task Force on Renewable Resource Generation and Transmission Development Areas. The task force would have been charged with identifying renewable resource generation development areas within the state that have potential to support industry development among renewable energy developers for development of renewable resource generation projects. The task force was also directed to map these areas along with existing generation resources and transmission lines. After moving out of the Senate Business, Transportation and Economic Development Committee with a favorable recommendation, the bill was sent to the Joint Ways and Means Committee, where it remained for the duration of the session.

SB 586 - Solar Technology in Public Buildings

In 2007, the Legislature passed HB 2620, which required that public entities using state funds spend 1.5 percent of the total contract price of a public improvement contract for new construction or major renovation of a public building on solar energy technology. The statute allows exemptions for cases where solar technologies are not feasible. SB 586 would have modified the requirement, requiring that 1.5 percent of the contract price be dedicated to any green building technology, not just solar energy technology. After passing the Senate 28-1, the bill was referred to the House General Government and Consumer Protection Committee, where it remained upon adjournment.

SB 630 – Preemption of Local Energy Performance Scores

This bill sought to preempt the ability of local governments to establish local requirements to disclose energy performance scores of buildings. The City opposed SB 630, which received a hearing in the Senate Environment and Natural Resources Committee, where it remained upon adjournment.

SB 673 – Large Retail Electricity Consumers

SB 673 would have removed the limitation on payments for funding cost-effective energy conservation measures by large retail electricity consumers. Additionally, the bill would have removed the limitation on large retail electricity consumers receiving direct benefit from energy conservation measures if the costs of the measures are included in the rates. SB 673 received a hearing in the Senate

Business, Transportation and Economic Development Committee, where it remained upon adjournment.

For other bills relating to Energy, please see:

- HB 3574 Energy Savings in Public Contracting, pg. 8
- HB 3606 Technical Changes to Business Energy Tax Credit, pg. 86
- HB 3672 BETC (in Omnibus Tax Credit Bill), pg. 86
- SB 620 Biomass Tax Credits, pg. 87
- SB 688 Residential and Individual Energy Tax Credits, pg. 88
- SB 822 Alternative Energy Vehicle Tax Credit, pg. 88

ENVIRONMENT

HB 2127 – Habitat Conservation Stamp

This bill authorizes the Oregon Department of Fish and Wildlife (ODFW) to offer an annual habitat conservation stamp. The department will be able to charge a maximum of \$50 per stamp with revenues deposited into the Oregon Conservation Strategy subaccount. In the past, ODFW has created and marketed stamps relating to upland birds and waterfowl.

Effective: January 1, 2012

Chapter 50

HB 2875 – Hunting on Public Lands

This bill requires all state agencies to avoid making decisions that would result in the net loss of lands owned by the State of Oregon available for hunting and fishing. Exceptions may be made for instances where the decision must be made for public safety, wildlife management or any other reason determined to be in the public interest. Agencies must notify the Department of Fish and Wildlife (ODFW) prior to restricting access and requires ODFW to post notice of land closure online for 30 days prior, unless the closure is related to an emergency or fire prevention. Finally, the director of ODFW must report to the legislature on an annual basis, the amount of land that has been opened and closed to hunting. An earlier version of the bill would have imposed restrictions on public lands generally, rather than only those lands owned by the State of Oregon.

Effective: January 1, 2012

Chapter 454

HB 3109 – Ecosystem Service Markets

In 2009, the Legislature passed into law SB 513, which included several provisions relating to ecosystem services and which required the establishment of a work group on ecosystem services markets. HB 3109 resulted from that group's work. The bill encouraged state agencies and local governments to adopt programs having market-based approaches to ecosystem conservation and set forth goals and methodologies for such programs. Furthermore, the bill would have permitted state and local governments to allow credits for compensatory mitigation and water quality credit trading. The bill, which the City supported, was received a hearing in the House Energy, Environment and Water Committee, which moved the bill with a "do pass" recommendation to the Joint Ways and Means Committee, where it remained for the duration of the legislative session.

HB 3157 – Invasive Species Removal Under Adopt-A-River Program

In 2009, the Legislature passed HB 2424, which extended the Oregon Adopt-A-Highway program to include the removal of invasive species. Similarly, HB 2424 extends Oregon's Adopt-A-River program to include the removal of certain invasive species. The bill requires the State Marine Board to identify a list of invasive species and work with volunteer groups to provide instructions for removal and best management practices regarding disposal and equipment decontamination. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 63

HB 3271 – Local Regulation of Pesticides

HB 3271 would have removed the state preemption on local laws that are designed to prevent or control the presence of pesticides in drinking water. Upon introduction, the bill was referred to the House Agriculture and Natural Resources Committee where it did not receive a public hearing and remained for the duration of the legislative session.

HB 3358 - Noxious Weeds

According to the Oregon Department of Agriculture (ODA), a noxious weed is defined as any plant that is classified by the Oregon State Weed Board to be injurious to public health, agriculture, recreation, wildlife, or property. A recent study of 21 of the 99 listed noxious weeds in Oregon found that they reduce Oregon's income by \$83 million annually. HB 3358 is an effort to address this problem. The bill declares noxious weeds to be a threat to Oregon's economy, directs ODA to establish a grant program to assist county weed control districts, and requires counties to establish weed control districts and provide matching funds in order to be eligible for grants. The bill, which the City supported, passed both chambers unanimously.

Effective: June 16, 2011

Chapter 392

HB 3399 – Aquatic Invasive Species

In 2009, the legislature passed HB 2220 into law, establishing the Aquatic Invasive Species Prevention Program, which authorized the Marine Board, Oregon Department of Fish and Wildlife and the Oregon Department of Agriculture to establish voluntary checkpoints to inspect watercraft for aquatic

invasive species. HB 3399 authorizes those agencies to make inspection of watercraft for invasive species at those checkpoints mandatory rather than voluntary.

Effective August 2, 2011 Chapter 683

HB 3511 – Threatened and Endangered Species

HB 3511 would have required the State Fish and Wildlife Commission to consult with cities and counties on the potential economic impact of additions to lists of threatened or endangered species. The bill also directed the Commission to work with local governments to mitigate adverse economic impacts to local economies that result from a species being listed as threatened or endangered. After a hearing in the House Agriculture and Natural Resources Committee, the bill did not see any further action.

HB 3538 – Mitigation of Greenhouse Gas Emissions from New Power Plants

State statute has required that new fossil fuel power plants sited by the Energy Facilities Siting Council mitigate a portion of their lifetime carbon dioxide emissions. HB 3538 expands the mitigation requirement to apply to other greenhouse gases such as methane and nitrous oxide. The House approved the bill by a vote of 38-17 and the Senate by 21-9.

Effective: June 9, 2011

Chapter 298

HB 3656 – Threatened and Endangered Species

Current statute allows, but does not mandate, the State Fish and Wildlife Commission to advise, consult, and cooperate with local, state and federal agencies and private landowners in fish and wildlife management. HB 3656 would have required such cooperation. Additionally, the bill would have required the Commission work with local governments to mitigate adverse economic impacts when adding to the list of threatened or endangered species. The bill passed the House unanimously, however did not receive a hearing in the Senate and remained in committee upon adjournment.

SB 79 – Greenhouse Gas Emissions Reporting Fees

The federal Environmental Protection Agency requires states to implement greenhouse gas permitting in accordance with Title V of the federal Clean Air Act. The Environmental Quality Commission (EQC) currently has the authority to include greenhouse gases in Title V permits, but does not have the authority to establish greenhouse gas emissions fees for the federal permit program. SB 79 would have granted the EQC the authority to establish such fees. The bill passed out of the Senate Environment and Natural Resources Committee with a favorable 'do pass' recommendation to the Joint Ways and Means Committee, where it remained for the duration of the legislative session. The City submitted testimony in support of the bill.

SB 80 – Greenhouse Gas Emissions Reporting Fees

Similar to SB 79, this bill would have granted the Department of Environmental Quality with the authority to establish greenhouse gas emissions reporting fees. The City provided testimony in support of SB 80 at a hearing in the Senate Environment and Natural Resources Committee. The bill remained in committee for the duration of the legislative session.

SB 169 - Natural Resource Agency Consolidation

This bill would have established the Task Force on Natural Resource Agency Consolidation, directing the task force to report its findings to interim legislative committees prior to the 2013 legislative session. Upon introduction, SB 169 was referred to the Senate Environment and Natural Resources Committee, where it received a hearing and remained upon adjournment.

SB 289 – Economic Impact of Endangered Species Listings

SB 289 would have required the State Fish and Wildlife Commission to consult with cities and counties on the impact to local economies from additions to lists of threatened or endangered species. Additionally, the bill directed the commission to work with cities and counties to mitigate adverse economic impacts on local economies. The bill was nearly identical to HB 3511 and HB 3656. SB 289 was referred to the Senate Environment and Natural Resources Committee, where it did not receive a hearing and remained upon adjournment of the legislature.

SB 518 – Removal-Fill Permitting

Enacted in 1967, Oregon's Removal-Fill Law requires anyone who plans to remove or fill material in the state's waters to first obtain a permit from the Department of State Lands (DSL). The purpose of the law is to protect public navigation, fishery, and recreational uses of the waters. SB 518 allows the DSL to issue general permits for removal or fill by rule or by order, depending on the type of permit application. Specifically, the bill prescribes two procedures by which DSL may establish general permit for removal or fill: (1) by rule for applications on a statewide or geographic basis; and (2) by order for applications covering recurring or ongoing activities substantially similar in nature and having predictable effects and outcomes. SB 518 passed the Senate by a vote of 17-12 and the House by a vote of 55-1.

Effective: January 1, 2012

Chapter 559

SB 521 – Natural Resource Agency Consolidation

SB 521 sought to consolidate all of the state's natural resource-related agencies within one agency. The bill would have abolished the State Department of Fish and Wildlife, State Parks and Recreation Department, Department of State Lands, Department of Land Conservation and Development, Land Use Board of Appeals, State Department of Geology and Mineral Industries, Water Resources Department, Oregon Watershed Enhancement Board, State Forestry Department, State Board of Forestry and Oregon Forest Resources Institute, and each of their respective commissions. The bill would have created the Oregon Department of Natural Resources and the Oregon Natural Resources Commission and transferred the duties and responsibilities of each entity to the new agency and commission. Upon introduction, SB 521 was referred to the Senate Environment and Natural Resources Committee, where it received a hearing and remained upon adjournment.

ENVIRONMENT: TOXINS

HB 3689 – Bisphenol-A in Children's Products

Following closure of House policy committees in the final weeks of the legislative session, thirty-one representatives sponsored HB 3689. Identical to SB 695 (see pg. 42), the bill proposed to ban the toxin Bisphenol-A from children's sippy cups and reusable water bottles. The bill was referred to the House Rules Committee, where it did not receive a hearing.

SB 695 – Bisphenol-A in Children's Products

This bill proposed a ban on the toxin Bisphenol-A (BPA) from children's sippy cups and reusable water bottles. The bill, which the City supported, passed the Senate by a vote of 20-9. Once in the House, where it was referred to the Energy, Environment and Water Committee, the bill did not have the support to advance. Late in the session, a parliamentary maneuver to pull SB 695 out of committee for a vote on the floor was initiated but ultimately failed. After the failure of SB 695 to advance out of committee, a bipartisan group of representatives introduced an identical bill (HB 3689, see pg. 41); however that bill also did not advance from committee.

SB 945 – Toxins in Brake Pads

When a vehicle is stopping, a small amount of the brake pad's friction material rubs off and goes onto the roadway or into the air. This material, which includes a variety of ingredients, including copper, ultimately ends up in stormwater runoff and enters lakes, creeks, rivers and marine waters. Recent studies have found that vehicle brake pads are a significant source of copper in urban stormwater runoff. SB 945 would have required a reduction in the amount of copper, chromium, abestiform, cadmium, lead, and mercury in brake pads that are sold in Oregon. After passing the Senate 18-12, SB 945 was referred to the House General Government and Consumer Protection Committee where it did not receive a hearing and remained for the duration of the session.

ENVIRONMENT: SOLID WASTE/WASTE MANAGEMENT

HB 2187 – Statewide Product Stewardship Program

HB 2187 would have directed the Department of Environmental Quality (DEQ) to work with producers of rechargeable batteries and compact fluorescent light bulbs that contain mercury to develop product stewardship programs for those respective products. The bill would have also authorized a process for DEQ and the Environmental Quality Commission to provide recommendations to the legislature on additional product categories for potential product stewardship programs. Upon introduction, HB 2187 was referred to the House Energy, Environment and Water Committee, where it remained upon adjournment.

HB 2457 - Definition of Solid Waste

This bill would have modified the definition of "solid waste" to exclude forest products when they are used as part of biomass energy production. The bill received several public hearings in the House Agriculture and Natural Resources Committee, where it remained for the duration of the legislative session.

HB 3145 – Expansion of Oregon Bottle Bill

Oregon's "bottle bill" was first passed into law in 1971 with the goal of reducing litter and increasing recycling. In 2007, the Legislature expanded the types of bottles covered under the bottle bill to include water and flavored water containers and established a bottle bill task force, charged with examining issues related to beverage container collection and redemption. The result of the task force, HB 3145 expands Oregon's bottle deposit law to cover a broader array of beverage containers. Additionally the bill increases the refund value of beverage containers to \$.10 if the statewide recycling rate for beverage containers is less than 80 percent in two consecutive years. Finally, the bill directs the Oregon Liquor Control Commission to initiate a redemption center pilot project. The bill, supported by the City, passed the House by a vote of 47-12 and the Senate by a vote of 19-11.

Effective: January 1, 2012

Chapter 227

HB 3383 - Solid Waste

HB 3383 would have modified state solid waste management policy. Specifically, the bill would have added to statute the ability of cities and counties to set solid waste hauler rate structures in order to achieve the state's solid waste hierarchy of reduce, reuse, recycle, compost, recover and properly dispose of waste materials. HB 3383 did not receive a hearing and remained in the House Energy, Environment and Water Committee upon adjournment of the Legislature.

HB 3597 – Plastics Recycling

Current statutes relating to recycling do not explicitly address whether converting waste plastic to synthetic crude oil qualifies as recycling. Furthermore, a 1993 opinion from the Oregon Department of Justice indicates that the process does not constitute recycling unless the resulting product is a direct substitute for plastic. HB 3597 sought to amend state statute to establish that converting waste plastics into synthetic crude oil qualifies as recycling. The bill received several hearings in the House Energy, Environment and Water Committee which

subsequently moved the bill to the Joint Tax Credit Committee, where it remained for the duration of the legislative session.

SB 82 – Electronic Waste Recycling

With the Legislature's approval of HB 2626 in 2007, the Oregon E-Cycles program was established, a statewide program that requires electronics manufacturers to provide free, convenient recycling for computers, monitors and televisions. Under the program, manufacturers must join either a manufacturer-or state-run recycling program. Each year, the Department of Environmental Quality (DEQ) determines the total weight of devices expected to be recycled in the state in the following year and assigns each manufacturer a portion of that total weight as its minimum recycling obligation. Manufacturer programs must recycle at least the total weight of their participating manufacturers but also must collect and recycle year round, even when they have exceeded their minimum recycling obligation. SB 82 deals with the issue that arises when manufacturers exceed their annual minimum collection by permitting a system of recycling credits. Additionally, the bill adds printers, keyboards and computer mice to the E-Cycles program. The bill passed both chambers by wide margins.

Effective: June 28, 2011

Chapter 548

SB 525 – Distribution of Telephone Directories

Similar to legislation introduced during the 2009 legislative session (HB 3477) supported by the City, this bill proposed prohibiting the distribution of hard copies of telephone directories to residences unless specifically requested. SB 525 was referred to the Senate Business, Transportation and Economic Development Committee. It did not receive a public hearing.

SB 529 – Product Stewardship of Compact Fluorescent Light Bulbs

SB 529 would have required producers of lighting that contains mercury to establish a product stewardship program for disposal of those light bulbs and directed the Department of Environmental Quality to oversee the development of the program. The bill received two hearings in the Senate Environment and Natural Resources Committee, where it remained upon adjournment of the legislature.

SB 536 – Ban of Single-Use Plastic Bags at Retail Checkout

This bill would have banned the use of single-use plastic bags at retail checkout and imposed a \$.05 fee on paper checkout bags. A number of exemptions were included in the bill, e.g., for bags used at restaurants and plastic bags used for produce at grocery stores. The bill also included a provision that would have prohibited local governments from imposing a fee or assessment on checkout bags provided to retail customers. The City supported the bill, however expressed concern over provisions that would have preempted City authority. SB 536 received a number of public hearings in the Senate Environment and Natural Resources Committee, which ultimately moved the bill to the Senate Rules Committee, where it also received a hearing and remained upon adjournment of the Legislature.

For other bills relating to "Environment," please see:

- HB 2082 Clean up of Brownfields, pg. 11
- HB 2949 Incentives for Brownfield Cleanup pg. 12
- HB 3325 Brownfield Redevelopment, pg. 13
- SB 83 Onsite Wastewater Treatment Systems, pg. 104
- SB 342 Parks and Natural Resources Fund, pg. 65
- SB 441 Brownfield Cleanup Incentives, pg. 14
- SB 598 Stormwater Discharge, pg. 106
- SB 707 Septic System Inspections, pg. 106
- SB 867 Institutional Controls on Contaminated Real Property, pg. 15

GENERAL GOVERNMENT

HB 2321 – E-mail Notification by Public Bodies

This bill permits public entities to send notice by e-mail if the recipient has entered into an agreement with the public entity that it is their preference to receive notices by e-mail. Previously, public entities could not solely rely on email notification, even if it was the preferred method of delivery by recipients.

Effective: January 1, 2012

Chapter 242

HB 2425 – Local Budget Law

SB 916, which was approved by the Legislature in 2009, made a number of changes to local budget law. Over the interim, a group of interested parties representing local governments worked to address a few issues that remained unresolved by SB 916. The group's intent was to make local budget statutes more transparent to the general public and to set uniform statewide standards. Many of the changes in SB 2425 are meant to provide conformance to current practices and interpretations by the Department of Revenue (DOR).

Specific changes to local budget law contained in HB 2425 include: (1) changing the existing requirement to publish financial summaries of individual funds to a requirement for publication of summaries of fund types; (2) requiring the publication of a budget narrative that describes prominent changes from year to year; (3) standardization of what must be included in the notice and budget summary; (4) permitting one of the two required publications of the notice to be placed on a website as opposed to a newspaper; (5) modification of the requirement of how personal service costs be included in the budget document; and (6) requiring a municipal corporation to make a list of employee salaries, other than hourly or part-time employees, available upon request. HB 2425 easily passed both chambers.

Effective: January 1, 2012

Chapter 473

HB 2678 – Fees on Bad Checks

This bill increases the maximum amount that may be charged as a penalty for writing a check with insufficient funds to cover the payment. The current fee cap of \$25 has been in place for 22 years. HB 2678 increases the maximum amount

that may be charged to \$35. The bill passed the House by a vote of 35-22 and the Senate by 28-1.

Effective: January 1, 2012

Chapter 449

HB 2683 – Confidential Information in Protective Proceedings

Prior to passage of HB 2683, private information obtained by the Department of Human Services about persons who are the subject of protective proceedings was kept confidential by courts, with access limited to inspection by the parties only. HB 2683 permits courts to disclose this confidential information about protected persons upon written request illustrating good cause, to an attorney considering representation of a protected person, or by a person appointed or seeking appointment as fiduciary. The bill passed both chambers by wide margins.

Effective: June 2, 2011

Chapter 229

HB 2854 – Public Agency Fleet Services

The Legislature in 2009 created the Task Force on Effective and Cost-Efficient Service Provision with the passage of HB 2920. The Task Force was charged with reviewing state and county shared services in four areas and the system of delivering those services, with a focus on restructuring government to be more effective and cost-efficient. Resulting from that process, HB 2854 requires the Department of Administrative Services to establish policies, methods, and means by which it and other public agencies, through intergovernmental agreement, can manage motor pool resources in a cost-effective and efficient manner. The bill passed the House unanimously and the Senate by a vote of 18-11.

Effective: January 1, 2012

Chapter 453

HB 3277 – Agency Administrative Rules

This bill would have required a court to declare a state agency administrative rule invalid, if the rule is found to be arbitrary, capricious or an abuse of an agency's discretion. The bill further specified that the court review was to be based on the circumstances existing at the time proceedings are commenced, not the circumstances at the time the rule was adopted. The bill received a hearing in the House Judiciary Committee, where it remained upon adjournment.

HB 3558 - Choice of Law

Currently, when dealing with contracts, businesses will frequently negotiate which state's laws they want to use should any issue arise during negotiations. The choice of law section of state statute which was passed into law in 2001 establishes rules governing the conflict of laws in contracts and provides an enforcement mechanism for contracts. HB 3558 provides that statutory choice of law provision for commercial contracts will be enforced as the parties' intended. The bill applies to contracts entered into before the effective date of the measure with the exception of those subject to civil action or arbitration. The bill passed both chambers unanimously.

Effective: May 19, 2011

Chapter 129

HB 3609 – Free Exercise of Religion

This bill sought to prohibit a public body from burdening an individual's free exercise of religion, even if the burden results from application of a rule of general applicability. The bill would have permitted narrow exceptions. The City opposed the bill, citing a range of concerns, including potential application of the bill to eviscerate the City's anti-discrimination ordinance. Upon introduction, the bill was referred to the House Rules Committee, where it received a hearing but remained upon adjournment of the legislative assembly.

SB 46 – Misconduct of Public Officials

SB 46 would have increased penalties associated with the crime of official misconduct of a public official. Specifically, the bill would have: (1) increased the maximum penalty for crime of official misconduct in the first degree to five years' imprisonment, a \$125,000 fine, or both; and (2) increased the maximum penalty for the crime of official misconduct in the second degree to one years' imprisonment, a \$6,250 fine, or both. The bill was referred to the Senate Judiciary Committee where it did not receive a hearing and remained for the duration of the legislative session.

SB 48 - Special Districts within Metro Boundaries

SB 48 limits the types of special districts within the Metropolitan Service District (Metro) over which Metro exercises jurisdiction for major and minor boundary changes. The special districts are limited to: (1) domestic water supply districts; (2) park and recreation districts; (3) metropolitan service districts; (4) sanitary districts; (5) sanitary, water, or joint water and sanitary authorities; and (6)

districts formed under ORS 451 to provide water or sanitary service. The bill passed both chambers by wide margins.

Effective: January 1, 2012

Chapter 26

SB 592 – Attorneys Fees

Oregon statutes that allow or require awards of attorney fees in civil actions are construed to allow awards for the appeal of those actions, so long as the underlying action is commenced in a court. SB 592 allows award of attorney fees for appeals of administrative decisions and other appellate reviews including denial of petition for Supreme Court review, regardless of where a case originates. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 513

For other bills relating to General Government, please see:

• HB 2865 – Recreational Immunity, pg. 59

HEALTH CARE

HB 3650 – Health Care Transformation

HB 3650 establishes the Oregon Integrated and Coordinated Health Care Delivery System within the Oregon Health Authority. Under the System, Medicaid recipients will receive services through Coordinated Care Organizations (CCO), which will be responsible for coordinated the delivery of physical, behavioral and oral health care services. Prior to the passage of HB 3650, Medicaid recipients received services through managed care systems. The bill passed both chambers by comfortable margins.

Effective: July 1, 2011

Chapter 602

SB 89 - Federal Health Care Reforms

In 2010, the United States Congress passed the Patient Protection and Affordable Care Act (PPACA), which made reforms related to the sale and administration of health insurance. Included in the PPACA are: (1) mandatory coverage of preventive services without cost-sharing; (2) new limitations on the ability to rescind, cancel or non-renew a health benefit plan; (3) guarantee issue coverage without preexisting condition limitation for children under age 19; (4) enhanced appeals and grievance procedure protections; and (5) mandatory coverage of dependent children up to the age of 26.

SB 89 stems from the passage of PPACA, codifying multiple federal requirements into the Oregon Insurance Code. Additionally, the bill enhances state continuation of health insurance to allow Oregonians and their family members to utilize continued coverage. The measure also allows spouses and dependents of an affected employee to independently elect for state continuation even if the employee is ineligible, clarifies Oregon law to ensure that those who lose group health coverage because of reduced hours are eligible for state continuation, and provides for notification from insurance companies to those Oregonians who are eligible for state continuation. The bill passed both chambers by wide margins.

Effective: June 23, 2011

Chapter 500

SB 99 – Oregon Health Insurance Exchange

In 2009, the Oregon Legislature enacted HB 2009 which created the Oregon Health Authority, the Oregon Health Policy Board (OHPB) and directed it to develop a plan for the creation of an Oregon Health Insurance Exchange. Additionally, following the passage of the state legislation, the federal Patient Protection and Affordable Care Act was passed in 2010 and required states to implement health insurance exchanges. SB 99 is the result of the 2009 legislation and establishes the Oregon Health Insurance Exchange as a public corporation, to be governed by a nine-member board of directors. The bill passed both chambers by wide margins.

Effective: June 17, 2011

Chapter 415

SB 204 – Regional Coordination of Health Care Services

This bill allows Crook, Deschutes and Jefferson Counties to form a Central Oregon Health Council in order to study the impact of regional health care coordination. The bill stems from work in Central Oregon over the past two years where counties have worked together to create a regional approach to providing health care services. Proponents of the regional approach undertaken in Central Oregon assert that the partnership has resulted in reduced emergency room utilization and in-patient medical treatment, increased child immunization rates and improved care coordination and increased services for patients with chronic diseases.

Another provision of the bill directs the Oregon Health Authority to prescribe administrative rules to all Diagnosis Related Group hospitals and ambulatory surgical centers in the state to follow the most recent Medicare payment methodology. Additionally, SB 204 clarifies current law in order to allow entities providing health care to reveal the identity of an individual without obtaining authorization for the purpose of coordinating the health care and treatment of the individual. SB 204 passed the Senate unanimously and by a vote of 52-7 in the House.

Effective: June 17, 2011

Chapter 418

SB 210 – Payment of Primary Care Practitioners

SB 210 would have required the Oregon Health Authority (OHA) to reimburse primary care practitioners providing health services to low-income Oregonians covered under the Oregon Health Plan (OHP) at a rate equal to or greater than

the Medicare reimbursement rate. Specifically, the bill called for reimbursement at a rate equal to or greater than 150 percent of the resource-based relative value scale (RBRVS), the standardized physician payment scale used by the federal government to make payments for services provided to Medicare patients. The bill was referred out of the Senate Health Care, Human Services and Rural Health Policy Committee to the Joint Ways and Means Committee with a favorable 'do pass' recommendation. The bill did not advance out of the Ways and Means Committee prior to adjournment.

SB 573 – Refund of Payment to Health Care Providers

Under current statutes, health insurers may request a refund of payment made to a health care provider in writing within 24 months after the date the payment was made. The request must outline the reasons the insurer believes that the provider owes the refund. SB 573 would have reduced from 24 months to the earlier of nine months or a date specified by contract, the time period in which a health insurer may request a refund from a provider. After passing the Senate by a vote of 20-9, the bill was referred to the House Health Care Committee, where it remained upon adjournment.

SB 977 – Temporary Assistance for Needy Families

This bill would have required the Department of Human Services to change the way in which it administers the Temporary Assistance for Needy Families (TANF) program. Specifically, SB 997 would have established income eligibility limits and payment amounts of no less than 75 percent of the federal poverty guidelines or 115 percent if the applicant becomes employed while receiving aid. The bill was referred to the Senate Health Care, Human Services and Rural Health Policy Committee, where it remained upon adjournment and did not receive a hearing.

For other bills relating to Health Care, please see:

- HB 2391 Rural Primary Health Care Services, pg. 82
- HB 2397 Rural Primary Care Loan Forgiveness, pg. 82
- HB 2400 Primary Care Services Loan Repayment Program, pg. 83
- HB 2401 Family Medicine Residency Network, pg. 83

HOUSING

HB 2354 – Low Income Housing Property Tax

HB 2354 extends the sunset on the property tax exemption for non-profit organizations that own or lease rental housing for low-income residents. The tax exemption was scheduled to sunset on July 1, 2014. HB 2354 bill extends the program until July 1, 2027. The bill passed the House unanimously and the Senate by a vote of 27-1. This exemption has been used in the development of a number of affordable housing developments in the City and was component of the Oregon Housing Alliance's legislative agenda, which the City supported.

Effective: January 1, 2012

Chapter 191

HB 2527 – Affordable Housing Tax Credit

HB 2527 was a priority of the Oregon Housing Alliance, of which the City is a member. The Alliance is a statewide consortium of advocates, governments, housing authorities, interest groups, and service providers dedicated to increasing the resources available to meet the state's housing needs. The bill extends the Affordable Housing Lenders Tax Credit program until January 1, 2020. The program had been set to sunset in 2014. The tax credit allows lending institutions to claim a credit for qualified loans made at below market interest rates for the construction, development, acquisition or rehabilitation of an affordable housing project. The amount of the credit is the difference between the finance charge on the qualified loan and the finance charge that would have been charged on a similar loan made at market rates. The Oregon Housing and Community Services Department estimates that rent in housing projects taking part in the tax credit would be 15 to 25 percent higher if the credit program did not exist. The City testified in support of the bill.

Effective: September 29, 2011

Chapter 475

HB 3073 – Rights of Tenants' Associations

This bill would have increased the length of time within which a tenants' association would have the right of first refusal or offer of a manufactured dwelling park or marina. Specifically, the bill would have increased the time period which a tenants' organization has to respond from 14 days to 90 days. Upon introduction, the bill was referred to the General Government and

Consumer Protection Committee. It did not receive a hearing and remained in committee upon adjournment.

HB 3531 – Inclusionary Zoning

HB 3531 was introduced at the request of the Coalition for Affordable and Safe Housing. The bill would have repealed a statute that preempts local governments from imposing conditions on approved permits to establish inclusionary zoning. The bill received a hearing in the House General Government and Consumer Protection Committee, where it remained upon adjournment of the legislative assembly.

HB 3639 – Neglected Foreclosed Property

This bill would allow local governments to levy fines against the owner of neglected foreclosed properties if conditions of neglect that cause a public nuisance are left without remedy. In addition, the owner would be required to provide contact information to the local government or neighborhood association and in a durable posting on the property. HB 3639 was heard in the House Committee on Rules and no further action was taken.

SB 293 - Landlord Tenant Relations

This bill makes several changes to the state's landlord tenant laws. Specifically, with regards to applicant screening charges, SB 293 increases the amount that an applicant may recover if the vacancy is filled prior to the screening taking place or if no screening is conducted. In such cases, the bill makes applicants eligible to recover twice the screening charge paid plus \$150. Additionally, the bill requires that landlords charging a deposit for securing a rental agreement must provide a written statement outlining the amount of rent, fees, and deposits;a landlord's failure to comply results in the ability of the tenant to recover up to \$150. This is an increase from the \$100 that current law specifies.

SB 293 also increases tenant protections from eviction. Prior to the passage of SB 293, statute provided that a landlord may not terminate or fail to renew a tenancy for the reason that the tenant is the victim of domestic violence, sexual assault, stalking, or because a violation of the rental agreement was an incident involving any of those crimes. SB 293 expands these protections to prevent a landlord from serving notice of termination, bringing or threatening to bring an action for possession, increasing rent, or decreasing services. Finally, the bill makes revisions to statutes that mandate the installation and maintenance of carbon monoxide detectors, a requirement that was enacted with the passage of

HB 3450 (2009). The bill passed the Senate by a vote of 27-2 and passed the House unanimously.

Effective: January 1, 2012

Chapter 42

SB 322 – Multi-Unit Housing and Transportation-Oriented Development Tax Abatement

This City of Portland initiative extends the sunset on the Multi-Unit and Transportation-Oriented Development Tax Abatement program until January 1, 2022. The program had been set to sunset on January 1, 2012. Additionally, the bill specifically authorizes local governments to issue abatements for the commercial components of housing developments that have public benefits. The City worked closely with Multnomah County and the Oregon Department of Revenue on the bill, which passed both chambers by comfortable margins.

Effective: September 29, 2011

Chapter 266

SB 490 – Utility Shut-Off

As introduced, SB 490 would have required all utilities to provide 15-day notice to tenants of the possible shutoff of utilities if the property owner is responsible for the utility bills and is delinquent on payment. Additionally, the bill would have permitted a tenant to retain the utility service for the lesser of up to three billing periods or 90 days by paying the current amounts due. At a hearing in the Senate General Government, Consumer and Small Business Protection Committee, the City testified that it already provides 14-day notice for multi-unit tenants and three-day notice to all single family homes facing utility shutoff. The bill remained in Committee upon adjournment.

SB 491 – Tenant Protection in Foreclosed Properties

Senate Bill 491 modifies the requirements for notice of foreclosure and termination of tenancy for residential dwellings in foreclosure. The measure extends notice requirements from the current state law of thirty days to the ninety day federal requirement; when the federal law sunsets in 2014, the notice periods will revert to the current state requirements. Additional provisions include: (1) a revised definition of "bona fide tenancy"; (2) elimination of a requirement that tenants provide written evidence prior to qualifying for protection; and (3) a

requirement that purchasers show proper that notice was provided before proceeding with an eviction. The City submitted testimony in support of the bill.

Effective: September 21, 2011

Chapter 510

SB 519 – Preservation of Public Subsidy During Foreclosure

This bill establishes that when a property that is subject to an affordable housing covenant is facing sale as the result of the foreclosure process, the covenant holder has first right of refusal to purchase the foreclosed unit. An attempt to amend the bill to recognize the mortgage industries electronic transfer of mortgages without recording them with the county, failed in the House Judiciary Committee. The bill passed the House unanimously and the Senate by a vote of 28-1.

Effective: January 1, 2012

Chapter 712

SB 823 – Affordable Housing Lender Tax Credit

SB 823 would have extended the tax credit for affordable housing lenders. The bill received a hearing in the Senate General Government, Consumer and Small Business Protection Committee, which moved it with a favorable recommendation to the Joint Tax Credits Committee, where it remained for the duration of the legislative session. HB 2527 (see pg. 53), which was an identical bill, ended up being the vehicle for the extension of the tax credit.

For other bills relating to Housing, please see:

• HB 2131 – Needed Housing, pg. 57

LAND USE

HB 2129 – Notification of Post-Acknowledgement Plan Amendments

Oregon statutes require that local governments amend their comprehensive plan and land use regulations to conform to statutes, statewide land use planning goals, and Department of Land Conservation and Development rules. HB 2129 makes public hearings optional in cases where proposed changes are only for the purpose of conforming local plans and codes to statutes, statewide land use planning goal, or agency rules.

Effective: January 1, 2012

Chapter 280

HB 2130 – Periodic Review of Comprehensive Plans

In 1998, the authority to review urban growth boundaries was transferred from the Land Use Board of Appeals to the Land Conservation and Development Commission (LCDC). As a result, ambiguities were created concerning procedural requirements for reviewing local decisions. HB 2130 clarifies which decisions are subject to LCDC review and modifies provisions regarding periodic review of comprehensive plans.

Effective: June 23, 2011

Chapter 469

HB 2131 – Needed Housing

HB 2131 modifies the criteria for reviewing the housing needs within an urban growth boundary, seeking to streamline the process for reporting by municipalities and codify case law. The bill specifies that local governments may only adopt clear and objective standards for regulating the development of needed housing, and those standards may not have the effect of discouraging needed housing through unreasonable cost or delay. HB 2131 also provides, however, that a local government may conduct an alternative process for regulating development of needed housing that applies discretionary criteria based on appearance or aesthetics that are not clear and objective, so long as those criteria maintain the density authorized in the zone by the clear and objective standards. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 354

HB 2181 – Land Use Appeal Attorneys Fees

This bill sought to modify the manner in which attorneys fees are handled when a local government decision is taken before the Land Use Board of Appeals (LUBA). Specifically, HB 2181 would have directed LUBA to award attorneys fees and expenses to the prevailing party if the prevailing party was an applicant before a local government. Similarly, the same direction would have been given to appellate courts for review of a LUBA decision. The bill received a public hearing in the House Judiciary Committee, where it remained for the duration of the legislative session.

HB 2182 – Land Use Appeals

HB 2182 would have limited standing to appeal land use decisions. Specifically, the bill would have required a person that does not own property subject to a land use decision, or adjacent to that property, to post a deposit covering attorney fees and costs associated with expert witnesses. The City opposed HB 2182. The bill received a hearing in the House Judiciary Committee, where it remained upon adjournment.

HB 2339 – Expansion of Urban Growth Boundary

This bill would have required the Metropolitan Service District (Metro), when adding land within the urban growth boundary, to use at least 50 percent of the land that has been designated as urban reserves before using land of a lower priority. The bill received a public hearing in the House Transportation and Economic Development Committee, where it remained upon adjournment.

HB 2352 - Prime Industrial Land

HB 2352 would have required a local governments to replace prime industrial land with similar land upon taking action that reduces the amount or usability of prime industrial land. The City testified in opposition to the bill at a hearing in the House Transportation and Economic Development Committee, where the bill remained upon adjournment.

HB 2609 – Rolling Supply of Shovel-Ready Buildable Land

This bill would have required the Metropolitan Service District (Metro) and cities outside of Metro with a population of 25,000 or more to provide a rolling, five-year supply of shovel-ready buildable lands for housing and industrial and commercial uses. Upon introduction, HB 2609 was referred to the House Transportation and

Economic Development Committee, where it did not receive a hearing and remained upon adjournment.

HB 2610 – Land Use Appeals

HB 2610 would have limited standing to appeal a land use decision or limited land use decision involving needed housing or industrial development within an urban growth boundary. Specifically, the bill would have added the requirement that a person must own, lease or rent property within 1,000 feet property affected by the land use decision or can factually substantiate that the person's property would suffer an adverse economic impact in excess of \$5,000. The City submitted testimony in opposition to the bill at a public hearing in the House Judiciary Committee, where it remained upon adjournment.

HB 2865 – Recreational Immunity

Through recreational immunity statutes, Oregon encourages property owners to allow the public to access land for recreation, gardening, woodcutting, and harvesting forest products by limiting landowner liability should a person engaging in such activities be injured. These statutes, however, have only limited the liability when the use is pertaining to recreation and did not apply to transportation uses. This has posed a problem for property owners in Southwest Portland, who abut a public easement or unimproved right of way where a trail has been built and has been used regularly for transportation purposes. Lacking these protections, maintenance and construction of trails throughout Portland had come to a halt.

HB 2865, a City of Portland initiative, expanded the recreational immunity statutes to protect property owners abutting a public easement or unimproved right of way where a trail has been built. Specifically, the bill limits the liability of homeowners, cities with a population of more than 500,000 and employees of cities with a population greater than 500,000 if someone is injured, or property is damaged from the use of a public easement or unimproved right of way. HB 2865 passed both chambers by wide margins and has been signed into law.

Effective: January 1, 2012

Chapter 528

HB 2871 – Urban Growth Boundary Expansion

Identical to HB 2339 (see pg. 58), this bill would have required the Metropolitan Service District (Metro), when adding land within the urban growth boundary, to use at least 50 percent of the land that has been designated as urban reserves

before using land of a lower priority. The bill received a public hearing in the House Transportation and Economic Development Committee, where it remained upon adjournment.

HB 2945 - Consent to Annexation for Extraterritorial Services by Cities

Currently, a city or special district may provide services to property owners outside its territory, on behalf of the county, through an intergovernmental agreement. HB 2945 would have prohibited a special district or city from requiring a landowner to consent to future annexation in exchange for providing extraterritorial services. The bill included a provision that voided the consent of a landowner to future annexation that was made prior to the effective date of the bill. The House General Government and Consumer Protection Committee held a public hearing on the bill and referred it to the House Rules Committee, where it remained upon adjournment.

HB 2946 – Annexation Elections

HB 2946 would have changed the way that votes are counted in elections proposing annexation. The bill required that votes from the city and territory to be annexed be counted separately in order to determine separate majorities if the acreage to be annexed is 20 acres or more. The bill received a hearing in the House Rules Committee, where it remained upon the close of the legislative session. An identical bill, HB 3056, also received a public hearing in the House Rules Committee, however similarly, did not advance prior to the close of the legislative session.

HB 3146 – Eminent Domain

This bill would have required that an offer for just compensation for a condemned property not be less than the real market value of the property as determined by the county assessor or Department of Revenue. Upon introduction, HB 3146 was referred to the House General Government and Consumer Protection Committee. It did not receive a hearing and remained there upon adjournment.

HB 3166 – Statute of Limitations on Land Use Appeals

HB 3166 prohibits filing a request for review of a land use decision with the Land Use Board of Appeals (LUBA) more than ten years after the date of the decision. Prior to the passage of HB 3166, it was possible for a party who adheres to a

land use permitting process to have a decision appealed long after receiving and relying on that decision.

Effective: June 23, 2011

Chapter 483

HB 3190 – Condemnation Right of Repurchase

This bill would have required that certain agreements for the acquisition of property by a condemner contain provisions relating to the ability to repurchase the property if it has not been used for a public purpose. Additionally, if an agreement does not contain a repurchase provision, the former owner may repurchase the property, or any portion of the property, if ten years has passed and it has not been used for a public purpose. Upon introduction, the bill was referred to the House General Government and Consumer Protection Committee, where it did not receive a hearing and remained for the duration of the legislative session.

HB 3245 – Appeals of Land Use Decisions

HB 3245 would have required that a person seeking an appeal of a land use decision before the Land Use Board of Appeals (LUBA) be adversely affected by the land use decision. The bill did not receive a public hearing and remained in the House Judiciary Committee upon adjournment of the legislative body.

HB 3438 – Elimination of Metro Urban Growth Boundary Authority

HB 3438 would have eliminated the Metropolitan Service District's (Metro) authority for managing the urban growth boundary. At a hearing in the House Transportation and Economic Development Committee, the City provided testimony in opposition. The bill did not advance out of committee prior to adjournment.

SB 186 – Land Use Appeals

This bill would have limited the right to appeal a land use decision to owners of property within a specified distance of property affected by the land use decision. SB 186 bill received a public hearing in the Senate Judiciary Committee, at which the City expressed its opposition. The bill remained in Committee upon adjournment of the legislative session.

SB 452 – Fees for Land Use Appeals

SB 452 sought to limit the amount that a city or county could charge for a quasijudicial review of decisions on a land use application. The bill required that fees be no more than ten percent of the original application fee or \$1,000. Additionally, the bill would have prohibited cities or counties from charging a fee for an appeal of a final decision to the Land Use Board of Appeals (LUBA). SB 452 received a hearing in the Senate Finance and Revenue Committee, where it remained upon adjournment.

SB 476 – Exceptions to Statewide Land Use Goals

SB 476 would have authorized local governments to adopt an exception to statewide land use goals. The bill would have eliminated the requirement that local governments demonstrate that statutory standards for exception have been met for a use that is necessary for an employer of ten or more. The bill required that employers seeking an exception provide a family wage. SB 476 received a hearing in the Senate Business, Transportation and Economic Development Committee, where it remained upon adjournment.

SB 619 - Right of Repurchase

Prior to the passage of SB 619, Oregon laws provided original owners a right of repurchase of property that was acquired via condemnation. This bill permits owners the right of repurchase to all or part of the property if it has not been used for public purpose within ten years, if the original condemnation agreement does not include a repurchase provision. The bill passed both chambers by wide margins.

Effective: June 17, 2011

Chapter 426

SB 766 - Industrial Lands

As originally introduced, SB 766 would have: (1) preempted local government authority to modify or adopt new development standards and land use regulations in industrial areas, or local regulations adopted in response to federal rules; (2) limited new non-industrial uses adjacent to industrial areas; and (3) applied industrial use restrictions on sites not currently zoned for industrial use. The City expressed strong concern about these provisions and worked to amend the bill. As amended and ultimately approved by the legislature, SB 766 creates a consolidated state and local permitting process for industrial development projects of statewide significance that have a local resolution of support. The bill

also creates a framework for state designation of Regional Significant Industrial Areas (RSIA), within which local government regulatory authority is restricted and development permits are to be expedited. The bill specifies that the Willamette River Greenway Plan area downriver from the Fremont Bridge and sites not planned and zoned for industrial use (including West Hayden Island, unless it is rezoned) may not be designated as an RSIA.

Effective: June 28, 2011

Chapter 564

SB 795 – Transportation Planning Rule

SB 795 address the Transportation Planning Rule, which requires local governments to mitigate for the impacts of making land use changes that affect the state transportation system. Specifically, the bill directs the Oregon Land Conservation and Development Commission (LCDC) and Oregon Transportation Commission (OTC) to make revisions to rules, plans, and associated guidance documents in order to better balance economic development and the efficiency of urban development with regard to the TPR. Both commissions must adopt rules and plan revisions by January 2, 2012. The Commissions shall consider changes in the following areas: (1) planning requirements placed on zone changes consistent with comprehensive plans; (2) practical methods that may be used to mitigate transportation impacts of economic development; (3) planning requirements placed on zone changes in urban centers; (4) analysis required for transportation impacts of UGB changes; (5) clarification of planning periods and requirements for transportation system plans; (6) thresholds for analysis of transportation impacts of project proposals; and (7) use of average trip generation rates. The bill passed both chambers unanimously.

Effective: June 17, 2011

Chapter 432

SB 806 - Xeriscaping

Xeriscaping is a landscaping technique that is focused on conserving or eliminating the need for water by utilizing native and drought-tolerant plants. SB 806 permits the installation of xeriscaping on property if the landscape is not needed to comply with local government ordinances related to storm water, natural habitat, or the control of invasive species. The bill passed both chambers by comfortable margins and has been signed into law.

Effective: January 1, 2012

Chapter 178

SB 877 – Oregon Coordinate Reference System

The Oregon Coordinate Reference System is based on a group of low-distortion map projection coordinate systems. Low distortion projections are based on true conformal map projections designed to cover significant portions of urban and rural areas of the state. The advantages of a low-distortion projection include: (1) grid coordinate zone distances that closely match the same distance measured on the ground; (2) limited distortion and reduced convergence angles; (3) easy transformation between other coordinate zone systems; (4) maintenance of a relationship to the National Spatial Reference System; and (5) coverage of entire cities and counties, making them compatible with geographic information system (GIS) devices. SB 877 directs the Department of Transportation to adopt rules implementing Oregon Coordinate System. The bill easily passed both chambers.

Effective: June 1, 2011

Chapter 179

SJR 28 – Zoning of Adult Businesses

This joint resolution proposed amending the Oregon Constitution so that zoning regulations would be excluded from the scope of the free expression clause when businesses or organizations offer services in a state of nudity. In effect, the bill would permit local governments to implement zoning for strip clubs and other such businesses. SJR 28 received a hearing in the Senate Judiciary Committee, where it remained upon adjournment.

For other bills relating to Land Use, please see:

- HB 2875 Hunting on Public lands, pg. 37
- SB 617 City Owned Water Utilities, pg. 106

PARKS

HB 2227 – Area of Critical State Concern Designation for Forest Park

This bill would have required the Land Conservation and Development Commission (LCDC) to review and consider designation of Forest Park as an area of critical state concern. The bill would have also required LCDC to report back to the legislature with its recommendations relating to designation of the area and its related areas of influence. HB 2227 was referred to the House Agriculture and Natural Resources Committee, where it did not receive a hearing and remained upon adjournment.

HB 2250 – State Acquisition of Forest Park

HB 2250 would have directed the Oregon State Parks & Recreation Department to make a reasonable attempt to arrive at an agreement with the City to acquire Forest Park. Opposed by the City, the bill received two public hearings in the House Agriculture and Natural Resources Committee, where it remained upon adjournment.

SB 163 - Oregon State Marine Board

The Oregon State Marine Board, the state's recreational boating agency, is responsible for safety, education and access. Under current law, the State Marine Director is appointed by members of the Oregon State Marine Board. SB 163 would have transferred authority to appoint the director to the Governor. The bill passed the Senate by a vote of 16-13. Once in the House, it was referred to the Energy, Environment and Water Committee, where it received a hearing but remained upon adjournment.

SB 342 – Parks and Natural Resources Fund

In 1998, Oregon voters approved Ballot Measure 66 which authorized the dedication of 15 percent of lottery fund revenues to the Parks and Natural Resources Fund. Ballot Measure 76, which voters approved in 2010, replaced Ballot Measure 66 (which was set to sunset) and makes the dedication of lottery revenues permanent. SB 342 addresses technical issues arising from the passage of Ballot Measure 76.

Notable aspects of the bill include: (1) establishment of a Parks Subaccount and a Natural Resources Subaccount; (2) direction that 65 percent of money in the Natural Resources Subaccount be deposited in the Watershed Conservation

Grand Fund and 35 percent deposited in the Watershed Conservation Operating Fund; and (3) specification of the purpose of the Grant Fund, which includes implementation of the Oregon Plan and funding watershed health and native fish recovery. The bill passed both chambers by comfortable margins.

Effective: July 21, 2012

Chapter 643

SB 752 – Metropolitan Service District for Parks

This bill would have authorized the Metropolitan Service District (Metro) to form a service district for the purposes of acquisition, construction, maintenance and operation of facilities for publicly-owned natural areas, open space, trails and regional parks. SB 752 would have allowed the service district to levy fees or property taxes, potentially impacting the property tax revenues of other local governments due to compression. Upon introduction, the bill was referred to the Senate Finance and Revenue Committee. It did not receive a hearing and remained in committee upon adjournment.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

HB 2113 – PERS Housekeeping Bill

This bill modifies the statutes governing the Public Employees Retirement System (PERS) and the Oregon Public Service Retirement Plan (OPSRP), conforming statutes to federal tax law, correcting items from previous legislation and responding to the outcome of a recent court ruling. Included in the bill is a provision that allows members who have withdrawn amounts from their Individual Account Program (IAP) to immediately contribute to the IAP, just like their PERS account, upon qualifying reemployment. The bill passed both chambers by wide margins.

Effective: August 5, 2011

Chapter 722

HB 2456 – Out-of-State PERS Benefits

HB 2456 prohibits paying an increased benefit related to tax remedy provisions provided by Oregon statute to a non-resident of the state who is not subject to Oregon personal income tax. The bill applies not only to Public Employee Retirement Board but also other public employers that provide its employees with retirement benefits. The measure applies only to those who retire or withdraw from the Public Employee Retirement System on or after January 1, 2012. The bill passed both chambers by wide margins.

Effective: August 2, 2011

Chapter 653

HB 2814 – Reemployment of Retired Public Safety Workers

This bill sought to modify statutes relating the number of hours that may be worked by a retired member of the Public Employees Retirement System while still receiving retirement benefits. Specifically, the bill would have eliminated the limitation on reemployment of public safety officers in rural communities with a population less than 75,000 (as of the 2000 decennial census). Upon introduction, HB 2814 was referred to the House Business and Labor Committee where it did not receive a hearing and remained upon adjournment of the legislature.

HB 3218 – Employer Contribution to Individual Account Program

This bill would have reduced the amount that an employer may agree to pay into an employee's individual account program of the Public Employees Retirement System. Currently, the amount is capped at six percent; HB 3218 would have capped it at three percent. The legislation would not have applied to existing collective bargaining agreements. The bill received a hearing in the House Business and Labor Committee where it remained upon adjournment.

HB 3407 – Employment of Retired PERS Members

HB 3407 would have modified the number of hours that a member of the Public Employees Retirement System (PERS) may work after retirement without the loss of benefits. Specifically, the bill would have allowed retired PERS members to be employed without limitation on the number of hours, in two calendar years after retirement, so long as the position pays less than \$2,500 per month. Upon introduction, the bill was referred to the House Business and Labor Committee, where it did not receive a hearing and remained upon adjournment.

HB 3605 – Pre-Paying Post-Employment Benefits

This bill would have required that if a public body agrees to pay or provide a retirement benefit other than those required by statute, the public body must establish a separate account for funding those benefits. HB 3605 furthermore would have required the public body to make annual contributions to the account in amounts necessary to amortize liability for benefits in 25 years or less. Upon introduction, the bill received a hearing in the House Rules Committee, where it remained upon adjournment.

PUBLIC RECORDS AND PUBLIC MEETINGS

HB 2061 – Signatures on Electronic Documents

In 2001, the Legislature adopted the Uniform Electronic Transactions Act (UETA), which made electronic records and signatures as legal as paper and manually signed signatures. UETA, however, applied only to transactions between parties in which both parties agreed to conduct the transaction electronically. HB 2061 expands UETA by specifying that permission is not required. The bill passed the House unanimously and the Senate by a vote of 27-1.

Effective: January 1, 2012

Chapter 39

HB 2244 – Definition of Public Records

Prior to HB 2244, statutes defined a public record as any "writing" that contains information relating to the conduct of the public's business. HB 2244 updates the statutory definition of public record so as to reflect that records are now maintained in other forms consistent with today's technology. Specifically, the bill amends the definition of "public record" to include information that meets the following criteria: (1) are, owned, used or retained by a state agency or political subdivision; (2) relates to an activity, transaction or function of a state agency or political subdivision; (3) and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision. Additionally, the bill requires public entities to maintain a public record without regard to the technology or medium used to create or communicate the record.

The bill was also amended to include the provisions of one of the City's legislative initiatives, SB 347 (see pg. 78). The provisions that were added specify that records maintained by domestic violence service centers that are operated by or in partnership with a public entity are not subject to the disclosure of public records. The amended bill was passed unanimously by both chambers.

Effective: August 2, 2011

Chapter 645

HB 2247 – Draft Audit Reports

This bill exempts work papers and other documents related to an audit from disclosure until the final audit is released. Copies of the draft audit may be

disclosed, however, if they have been sent to the audited entity. This exemption from disclosure has been available to state agencies, but not local governments. HB 2247 passed both chambers unanimously.

Effective: January 1, 2012

Chapter 285

HB 3294 – Recordings and Written Records of Public Meetings

HB 3294, which was introduced at the request of the Attorney General, would have required the taping of all public meetings of governmental bodies and the production of written summaries within seven days of the meeting. The City, along with local government organizations, expressed concerns regarding the bill. The bill received a hearing in the House General Government and Consumer Protection Committee, where it remained upon adjournment.

HB 3319 – Rewrite of State Public Records Laws

HB 3319, which was introduced by the Attorney General, would have made major revisions to the state's public records laws. Notably, the bill would have: (1) shortened timelines for responding to a public records request; (2) limited the amount that entities could charge for responding to requests; and (3) required the release of recordings of executive sessions. Upon introduction, the bill was referred to the House Rules Committee, where it remained throughout the legislative session. An identical bill, (SB 41, see pg. 70) was also introduced in the Senate.

HB 3363 – Responding to Public Records Requests

HB 3363 would have revised procedures for requesting and responding to public records requests and limited the fees that could be charged for copies of public records. The bill also would have established the Public Records Exemptions Accountability Commission, which would have been responsible for reviewing exemptions from disclosure of public records and make recommendations to the Legislative assembly. The bill did not receive a hearing and remained in the House Rules Committee for the duration of the legislative session.

SB 41 – Rewrite of State Public Records Laws

This bill, which was proposed by the Attorney General, sought to make significant changes to the state's public records laws. SB 41 would have set deadlines for responding to public records requests and limited the amount public entities

could charge for responding to a request. The bill received a number of hearings in the Senate General Government, Consumer and Small Business Protection Committee which subsequently amended the bill and moved it to the Senate Rules Committee, where it remained for the duration of the session. The City worked closely with other local governments and the bill's sponsor to address concerns with the bill. An identical bill (HB 3319) was also introduced, however also did not advance prior to adjournment of the legislative session.

SB 47 – Audio/Video Recordings of Public Meetings

Introduced at the request of the Attorney General, SB 47 was identical to HB 3294 (see pg. 70). The bill would have required the taping of all public meetings of governmental bodies and the production of written summaries within seven days of the meeting. The City, along with local government organizations, expressed concerns regarding the bill. Upon introduction, the bill was referred to the Senate Judiciary Committee where it did not receive a hearing and remained upon adjournment of the legislature.

For other bills relating to Public Records and Public Meetings, please see:

- SB 347 Domestic Violence Confidentiality
- SB 437 Confidentiality Exemption for Business Recruitment

PUBLIC SAFETY

HB 2146 – Selling Alcohol to Minors and Visibly Intoxicated Persons

This bill proposed to eliminate the requirement that in order to prove that a licensee had sold alcohol to minors or visibly intoxicated persons, they were in a culpable mental state. At the beginning of the session, the bill was referred to the House Business and Labor Committee. While the bill did not receive a hearing, the serving of a visibly intoxicated person issue was addressed in HB 2361 which was signed into law (see below).

HB 2151 – Geographic Limits on Licensed Liquor Serving Establishments

HB 2151 would have granted cities and counties the ability to adopt limits on the number of premises within its boundaries or within specific areas of the city or county that the Oregon Liquor Control Commission may license for full or limited on-premises sales or off-premises sales of alcoholic beverages. The bill did not receive a hearing and remained in the House Business and Labor Committee upon adjournment. An identical bill HB 2716 was also introduced but did not advance.

HB 2361 - Serving Intoxicated Persons

This bill allows the Oregon Liquor Control Commission to apply a "reasonable person standard" when imposing a sanction for servers who have sold alcohol to an intoxicated person. Prior to HB 2361, the standard was having "knowingly," sold alcohol; meeting this standard required proving a culpable mental state. The City supported HB 2361, which was approved by both chambers along wide margins.

Effective: January 1, 2012

Chapter 107

HB 2696 – Metal Theft

With the passage of SB 507 in 2009, the Legislature established the crime of failing to maintain a record of metal purchase. The bill required to dealers to record certain information about each transaction and prohibited the release of payment except for a mailed check no sooner than three days after the transaction. While statutes do make a distinction between individual sellers and commercial sellers, allowing for a more expedited process, neither category makes allowances for nonprofit corporations. HB 2696 establishes this distinction

and allows for the direct release of a check to an individual or non-profit corporation with written authorization from the relevant law enforcement agency possessing jurisdiction over the scrap metal business. The City participated in the workgroup that developed this bill. The bill passed both chambers unanimously.

Effective: June 21, 2011

Chapter 450

HB 2705 – Assault of Parking Officers

Currently, an assault on a parking officer is prosecuted as a misdemeanor. HB 2705 would have allowed these kinds of assaults to be prosecuted as a felony. The City supported this bill, however, it did not advance out of the House Judiciary Committee due to concerns about potential cost increases to District Attorneys, courts, and the corrections system.

HB 2711 – State Courts Revenue

This bill would have established the Joint Committee on State Courts Revenue Structure. Among other things, the Committee would have been responsible for reviewing fees and fines. The bill received a hearing in the House Judiciary Committee, where it remained upon adjournment.

HB 2712 – State Justice System Revenues

With the passage of HB 2287 in 2009, the legislature established the Joint Interim Committee on State Justice System Revenues. HB 2712 is one of the resulting pieces of legislation from the interim committee. The bill establishes a more uniform structure for the application of payments received from defendants in traffic and criminal cases and creates a Criminal Fines Account to centralize funds from which allocations are made for specific purposes. The measure increases judicial discretion on the amount of the fine. The bill passed both chambers by comfortable margins.

Effective: July 1, 2011

Chapter 567

HB 2787 – Concealed Handgun Permits

This bill would have prohibited a public entity from disclosing identifying information about an individual applying for, or licensed to carry a concealed

handgun. The bill made exemptions for cases in which the applicant or licensee granted consent or disclosure between public bodies when necessary for criminal justice purposes. After passing the House by a vote of 42-18, the bill was referred to the Senate Judiciary Committee, where it received several public hearings, but remained upon adjournment.

HB 2792 – Possession of Firearms

HB 2792 makes changes to two unrelated subject areas involving firearms. First, the bill allows individual to possess a firearm while operating a motorcycle, all-terrain vehicle or snowmobile, as long as the firearm is in a locked container or equipped with a trigger inhibitor. Second, HB 2792 corrects an unintended expansion of the ability of convicted felons to seek restoration of their gun rights by imposing certain prohibitions and limits. The bill passed both chambers by comfortable margins.

Effective: August 2, 2011

Chapter 662

HB 2795 – Defensive Use of Force

This bill would have clarified that a person who is legally present in any place is not liable for failing to retreat from an attacker and allows a person to use defensive force intended or likely to cause death if it is believed to be necessary to prevent death or great bodily harm. HB 2795 was referred to the House Judiciary Committee upon introduction, where it remained upon adjournment.

HB 2951 – Police Use of Deadly Force

This bill would have made a number of changes to statutes regarding the use of deadly force by public safety officers. Provisions of the bill included: (1) increasing the number of sessions with a mental health professional that law enforcement agencies must pay for to six and requires the that involved officers must attend all of the sessions; (2) requiring the testing of involved officers for controlled substances, including anabolic steroids, immediately following an incident; (3) requiring the Department of Justice to investigate an incident in which use of deadly physical caused death or serious physical injury; and (4) requiring the Board on Public Safety Standards and Training to ensure that police officers and certified reserve officers receive periodic psychological evaluations as a condition of certification. The bill was referred to the House Judiciary Committee, where it did not receive a hearing and remained upon adjournment.

HB 2952 - Citizen Interactions with Law Enforcement

This bill would have required the Oregon Criminal Justice Commission to study and report back to the legislature on racial, ethnic and economic disparities in citizen interactions with police officers. Included in the report was to be a review of recruitment and retention of minorities by law enforcement, legal, and correction agencies. The bill was referred to the House Judiciary Committee where it did not receive a hearing and remained for the duration of the legislative assembly.

HB 2953 – Use of Deadly Force

This bill would have required each county's use of deadly force plan to include an outreach and training component regarding the use of reasonable deadly force. Additionally, HB 2953 would have modified the requirement that each law enforcement agency adopt guidelines for the reasonable us of deadly physical force. The bill did not receive a hearing and remained in the House Judiciary Committee upon adjournment.

HB 2955 – Police Response to Drug and Mental Health Incidents

HB 2955 would have required the Department of Public Safety Standards and Training (DPSST) to study training for police officers regarding police response to incidents. Specifically, DPSST directed that the study be focused on escalation criteria for use of force, training with regards to when officers should defer to non-police responders and training with regards to responding incidents with persons who are intoxicated or have physical or mental disabilities. The bill received a hearing in the House Judiciary Committee where it remained upon adjournment.

HB 3075 – Ignition Interlock Devices

HB 3075 requires first time DUII offenders to install an ignition interlock device as a condition of their diversion agreement. In order to guarantee first time offenders abide by the new law, HB 3075 mandates that providers of ignition interlocks report to either the courts or diversion program coordinators when a device is installed, uninstalled or tampered with. It also penalizes anyone caught driving without an ignition interlock while on diversion with a Class A traffic violation.

Effective: January 1, 2012

Chapter 671

HB 3151 – Asset Forfeiture for Drug Treatment

Prior to the passage of HB 3151, statutes strictly limited the use of assets that were forfeited in drug cases to enforcement and education. This City initiative expands the eligible uses of funds received from civil forfeiture in drug cases to include drug treatment. At hearings on the bill, the City's testimony highlighted the substantially reduced recidivism rates that resulted from drug treatment programs that were part of the City's Service Coordination Team. HB 3151 passed both chambers unanimously.

Effective: June 2, 2011 Chapter 233

HB 3153 - Police Reserve Officers

HB 3153 adds reserve officers as a recognized category of peace officers. Under statute, peace offices are the subject of multiple special criminal offenses, including resisting arrest, interfering with a peace officer, furnishing false information to a peace officer, etc. Included in the recognized category of peace officer are Oregon State Police, sheriffs, constables, marshals, and municipal police officers, among others. The City supported this bill, which passed both chambers unanimously.

Effective: January 1, 2012 Chapter 641

HB 3251 - Internal Investigations of Public Safety Officers

This bill eliminates public access to the tapes of public safety officers being interviewed in internal investigations. As originally introduced, the bill would have barred access to these records by the City's Independent Police Review (IPR); however, amendments were adopted that addressed this issue for the City. The bill passed both chambers unanimously.

Effective: January 1, 2012 Chapter 485

HB 3295 – Emergency Closures of Liquor Serving Establishments

Supported by the City, this bill would have provided law enforcement with the ability to do emergency closures of bars for up to 72 hours. Additionally, HB 3295 included specific references to serious crimes that should be considered in liquor licensing decisions and would have required one member of the Oregon Liquor

Control Commission (OLCC) to have a background in public safety. The bill received a hearing and work session in the House Judiciary Committee, where amendments were adopted that eliminated some of the crimes that could be considered and added a two-year sunset. However, the bill was one vote short of advancing at a work session held the last day that that the Committee met.

HB 3469 – Regulating the Sale of Precious Metals

HB 3469 sought to regulate second hand transactions involving precious metals. The bill proposed requiring reporting of such transactions similar to those imposed upon pawn shops. The City participated in a work group on the issue; however, the bill ultimately did not advance beyond the House General Government and Consumer Protection Committee.

HB 3607 – Reporting Sales of Used Consumer Goods

Currently, statutes allow local governments to require pawnbrokers to record transactions that involve the sale or purchase of consumer goods and deliver a record of those transactions to the local police agency. HB 3607 sought to expand these requirements beyond pawnshops, directing local governments to implement the required recordation of all transactions at any business that is involved the selling or purchasing of used consumer goods. The bill received a hearing in the House Rules Committee, where it remained upon adjournment.

SB 36 – Liquor License Applications

SB 36 permits the Oregon Liquor Control Commission (OLCC) to consider crimes committed in another state by an applicant for a liquor license. The bill also creates the assumption that local records were truthful when being considered by the OLCC. The City testified in support of SB 36, which passed the Senate by a vote of 24-4 and passed the House unanimously.

Effective: January 1, 2012 Chapter 165

SB 69 - Fireworks

SB 69 would have brought the regulation of fireworks under the office of the State Fire Marshall and require the licensing of fireworks dealers. Additionally, the bill would have allowed law enforcement to issue citations for illegal fireworks. The bill, supported by the City, received several hearings and work sessions and advanced to the Senate floor late in the session. The Senate sent

the bill back to the Judiciary Committee, where it remained at the close of session.

SB 347 – Domestic Violence Confidentiality

This City of Portland initiative would have exempted from state public records laws, records maintained by a domestic violence service center or resource center that is in partnership or operated by a public agency. The House Judiciary Committee amended the bill, adding an unrelated provision that would have exempted from disclosure the identifying information of applicants for, or holders of, concealed handgun licenses. The bill passed the House 46-12 with the addition of the concealed handgun provision, however the Senate refused to concur on the amendments. The provisions in the original bill relating to the confidentiality of records of domestic violence victims were amended into HB 2244 (see pg. 69), which was approved by both chambers.

SB 405 - University Police Officers

SB 405 permits public universities to develop on-campus police agencies that employ fully-certified officers with the same training and authority as other police officers. Prior to the passage of the bill, university public safety employees were not required to be state-certified. The bill passed the Senate by a vote of 19-11 and the House by a vote of 48-12.

Effective: June 23, 2011

Chapter 506

SB 425 – Compelling a Minor to Engage in Prostitution

Addressing the sex trafficking of minors was a priority of legislators. The City participated in a work group over the interim leading up to the legislative session and SB 425 was one of the bills resulting from the recommendations of the work group. The bill makes knowledge of a victim's age immaterial as a defense in the prosecution for the crime of compelling a minor to engage in prostitution. Additionally, the bill expanded the definition of "compelling prostitution" to include "aids and facilitates." The City testified in support of the bill, which passed both chambers unanimously.

Effective: June 14, 2011

Chapter 334

SB 434 – Caffeinated Alcoholic Beverages

SB 434 would have prohibited the production or sale of alcoholic beverages containing caffeine or any other substance used for increasing energy levels. The bill received a public hearing in the Senate Business, Transportation and Economic Development Committee, but it did not advance prior to adjournment of the legislative body.

SB 582 – Disclosure of Concealed Handgun Permit Information

One of several bills related to concealed handgun licenses, SB 582 would have prohibited the release of information that identifies the holder of, or applicant for a concealed handgun license. The bill received a hearing in the Senate Judiciary Committee, but did not advance.

SB 698 – Closure of Liquor Serving Establishments

SB 698 was part of package of bills supported by local governments and law enforcement groups aimed at addressing public safety concerns at liquor serving establishments. The bill would have allowed a city to order the cessation of alcoholic beverage sales or other operations at a premises licensed by the Oregon Liquor Control Commission. This provision was also included in HB 3295 (see pg. 76). SB 698 did not advance out of the Senate Business, Transportation and Economic Development Committee prior to adjournment.

SB 699 - Oregon Liquor Control Commission: Public Safety Member

SB 699 would have required that at least one member of the Oregon Liquor Control Commission have expertise in law enforcement or public safety. The bill was part of a package supported by local government and law enforcement groups from around the state and the provisions were also included in HB 3295 (see pg. 76). SB 699 did not receive a hearing and remained in the Senate Business, Transportation and Economic Development Committee upon adjournment.

SB 700 – Restrictions on Alcohol Serving Establishments with a History of Problems.

Under current law, in order to place restrictions on a liquor license, the Oregon Liquor Control Commission (OLCC) must find that there is a history of serious and persistent problems at an establishment. SB 700 would have made it easier for the OLCC to place restrictions on licensed establishments if the commission

has grounds to believe that certain conditions exist. Furthermore the bill would have permitted the OLCC to refuse or revoke a license if it reasonably believes that granting the license or allowing continued operations would pose a threat to public safety. The provisions of this bill were also included in HB 3295. The City supported SB 700, which did not receive a hearing and remained in the Senate Business, Transportation and Economic Development Committee upon adjournment.

SB 731 – Retention of DNA Evidence

SB 731 is the most recent in a series of measures that provide a framework for dealing with DNA evidence. State law already contained provisions relating to the collection and retention of DNA evidence for missing persons and for post-conviction relief proceedings. In 2009, the legislature passed SB 310, which instituted a moratorium on the destruction of DNA evidence in certain cases. SB 731 is the result of an interim work group that the City participated in, which was formed to refine the provisions of SB 310. The bill lifts the moratorium established by SB 310 and sets guidelines in statute for how long DNA evidence must be retained based on the crime(s) committed. The bill passed both chambers with unanimous support.

Effective: June 7, 2011

Chapter 275

SB 764 – Alcohol Impact Areas

Currently, the Oregon Liquor Licensing Commission (OLCC) is allowed by administrative rule to designate Alcohol Impact Areas (AIA), in the City of Portland. SB 764 would have allowed the OLCC to designate AIAs in other large cities. An amendment to the bill adopted by the Senate unintentionally put Portland's proposed rule at risk. After passing the Senate by a vote of 19-11, SB 764 was referred to the House Business and Labor Committee, where it did not receive a hearing and remained upon adjournment of the legislature.

SB 878 – Licensed Security at Establishments Serving Alcohol

This bill removes the training requirements for individuals controlling access to special events that serve alcohol under "crowd management" provisions of the Department of Public Safety Standards and Training (DPSST), when three specific conditions are met [see ORS 181.871(2)]: (1) there is a crowd attending or taking part in an organized event, such as a festival, parade or concert; (2) there is one certified private security provider for every 10 individuals who are not certified; and (3) any enforcement action must be taken by or under the

supervision of a person who is currently licensed or certified as a private security professional. Prior to the passage of this bill, security personnel controlling special events that serve alcohol were required to receive training from DPSST. The City testified in opposition to SB 878, which easily passed both chambers.

Effective: June 23, 2011

Chapter 516

SB 5541 - Department of Public Safety Standards and Training Budget

The Department of Public Safety Standards and Training (DPSST), among other things provides training classes for public safety personnel, including members of the Portland Police Bureau. The budget advanced by the Legislature for DPSST will result in cuts to training classes, from the 15 currently offered, to a total of 13. The City testified before the Joint Ways and Means Public Safety Subcommittee on the importance of these training classes to the Police Bureau.

Effective: July 1, 2011

Chapter 586

For other bills relating to Public Safety, please see:

• HB 2475 - County Funding of Public Safety Services, pg. 83

RURAL AGENDA

HB 2154 – Farmworker Housing Tax Credit – Definition

HB 2154 revises the definition of farmworker housing so that more Oregonians involved in agricultural and aquacultural work can benefit from affordable farmworker housing tax credits. The tax credit is for 50 percent of the eligible costs for the construction, rehabilitation, or acquisition of farmworker housing, with a maximum of \$7.25 million in eligible costs per year. The City advocated on behalf of the bill, which passed both chambers unanimously.

Effective: September 29, 2011

Chapter 471

HB 2391 – Rural Primary Health Care Services

This bill sought to address the gap between primary health care services in urban and rural parts of the state. Specifically, HB 2391 would have required Oregon Health and Science University (OHSU) to establish a primary care transformation research and training center in order to facilitate the use of a patient-centered primary care home model of health care delivery. Additionally, the bill would have required the establishment of a program to provide relief workers for overburdened rural physicians, physician-assistants and nurse practitioners. The programs would have been funded with General Fund dollars. The City advocated on behalf of the bill before the House Health Care Committee, which referred the bill with a 'do pass' recommendation to the Joint Ways and Means Committee, where it remained upon adjournment.

HB 2397 – Rural Primary Care Loan Forgiveness

This bill establishes, within the Office of Rural Health, a loan forgiveness program for students who commit to practice as primary care practitioners in rural communities. Through the creation of the program, HB 2397 intends to improve access to primary health care services in rural communities by making it easier for providers to accept positions in rural communities despite generally lower salaries. Program participants must be enrolled in the Rural Scholars Program at Oregon Health Science University (OHSU). The City advocated on behalf of the bill which passed both chambers with near unanimous support.

Effective: August 2, 2011

Chapter 651

HB 2400 – Primary Care Services Loan Repayment Program

The Primary Care Services Loan Repayment Program offers loan repayment to physicians, dentists, pharmacists, nurse practitioners and physician assistants who practice in rural areas with unmet health care needs. The program provides loan repayment awards to those who agree to serve in an underserved rural or urban community for three to six years. Practitioners can be awarded up to \$25,000 per year to help repay loans resulting from medical training. In 2010, the Legislature expanded the program to add naturopaths to the group of those eligible for the program. Supported by the City, HB 2400 would have appropriated \$3.1 million to the Office of Rural Health to implement the changes made by the Legislature in 2010. The House Health Care Committee referred HB 2400 with a 'do pass' recommendation to the Joint Ways and Means Committee, where the bill remained upon adjournment.

HB 2401 – Family Medicine Residency Network

Part of a package of primary care workforce bills, HB 2401 establishes a family medicine residency network within the Area Health Education Center (AHEC), which is a partnership between Oregon Health and Science University (OHSU) and Oregon communities. The purpose of AHEC is to improve the education, training and distribution of health care professionals in Oregon through a statewide network of centers. The AHEC program currently has five centers located in Roseburg, Bend, Lincoln City, La Grande and Lake Oswego. The family residency network that HB 2401 directs AHEC to establish will serve to: (1) facilitate an increase in the number of family medicine residency positions; (2) support and assist hospital systems to develop new family medicine residency programs; and (3) help family medicine residency programs share resources. The City advocated in support of the bill, which passed both chambers unanimously.

Effective: June 9, 2011

Chapter 289

HB 2475 – County Funding of Public Safety Services

HB 2475 would have refined procedures to help ensure that minimally adequate public safety is provided in counties distressed by the loss of federal timber payments. Specifically, the bill would have granted the Oregon Criminal Justice Commission the authority to recommend declaration of a public safety services emergency one year in advance of the anticipated emergency. If the Governor were to declare an emergency and establish a fiscal control board for the county, the bill required that as part of a county recovery plan, the fiscal control board propose a gap funding package that is based on an estimate of revenue

necessary to maintain adequate public safety services. If a county then referred a proposal to voters to support public safety services through property taxes, the bill then granted authority for a county and the Governor to seek gap funding from the legislature to restore or maintain adequate public safety. The bill received a hearing in the House Judiciary Committee, where it remained upon adjournment of the legislative body. The City submitted testimony in support of the bill.

HB 3168 – Tax Credits for Farmworker Housing – Extension

HB 3168 would have extended the tax credit for farmworker housing. Currently, the credit is set to expire on January 1, 2014. The bill received a hearing in the House Agriculture and Natural Resources Committee, which subsequently moved it to the Joint Committee on Tax Credits, where the bill remained upon adjournment of the legislative session. The City submitted testimony in support of HB 3168.

TAX CREDITS

HB 2208 – Renewable Energy Generation Tax Credit

As introduced, HB 2208 would have created an income and corporate excise tax credit for the production of renewable energy. The House Committee on Transportation and Economic Development then amended the bill, replacing its original language with provisions that would have made changes to the renewable energy component of the state's Business Energy Tax Credit (BETC). The amended bill would have made considerable changes to the renewable energy components of the BETC. The House Transportation and Economic Development Committee sent the bill to the House Revenue Committee where it remained upon adjournment. Changes to the BETC program were ultimately included in the Joint Tax Credit Committee's omnibus tax credit bill, HB 3672.

HB 2414 – Tax Credit for Energy Conservation

HB 2414 would have created a standalone energy conservation tax credit to replace the energy conservation arm of the Business Energy Tax Credit (BETC). Unlike the BETC, HB 2414 did not include incentives for conservation of transportation or heating fuels nor would it have allowed for the transfer of the tax credit as the BETC does. Though HB 2414 did not become law, a new energy conservation tax credit program was created by passage of the Legislature's omnibus tax credit bill, HB 3672 (see pg. 86).

HB 2523 – Tax Credits for Manufacturing of Renewable Energy Resource Equipment

This bill transfers the administration of the manufacturing BETC from the Oregon Department of Energy to the Oregon Business Development Department. The bill maintains the existing sunset date and limits on pre-certification credits that may be issued. Under the program, facilities that manufacture renewable energy resource equipment maybe be eligible for a credit worth 50 percent of eligible costs, with each project limited to a maximum of \$40 million in eligible costs for each phase of development. The bill passed the House by a vote of 58-0 and the Senate by 25-5.

Effective: September 29, 2011

Chapter 474

HB 3606 – Technical Changes to Business Energy Tax Credit

The Legislature, in 2010, passed HB 3680 which made substantial changes to the Business Energy Tax Credit (BETC), broadly intended to reduce the cost of the program. HB 3606 addresses technical issues related to the implementation of that bill as well as potential changes to the credit resulting from an Attorney General opinion. HB 3606 clarifies that: (1) the first year a transferee may claim the tax credit is the year the transferee pays for the credit; (2) a credit is not transferable once the original owner of the tax credit certificate uses any portion of the credit; (3) the total, rather than certified, cost of a project is reduced by an applicable federal grant amount; (4) applicants are eligible to participate in both the BETC and a low interest, government sponsored loan program; and (5) for renewable projects with a certified cost of at least \$10 million, an application for final certification shall be considered complete without the identification of a transferee. The changes are effective retroactively, applicable to tax years beginning on or after January 1, 2009 with the exception of changes regarding final certifications, which are applicable for certifications issued since January 1, 2010. The bill passed both chambers unanimously.

Effective: September 29, 2011 Chapter 693

HB 3672 - Omnibus Tax Credit Bill

HB 3672 was the Legislature's omnibus tax credit bill, modifying and extending a number of tax credit programs. Notable items included in the bill are modifications to the Business Energy Tax Credit (BETC), Residential Energy Tax Credit (RETC), tax incentives for film and video production, E-Commerce Zones and Enterprise Zones. Extension of the BETC and film and video production programs were both priorities of the City.

The bill sunsets the BETC, providing for credits to be awarded for those applicants that: (1) received precertification for projects on or before April 15, 2011; (2) received preliminary certification before July 1, 2011; and (3) receive final certification by January 1, 2013, or have begun construction prior to April 15, 2011. While the bill sunsets the existing BETC, it also creates new renewable energy, energy conservation, and transportation project tax credit programs. Per biennium, the bill provides \$3 million for renewable energy tax credits and \$28 million for energy conservation projects. Both programs will sunset on January 1, 2018. The bill specifies \$20 million per biennium to fund the transportation project tax credit, with transit service eligible for the credit until January 1, 2016 and alternative fuel vehicle fueling stations eligible until January 1, 2018. The new tax credit does not include eligibility for a wide range of other transportation projects that had previously qualified for the BETC. The bill also extends the RETC until January 1, 2018, though energy efficient appliances and hybrid vehicles are no

longer eligible for the tax credit. Some of the provisions from SB 620 (see below) were included in the bill, including an extension of the sunset on the tax credit for biomass that is transferred to a biofuel producer.

HB 3672 also includes an extension of the Oregon Production Investment Fund (OPIF) and the Greenlight Labor Rebate until 2018. Both programs had been set to sunset in 2012. The bill funds OPIF at \$7.5 million for the 2011-12 fiscal year and then \$6 million per year thereafter.

Additionally, the bill extends until 2018, the Electronic Enterprise Zone program which provides an income and corporate excise tax credit for firms that invest in capital assets for conducting business over the internet and are located within a designated E-Commerce Zone.

Finally, the bill continues until 2018, the Research and Development Tax Credit which had been set to expire. The program allows businesses to receive a tax credit for qualified research expenses. The bill also reduces the maximum amount of the credit from \$2 million, to \$1 million.

Effective: September 29, 2011

Chapter 730

SB 315 – Tax Credits for Qualified Research Activities

Currently, Oregon corporations can receive a tax credit for qualified research expenses if the expenses related to the research exceed a base amount. The tax credit is equal to five percent of the excess amount spent. Qualified research activities include research expenses, either in-house or by contract, and basic research payments to colleges, universities, and certain non-profit organizations. SB 315 proposed extending the tax credit, which had been scheduled to expire. The bill received a public hearing in the Senate Business, Transportation and Economic Development Committee, which subsequently moved the bill to the Joint Committee on Tax Credits, where it remained for the duration of the legislative session. The provisions of the bill were ultimately included in the Legislature's omnibus tax credit bill, HB 3672 (see above).

SB 620 - Biomass Tax Credits

Currently, biomass producers and collectors can claim a tax credit in the year in which the credit is certified by the Oregon Department of Energy (ODOE). SB 620 would have permitted the credit to be claimed in the year that the biomass is transferred to a biofuel producer. Additionally, the bill would have extended the sunset on the tax credit until 2018. After receiving a hearing in the Senate Environment and Natural Resources Committee, SB 620 was moved to

the Joint Committee on Tax Credits with a favorable 'do pass' recommendation. The bill remained in the Joint Tax Credit Committee upon adjournment, however some of the bill's provisions were included in the Legislature's omnibus tax credit bill, HB 3672 (see pg. 87).

SB 688 – Residential Energy and Biofuel/Biodiesel Tax Credits

This bill sought to extend the end date of three tax credits set to sunset on January 1, 2012. The bill applied to the tax credit for the use of biofuel and fuel blends, the tax credit for the use of biodiesel in home heating, and the residential energy tax credit (RETC), excluding alternative fuel vehicles and related equipment. Additionally, the bill sought to extend the RETC to include whole house air-to-air heat pumps and hydronic air handlers. The bill was referred to the Joint Tax Credits Committee with a favorable recommendation from the Senate Environment and Natural Resources Committee. Ultimately, the RETC was modified and extended as part of HB 3672 (see pg. 87).

SB 822 – Alternative Energy Vehicle Tax Credit

Heading into the 2011 session, the tax credits for alternative energy vehicles and related infrastructure projects were slated to sunset in 2012. SB 822 would have extended the program until 2018. The bill was moved from the Senate Business, Transportation and Economic Development Committee to the Joint Committee on Tax Credits with a favorable recommendation as to its passage. Provisions related to alternative energy vehicle infrastructure, however, were included in the legislature's omnibus tax credit bill, HB 3672 (see pg. 87).

For other bills relating to tax credits, please see:

- HB 2154 Farmworker Housing Tax Credits, pg. 82
- HB 2167 Film and Television Tax Credits, pg. 11
- HB 2527 Affordable Housing Tax Credit, pg. 53
- HB 3168 Tax Credits for Farmworker Housing, pg. 84
- HB 3172/SB 317 Tax Credit for Electronic Commerce, pg. 12
- HB 3392 Corporate Excise Tax Credit, pg. 13
- HB 3632 Compressed Natural Gas, pg. 34

TAXATION AND FINANCE

HB 2110 - Tobacco Taxes

This bill, which was introduced at the request of the Governor, would have increased taxes on cigarettes and other tobacco products. Upon introduction, the bill was referred to the House Revenue Committee, where it received two public hearings but remained upon adjournment.

HB 2385 – County Tobacco Taxation

This bill would have removed the preemption of counties on imposing tobacco product taxes. HB 2385 also would have required that 20 percent of any revenue derived from a county tobacco tax be used for public health programs and services. The bill received a hearing in the House Revenue Committee, where it remained for the duration of the legislative session.

HB 2533 – Cigarette Tax Increase

This bill would have increased taxes on cigarettes and directed nearly 50 percent of cigarette tax revenue to the Oregon Health Plan Fund. The bill received two public hearings in the House Revenue Committee, where it remained upon adjournment.

HB 3038 – Fire Sprinklers and Water Meter SDCs

HB 3038 proposed prohibiting municipalities from imposing a higher system development charge (SDC) for a larger water meter if the sole purpose of the larger meter is to support a residential fire sprinkler system. Upon introduction the bill was referred to the House General Government and Consumer Protection Committee, which moved the bill to the House Rules Committee, where it did not receive a hearing and remained upon adjournment.

HB 3253 – Tax Levy Compression

This bill would have altered property tax levies by reducing the amount that a property that is not experiencing compression would pay. The change would have required levies to be much higher than the amount that they seek because they would be reduced each year in an effort to equalize the amount paid by properties in and out of compression. At a hearing in the House Revenue Committee, the City expressed its opposition to the bill. The committee

subsequently referred the bill to the Joint Committee on Tax Credits, where it remained upon adjournment.

HB 5005 – Bonding Authorization Bill

Included in the Legislature's end-of-session bonding authorization bill were several items of particular importance to the City:

- ConnectOregon IV \$40 million in bonding for multi-modal transportation projects through the ConnectOregon program. Funding for these funds is competitive and not earmarked.
- Affordable Housing \$10 million to the Oregon Housing and Community Services Department for affordable housing preservation.
- Oregon Sustainability Center Budget note pertaining to \$37 million in bonding for the project. Please see HB 5005 – Bonding Authorization: Oregon Sustainability Center on pg. 13 for details.

Effective: July 6, 2011

Chapter 614

HJR 14 – School Funding

This House Joint Resolution proposed an amendment to the Oregon Constitution that would have allowed school districts to impose taxes at the maximum allowable rate of \$6.50 per \$1,000 of a property's real market value. The amendment would have permitted a rate of taxation of \$7.50 per \$1,000 of a property's real market value if a district submits the proposal to voters. Additionally, the bill would have provided that taxes imposed in excess of Ballot Measure 5 (1990) limits may not be taken into account for the purposes of apportioning state funds to common school districts. The bill was referred to the House Revenue Committee upon introduction, where it received a public hearing but did not advance prior to adjournment.

HJR 26 – Local Option Levies

A priority of the League of Oregon Cities, this constitutional amendment would have: (1) permitted levies for up to ten years (current limit is five years); (2) allowed levies to be renewed in the eighth year; and (3) not make levies subject to compression. The City joined other local governments in voicing support for the bill. Upon introduction, HJR 26 was referred to the House Revenue Committee, where it remained upon adjournment.

SB 20 – Local Government Bonding

This bill is a result of the Municipal Debt Advisory Commission (MDAC) – which is made up of local government finance representatives, public members, and a designee of the State Treasury. MDAC examines issues related to local government bonding and brings them to the Legislature every session. SB 20 attempts to give local governments the ability to repurchase/refinance its bonds which allow them to take advantage of interest rate changes. Specifically, the bill: (1) authorizes public bodies that borrow money to issue refunding bonds to purchase outstanding bonds of a public body; (2) makes procedural changes related to the issuance of bonds; and (3) authorizes hospital facility authorities to issue refunding bonds to convert, purchase or restructure outstanding bonds. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 256

SB 694 – Collection of Transient Lodging Taxes

This bill sought to establish a uniform statewide requirement for the collection of transient lodging taxes when the lodging is booked through an online booking service. In order to do so, the bill would have defined "transient lodging tax collector" as a transient lodging provider or transient lodging intermediary and required that a transient lodging intermediary compute and collect appropriate state and local taxes. SB 694 was referred to the Senate Finance and Revenue Committee, where it did not receive a hearing and remained upon adjournment.

SB 833 – Capital Gains Reduction

Part of a three bill package with SJR 26 and SB 754 (see pgs. 92 and 19), this bill would have reduced Oregon's capital gains rate. The bill was passed favorably out of the Senate Committee on Finance and Revenue and referred to the Rules Committee, where no further action was taken.

SB 840 – Limitation on Collection of Fire SDCs

This bill would have limited a city's ability to levy system development charges (SDCs) for larger water meter connections. SB 840 would have permitted cities to charge their standard SDC for residential water service, but the bill would have prohibited cities, in cases where a larger water meter is necessitated by a fire sprinkler system, from charging more than 30 percent of the additional or higher SDC that would usually result from a larger water meter. The bill would have exempted certain special district water providers that have incurred debt and

applied SDC revenue towards the repayment of that debt. The bill was referred to the Senate Business, Transportation and Economic Development Committee, where it did not receive a hearing and remained upon adjournment.

SB 968 – Stability Fund

SB 968 was part of a package of bills designed to achieve a more stable state revenue and budgeting system. Specifics of the bill, which would have established a method for allocating biennial projected General Fund Revenue, would have: (1) established a growth index equal to the increase of projected General Fund revenue over the prior biennium General Fund appropriations; (2) allocated revenue to General Fund spending up to a growth rate in personal income in prior two years; (3) left un-appropriated forecasted amount of revenue above the personal income growth of up to two percent of prior biennium appropriation; and (4) allocated the amount of the project revenue above the rate of personal income growth and the two percent un-appropriated amount to general purposes. The bill received a hearing in the Senate Finance and Revenue Committee, which then referred the bill with a 'do pass' recommendation to the Joint Ways and Means Committee, where the bill remained upon adjournment.

SJR 26 - Transfer of Kicker into Stability Fund

SJR 26 would have modified Oregon's kicker law by directing the corporate kicker and half of the personal kicker into a constitutionally protected emergency reserve fund. Oregon presently has no constitutionally protected emergency reserve fund. The fund would only have been accessible during economic downturns and only by a three-fifths vote. The bill was moved as a package with SB 754 (see pg. 19) which would have created a higher education account for kicker funds, and SB 833 (see pg. 91), which would have provided reductions in the capitol gains tax. SJR 26 was amended and passed favorably out of the Senate Committee on Finance and Revenue and referred to the Rules Committee, where no further action was taken.

For other bills relating to taxation and finance, please see:

• HB 2624 – Prevailing Wage Projects in Enterprise Zones, pg. 11

TELECOMMUNICATIONS

HB 2192 – Universal Service Funds

In 2009 the legislature passed HB 3199, which authorized the Public Utility Commission to use moneys from the Universal Service Fund for broadband mapping and other services. HB 2192 provides technical clarification of this authority. The bill passed both chambers comfortably.

Effective: January 1, 2012

Chapter 189

HB 2493 – Repair Costs for Disruption of Service

This bill sought to prohibit a cable television provider, telecommunications provider, consumer-owned utility, or telecommunications utility from charging a customer for a repair related to a disruption of service, when the disruption was not caused by the customer. Upon introduction, HB 2493 was referred to the House Business and Labor Committee, where it remained for the duration of the session without receiving a public hearing.

SB 143 – Low-Income Assistance

In 1987 legislation was passed enacting the Oregon Telephone Assistance Program, which is one of three telecommunication assistance programs under the Residential Service Protection Fund. The goal of the program is to ensure that all Oregonians have access to adequate, affordable residential telecommunication services. Those who qualify can receive a maximum reduction of \$13.50 from their monthly bill for local residential telephone service or cellular service. SB 143 alters the definition of "low income customers" as it relates to eligibility for the program. Specifically, the bill removes the requirement that residents of a long-term care facility or residential care facility who receive medical assistance also not exceed 135 percent of federal poverty guidelines. The bill passed both chambers unanimously.

Effective: May 19, 2011

Chapter 77

SB 145 – Residential Service Protection Fund

This bill allows the Oregon Department of Revenue and the Public Utility Commission to exchange information that is received through the administration of the telecommunications tax and the surcharge, which fund the 9-1-1

emergency communication system and the Residential Service Protection Fund, respectively. Additionally, in order to comply with Federal Communications Commission rules, the bill alters the definition of "telecommunications relay services" to account for upgrades in technology. SB 145 passed both chambers unanimously.

Effective: January 1, 2012

Chapter 78

SB 146 – Extension of Residential Service Protection Fund

The Residential Service Protection fund is a \$0.12 surcharge that is applied to the monthly bill of telephone and cellular customers. The revenue from the surcharge funds three programs that serve to ensure that all Oregonians have access to adequate and affordable telephone service. SB 146 would have extended the scope of the surcharge to include voice over internet protocol (VoIP) and prepaid telecommunications services. Upon introduction the bill was referred to the Senate Business, Transportation and Economic Development Committee, where it did not receive a hearing and remained upon adjournment.

SB 751 - Definition of "Information Services"

This bill would have defined "information services" as offering the capability to generate, acquire, store, transform, process, retrieve, utilize or make available information through communications, including electronic publishing. SB 751 would have also exempted entities that provide information services by means of an agreement for telephone communication, data transmission or broadband access services from the assessment of centrally assessed property. The bill received a public hearing in the Senate Finance and Revenue Committee, where it remained for the duration of the session.

TRANSPORTATION

HB 2081 – Truck Idling

This bill establishes limits on the idling of commercial trucks and allows citations to be written by police officers, not just Department of Environmental Quality (DEQ) staff. HB 2081 includes a preemption on local governments from establishing local regulations on truck idling, which the City opposed. An identical bill, SB 767, was introduced but did not receive a hearing and remained in committee.

Effective: January 1, 2012

Chapter 349

HB 2166 - ConnectOregon IV

The ConnectOregon program was implemented in the last three regular legislative sessions as a lottery-based bond initiative to invest in multi-modal transportation infrastructure. Each biennium has given \$100 million in state lottery revenue to fund the program. HB 2166 would have allowed for up to \$40 million to invest in the program for the 2011-13 biennium. The bill moved from the House Transportation and Economic Development Committee to the Capital Construction Subcommittee of the Joint Ways and Means Committee, where it remained for the duration of the legislative session. Ultimately, the Legislature approved the \$40 million in lottery revenue for the program by including the provisions of the bill in the end-of-session bonding bill, HB 5005 (see pg. 90).

HB 2370 - Notice of Exchange of Property near Railroad Crossings

This bill requires that notice be given to the Oregon Department of Transportation when property that is within 100 feet of a railroad right-of-way or 500 feet of a railroad crossing is being exchanged. HB 2370 specifies that notification must be given at least 30 days prior to listing the property for sale. Private rail holders may also receive notice, but will not receive priority in purchasing.

Effective: January 1, 2012

Chapter 446

HB 2891 – MAX Station Adopt-A-Stop

HB 2891 would have required TriMet to initiate a program that would allow a community organization or business to adopt a MAX station. TriMet would have

had significant latitude in designing a program with other partners, possibly including components such as litter pick up and greeters. The bill received a hearing in the House Transportation and Economic Development Committee, where it remained upon adjournment.

HB 3149 – Vehicle Sharing

Laying the groundwork for personal car sharing programs, HB 3149 prohibits insurers from being able to cancel or reclassify a personal vehicle as a commercial vehicle due to participation in a car share program. Personal car sharing programs are "Zip Car"-type programs that allow for the use of personal vehicles rather than those owned by a business, allowing car sharing to be used in areas with less population density. The City supported this bill which passed both chambers by comfortable margins.

Effective: January 1, 2012

Chapter 457

HB 3150 – Speed Limits on Bike Boulevards

This City of Portland initiative allows cities to set a speed limit five miles-per-hour (MPH) less than the existing state limit of 25 MPH miles-per-hour on low volume streets in residential districts. This bill will allow the City to set a 20 MPH limit on its bike boulevards. As originally introduced, the bill established that the streets with the lower speed limit would be designated "neighborhood greenways." Legislators amended the bill, removing the "neighborhood greenway" designation. The bill passed both chambers by wide margins.

Effective: January 1, 2012

Chapter 384

HB 3186 – Distracted Driving

In 2009, legislators passed HB 2377, enacting a ban on the use of mobile communication devices (cell phones, pagers, etc.) unless used with a hands-free device. The ban, which went into effect on January 1, 2010, included an exemption that allowed the use of a phone without a hands free device when driving for work and "acting in the scope" of employment. HB 3168 closes the "acting in the scope of employment" loophole. The only exemptions that remain are for police, emergency vehicles, tow trucks, utility crews and some agricultural

vehicles. The bill passed the House by a vote of 39-17 and the Senate by a vote of 17-12.

Effective: January 1, 2012

Chapter 530

HB 3243 – Right to Repair

Currently, automobile manufacturers are required to release the information necessary related to vehicle repairs. HB 3243 would have taken this requirement further, requiring automobile manufacturers to release data related to vehicle parts for the purposes of maintaining the vehicle. As the bill's passage would have had the effect of requiring manufacturers to release valuable trade secrets, the City opposed the bill. HB 3243 did not advance out of the House Business and Labor Committee prior to adjournment of the legislative body.

HJM 22 - Columbia River Crossing Funding

This House Joint Memorial would have urged the U.S. Congress to provide funding for the Columbia River Crossing project. The Memorial did not advance out of committee prior to the legislature's adjournment.

SB 128 – Legislative Review of Transportation Project Funding

SB 128 requires the Oregon Department of Transportation to consult with legislative committees before it expends funds from any new federal economic stimulus laws and requires legislative approval for the expenditure of any funds remaining from the earmarked projects from the Transportation Funding Bill passed in the 2009 legislative session (HB 2001). The bill also eliminates the Congestion Pricing Pilot that was included in HB 2001 and would have funded a parking inventory study in Northwest Portland. The bill passed the Senate by a vote of 24-5 and the House by 52-3.

Effective: July 6, 2011

Chapter 629

SB 130 – Bicycle Traffic Signals

In 2004, the City began implementing bicycle specific traffic lights and today there are currently seven intersections with such traffic lights. SB 130 adds bicycle signals to the list of traffic control devices recognized in state vehicle code. The Oregon Department of Transportation asserted that by not codifying

bicycle traffic signals in statute, their further implementation had been hindered. The new law will allow the police to cite violators. The House added a provision to clarify that a driver may move into an intersection and wait for an opening to make a left turn when there is a flashing green arrow. The City supported SB 130, which passed both chambers by wide margins.

Effective: January 1, 2012

Chapter 168

SB 264 – Access Management

With the passage of SB 1024 during the 2010 special session, the Legislature directed the Oregon Department of Transportation (ODOT) to work with stakeholders to develop a highway access management system based on objective standards. ODOT formed a 25-member Access Management Committee, on which the City participated. SB 264, the result of the committee's work, establishes a more consistent system for permitting driveways and other entrances onto ODOT roads. Additionally, the bill allows ODOT to provide ongoing, rather than one-time funding for roads that they transfer to cities and counties. Finally, the bill establishes an Access Management Oversight Task Force to monitor the measures implementation and to make further recommendations to the Legislature. SB 264 passed both chambers by wide margins.

Effective: June 14, 2011

Chapter 330

SB 344 – Speed Limits on Neighborhood Streets

SB 344 would have allowed cities to reduce the speed limit by five miles-per-hour on bicycle boulevards. This City of Portland initiative did not receive a hearing and instead this policy change was approved by the legislature through the passage of HB 3150 (see pg. 96).

SB 415 – Vulnerable Highway Users

This bill modifies the penalty for the offense of careless driving if it has contributed to serious injury or death of a vulnerable user of a public way. Included in the bills definition of vulnerable users are pedestrians, bicyclists and highway workers. Additionally, the bill requires a police officer to note that the violation appeared to contribute to the serious injury or death of the vulnerable person. This modification removes the requirement that the officer make a final determination as to whether a person was both a vulnerable victim and seriously

injured at the time of issuance of the citation. The bill passed both chambers comfortably.

Effective: January 1, 2012

Chapter 423

SB 424 – Failing to Stop For a Pedestrian

Oregon statute provides that failure to stop for a pedestrian is a Class B traffic violation. SB 424 modifies the offense by clarifying that a pedestrian is crossing the roadway when any part or extension of a person's body moves onto the roadway with the intent to proceed. The bill passed the Senate 17-12 and the House 52-3.

Effective: June 23, 2011

Chapter 507

SB 639 - Digital Outdoor Signs

This bill modernizes the types of signs that are permitted by the Oregon Department of Transportation and allowed along state highways. Amendments were offered that would have preempted the City's regulation of non-conforming signs. The City was joined by the League of Oregon Cities and the City of Eugene in testifying against the amendments, which were ultimately not adopted. SB 639 passed both chambers by wide margins.

Effective: September 29, 2011

Chapter 562

SJR 17 – Motor Vehicle Fuel Taxes for Public Transit

The Oregon Constitution includes a provision that limits the use of taxes or fees on the fuel, ownership, and operation of motor vehicles to roads. SJR 17 proposed to refer to the voters an amendment to the Constitution to allow revenue from motor vehicle vehicles to be used for public transit services. The bill would have also referred the amendment to Oregon voters. Upon introduction, SJR 17 was referred to the Senate Business, Transportation and Economic Development Committee, where it did not receive a hearing and remained upon adjournment.

SJR 36 – Policing of State Highways

Introduced at the request of the Governor, this bill would have amended the Oregon Constitution to allow revenue from taxes on motor vehicle fuel to be used to fund the state police for the policing of state highways. As with all constitutional amendments, the change would have been referred to Oregon voters at the next regular general election. The bill was referred to the Business, Transportation and Economic Development Committee, where it did not receive a hearing and remained upon adjournment. The City opposed diverting state gas tax revenues and ultimately, funding for state police was found elsewhere.

For other bills relating to transportation, please see:

• HB 2865 – Recreational Immunity, pg. 59

URBAN RENEWAL

HB 3155 – Hearing Requirements for Urban Renewal Areas

HB 3155 would have added a requirement that there be additional hearings and a more specific finding of "blight" before the adoption of a new urban renewal area. At a hearing in the House Transportation and Economic Development Committee, the City testified in opposition, alongside other urban renewal stakeholders. The stakeholders testified that an agreement that accompanied the passage of major urban renewal legislation in the 2009 legislative session, committed them to not revisiting urban renewal legislation until 2017 unless it was supported by all parties. While the bill did not advance out of committee, discussion on this issue will continue over the interim.

SB 217 - Satellite Urban Renewal Areas

SB 217 would have permitted funds from the River District Urban Renewal area to be used to build a new school in the David Douglas School District. The bill received a hearing in the Senate Finance and Revenue Committee and did not advance.

WATER & WATER QUALITY

HB 2007 – DEQ Water Quality Variances

HB 2007 was aimed at addressing water quality standards proposed by the Department of Environmental Quality (DEQ). The bill would have required DEQ to: (1) delay implementation of the new standards by two years; (2) approve multi-discharger variances; (3) create a demonstration or pilot program for industrial and municipal permittees in order to smooth out any issues with the variance process; (4) address the difficulties in dealing with certain legacy pollutants; and (5) take into account the arsenic that is naturally occurring in certain parts of Oregon. The bill received a public hearing in the House Transportation and Economic Development Committee, where it remained upon adjournment of the legislative assembly. A similar bill, HB 3676 (see pg. 104), was introduced late in the session, but also did not become law.

HB 2133 – Water Resources Department Efficiencies

Prior to the passage of HB 2133, statute required that a number of Water Resources Department documents be passed between the Department and customers in hard copy format. These documents include initial reviews, proposed final orders, final orders and other records. Following the 2009 legislative session, the Department formed an Efficiency Review Group and HB 2133 is the result of the group's work. The bill authorizes the Department to allow the use of electronic documents and permits fees to be reduced or waived. The bill passed both chambers unanimously.

Effective: January 1, 2012

Chapter 51

HB 2700 – Removal-Fill Permits for Linear Projects

Prior to the passage of this bill, only a landowner or person authorized by a landowner could apply for a permit to conduct a removal or fill activity. As such, cities and other potential removal-fill permit applicants for projects involving multiple properties had to either obtain permission from each landowner or acquire an ownership interest in the affected properties before applying for a permit. HB 2700 broadens the definition of applicant for a removal-fill permit to include those proposing a removal or fill activity for construction or maintenance of a linear facility, such as a pipeline, transmission line, or transportation facility. The bill also requires the Oregon Department of State Lands to provide notice of the application to all landowners whose land is identified or adjacent to land

identified in the permit application. The bill passed the House by a vote of 40-18 and the Senate by 20-9.

Effective: June 16, 2011

Chapter 370

HB 2810 – Consent for Change in Point of Diversion

HB 2810 sought to grant water rights holders proposing to change the point of diversion on their property the opportunity to obtain consent from affected water right holders. Specifically, the bill would have authorized the Water Resources Commission to allow a change in the point of diversion if the applicant had obtained and submitted affidavits consenting to the change. Upon introduction, HB 2810 was referred to the House Energy, Environment and Water Committee, where it received a public hearing but did not advance prior to adjournment.

HB 2983 - In-Stream Water Right Leases

This bill would have reduced the fees that the Oregon Water Resources Department (WRD) could charge for new applications for instream water right leases. Additionally, the bill would have prohibited the collection of fees prior to the end of the lease period unless the applicant was no longer making beneficial use of an existing water right or there was a change in ownership of the property. After passing the House by a vote of 55-1, the bill was referred to the Senate Environment and Natural Resources Committee. The bill moved out of committee, but was then re-referred to committee from the Senate floor and no further action was taken.

HB 3165 – Willamette Basin Water Storage

The U.S. Army Corps of Engineers operates 13 reservoirs in the Willamette Basin Project that store a combined total of 1.64 million acre-feet of water, 1.56 million of which has yet to be contracted. The Bureau of Reclamation, the contracting entity for the project, has applied for and received water right certificates to all of the stored water for the purpose of irrigation. Any other use of the water would require approval by the Water Resources Department (WRD) of a water rights transfer application. HB 3165 would have required WRD to engage in a deliberate process to ensure that water right transfers resulted in an equitable allocation of the water to authorized uses. The bill clarified that such equitable allocation includes current contract holders and instream and out-of-stream uses. After receiving a hearing in the House Energy, Environment and Natural Resources Committee, the bill was referred to the Joint Ways and Means Committee, where it remained for the duration of the legislative assembly.

HB 3591 – Minimizing Economic Impacts of Variances

This bill requires the Department of Environmental Quality (DEQ), when administering the National Pollutant Discharge Elimination System (NPDES) permit program of the federal Water Pollution Control Act, to protect human and ecosystem health while minimizing negative impacts upon the state's economy. The bill specifically directs DEQ to consult with those applying for an NPDES permit and requires that the conditions included in a variance be directly related to pollution reduction. DEQ must also issue a report to the Legislature in 2013 on the number and type of variances granted and the conditions imposed or contained in the variances. The bill passed both chambers with unanimous support.

Effective: January 1, 2012

Chapter 405

HB 3613 – Agricultural Water Quality

HB 3613 would have clarified the roles of the Department of Environmental Quality and the Oregon Department of Agriculture (ODA) as regulators and enforcers of clean water laws. The bill also sought to change the statute from requiring that ODA develop and implement rules and programs "designed to assure achievement of water quality standards" to a requirement that ODA only do so to the "maximum extent practicable." After passing the House by a vote of 41-18, the bill was referred to the Senate Environment and Natural Resources Committee, where it received a hearing but did not advance prior to adjournment.

HB 3676 – DEQ Variance Process

HB 3676 was nearly identical to HB 2007 (see pg. 102), however it did not include a two year delay in the implementation of new water quality standards. Upon introduction, the bill was referred to the House Rules Committee, where it received a hearing but remained upon adjournment of the legislative assembly.

SB 83 – Onsite Wastewater Treatment Systems

Over 30 percent of Oregonians dispose of wastewater from their homes and businesses through the use of onsite wastewater treatment systems (septic systems). The Department of Environmental Quality (DEQ) is responsible for regulating the siting, design, installation and ongoing operation and maintenance of septic systems. DEQ estimates that currently, ten percent of existing septic systems are in need of repair or replacement. SB 83 directed DEQ to establish a grant and loan program to assist owners of septic systems in need of repair,

replacement or decommissioning. The bill received a hearing and moved with a favorable recommendation from the Senate Environment and Natural Resources Committee to the Joint Ways and Means Committee. After receiving a hearing in the Joint Ways and Means Subcommittee on Natural Resources, the bill was returned to the full Ways and Means Committee where it remained upon adjournment.

SB 126 - Certified Water Rights Examiners

A certified water rights examiner (CWRE) is a trained surveyor, engineer, or geologist who has passed an examination and can therefore document and confirm the location and beneficial use of water. While the Water Resources Department (WRD) has historically prepared, proctored and scored the exam for CWREs, the State Board of Examiners for Engineering and Land Surveying has issued the licenses to CWREs and managed the license renewal process. SB 126 clarifies this process and establishes that the Board also has the authority to regulate the professional conduct of CWREs and to discipline violators. The bill passed the Senate by a vote of 24-6 and the House, 58-2.

Effective: January 1, 2012

Chapter 167

SB 127 – Authority of the Water Resources Department

Currently, while other state agencies have the authority to enter into memoranda of understanding with other entities, the Water Resources Department (WRD) does not. SB 127 would have granted WRD this authority. The bill received a hearing in the Senate Environment and Natural Resources Committee, where it remained upon adjournment.

SB 190 – Columbia River Water Rights

This bill would have permitted the classification of Columbia River Waters from the Oregon-Washington Border to the confluence with the Pacific Ocean for specific purposes. The bill reserved a specified amount of Columbia River natural flows for in-state use and specific purposes. Upon introduction, the bill was referred to the Senate Environment and Natural Resources Committee. A late session parliamentary maneuver to pull the bill out of committee for a vote on the Senate floor failed by a vote of 14-16 and the bill remained in committee upon adjournment.

SB 598 - Storm Water Discharge

SB 598 would have prohibited a public body from discharging drainage or storm water into facilities owned by specified districts without first establishing an intergovernmental agreement. The specified districts in the bill included irrigation districts, drainage districts, water improvement districts, and water control districts. The bill received a public hearing in the Senate General Government, Consumer and Small Business Protection Committee, where it remained upon adjournment.

SB 617 - City Owned Water Utilities

This bill would have permitted a city owned and operated water utility to remove territory annexed to the city from a people's utility district providing domestic water service. The bill did not receive a hearing and remained in the Senate Business, Transportation and Economic Development Committee for the duration of the legislative assembly.

SB 707 – Septic System Inspections

This bill would have required the seller of property with a septic system to obtain a septic system inspection report and provide copies to the Department of Environmental Quality and to each buyer that makes an offer to purchase. Additionally, the bill would have permitted the buyer to withdraw the offer within three days of receiving the report or revoke the offer anytime before closing if the seller fails or refuses to provide the septic system report. SB 707 received a hearing in the Senate Environment and Natural Resources Committee, where it remained upon adjournment.

SB 743 – Holgate Channel No-Wake Zone

SB 743 would have prohibited operating a motorboat in excess of five miles-perhour within a specified area of the Holgate Channel on the Willamette River. The bill would have set the maximum fine for violating this speed restriction at \$360. Upon introduction, SB 743 was referred to the Senate Environment and Natural Resources Committee, where it received a hearing and remained upon adjournment.

SB 933 - Abolishment of State Marine Board

SB 933 proposed abolishing the State Marine Board and transferring its duties, functions and powers to the State Parks and Recreation Department. The bill

was referred to the Senate General Government, Consumer and Small Business Protection Committee, where it remained upon adjournment without receiving a hearing.

SB 5529 – State Drinking Water Program Budget

Early in the session, the Governor's proposed budget for the state drinking water program, which is housed in the Oregon Health Authority, called for \$3.9 million in cuts. It was proposed that the cuts be backfilled with a fee on the number of customers being served by water providers, which would have imposed significant costs on the City as the largest water provider in the state. Ultimately, legislators instead backfilled the cuts through an increase in fees associated with the Medical Marijuana program, providing \$3 million to the program. The program sustained a total of \$900,000 in cuts.

Effective: July 1, 2011 Chapter 580

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

• SB 490, Utility Shut-Off, pg. 55

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